



City of Ann Arbor

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

Tuesday, May 15, 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.

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

1 CALL TO ORDER

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

2 ROLL CALL

Rampson called the roll.

Present 8 - Bona, Pratt, Mahler, Woods, Derezhinski, Westphal, Giannola, and Adenekan

Absent 1 - Briggs

3 APPROVAL OF AGENDA

Moved by Adenekan, seconded by Derezhinski, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

None

5 MINUTES OF PREVIOUS MEETING

5-a 12-0676 City Planning Commission Meeting Minutes of April 17, 2012

Derezinski noted that on page 3, second sentence, the word "convenient" in the Shell PUD description should be "convenience".

Movd by Derezinski, seconded by Westphal, to approve the minutes with corrections. On a voice vote the Chair 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

Derezinski noted that there were two items of concern and interest at the previous night's Council working session. He said the first was a presentation from Assistant City Attorney Kevin McDonald on the progress of the Zoning Ordinance Reorganization (ZORO) project. He said the second presentation was on the city's Property Assessed Clean Energy (PACE) program, which offers loans for energy efficiency modifications for commercial buildings.

6-b Planning Manager

Rampson reported that next week, Wednesday, May 23, at 7 pm at the Mallett's Creek library, there will be the public input meeting for the South State Corridor Plan, where they will be able to brainstorm about the vision for the corridor.

Rampson brought the Commission's attention to the Planning Commission Journal, noting that it is the last print version since they have discontinued the print version and will now be available only through an on-line subscription. She asked Commissioners for feedback if they would find such a subscription helpful to them.

6-c Planning Commission Officers and Committees

Westphal updated the Commission on the Connecting William Street District planning project, which is being undertaken by the DDA. He said the next meeting of the review committee is Wednesday, May 16 at 2.30 pm at the DDA office, noting there will be a report from the land use economist that the DDA has engaged to help with land use scenarios for City owned parcels. He noted that the same person will be making a presentation at the Concentrate Media series on Thursday, May 17 at 5 pm at Connor O'Neals. He invited all to attend.

Derezinski reported on the DDA Partnership Committee that will be meeting at 9 am on May 16 to continue reviewing the developing of a policy for providing funds to enhance brownfield funding. He said this review relates to the project the Commission reviewed at 618 S. Main Street, which requires substantial funding from brownfield designation. He explained that this policy looks at the DDA's role and precedent that it might set by providing brownfield assistance.

Bona reported that the Climate Action Plan committee met this afternoon. She said the draft plan will be presented to Council on June 11 at their working session. She said the 2025 goal is a 25 percent reduction of greenhouse gasses from the base year. She noted that implementation of every item in the plan will get us to the 2025 goal, but they have not yet been able to identify actions to completely achieve the 2050 goal, which is an 80 percent reduction of greenhouse gasses. She asked for Commissioners to let her know if they have comments to take back to the committee.

6-d Written Communications and Petitions

12-0677 Various Correspondence to the 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.)

Ken Rock, 1680 N. Maple, said he was there to ask questions about the Maple Cove project. He asked when the Commission will discuss the project again. He also said that, based on his reading of City Code, this project is supposed to be subject to the R4B requirements which the project does not seem to meet, in regards to the unit density dwelling or building height. He asked for follow-up with whom he could further discuss the matter.

Chair Mahler said someone from the Planning Division would get in touch with him.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS 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-a 12-0678 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. Staff Recommendation: Postponement

DiLeo gave the staff report.

PUBLIC HEARING:

Dick Fry, 117 N. Division Street, architect for the project, brought a comparison of the two site plans. He said that in 1979 they received approval for a parking lot design, which came in behind the market and went through the lot and out onto Spring Street. He explained that at the time, 310 Spring Street existed on the north, but has since been demolished. He compared this with the proposed plan that shows the same curb cuts into the parking lot and the same curb cut going out, with added parking in the back. He noted that they extended the northern property line by 8 feet, so they could accommodate the 15 feet landscape buffer. Fry said they will have a nice rain garden with pipes underneath instead of a detention ditch. He said the addition onto the market building would replace the trailer, which has been there for 40 years. He said there will be no changes to the footprint of both houses. He noted that Susan Bryan had designed the rain gardens. The Knight family was in attendance, and he explained that they were raised on the property and have lived there for the last 50 years. He said there has been speculation that they will sell out, but clarified that they are here to stay. He agreed that the earlier drawings did not show the floodplain, but that they have met with the City's floodplain manager and they are accepting the floodplain and working with it. He added that they will be flood proofing the buildings as needed.

