



City of Ann Arbor

Formal Minutes

Planning Commission, City

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

Tuesday, June 3, 2014

7:00 PM

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

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1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:10 pm.

2 ROLL CALL

Rampson called the roll.

Present 7 - Bona, Woods, Westphal, Giannola, Adenekan, Clein, and Peters

Absent 2 - Briere, and Parekh

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

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

5 MINUTES OF PREVIOUS MEETING

[14-0885](#)

City Planning Commission Meeting Minutes of April 15, 2014

Moved by Woods, seconded by Peters, that the minutes be approved. 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

Planning Manager Rampson gave a brief synopsis of the City Council agenda items from the previous night's meeting. Ruth's Chris site plan was approved, 515 Oxford Rezoning and Planned Project site plan was approved, the amendments to the zoning ordinance regarding drive-thru facilities were approved [with some discussion and request for Planning Commission to follow-up on the possibility of adding a requirement for screening when drive-thrus are located adjacent to residential], South State Street Corridor Transportation Study was approved, and a Council Resolution was put forward for the Planning Commission and staff to look at a Capital Improvements Plan [CIP] item relating to alternative methods of energy efficiency for the Guy Larcom Municipal building.

6-b Planning Manager

Rampson noted that there was an addition to the calendar; the Streetscape Framework Plan Committee will hold a series of public engagement events beginning June 12th. She encouraged the public to participate.

6-c Planning Commission Officers and Committees

Peters reported that he and Commissioner Adenekan and Planning Manager Rampson met with representatives of HHSAB and Washtenaw County's Office of Community and Economic Development regarding affordable housing. He said they plan on looking into 4 main areas; modify affordable housing premiums, investigate policy advocacy at the State and local level, to simplify the process options for workforce housing for each and every neighborhood and addressing any fee-based roadblocks.

Adenekan said they will be meeting the last Thursday of each month.

Westphal said the Ordinance Revisions Committee [ORC] met prior to tonight's meeting to discuss amendments to districts next to residential areas in the downtown, and they did not set up their next meeting. He said the information will be posted on the City's Planning page when a date and location has been set up.

Clein said there is a handsome architectural model in the elevator lobby from U of M graduate students who had a semester-long studio and used the City's Huron Street as the focus, adding that it is interesting to see the cross pollination of what goes on in the School of Architecture and here at City Hall. He clarified that nothing in the model is being proposed to be built.

6-d Written Communications and Petitions

[14-0884](#) Various Correspondences to the City Planning Commission

Received and Filed

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

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[14-0887](#) Public Hearings Scheduled for the June 17, 2014 City Planning Commission Meeting

Westphal read the public hearing notice as published.

9 UNFINISHED BUSINESS

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

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

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

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

10-a **14-0888**

Ann Arbor Housing Commission-North Maple Rezoning and Site Plan - A proposal to rezone this 4.82 acre site located at 701 North Maple Road from R1C (Single-Family Dwelling District) to R4B (Multiple-Family Dwelling District) to redevelop the site for 42 apartments in 8 two-story buildings, for a total of 56,807 square feet of floor area. A one-story community center building will be located on the west side of the site. The site will contain 73 parking spaces, accessed from the existing curb cut on North Maple Road and a new curb cut on Dexter Avenue. As part of this project, the petitioner is requesting that portions of the undeveloped Seybold Drive right-of-way be vacated and incorporated into the site (Ward 5) Staff Recommendation: Postponement

Woods disclosed to the Commission that her husband is a member of the Ann Arbor Housing Commission, and that she has no personal gain in this project but was willing to recuse herself if anyone felt she should.

DiLeo presented the staff report.

PUBLIC HEARING

Laura Fisher, 2597 Dexter Road, Ann Arbor, said she does not have a concern with the development, but with the curb cut. She said right at that spot, Dexter Road narrows from five lanes into two, and more study needs to be done at this location to make sure it's safe. She said that foot and bicycle traffic has increased and they use the road because there are no sidewalks, and this is right where there will be new road added with increased traffic. She said they have lived in this location for 10 years and have seen how traffic has really increased with the addition of Aldi's and Plum Market in the neighborhood. She said she did not see this addressed in the staff report and how street crossing would occur, since she notices a lot of people crossing at this location.

