



City of Ann Arbor
Formal Minutes - Draft
City Planning Commission

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Tuesday, May 1, 2012

7:00 PM

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

12-0622

Maple Cove Apartments and Village Site Plan for City Council Approval - 2.96 acres site at 1649 North Maple Road, between North Maple Road and Calvin Street, north of Miller Road. A Rehearing of a proposal to construct two new 18-unit, 3-story apartment buildings with a 64-space parking lot, and a private street serving 7 new single-family dwellings. Access to the apartment buildings and the private street will be provided separately from North Maple Road. Staff Recommendation: Approval
Kowalski gave the staff report.

Moved by Westphal, seconded by Pratt, that the Ann Arbor Planning Commission hereby rescinds its March 20, 2012 motion regarding the Maple Cove Apartments Site Plan and Development Agreement and hereby moves to reopen the public hearing regarding the Site Plan and Development Agreement now that notice has been mailed to all required neighboring property owners and occupants. On a voice vote, the Chair declared the motion carried.

Yeas: 8 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Bonnie Bona

PUBLIC HEARING:

Alice Boss, 1719 Calvin Street, stated that she lives directly across the street from the proposed development. She brought concerns regarding the new development in relationship to living in a floodzone and the migratory birds and the wetlands. She said she was concerned about the curb cuts on Calvin Street and the green space and the noise. She said she had questions about the landscaping and about future single-family homes along Calvin Street. She said it was not in continuity with her neighborhood in general. She also had concerns about density in the neighborhood, adding that they have 1-acre lots or larger and the development will substantially degrade quality of life because of noise, traffic, light, crime and over-density.

Carol Starnes, who lives just north of the project on Calvin Street, said

she has concerns about density. She asked what will happen with the storm water, adding that they have clay soil and she doesn't want flooding. What asked what guarantees do they have that the problem won't get worse. She said the density of seven houses on less than two acres, when most of the existing houses on Calvin Street are on half to one-acre lots, together with the two apartment buildings on two acres will bring high density to the area. She asked about the backyards of the proposed houses and since there won't be any access, will they be looking at their backyards. She asked if there will be a buffer or an ugly fence or landscaping and if there will be a guarantee. She said she understands the developer can legally build within five feet of the property line and having a two-story house next to hers would be difficult. She said she moved to the area because it was rural.

Cheryl Shanalo Brown, 1761 Calvin Street, said shame on the Commission for not notifying the neighborhood as they should have and infringing on their rights to due process. She said Calvin Street is considered a private street with a shared driveway and you will need permission to enter or exit the street. She said she would prefer to see some type of fence installed so they don't have to look at the development. She asked if the easement started from the middle of their driveway or from the edge of the property. She added that she feels the developer's attitude is an all-take and no-give attitude in regards to the park contribution.

Pete Miller, 1844 Calvin Street, said his concern is water issues. He said he has lived there for twenty-five years and his sump pump runs continuously. He said everyone living on Calvin Street is familiar with the drainage problem in their backyards, adding that it is a bog. He said the WCWRC hasn't done anything in all these years so why would they do something now. He said Joe's garage was under water and the developer should have to tie into the City system to drain the whole area.

Stephanie Raupp, 1680 N. Maple Street, stated that she attended the first meeting and every neighbor in the area is opposed to the apartment portion of this plan. She said she feels it's a bait and switch, since when the property was earlier rezoned by another developer, Robbie McGowen, the plan he showed was elaborate, with lots of open space, beautiful buildings, and zoned as office with lofts above. She said it was nothing like the density of the proposed development, and the reason he was allowed to rezone was because of this plan. She said this developer won't even put in sidewalks and houses in the area have high school students. She said the developer owes them sidewalks, greenery and open space. Pavement and water run off needs to be addressed, and the proposed parking lot needs to be revisited. She said sump pumps in the area run constantly and they need to realize they have

adjacent wetlands.