Sherry Bedolla, member of Knight family, owners of the property, introduced family members and stated that her father purchased the market in 1952 and felt there was a niche for quality foods and meat. She said she and her brothers and their children are very involved in their store and restaurants, noting that she is amazed that they are still there when customers have the larger store options available to them, yet she believes they serve the needs of the community, where customers can get quick access to food. She said she grew up in the house next to market and her brothers still live there, adding that they are very invested in the neighborhood and they aren't planning on selling out or making huge changes. She said since there haven't been many changes in the last 50 years, and they need to make some changes to make the outside appearance better. Bedolla said that if the bakery is approved, it will give them more room for baking for the restaurant and the market, and they will have an area in that house that will allow them to package meals from the restaurant for purchase. She said the expansion will provide more jobs for a very large growing family.

Tim Athan, 515 Spring Street, said this approval will bring a food manufacturing business to their neighborhood, which would include trucks and energy usage. He said this proposal may bring competition to the bakery across the street. He said he likes mixed use and would like to see old stores opened up in various neighborhoods. He said he doesn't regard this proposal so much as neighborhood mixed use; rather a nice neighborhood being encroached by a creeping urban growth. He said when he first moved to Ann Arbor, he lived on Ashley Street and in the following two decades has seen how its neighborhood feeling has been eroded by the removal of houses for multi-lot enterprises and he doesn't want that to happen to good old Spring Street. He said he would feel differently if Knight's needed to do this to stay afloat, but instead he sees the neighborhood becoming diminished just for their convenience. He said most of the goods will most likely be conveyed by trucks, noting that Spring Street already suffers from high traffic volumes. He said the City's Master Plan suggests they should reduce intrusions into the neighborhood, but he hasn't seen any help with Spring Street. He said eighteen years ago, the City agreed to a no left turn sign on east bound Miller Avenue at Spring Street, which has never been posted. He said because volumes are high, it is attractive to commercial development, and he believed once a lot is zoned commercial it will never again go back to being zoned residential. He said once commercial development goes in it starts the process of encroachment with a negative cumulative affect on the neighborhood. Athan said

they would have to rely on Knight's design sense, while he didn't believe their existing building was big on charm, and he believed past performance should count for something.

Steve Schewe, 428 Spring Street, said he was in favor of the rezoning request and read from a letter he and his wife submitted. He said they have known the family since they moved in 1973, and believe they will improve the quality of life, knowing their long history in the neighborhood. He said they have a special niche in high quality meats. Schewe said they are lucky to have a neighborhood store where they know you by name, and he considers it a classic American family run business. He said they are making an effort to stock local foods.

Kathleen Cauny, 430 Spring Street, agreed with neighbors about the qualities, but is concerned about encroachment of urban activity into a residential street, noting that she felt they are at their urban limit. She organized the residential neighborhood parking program, adding that she is used to friendly disagreement in the neighborhood. She said the parking program has resulted in a much more livable democratic approach. Cauny said they have to contend with semi trucks, which tend to go through the neighborhood, because they don't have an easy way out from Knight's Market, and they know with a new commercial bakery truck traffic will increase. She said there are two issues that she would like to see addressed; Knight's Market is asking them to bear more traffic, which needs to be recognized and perhaps more solutions need to be pursued that will make it less of a burden to their neighborhood. The second issue is the permanence of a commercial rezoning. She said it would be most desirable if there was a way to rezone the Knight's parcel and if they were to sell it, it would revert back to residential, but she recognized that this is not possible.

Laurie K. Feldt, 502 Cherry Street, said she supports the project. She sees opportunities for increased walkable jobs in the neighborhood. She lives at the corner of Spring Street, and said there already is a lot of traffic and she doesn't see how this will change. She said they support neighbors because they want them to be comfortable and have their properties work for them. She would like to see another bakery in the neighborhood and is okay with the fact that they would produce on site and ship elsewhere. She believes the Knight's changes will increase property values in the area and feels that she already lives in an urban neighborhood and that these 'gems' dotted throughout the neighborhood are beneficial.

Sandra Levitsky, 436 Spring Street, echoed comments for and against the project. She said she is an enormous fan of Knight's market. She said she has lived in two neighborhoods, in Los Angeles and Minneapolis, that have suffered from commercial creep. She said in both cases it started very benign and with seemingly good planning but went bad with the change of titles. She said she would not like to see this happen on Spring Street. She said she wishes there would be a guarantee for residents to be able to have an input to restore the neighborhood and parcels back to residential if the Knight's businesses don't continue. She said another concern, as a mother of a toddler, is the increase in traffic in the area, and if there were ways available for abatements, they would be appreciated.