Jocelyn Garrick, resident of Alison Drive, said she did not receive notice about the February meeting and several neighbors also did not receive

notice and they have questions about the fence line that will abut this project. She said it appears there will be more people on this property, with buildings closer to their fence line, and she wanted to know what protections will be provided for her and neighboring properties during construction. She said they have had problems with people climbing the fence and going through her yard. She noted there is also a bright light that is on the back of one of the buildings that shines right into her house, and she is hoping that these types of issues don't continue with the new construction. She said the plan shows the utilities being upgraded which is great; however the sanitary-sewer line runs under her fence and she wanted to know if that will be excavated during this work.

George Dantell, resident of Alison Drive, asked why he was not notified about this meeting and when he spoke to folks in the neighborhood they were shocked to learn of the proposal. He said they have been living peacefully with this development for 25-30 years with no serious problems. He said he does not understand the motivation of the proposal, and did not believe it would benefit the residents, since they were not told about the proposal. He requested to be notified before the item is brought up next week and to be informed if there were legal measures to oppose the project since most of the people on his block and on Hollywood unanimously oppose this project.

Mike Kvicala, 616 Alison, Ann Arbor, said he lived directly behind the basketball court of the project, and he was at the first meeting and did receive a postcard notice which he read. He said there were issues that were brought up at the meeting as well as in the paperwork [staff reports] which he did not understand. He asked what a conflicting land use is. He understands that the woods behind him will be nuked and replaced with small shrubs. He asked for clarification on that. He said most people have concern with the proposed density, noting that it will be doubled. He asked why there are five-bedroom units being planned and how many family members could be stuffed into a five bedroom unit. He referenced immigrant families stuffing several generations into the same unit. He asked about the building construction materials, noting that vinyl clad buildings have a 10-year life-span. He asked who will be maintaining the site, since the Housing Commission has had a very poor history of maintaining their properties. He said there has been a revolving door with administrators, adding that Ms. Hall had informed them that it will be a lot easier to nuke it and rebuild new because no maintenance has been done. He said he has experienced problems; he has had his fence knocked down and outbuildings destroyed, and with this density he has concerns with security. He said that with the increase in the pool of people, you will be creating more problems. He explained that he has lived there for 20+ years and makes frequent calls to the Police, who come and respond to the issues, such as drug dealings.

Jennifer Hall, Director of Ann Arbor Housing Commission, said they have been looking at all of their units at all of their sites. She stated there has been a lot of deferred maintenance, and the Commission is looking at re-developing all of their sites. She explained that this site cannot be rehabbed due to the unit construction and site design, noting the location of the units being situated in the lowest area resulting in water infiltration in many basements. She said this proposed demolition and new construction will improve the units, and they are asking for a higher density because the current density is low and this provides an opportunity to add affordable housing units to the site. She said the proposal would provide a nice mix of unit sizes so that they are not all larger size units as currently is the situation. She introduced Scott Betzoldt from Midwestern Consulting, Civil Engineer for the project.

Scott Betzoldt, engineer, said the proposal will increase density, make the units ADA compliant, eliminate flooding, add stormwater detention with ponds, add dual access to the site. He said they had the access point examined by the City Traffic Engineer who felt it was safe. The plan calls for adding sidewalk along the north side of the street to the intersection of North Maple and added landscaping. He said the conflicting land use buffer calls for 15 feet, and they will be maintaining more than that. He said they will be retaining all of the trees on the property line to the west and they will be augmenting those with evergreen trees that will provide year round screening to the neighbors on the west. He said it will be a definite improvement and benefit to the Housing Commission.

John Mouat, project architect, drew attention to the rendering in the packet. He explained that the mix of units are clustered in eight different buildings in order to keep the scale down and group them more appropriately. He said the smaller units are next to the community building, and family units next to the playground. He explained the 20 foot elevation drop on the site and the need to get the buildings out of the low points. He said the proposed concept is with large front porches for a sense of community, but no rear patios.

Jennifer Hall noted that they will be adding a community center so they can have on-site property management, which currently does not exist.

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

Moved by Peters, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council rezone the 4.8-acre Ann Arbor Housing Commission North Maple Road site from R1C (Single-Family Dwelling District) to R4B

(Multiple Family Dwelling District), and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Housing Commission North Maple Road Site Plan and Development Agreement, subject to approval of the requested Seybold Drive street vacation, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the partial Seybold Drive street vacation.

COMMISSION DISCUSSION:

Giannola asked about the current fencing and plans for future fencing, given the security issues mentioned by neighbors.

Hall said current fencing is inadequate, and can be replaced. She said they will have a property manager on site to help keep an eye on day to day situations.