Brian Biggs, 2661 Woodrow, said has to go down Calvin to get to his house and his biggest concern is with the additional 100 cars coming out onto Maple Avenue since every morning there is a back-up all the way to Miller Avenue; traffic is ridiculous. He said the kids living in the building have to get across the road to get to high school or other schools. He said everyone wants to build on the old garage lot on Maple Avenue, with contaminated black soil. He said kids will be playing in the dirt and we need to be thinking past the dollar.

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

Moved by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Maple Cove Apartments and Maple Village Site Plan and Development Agreement, subject to the combination of parcels and recording of an access easement prior to issuance of building permits.

COMMISSION DISCUSSION:

Derezinski noted that density was a major concern with the speakers. He asked staff if this comports with the zoning law.

Kowalski said yes, the proposal complies with the Office district, which allows residential use.

Derezinski asked about contamination of soil.

Jamie Gorenflo, project engineer for Maple Cove, said that a Phase I base environmental assessment was conducted, and dirty soil was found and cleaned up through remediation in Phase II.

Derezinski asked about the water runoff.

Kowalski said that the proposed design will contain the drainage water on site, and they will detain historical drainage in addition to new imperviousness. He said the developer has received preliminary approval from Washtenaw County Water Resources Commissioner.

Pratt said that from the plans it looks like storm drainage goes from Calvin to North Maple. He asked if there is a connecting pipe somewhere.

Kowalski said that storm water will flow into the underground storage basin. He said when it goes into the street it will go into the Garden

Homes drainage district.

Pratt said he had concerns about the two proposed driveways located so close to each other.

Pratt asked if there were soil boring samples provided to the Commission.

Gorenflo responded that soil borings just came in and there doesn't seem to be any groundwater issue. He said they will be containing drainage from the site and the water flow on the site is basically northwest to southeast. He said water is exiting the site to the southeast, under Maple Road to the Garden Homes Drainage District and then flows to the south.

Pratt asked if there are basements proposed in the development.

Gorenflo said that they don't know for the single-family parcels, but for the apartment buildings there is a small basement intended for mechanical equipment which doesn't cover the entire length of the building.

Pratt said this sounds like it won't make things worse for the neighbors and it will get the water away. He said he has concerns if there is water on the surface since that means there is usually water in the ground and he felt it wasn't advised to house mechanical equipment in wet basements.

Woods asked for clarification of groundwater flow, related to the Gelman contamination.

Gorenflo clarified that he was talking about surface water conditions, since they have no idea where ground water is flowing.

Woods asked about the Phase I clean up and if the results and if information on the clean up had been provided to staff.

Gorenflo said he did not have specifics, more than he was informed that a Phase I and II were completed on the site before the sale was finalized. He said he was not privy to what the recommendations were.

Woods asked if the petitioner was present.

Gorenflo said no.

Woods said she has a concern about the lack of sidewalks for the

single-family homes and isn't comfortable knowing that there won't be sidewalks.

Gorenflo said that the speed limit in the driveway will be posted for 5 mph with other speed regulating devices like speed-bumps. He said that if a sidewalk was provided, there is no sidewalk on Maple Avenue to connect to. He noted that they are proposing a sidewalk in front of their property. He said the developer has heard their concerns but has opted not to install a sidewalk.

Woods said that if the sidewalk was provided, this would be addressed in the future.

Woods asked if the residents on Calvin Street are township residents.

Kowalski said yes.

Woods said she was glad to hear the issues raised. She said she is not confident this project will not raise a lot of concerns for residents in the area. She said she will not support the project, based on issues raised by neighbors. Woods said the unwillingness of the developer to work with the neighbors and the Commission is also a major concern for her.

Briggs asked staff for clarification on the landscape buffer of the development from Calvin Street.

Kowalski said the required buffer is along the parking lot in the Office zoning, but there is no buffer required from the single family zoning on Calvin Street, adding that there is quite a bit of existing vegetation from Calvin Street.

Briggs asked if they will be able to look into the backyards of the residents on Calvin Street.

Kowalski said they will front along Maple Cove Court.