Virginia Gordan, 521 Cherry Street, said that she does not mean any disrespect of the project or the Knight family, noting the many positive aspects. She said she had concerns regarding the rezoning and the traffic issues it will bring. She stated that her biggest concern is if the parcel is rezoned to C1 and what might change, over time, as well as when the property is sold. She asked what would prevent the expansion of the rezoning to extend to the other lots, since 5 lots down from the Knight's are also considered to be in the floodplain. She said currently when you look down Spring

Street you see a residential street with two stores on the corner, one of which is already a bakery. She said that once the property is rezoned, it seems the City has little control about what happens next, as they saw on Fifth Avenue.

Karen Athan, 515 Spring Street, said that the Knight's character is not an issue and there is no dispute about that, adding that she liked the Knight's Market and family and what they do. She stated what is on trial is the character of their neighborhood. She said it's a residential neighborhood that has developed into the Water Hill neighborhood and she sees this as a conflict with the character of the neighborhood and how she wants to see it. She said it is residential and a change to multi use commercial is not residential and would include having truck traffic from outside the neighborhood. She said she would like to see the neighborhood intact.

Scott Newell, 1621 Traver, owner of Big City bakery, said he is conflicted and agrees with the comments presented. He said he would recommend that if Council approves the project that they put in a traffic signal, like up the street, because pedestrian traffic is high and it is a growing kid community. He said the Knight's are the best business neighbor.

Noting no further speakers, the Chair declared the public hearing closed, unless the item was postponed.

Moved by Derezinski, seconded by Bona, 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 (Light Industrial) to C1 (Local Business) and Site Plan.

COMMISSION DISCUSSION:

Derezinski said the Commission has heard a range of comments, but it is clear there is great respect for the Knight family and what they have done. He said there is also concern about the future, which is a natural concern. He said it reminded him of the discussion about Zingerman's expansion, including the trucks. He said it is impossible to predict the future and while they want business to succeed, they also want to keep the spirit of the neighborhood. He said the issue of encroachment seems to be the question and the likelihood of it happening. He noted that in the staff report it was noted that there are natural boundaries at play, which may prevent leapfrogging. He noted that encroachment happens, but added that this project is also in a floodplain and residents also want to have neighborhood store in the area. He stated he was as conflicted as the residents on the issue, but was willing to take a chance on the Knight's family, noting there are many reasons that it will not cause further encroachments, because the business is already up and operating. He asked if the staff report contingencies have been addressed or if they still recommended postponement?

DiLeo said staff still recommends postponement, since there hasn't been sufficient time to review staff comments.

Adenekan asked about proposed business hours for the bakery.

DiLeo directed the question to the petitioner.

Bedolla said Monday through Friday they are open from 8:00 am until 6:30 pm, and Saturdays they are open from 8:00 am until 5:00 pm, and Sundays they are closed.

Adenekan asked how many trucks currently visit their site per week and what they estimate the increase to be.

Bedolla said that not all trucks using Spring Street are theirs, since they have to go up the street to avoid the bridge. She said they might have about a dozen a week and she didn't think it would increase that much because the the bakery items would come from the trucks that they already have. She added that the bread and meals going out would go with the trucks that are already delivering meat products to the restaurants.

Bona asked how much parking the market needs today, noting that when she thinks of a neighborhood store, she doesn't think of a store with parking. She said all the proposed parking makes her uncomfortable.

Fry said that he has visited the site and never seen the parking lot full.

Bona noted that the City has a 14 space minimum requirement, so she wasn't asking them to take them away, but concerned about empty parking spaces.

Bedolla said there are approximately 6 employee cars per day using the on-site parking and they try not to have employees park on the street. She said they will often have 4-5 customer cars using the parking at once.

Bona asked about bike hoop location.

Fry said he hid them under a tree, near the entrance, pointing out that there are two bike hoops, while the code only requires one.

Bona shared concerns that a bakery is not a retail use, but a production use, and that is not what anyone thinks about when they think about a neighborhood market. She said that she lives in Upper Water Hill and frequents the Big City Market and the Kerrytown markets a lot. She pointed out that she hasn't been in the Knight's Market for about 25 years because it isn't welcoming. Bona said that they typically require elevation plans when there is a site plan. She asked what the petitioner is planning to do to make the buildings more welcoming from the street. Maybe the addition of an entrance from the sidewalk, addition of windows, or mixed use?

Fry said they haven't gotten into that yet. He said he believes the entrance will stay off the parking lot, noting that they have recently added a new larger automatic door which seemed to help. He explained that the flood proofing will require 3 feet of brick, so they might have the lower level of the bakery building in brick, and keep the second story alluminum covered, but they haven't made any decisions on the issue yet. He said the Knight's are open to spending time and money on making the buildings more attractive. He offered to bring back stetches of proposed elevations.