Giannola asked if they had considered installing a 6 foot tall wooden fence around the parcel.

Hall said they can look into it, and since the current fencing is different from each neighbor it might not belong to the Housing Commission. She noted cost is another deciding factor.

Giannola asked about the citizen comment about a sewer line under her fence.

Betzoldt said that he did not see a sewer line anywhere close to a fence. The existing sewer line is 30 feet away.

Clein asked about the Citizen Participation Report numbers.

Hall said the report shows combined numbers between the North Maple housing site and the Platt Road site.

Bona asked about plans for site lighting.

DiLeo said that staff asked for a photometric plan and it shows no light spilling onto adjacent properties, and the fixtures are all dark-sky friendly; cut off style, downward directed. She said the current fixtures are more of the wall-pack type that may not shine onto the adjacent properties where a light meter would register but the fixtures and bulbs

are visible from adjacent properties.

Bona said she is concerned with not just shielding the light but the lamp itself, adding that the wall-pack lamps are very exposed on the bottom. She asked if the proposed lighting will be better or how they would make it better.

Betzoldt said there are no wall-packs proposed; all lighting will be pole mounted, shoebox type, with down-lit lights.

Bona asked how tall they will be, noting that from her first floor window she can still see the fixture which is high in the air. She said it was important to provide the information to the neighbors since they were asking them to live with more density through the rezoning request and the issue was important.

Hall commented that they could remove the light on the back of the building, as was mentioned by a public speaker, since they did not need it and she was not aware of the issue previously. She said the new project did not have any lights in the rear yards and all lighting was in the front for lighting the street.

Mouat said one aspect to wall-pack lighting is that it is blinding and not good for security reasons.

Bona suggested motion detector lights on rear might be helpful, if they are needed.

Bona asked for a definition of a conflicting land use buffer.

DiLeo explained the conflicting land use requirement and said the conflicting land use buffer is required in this situation because multi-family is proposed next to single family land use. The requirement has three components; width, trees, and a hedge/berm/wall.

Bona noted that she was aware of some situations where soil had become too compressed from construction traffic that it caused the vegetation to grow slowly. She asked if there is any way to keep plantings away from the construction or for the ground to be aerated after construction to aid the plants.

Betzoldt said there is a cut along the west side of site where they will be planting 86 trees and 107 bushes and there should not be a lot of compaction of soils in that area.

Bona asked about trees that are slated to remain and if there is any

chance to salvage the existing vegetation.

Betzoldt said they are trying to maintain as much of the hedgerow as possible.

Bona asked about the sidewalks and if they have widened them when they are located adjacent to parking. She said it is not very pedestrian friendly when cars overhang the sidewalk so she wanted to make sure the sidewalks would be large enough.

Betzoldt said sidewalks are all shown to be 7 feet wide when next to parking.

Bona asked about sidewalks connecting to Vine Court.

Betzoldt said there is no sidewalk to connect to, but it will be connected so bikes and pedestrians can get through.

Bona said she is a little uncomfortable with the zoning that increases the density on this site. She said the existing buildings on the site are 50 years old and there is no reason that they could not have lasted another 50 years. She said we need to know that the Housing Commission is going to take care of these buildings; it is the worst investment for the City to keep doing this over and over again. She said these buildings are not functionally obsolete, they are buildings that have not been cared for. She said the water in the basements is an issue; she asked them to build them right this time, given the investment there is no reason they cannot last.

Hall explained how affordable housing gets built and maintained. She said right now this housing is public housing and all of their money comes from HUD so they can only use the money that HUD gives them. She reiterated that the City had done their own analysis of the expenses to maintain the housing, which came to three times more than what HUD provides them for reinvestment. She agreed they need to be maintained and built right. She said the advantage that they have available right now in this process is to use private capital investment, which they don't have with the public housing. Private investors are ensuring that what they are building is something that they can put money into and the agreement is for a minimum of 20 years. She said they are making sure that funds received through rent are also going into reserves so that they can go into capital reinvestments. She said they could not do that with a 20-unit site since they need a mixture of incomes coming in to make the capital investments work.

Mouat said they will have reasonably pitched roof that will help them to

last longer in this climate, larger overhangs, and 2 x 6 construction to allow better insulation and sound control.

Hall said the current buildings have no insulation, inadequate sewers that constantly clog, and water damage in ceilings. She said they don't want to do this again, noting that the new buildings are meeting the Enterprise Green standards, which will be better for the buildings as well as the tenants who will have lower energy bills.