Briggs said the developer has not made an attempt to fit into the surrounding neighborhood and meet the basic safety needs of their own residents. She said this is a problem in the code, looking back at the past rezoning that was done and the previously proposed projects for the site. She felt what the neighbors are getting is not in line with past project. She asked if there is any way to incorporate any recommendations into the supplemental regulations in order to address the noted grievances.

Kowalski said from a staff standpoint, no, since this is not a PUD. He

said the comments echoed staff's concerns, but the developer opted not to incorporate the recommendations. He reiterated that the project does meet the City code. He said they could put things into the development agreement but ultimately the developer would have to agree to those items before it was approved by City Council.

Briggs asked for recommendations from staff.

Rampson said neighbors and neighborhood associations can meet with the developer to discuss future options as the project moves along.

Mahler clarified that it is not staff's role to be an advocate for any particular group.

Derezinski said that there are things that everyone would want differently on each project, but the question remains if it comports with our zoning ordinances. He asked staff if the City can require the developer to put in sidewalks along the driveway?

Kowalski said, no.

Derezinski asked if they can have two curb cuts.

Kowalski said, yes.

Derezinski said this becomes a dilemma for the City, because if the project complies with City code, they must follow the law and approve the project.

Westphal asked if access to clean-up documentation of the contamination was available.

Kowalski said he can request the information from the developer, adding that he isn't sure if the information would be confidential, but if not, he could provide information as necessary. He said he wasn't sure if the County may have some information in databases.

Rampson said since contamination isn't regulated at the local level, the City doesn't require documentation of clean-up except in projects that are requesting Brownfield funding.

Westphal asked if the site could have been identified as a contaminated site.

Rampson reiterated that the City has no regulatory authority, but usually former auto repair shops don't qualify as contaminating sites, as sites

with underground storage tanks might.

Westphal asked to whom should enquiries be directed.

Rampson responded the Department of Environmental Quality [DEQ].

Westphal asked about sidewalks along private streets and why the code set the trigger at seven units.

Kowalski said he wasn't sure, but in this project the Planning staff had recommended installation of sidewalks. He clarified that the developer must put in sidewalk along the Maple Road frontage.

Westphal said that speaks to why it is important that the public review the zoning information of allowable uses in neighboring districts to see what can be built next to them. He said it is a difficult process for the City Planning Commission to do the Master Planning and it is a struggle for the Planning Commission that these issues arise only when new development is proposed. He said he didn't have any consolation for those who have debated the density of the project, more than suggesting citizens keep in touch with their ward/Council representatives, since once zoning is in place, he feels it is his obligation to follow through. He added that if they want to change things, they can change city code in the future.

Adenekan agreed that the plan meets the code. She said at the last meeting, the petitioner spoke of a rooftop deck, and she asked for clarification and more details on the deck.

Gorenflo said that the intention is for a multi-functional space for residents to use as desired. The space is closer to 2,000 square feet per building, so residents could use space for picnics or lounging.

Adenekan asked if the apartment buildings would have basements.

Gorenflo said, no, only for mechanical equipment.

Pratt asked about the eight units and that he felt it was standard that all new developments have sidewalks installed these days.

Kowalski explained that the code reads, 'driveway serving eight or fewer'. He said the use doesn't matter so much as how many units it is serving.

Pratt said that if the traffic engineer thinks that there should be one driveway, there usually is a reason for such a recommendation, and from

a health, safety and welfare aspect it requires attention. He said we have obligations as well as rights to consider. He had concerns regarding conflicting turning movements with two driveways only 150 feet apart. Pratt said the traffic engineers were right to cite access management. He said he would like to propose an amendment to the motion that would condition approval on a combined driveway or table to allow the petitioner to respond.

Moved by Pratt, seconded by Woods, to amend the motion to add to the end of the motion 'subject to revising the site plan to require a single curb-cut.

Derezinski asked if such a proposal would violate our zoning law.

Rampson said the petitioner is allowed two curb cuts per the code but she believed the traffic engineer has the discretion to determine if he feels it would be a traffic hazard.