Bona encouraged taking the issue to neighbors to get their feedback on something that would feel good to those who live in the neighborhood. She reiterated that she felt the conflict with the proposal is the lack of a retail bakery. Bona said that the rezoning request relative to being in a floodplain makes sense, since she didn't feel that a floodplain is a good place for residences. She asked staff if conditional zoning, [where you have a special zoning with special restrictions associated with it] might provide some definition that the neighbors are looking for? She recognized that such a request must come from the petitioner, but she wanted to add it to the discussion. Bona asked about minimum lot size requirements in the C1 zoning district, and if staff could provide some feedback at what point, relative to lot size, a national chain might become interested in a site. She said she would be more comfortable in knowing that this project was a neighborhood size.

Giannola stated that she is also concerned about neighborhood creep in a C-1 zoning district. She asked if the project encompassed three parcels?

DiLeo responded that currently it is three parcels but the site plan approval will be contingent on lot combination.

Giannola asked whether it is better to keep the smaller lots, rather than having one large combined lot, that could be purchased by a chainstore in the future. She asked if there will be selling of items in the bakery building?

Bedolla said that they will make the product there and sell it in their market and restaurants. She said they will keep the house looking like a house from the outside.

Giannola said the problem is that this does not fit in C-1 zoning which is intended for retail use.

Fry said that it only has to happen on site, and if they are sold on site, it will be acceptable. He said the products would be sold in their market on site, adding that it would be easy to add a sales counter in the bakery, but they felt that would complicate the site.

Giannola asked if everything made on site will be sold in the store.

Fry said yes.

Westphal said it is great to hear the rich community input. He said it is a struggle for the Commission to look to the future and consider what is legally allowed to be built on a site and could happen. He asked staff for examples for what kinds of businesses can operated in C1 zoning districts.

DiLeo said C1 allows for general retail sales, restaurants, service type businesses, such as hair salons, and C-1 limits use to 8,000 square feet with a 100% FAR [Floor Area Ratio].

Westphal asked if part of the rationale is to prohibit residential use.

DiLeo said that residential use is permitted in C-1 districts, but this provides an alternative use because they are discouraging residential use in the floodplain.

Westphal asked if the traffic concerns warrant a study? He asked about potential commercial traffic creep.

DiLeo said the site plan does not trigger a traffic impact study due to the size and scale of the project. She said the set threshold does not directly address deliveries. She said she will explore options for further study of the traffic and try to obtain traffic data.

Pratt thanked speakers for coming, and reiterated the concerns brought to the Commission. He said C-1 zoning is typically used for smaller scale projects. He asked if they had considered or discussed other zoning options.

DiLeo said that there was not much discussion, since other commercial districts are more intense, and C-1 is the least intense commercial zoning and the only one which included size limitation for use.

Pratt referenced the narrow strip of M1 zoned land that runs along the railroad, and

asked what permitted uses would be allowed in the M-1 district.

DiLeo said railroad, transportation uses, and light manufacturing, such as assembly.

Pratt said that cleaning up and getting rid of the M1 is a good thing and might be explored for the whole block. On the traffic side, he said he was aware of cut-through traffic on Spring Street, which is not related to this use but due to people trying to avoid the the traffic signals. He said a couple of deliveries a day sounds reasonable. He noted the City has a traffic calming program, where residents can petition the City for assistance.

DiLeo said that the neighborhood went through the process for the RPP [Residential Parking Program], but she is not certain if they went through the traffic calming program.

Pratt said that he lives off Broadway, and the traffic calming benefited his neighborhood by reducing speeds and providing added safety. Overall, he feels that the positives on this project would be reducing residential use in the floodplain, cleaning up the M1 zoning, and the historic use of the site for commercial uses. He didn't believe that the City is interested in expanding commercial use in the neighborhood in the future. He wasn't concerned about the setback of the existing building, noting that it added to the walkability feel. Pratt stated that he felt it was a good compromise.

Woods said she is glad the curb cut on Miller will be removed. She expressed her concern for potential flooding in the area, which could be difficult for residents. She said having the market expand would be a benefit in the area. She said she too was concerned about urban creep, adding that it is a balancing act that can't be predicted. Woods said in looking at the past, the Knight's family has attempted to keep business going and staying in the area. She asked about possible zoning reversion if the Knight's businesses ceased to operate from the location.

DiLeo explained that the zoning runs with the land, not the owner or use. Conditional zoning would include petitioner-offered conditions added to the land, except the condition of automatic reversion of zoning, because such rezoning would need to go through the public due process.

Westphal said that he echos Bona's comments about the building facade and he is interested in a transparent presence along both street frontages. While conditional zoning could be initiated by the petitioner, he asked about possible specifications that could be included, such as building footprints.

DiLeo said possible options are not specified, and she would have to run it by the City Attorney's office.

Westphal said such an option would be similar to a PUD [Planned Unit Development] and while they prefer not to do PUD's it does give the petitioner the possibility to expand their operation while giving the neighbors additional security. He asked if such zoning could cover the neighbor's requests.