Woods said having an on site manager will be helpful, and she further asked about mentioned security issues and if they are increasing or decreasing.

Hall said she gets monthly Police reports of calls made from her site, which would not include neighbor's calls. According to the Police, they have stated that the Housing Commission sites are no different than any other neighborhood.

Woods commented on a statement made during public comment that with density comes issues. She clarified that such is not just based on income and social status.

Woods asked about detention pond depth and said she gets concerned anytime there is a pond and inquisitive children are around.

Betzoldt said it will look mostly like sloped grass with a foot of water, and the bottom will grow cat tails and wetland plants. He said the water is estimated to get five feet in depth in a 100 year storm event, and the ponds are designed to drain in 24 to 48 hours for a 100 year storm event. He said with the recent storms, they would produce approximately 2 to 2 1/2 feet of water. He said the pond slopes are graded at a 1:5 slope.

Woods asked if there are any detention ponds on any other Housing Commission sites and if they have experienced any problems. She also asked about specific signage.

Hall said their existing sites do not have detention ponds due to their age. She said as part of the funding process, they will have to provide educational materials to tenants.

Mouat added that they have relocated the playground away from ponds.

Hall said on the west side of the site with the elevation, they made the decision to locate the lower density units and they have no rear porches. The larger units will be where there are no adjacent neighbors.

Peters asked about on-site management and what they would take care of.

Hall said their current property managers are based out of Miller Manor, which is several miles away and they hold site hours a couple hours a week. She said the new facility will have a real community center with offices, meeting space, and be staffed 8 to 5 every day. She said they currently bus children over to the Peace Neighborhood Center a few miles away, but now will be able to provide activities on site.

Peters noted that the City has lost affordable units and these will be the first additions in recent memory.

Hall said that is correct, they have been losing hundreds of units each year instead of gaining.

Peters said to keep in mind that the City has made affordable housing a priority, yet they struggle to keep and maintain the units they have.

Westphal confirmed that the light issue could be resolved.

Hall said yes, she could resolve it this week and offered to discuss the issue with residents; she gave her contact information.

Westphal asked whether they could take a closer look at the fencing issues raised.

Hall said they are willing to work and meet with neighbors.

Westphal asked about curb cut and lane mergers.

Betzoldt said he could not comment on specifics of lane striping more than that he had spoken with the City's traffic engineer who felt it was the most logical solution.

Rampson said staff will check on the details and report back at the next meeting.

Hall said they don't want to be a cut-through street and are willing to discourage traffic cutting through by adding speed bumps.

Westphal asked about the postcard notifications.

Mouat said he sent them out and kept a list of those returned.

Hall offered to email the mailing list to anyone requesting it.

Moved made by Clein, seconded by Adenekan, to postpone the item to allow the petitioner to address outstanding issues. On a voice vote, the Chair declared the motion carried.

10-b [14-0889](#)

Ann Arbor Jesuit Community Special Exception Use - A request to approve a "functional family" use to allow occupancy of this single-family dwelling, on this 0.22 acres site, located at 1919 Wayne Street, by up to six members of the USA Midwest Province of the Society of Jesus religious order (Ann Arbor Jesuit Community). The Zoning Ordinance defines a functional family as a group of people having a permanent and distinct relationship which is functionally equivalent to a family. The code allows for a functional family living as a single housekeeping unit to occupy a dwelling if approved by the Planning Commission as a special exception use. (Ward 2) Staff Recommendation: Approval

DiLeo provided the staff report.

PUBLIC HEARING

Dan Reim, petitioner, 1250 Ferdon Road, Ann Arbor, said he is very sorry to the neighbors for the tension this application has caused. He had hoped to attend the Oxbridge Neighborhood association meeting in hopes of lessening the concerns, adding there is a great deal of misunderstanding of who they are and what their intentions are. He said he has heard concerns like 'resale value if student housing is incorporated'; 'housing for UM Jesuit students and staff'; 'converting single-family home to multiple student home', and noted these statements are not correct. He said this will not be student housing. He introduced three priests and said there will be two new Jesuit priests coming, one who will be the only student studying in a doctoral program in public health at the UM. Currently there are only five who would be living in the home, but if a sixth person were to come, he would not be a student but one who would work at the parish. He said the exemption they seek is not for student housing, but a home much like a family way of life. He said like a family, they share their income and expenses, have a head of the household, and this would be their full time residence, as they have no other home to go to. He said they share their life together; their meals, their recreation, their prayer. He said they care for one another when sick, with the head of the household being the designated patient advocate. He said the relationship between them is permanent based upon their religious vows, and as religious brothers they are one another's primary support system. He noted they all reside indefinitely, pursuant to their vow of obedience. He said they have loved living at their home on Ferdon, in Burns Park, in a great neighborhood for the past 10 years and if given the approval, they would like to live at the new location for many years to come while continuing to serve at the