Kowalski explained that City Traffic Engineer, Pat Cawley, had determined through his review that two curb cuts are allowed per City code but he would recommend that they be combined. Cawley had mentioned that his only concern with the combination was that you wouldn't want them to be combined in the center of the site because then you would most likely have the single family traffic passing through the parking lot of the apartment buildings.

Derezinski said he was troubled over the issue and the only way to get the one curb-cut was over the threat to health, safety, and welfare. He said it was a fairly high standard to meet and the only way out was for staff to determine if that standard had been met or not.

Derezinski said if the Commission doesn't have the information right now, then he would not want to propose that until they have the information from traffic engineer, because he felt they were on tentative ground until they had all the information necessary to make a decision. He said he would recommend postponement.

Woods said that under staff comments, traffic engineer Cawley recommended combination of curb-cuts. She said if someone is coming out of the drive from the single-family units and turns right, and someone is coming out of the multi-family turning left, there are potential conflicts. She said she would be fine receiving more data but as someone who uses that area's streets, she knows how busy it gets, especially given the close proximity to Skyline High School which sees peak volumes. She said she would feel comfortable taking another look before making a recommendation.

Mahler said the concern for him is procedural. He felt that by adding to the motion that the curb cuts should be combined, they would be amending the site plan based on health, safety and welfare, without giving the petitioner an opportunity to rebut. He reiterated his hesitation to amend the motion because it would be taking the site plan out of the petitioner's hands. He said it would be more procedural tasteful to him to take a vote on the first motion and voting it down and then asking the petitioner if they are willing to amend it.

Derezinski said he agreed, noting the importance of the need for documentation why the Commission took the action they did. He said he would go for postponement.

Westphal said it is unfortunate that the petitioner is not in attendance to work with the Planning Commission on this matter, and he would support a postponement to allow the petitioner an opportunity to discuss the matter.

Pratt withdrew his motion.

Giannola added that she would also support postponement to get more information on the topic.

Adenekan said she would support postponement.

Briggs said that the petitioner did have the opportunity to respond to the concerns and she was dismayed that they didn't take the time to come to the meeting when the community members have taken the time to attend a meeting. She said she recognize that City code allows the curb-cuts and we can't anticipate every situation around the City. Briggs said the development is close to schools so the issue of health, safety and wellness does come into play at this location.

Mahler said the petitioner is not under any obligation to provide anything more.

Gorenflo said that the developer is very specific in wanting to maintain the two separate curb cuts from a marketing standpoint and in creating the identify of the single-family homes and the multi-family buildings. He said the traffic engineer has said in his recommendation they are entitled to two curb-cuts and his preference would be to combine them, but they are under no obligation to do so. He said he is 90 percent sure the petitioner will not change his mind on this issue.

Giannola said she would like to postpone in order to wait for more information from the traffic engineer that could clarify how big of a concern is it to have two driveways, for the sake of health, safety and

welfare.

Woods referenced the staff report noting that the traffic engineer said it is advisable to combine the curb-cuts. She stated that she was very frustrated in hearing the concerns and the possibility that someone could get hurt due to the two curb-cuts being located too close together and given the recommendation from the City traffic engineer and then to hear Maple Cove development's representative state that it is a marketing issue. She said she is not convinced that there are not health and safety issues in having the two access points.

Moved by Pratt, seconded by Adenekan, to postpone this petition indefinitely to get clarification from the traffic engineer as to the level of concern for the two curb-cuts.

Derezinski clarified that the postponement is only for this particular issue, that they are seeking information on only the one issue of the concerns of one vs. two curb-cuts and when the item returns that will be the only issue of discussion.

Woods said that aside from that, there may be other issues that may sway a person's vote. She asked if members of public could speak on the issue at subsequent public hearing.

Mahler said that he believed they would reopen the public hearing.

Westphal asked if the petitioner in theory would consolidate the curb-cuts, would that raise the sidewalk issue because it's accessing a greater number of units.

Rampson said they would have to review the code and get back to the Commission on that possibility.

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

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

Nays: 1 - Eric A. Mahler

Absent: 1 - Bonnie Bona