DiLeo said it was possible. She explained that conditional zoning is a good tool when you would like to limit uses for a site and PUD is good tool when you are looking to expanding a use.

Westphal added that there is a benefit to keeping a single-family appearance of the proposed bakery.

Mahler said he noted four pieces of information that are still outstanding according to the staff report, and asked what the estimated time might be for such information to be provided.

DiLeo said comments should be back in the next few days.

Moved by Bona, seconded by Derezinski, that the petition be postponed until the issues indicated by staff have been addressed. On a roll call, the vote was as follows with the Chair declaring the motion carried.

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

Nays: 0

Absent: 1 - Erica Briggs

9-b 12-0679

Phantom Fireworks Temporary Retail Sales Special Exception Use for Planning Commission Approval - Phantom Fireworks is proposing a 40 x 40 foot tent and an 8 x 40 foot storage pod in the parking lot of Colonial Lanes at 1950 South Industrial Highway for temporary outdoor sales. They propose to sell fireworks annually from June 18th through July 13th. The tent would be setback 25 feet from South Industrial Highway and will take up 24 parking spaces on site, leaving 203 parking spaces for the bowling alley/Cubs A.C on this 2.96 acres site. Staff Recommendation: Approval

DiLeo presented the staff report.

PUBLIC HEARING:

Richard Tapper, 7376 Raffer Lane, West Bloomfield, state representative for Phantom Fireworks, asked for 10 days of sales; June 25 through July 4. He said the tents are fire resistant and their storage unit, where the fireworks are stored at night, is also fire resistant. He stated that Fire Marshall Chamberlain has approved their facilities. He noted this is a slow time for the bowling alley so it is beneficial to the bowling alley staff that they can work the firework's tent instead of being layed off in the summer. He said all fireworks they sell as Class C legallized fireworks. He stressed that they will set up all tents properly and noted that they will be operating 39 tents throughout Michigan, as well as 5 buildings.

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

Moved by Westphal, seconded by Adenekan, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and hereby approves the Phantom Fireworks Special Exception Use for the temporary outdoor sales (maximum 180 days) of fireworks and seasonal items, subject to receiving a permit and inspection from the Fire Marshal each time the tent is erected.

COMMISSION DISCUSSION:

Woods asked the petitioner about Class C fireworks and if you have to be over a certain age to purchase them?

Tapper said yes, customers must be 18 years old.

Woods asked if they sell to people who are intoxicated?

Tapper said they include guidance in their training of employees. He said they work with the local fire marshalls as well as having all their tents inspected by the State fire marshall. He said they have to follow NFPA 1124.

Woods asked whether employees of the bowling alley will participate in the training.

Tapper said yes.

Woods asked about the storage building.

Tapper said that they rent an 8x40 foot storage unit from Mobile Mini, with secure locks. He said it is better to have the fireworks locked up at night than having all the merchandise stored in a tent for the duration of the sales.

Woods confirmed that they don't have to have employees out all night.

Tapper said yes, they would pack up each night.

Woods said that hours of operation seem long.

Tapper said the hours are from 10 am to 10 pm, but asked for extended hours leading up to July 4th in case sales may go later.

Derezinski asked if notices were sent out to the neighbors and if there were any comments received?

DiLeo said yes, and we received no questions or concerns.

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

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

Nays: 0

Absent: 1 - Erica Briggs

9-c 12-0680

Wintermeyer Parking Lot Expansion for Planning Commission Approval - A proposal to install 20 additional parking spaces at 2144 South State Street by converting the existing surface detention pond to an underground system on this 1.9 acres site. Staff Recommendation: Approval

DiLeo presented the staff report.

PUBLIC HEARING:

David Diephuis, 2096 S. State Street, stated his residence is directly north of this proposal, and although they are not enthusiastic about additional parking next door, they recognize the need for more parking as well as the developer's right to build it. He said they support the concept of the proposed underground water detention system. He said after discussing concerns with petitioner, they were able to resolve two of the three issues. The remaining unresolved issue involves the buffer between the properties, specifically the parking lot retaining wall. He explained that the current site plan calls for shrub plantings between the wall and the parking lot. He said he hopes that the Commission will accept fewer planting in that location, in return for plantings of larger size between the wall and their property to the north. He said this

will soften the look of a sterile retaining wall. He added that the owner has already agreed to these changes and they hope the Commission does as well. He said he hopes they will allow staff and the petitioner as well as themselves to handle the issue administratively. The other two resolved concerns was the ability to handle run off water from the UM Golf Course, which could result in substantial erosion issues. He said City staff has assured them that if the landscape island doesn't work, remediation is possible. He said according to the staff report critical root zone disturbance is a possibility to trees on their property, which State law allows. He said maybe the City could consider a tree escrow arrangement, not only on the developer's property but also on an adjacent neighbor's property as well.