Saint Mary's Student Parish. He said now that their family has grown larger, they need a new home, and they love the 1919 Wayne Street house and the neighborhood and will do everything they can to be contributing neighbors. He clarified they are hoping to maintain seven bedrooms; using six bedrooms and having one small guestroom.

Peter Nagourney, 914 Lincoln Avenue, Co-Chair of the North Burns Park Neighborhood Association, stated that he was disturbed by staff's recommendation and the precedent that it sets. He said a copy of his statement was provided to staff for the record. He said from the petitioner's application, it says the Jesuit residents will "generally" be members of the religious order and will serve St. Mary's Student Parish. He said the word 'generally' is not clear and should not be used to negate the City's Zoning Ordinance. He said the residents are not of permanent character, since they will be students or interns, replaced by other students or interns when their time in Ann Arbor is over. He said this would be unlike a family since occupants constantly change, so how could this be considered permanent. He said another concern was that Ann Arbor already has a difficult time with enforcing residential occupancy, and he has no confidence that the City's inspectors will have time to enforce and check the occupancy as promised. He said in his neighborhood, owners exceed the legal occupancy of residents in student housing with little chance of being caught, penalized or prevented. He said this will set an unfortunate precedent for Ann Arbor and will allow other similar groups, similar status and establish themselves in residential neighborhoods. He noted this could be detrimental to the property values in the neighborhood. He said having six cars streaming in and out of the house is certainly an aberration to the neighborhood and was ignored in Planning's recommendation. He said the functional equivalency made in the staff report leads them to think of other groups who meet these characteristics, such as a cult or commune. He said the fact that these characteristics would be allowed in residential neighborhoods creates a problem, since the City is preparing to open the doors wide to any number of unique households in residential neighborhoods and thereby setting a terrible precedent. He was concerned about his and other residential neighborhoods who depend on the City's zoning ordinance for their protection. He stated that rejecting this petition would mean the Planning Commission takes the zoning ordinance seriously.

Scott Munzel, 603 W Huron, spoke as a representative of the Oxbridge Neighborhood Association. He stated that the applicant is not a functional family, since a 'Society' is excluded in the definition of a functional family. He said this is a "Society" with 18,000 members worldwide and the fact that they are a society cannot be glossed over, as it was in the application as well as in the staff report. He said the

distinction of not being a "Social" society is not made in the zoning ordinance, so the applicant does not qualify under the zoning ordinance as adopted by City Council. He said turning to the definition of functional family, to read the language slowly, it says, a group... "functionally equivalent to a family". He said the vows that the Jesuits take are to the church, and not directly to each other. The staff report notes that they will live cooperatively, but that can be true of many groups, who are excluded from the definition of functional family. He said even if they were to qualify as a functional family that doesn't meet the standards for special exception use. He said the code speaks of protecting the longstanding fabric of the neighborhood and of protecting property values and density control. He stated the code allows for 4 unrelated people in this zoning, and the applicant is asking for more. He said the residents feel the request is not compatible with this neighborhood, and there are other areas in the City where the Jesuits could easily live; in an R4C district, 6 unrelated people are permitted to live so they could easily fit into one of the many houses in this district. He said in the past, definitions have been routed to the Zoning Board of Appeals for them to make the decision and now the Commission will be setting a precedent, and other religious groups will likely also request approval with the Commission having to evaluate.

Liz Kamali, 2122 Dorset Road, in the Oxbridge neighborhood, spoke in support of the request, saying when she moved into the neighborhood she was immediately welcomed. She expressed concerns about the way Oxbridge Neighborhood Association [ONA] has handled this matter. She said ONA did not provide the notice required by its own bylaws for an upcoming meeting. She said the email on the meeting did not mention that a vote would be taken on hiring an attorney for this issue and when ONA decided to hire an attorney at the meeting, emails were only sent to attending members and not to the whole membership list. She said ONA has made no effort to reach out to members who could not attend the May 13th meeting. She is happy to be a part of a neighborhood association, but felt they need to have a conversation about a true neighborhood association, since it is not meant to spend group funds for a cause heralded by a few families. She urged the City Planning Commission to review the legitimate facts before them and grant the petition.

Prudence Heikkinen, 1914 Wayne St, lives directly across from 1919 Wayne Street. Said she will miss the family who is moving from 1919 Wayne, as they have been fine neighbors. She said the decision would be easy for the Commission to make if it were based on the proposed buyers' kindness and goodness, since they seem like responsible men who will take care of the home, but the decision is to be based on other standards. She said she and her husband have lived in this location for

38 years, and they have concern about parking, specifically overnight parking, which is already constrained. She noted this has been exacerbated by the rental of a condo on the corner to four people with four cars. She said in the time they have lived across the street from the Wayne Street house, none of the previous 6 owners have consistently parked cars on the drive, since it is too narrow and crooked to do so. She said she purchases 1 parking permit annually to park on the street in front of their house, and having to deal with the parking of six additional cars on the street diminishes the enjoyment of their house. She hoped the Commission would vote no on the petition.

Francie Youssef, 1019 Berkshire, resident for 10 years, pointed out that Ms. Kamali is a staunch member of the Jesuit Parish and some of her comments should be looked upon in that light. She said ONA does not function like Congress, and they are not trying to pull the wool over anyone's eyes. She said she has 2 boys and they run across to the nearby park, and she feels that it is a safe neighborhood, but worries that with 6 adult males, and their car comings and goings, it won't be safe. She said this is a poor precedent that will affect the quality of life and make it difficult to resell their homes. She echoed that this group were fine people, but she doesn't want to open the door to other religious groups taking residency in such a home. She said they have learned their lesson on Berkshire Road with Vitosha that the City does not enforce the regulations. She had had problem with people parking in her driveway and there is no one to call. She said she believes she is speaking for most of the neighborhood that this is not the appropriate place and that there are many other places that would welcome you with open arms.

Gwen Nystuen, 1016 Olivia Ave., North Burns Park, said they have similar issues in these two neighborhoods with multi-family residents, which brings her concerns. She said the issue is tricky and that permanent families owe first allegiance to each other and what had been described is a co-op here. She said there are lots of co-ops where some leave and others come in and they share all expenses. She said what has been described aren't permanent family members but a super commune of cooperativeness, so she disagrees on the definition.

Ethel Potts, 1014 Elder Blvd, said a definition of a society is "an organized body of people or people who have some interest in common", stating this is what you have in front of you here, and they really fit this definition. She said associations are specifically called out in the zoning ordinance as not qualifying for Special Exception uses. She said the standard for special exception uses is that the petition must meet "the intent and purpose of the zoning ordinance". She asked whether using R1 zoning as special exception use is the way the

Commission is interpreting this, and if this request is approved then every other single-family neighborhood should receive notice that Special Exception Uses can be in their neighborhoods too with associations. She said she believes there is an element of interpretation involved into what is the Special Exception Use and what zoning comes into it. She said the Planning Commission's job is to enforce and uphold the zoning ordinance, and it is the Zoning Board of Appeals that interprets the zoning ordinance so the Commission might need the help of another body with the interpretation.

Susan Davenport, 5464 Hellmer Road, said that on her way to the meeting she tried leaving her office, going out a locked door, which she couldn't because a drunk, aggressive man blocked her way. She said this happens regularly since the homeless shelter was opened in a residential community and blessed by this same process and this very same body. She said it is an ugly and shameful piece of our history and she knows a lot about how it really came down: it came down to money, power and privilege and maybe it could serve as a cautionary tale for this gathering. She said she was very ashamed and troubled to be here and to live in a community that has elected and appointed officials whom would even consider a matter like this. She said these officials have the ultimate power, no matter what the citizens say or do, to decide what will happen, with impunity and total protection for them from the people they represent. She had specific concerns about this Special Exception Use. She stated the Catholic Church is a perfect example of a very special institution, and has enjoyed some of the most expensive protections from governments and communities, and this Special Exception Use meeting is just that; special and exceptions. She said it is not about exceptional families, it is about how special and exceptional money and power make you, how much protection from privilege and accountability they afford you. She said it is about how much the community, Ann Arbor, Michigan, will hold accountable a vastly powerful and wealthy privileged business, the Catholic Church, that has perpetrated violence throughout its long history on women and children and men. She said this is economic violence, political, cultural, gender, sexual violence, to name just a few of its methods. She said she wants to know what the Commission is going to do about this, because if they don't object to this special status, this exception, on whatever grounds are legal, you, each one of them will be supporting and endorsing and making possible the continuing of these abuses.