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

Moved by Pratt, seconded by Westphal, that the Ann Arbor City Planning Commission hereby approves the proposed landscape modifications to allow previously approved runs of continuous parking spaces and non-depressed landscape islands to remain as currently configured, in accordance with Chapter 62 (Landscape and Screening Ordinance), Section 5:608(2)(c)(vii).

COMMISSION DISCUSSION:

Pratt asked if any landmark trees were scheduled for removal.

DiLeo said no, but there will be impacts within critical root zones which requires mitigation.

Pratt said he appreciated there is infiltration incorporated into the storm water system and appreciated everyone working together to come up with this solution.

Woods asked about the suggestion from the adjacent neighbor that the landscaping around the retaining wall be redesigned.

DiLeo said her understanding from the neighbor was that they were hoping for a conditional approval from the Commission, subject to changing the landscape plantings and that staff could verify compliance and work on the contingencies and the item would not return to the Planning Commission.

Woods asked for clarification regarding the proposed landscape changes.

Tracy Wintermeyer, petitioner, stated he was happy to work with the Commission's requirements as well as his neighbor to the north.

Rampson read the land use buffer requirements and noted that there was flexibility to cluster plantings. She suggested putting specifics into a motion so it was clear to move forward.

Wintermeyer reviewed the proposed site plan with the Commission noting there are some smaller [2 foot tall] shrubs shown along his side of the retaining wall, which don't do too much for the neighboring property to the north, so he had offered the neighbor to plant some taller evergreen shrubs that would shade the neighbor's view when pulling into their driveway.

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

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

Nays: 0

Absent: 1 - Erica Briggs

Moved by Pratt, seconded by Westphal, that the Ann Arbor City Planning Commission hereby approves the Wintermeyer Offices Parking Lot Expansion Site Plan for Planning Commission Approval.

Bona stated that she didn't think they needed to add the wording additional plantings because she didn't believe there was anything in the ordinance that prevents someone from planting as much as they want, as long as they meet the minimum requirement.

Moved by Pratt, seconded by Westphal, to amend to the motion to add "subject to administrative approval to relocate plantings for the conflicting land use buffer." On a voice vote, the Chair declared the motion carried.

Pratt said it would be helpful to have future staff reports include information about soils and whether they are appropriate for infiltration.

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

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

Nays: 0

Absent: 1 - Erica Briggs

9-d 12-0681

DTE Buckler Substation Site Plan for Planning Commission Approval - A proposal to construct a new substation on the east side of 984 Broadway Street. A total of 800 cubic yards of fill is proposed to be added on the 0.45 acre site in the floodplain of the Huron River, which is proposed to be offset by removal of 1204 cubic yards of material up-stream from the site. A variance from the conflicting land use buffer requirement is being requested to allow the landscape buffer to be planted on the adjoining Riverside Park property. Staff Recommendation: Postponement

Kahan presented the staff report.

PUBLIC HEARING:

Mike Witkowski, Planning Engineer for DTE, thanked the Planning staff for their assistance on the project. He said the driver for this project is the growth of the city, noting that peak loads for the summer are about 12% higher than they were in 2009, due to increased density. Within a one-mile radius of the Argo Station, just north of the Broadway bridge, the loads were 17% higher than in 2009. He said given the increased construction in recent years they are at the point where they had limited to no ability to add new businesses without this project. He said, without this project, they are at increased risk for brownouts and blackouts due to equipment overloads. He said they have plans in place to address issues that might arise during the proposed expansion. He said this location has been chosen because it needs to be near the center of the load, near existing infrastructure such as overhead and underground lines and DTE owns the property already, and it fits with the general character of the property. He explained from a process standpoint, they began looking at a new substation in late 2008, adding that they already have overhead and underground work in progress. He said they had to do separate modifications at the service center. He noted that they anticipate the first circuits to be energized in mid-2013, adding there is a long construction process ahead of them. He said,

looking forward, they are doing a \$10 million investment in the electric infrastructure of Ann Arbor, which should sustain growth in Ann Arbor for many years to come, while increasing reliability. He said their civil design team and project engineers were in attendance to respond to further enquiries.

Noting no further speakers, the Chair declared the public hearing closed, unless the petition is postponed.

Moved by Derezinski, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby approves the DTE Buckler Site Plan for Planning Commission Approval, subject to obtaining variances from the Zoning Board of Appeals for a conflicting land use buffer and storm water detention and subject to obtaining a Michigan Department of Environmental Quality (MDEQ) permit for work within the floodplain.

COMMISSION DISCUSSION:

Woods asked if the proposed project would move on to Council.