Michael Clark, 1838 Vinewood, said his very small backyard abuts the backyard of 1919 Wayne St. He said he agrees that the approval of this would be a violation of the City's master plan and inconsistent with the objectives of that plan. He noted that the petitioner is located in Chicago, and the owners of the property would be the Society, located in Chicago,

and they have no ties to this neighborhood and can transfer people in and out of Ann Arbor as they see fit. He said it is important to note that the City has no mechanism in place to monitor the number of men living in or coming and going from the house. He said the City's codes say that the Planning Commission must also consider the effects on property values, and they have been told by several prominent realtors and real estate attorneys that this would negatively affect the property values of their homes (up to 24%) when inconsistent groups move into the neighborhood. He urged the Commission to deny the request since the applicant does not meet the City's guidelines for Special Exception Use based on the fact that they are a society, not a family, and the occupants are transient and not permanent, and this use will cause a loss of equity to the residents in the neighborhood. He said they are concerned about the unintended consequences of a house like this in their neighborhood.

Maria Quinlan, said she was in favor of the request and has known these men as part of the St. Mary's community for 10 years. She became aware of their current location at Ferdon when she and her son were walking past their house and saw their priests tending the garden. She was pleased to know that they were living in their neighborhood and their home looks just like others in the neighborhood. She said the association is in the best situation in that they already know their new neighbors before they have moved in. She said they will have an exceptional family of Jesuit brothers caring for the neighborhood and seeking its common good. She said they are good, extremely educated people who have vowed and committed their lives to the service of God and all His people. She said personally, her family considers it a blessing to know them and serve our community with them and share our neighborhood and life with them. She said she has heard anger about how the church has handled the sexual abuse of children by priests and she shares that anger and she knows that these Jesuits are equally appalled. She said no amount of anger can justify punishing those who have not and would never commit such crimes. She said this would be discriminatory and unfair, and she asked the Commission not to make a determination based on fear.

Sherry Clark said she would like to have a professional realtors come in and appraise their houses now before the determination because it would be financially jeopardizing.

Karla Goldman, 2206 Hill Street, said she lived on Lorraine Street and that the previous owners, the Urbaniaks, had three cars that were usually parked on the street and there were no parking issues. She said their driveway is a difficult one to park on and maybe they can work out some parking arrangement with the church next door. She said she was not a member of the church, but knows of contributions that this group

makes to the community, and it would be wrong to say that with these people in the neighborhood the property values would go down.

Carl Babcock, 2686 Heather Way, said that he just moved out of 2023 Day Street, a home that he renovated; 5 bedroom, 4 full bathroom, 1 half bath. He said he sold the 1250 Ferdon house to the Jesuits 10 years ago, which they renovated to be a single-family home. He said it is set up similar to many other homes he has sold in the neighborhood, with most of the homes he has built or renovate having 5 to 6 bedrooms. He said they are no different from this home, and will not detract value of the homes in the area. He said when he sold the Ferdon house, two new houses behind the Jesuit's house sold for a record price per square foot. He said lower property values is a silly argument, and he knows the Jesuits personally and they are wonderful people. He said some of the arguments are semantics on the name of the organization. He said people walk by their 1250 Ferdon Street house every day and don't know that a group of Jesuits live there. He felt they would make a great addition to the Oxbridge Neighborhood Association.

Elizabeth Shadigian, 1916 Wayne Street, resident there for 20 years, said she loves her neighborhood and is also Catholic, and she was firmly against the Special Exception Use request. She stated it will in perpetuity allow too many unrelated people to live in a single-family neighborhood. She said passing this special exception use is equivalent to housing gender discrimination. She said if families across from her wanted to sell their house to this many unrelated Germans through a Special Exception Use, she would be opposed to such an exception. She said if they wanted to sell their house to a group of unrelated people who discriminated against black people but otherwise met these Special Exception Use standards, she and her husband would be opposed to such a special exception use. She said if the family who lived across the street from her wanted to sell their house to a group of unrelated people who discriminated against blind people but met otherwise met the standards, she would be opposed to this special exception use. She said if they wanted to sell their house to a group of unrelated people who discriminated against queer and transsexual people but otherwise met the standards, she would be opposed to that. She said if the people wanted to sell their house to a group of unrelated people who discriminated against women but otherwise met the standards, she and many of her colleagues are opposed. She asked how can Ann Arbor, which appreciates diversity and civil rights, allow this discrimination against women. She said take your rose colored glasses off; this is gender discrimination; it is in the Catholic church and in the Society of Jesus. She asked the Commission not to vote on the request and instead have the attorneys review it.