Mahler clarified this project will be approved by the Planning Commission.

Woods asked about demand statistics.

Witkowski said that from 2009-2011, in an area greater than the city limits, the demand increased 12%, while the smaller downtown area increased 17%. He added that the statistic didn't include current on-going construction.

Woods said that this is interesting in context of the sustainability discussion. She asked about future load growth.

Witkowski said load growth is limited outside of Ann Arbor, with Ann Arbor being a hot spot of growth. He said the last substation was built in the mid 1960's. He estimated they could be looking at a 20-year capacity, without establishing that figure as concrete.

Westphal asked about the aesthetics of the site. He noted that materials are concrete block, barbed wire and chained link fences next to the park. He asked if there are requirements for certain types of fences?

Mark Fairless, civil engineer for DTE, said that the six foot chainlink fence with barbed wire meets the national electrical code for substation requirements and barriers. He explained that it is DTE's standard protection and they have found that it provides the best protection for their assets as well as for the public's protection.

Westphal asked if there were other options that are better looking, that would also meet the requirements.

Fairless said this is standard design and they haven't looked into other options. He said they are stuck to use the pre-cast block for the retaining wall to elevate them above the floodplain.

Westphal encouraged the petitioner to look at other materials. He said he rides by the substation on the north side of Broadway everyday and said it wasn't the most desirable to look at. He asked if there are any opportunity to consolidate their sites?

Witkowski said that this is not a replacement project and that the two sites work in tandem. He said while they would be able to consolidate the equipment they couldn't

decertify the Argo substation. He explained there are different voltage levels at the various substations and it isn't economically feasible in the long term.

Pratt asked if there had been thought given to additional substation infrastructure in the future, beyond this, adding it would be desirable to move the substation off the main street (Argo).

Witkowski said the original plan was to do upgrades at Argo. Since then they found out that they cannot upgrade that location without first getting load off the operation. He added there is essential equipment at that site that will likely remain there in the future.

Bona said she agrees the bigger issue is the Argo site and reminded the Commission that Michigan Stadium used to be surrounded by a chain link fence. She said this site is located on the river and it would be nice to think long term that the site could be a more active integrated community site. She asked if there is a chance that this substation could be located here without the other facilities; if it could stand alone.

Witkowski said from a design aspect, this corner is perfect for the site due to underground infrastructure, such as conduit that runs under the site and under the river. He said he can't speak to the rest of the property.

Bona asked whether trees will be taken down and if so, why.

Fairless said that they will remove 6 of 13 trees along the property line and adding an additional 23 trees. He said the additional 10 trees will be donated to the neighboring park to be planted wherever the park decides. He said the trees are currently growing into the fence.

Bona asked about detention that can't be provided.

Fairless said that they are providing bankfull and first flush detention on site, but not 100-year detention because they are in the 100 year floodplain.

Bona asked if it was the same situation with their other site.

Fairless said, yes.

Mahler asked if this project is dependent on a MPSC rate increase hike.

Witkowski said this project is already approved by executive management.

Mahler asked staff what information they were still waiting for.

Kahan said they are waiting on hydrant radius compliance, driveway dimensions for connections, utility sheet information, floodway boundary information provided on the site plan. He added that the petition submitted plans late on Friday, and staff hasn't had an opportunity to complete their review of those plans yet. He hopes reviews will be back in time for the Commission's next meeting.

Derezinski asked the petitioner if there were any critical timeframes involved.

Scott Trowbridge, project manager for DTE, said they can start certain decisions right now, related to the project with some risk to them, such as moving the overhead door to the service garage, noting that it all comes into play as to how prepared they can be for the next summer.

Derezinski said he interpreted the response to mean that a postponement at this time wouldn't be detrimental to their operation.

Trowbridge said that was correct.

Moved by Bona, seconded by Westphal, that this petition be postponed until staff comments have been addressed. On a roll call, the vote was as follows, with the Chair declaring the motion carried.

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

Nays: 0

Absent: 1 - Erica Briggs

9-e 12-0682

MichCon Remediation Site Plan for Planning Commission Approval - A proposal to perform required soil and sediment remediation of the historic manufactured gas plant facility at 841 Broadway Street. The project site is within the 100-year floodplain and within the bank and channel of the Huron River, adjacent to the Broadway Site. The located site is on the eastern parcel, approximately 8.5 acres of the total 15.95 acres parcel. Staff Recommendation: Approval

Kahan presented the staff report.

PUBLIC HEARING:

Paul Machiele, 2634 Georgetown Boulevard, said he is a recreational kayaker. He said he saw an amazing kayaking experience in Bend, Oregon, then came back to Ann Arbor and kayaked the river. He asked why Ann Arbor is wasting the river. He asked if there is any way that they can get access to put in their kayaks at the north end of the site, noting that they will use it year-round if they can get onto the site. He said it's a wonderful stretch of the river that runs through the downtown and a wonderful opportunity than just to have businesses feeding off the vibrant riverfront. He added that this is a wonderful opportunity for walkway access to open up both sides of the river, noting the site has just been sitting there and not been used and just putting plantings along the river is wasting an opportunity.

Shayne Wiesemann, project manager from DTE, said this is just a piece in the overall project. He said this gets them to begin planning for the redevelopment process and listening to stakeholders. The whitewater features will be maintained and owned by the City. He explained that they entered into an agreement with the City's Park and Recreation Department to take advantage of the synergies of the whitewater project and the remediation project so it was a win-win for both the City and for Michcon in terms of construction. He explained that there is planned access to the millrace from the whitewater features, and they are looking at future uses for the site. He said they have engaged the stakeholders and the parks and that will continue. He stressed that right now, the focus is on the remediation, which is an important step in the process in making the site the catalyst for economic growth and a place where people can come and enjoy Lower Town and the river.

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

Moved by Derezinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby approves the Michcon Remediation Site Plan for Planning Commission Approval, subject to 1) obtaining variances from the Zoning Board of Appeals for providing a new storm water management system; 2) obtaining a Michigan Department of Environmental Quality (MDEQ) permit for

work within the floodplain and Huron River; and 3) subject to water main and storm sewer easements being shown on the site plan and providing the City the legal descriptions for the water main and storm sewer easements prior to the issuance of grading permits.

COMMISSION DISCUSSION:

Derezinski said this represents a beginning to the redevelopment of this area. These are baby steps that lead to giant steps that will fulfill what speakers want to see out of this area. He noted that the hard reality is the need to clean up the site. He thanked DTE and Michcon for the work on the whitewater project, which will take a lot of collaboration. He said he was very much in favor of the project, and what they are about to do.

Woods asked if the petitioner was seeking permission so they don't have to put in a new storm water system.

Kahan confirmed this.

Bona said the plans do not show the fence. She asked if there will be a fence until the project is complete.

Kahan said the existing fence prevents access off Broadway, but the complete site is not fenced.

Wiesemann said the western portion isn't fenced, but there is a plan to remove a portion of the fence along the Huron River to allow for the excavation of the river bank soils along the eastern portion.

Pratt asked where the Commission might find a copy of the report of the site.

Wiesemann said there has been an extensive public hearing process regarding the plan with public input. He said there was a copy of the DTE Response Activities Plan at the Ann Arbor District Library as well as on DEQ's FTP site. He offered to provide information that might not be readily available.

Pratt asked if the whole site will be developable after the clean up is complete, or if they can still expect parts of the site to remain with restrictions.

Wiesemann said the clean-up would be amenable to an industrial re-use of the site, but they are looking at future uses that go beyond an industrial use. He said they are stopping where they are because it eliminates any risk along the riverbank and in the river. He said they will be leaving some hot spots and once the end use is determined they will be able to address future steps that might be necessary in order to fulfill the requirements of the end use.

Wiesemann said the variance from additional onsite storm water management systems is not a permanent solution, since once they determine the end use they will go through site plan review and approval, following all surface water retention requirements. He added that all options for the site are on the table right now.

Woods asked where the contaminated soils go.

Wiesemann said they will be taken to a Type 2 sanitary landfill equipped to handle this type of material.

Woods asked if they are taking a different approach than brownfield.

Wiesemann said that Michcon is liable for the contamination, so they will be taking responsibility for the clean up.

Westphal asked if there is any access to launch a boat, south of this site, into the Huron River.

Kahan said not to his knowledge.

Wiesemann said that as part of the whitewater construction project there will be trails and stairs that will be built, from the trail that currently exists on the millrace, down to the whitewater features.

Westphal asked if the trails could be put in before the whitewater features are complete.

Wiesemann explained that they are subject to MDEQ review and approval because they are a part of the construction permit process since they impact wetlands.

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

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

Nays: 0

Absent: 1 - Erica Briggs

9-f 12-0683 Appointment of City Planning Commission Representative to the Zoning Board of Appeals

Woods asked when the Zoning Board of Appeals meet.

Rampson said they meet the fourth Wednesday of the month at 6:00 pm.

Action on this item was deferred to a future meeting.

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

None.

11 **COMMISSION PROPOSED BUSINESS**

Mahler said it would be important to verify Commissioner's availability for the July 3rd, Planning Commission meeting.

12 **ADJOURNMENT**

The meeting was adjourned at 10:40 pm.

A motion was made by Councilmember Derezinski, seconded by Vice Chair Westphal, that the meeting be Adjourned. On a voice vote, the Chair declared the motion carried.

**Eric Mahler, Chair
mg**

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