David Emerson, 1019 Berkshire, said he did not think this issue was about ideology in any way, but about zoning. He said, while he believed the gentlemen were fine people, they are not a family and not permanent. He said they have called each other brothers to help emphasize this request, but we need to remember that all fraternities in the City do the same and call each other brothers. He said he can easily see that there could be a need for such an exception; if the Brady Bunch were a same sex couple or chose not to get married, they would presumably need such an exception to live within this home, but that would be a permanent family. He said many of the supports for this request have affiliations with the church, which should raise some issues about whether their testimony is reliable or could be biased. He said there isn't much permanence to this; their leadership is in Chicago and they could turn over any number of these at any time. He said while it isn't a complete student organization, there are some students that will be living there and he could anticipate that they wouldn't be in that house for more than 2-4 years, if we expect them to complete their studies and move on.

Ann Shields, 2012 Vinewood, said their concerns extend beyond the small neighborhood. She said she and her family have a hard time understanding how the Jesuits qualify as a functional family, as defined by the City. She said while they claim to have 'family ties' to the church, the definition of functional family according to the City is meant to apply to an enduring housekeeping unit that functions as a family, and the code is written to exclude any members of societies where the common living arrangement or basis for the establishment of the housekeeping unit is temporary. She said however much we respect their faith and work, which is a tremendous amount, this is not a personal issue. She said the Jesuits do not appear to be a family along these lines, and that is what we encourage the Commission to consider when making its decision. She said the Jesuits connection appears to be primarily to their religious order, not to the individual members living or occupying the house or working with them. She said if they were to be transferred by their order, their loyalty would be to their order and not to the individuals who are establishing the family unit with them. She urged the Commission to consider what is the future for residential neighborhoods close to the University of Michigan and close to the downtown, should they allow this definition of functional family to be extended in this way. She asked if the Commission approves this exemption for the Jesuits, will this not open the door for many other groups to request a similar exemption and to establish group living situation in single-family residential areas. She said a group home in her residential neighborhood will change the character of her neighborhood in ways that her neighbors have articulated and will continue to articulate during this meeting. She said this decision extends beyond her block, but goes

to the heart of how much the Commission may or may not value the residential character of many of Ann Arbor's neighborhoods and how willing the Commission is to protect these neighborhoods.

Andrea Van Houweling, 920 Lincoln Ave, said she knows these people are wonderful people and make wonderful neighbors, but they are a society. She said the very first thing the zoning code says is a functional family may not be a society. She said she was shocked when she read what was written and now they say they are not a social society, as if that was what they could not be. She said they cannot be a society, and if the Commission has approved a society, why can't they approve a fraternity. She says can't we count on the zoning code to be enforced and that is what really concerns her about this.

Masoudl Kamali, 2122 Dorset Road, voiced his support for the application. He said not everyone supporting this application is a member of the church. He said he is not Catholic, but born Muslim from Iran. He added that it is a country that is portrayed quite negatively by many and he is very aware of the issue of being discriminated against because of association, so he was very concerned about that, along with that not everyone supporting this application has a similar belief in the faith.

Cevin Taylor, Magill and Rumsey, P.C. 455 E. Eisenhower Parkway, Suite 355, Ann Arbor, Attorney for petitioner, said he will take the comments into consideration as the people have raised very important questions, and they would like to work with neighbors. He said the task before the Planning Commission is to see if this meets the particular parts of the zoning ordinance, specifically Article 10, Section 5:104.4, which says in order to grant a Special Exception the Planning Commission shall find the standards are substantially met by the applicant, and the Commission shall make its decision upon findings relating to the requirements and standards as particularly set forth in the ordinance. He said there is some leeway, as the applicant must substantially meet the requirements. He further stated that the Commission shouldn't hold people applying for a functional family exception to a higher standard than a biological family. He said in a biological family a father could decide, for work reasons, he's got to move to Ohio or out of the country. He noted there are also circumstances like deaths, divorces happen, members change, adoptions occur in biological families so there is some flexibility. He noted there has been some emphasis on the word 'society' appearing in the name of the organization. He said the zoning ordinance doesn't say to exclude anyone whose legal name has the word society in it, rather that the request must meet the standards that are set forth in the ordinance, and he thinks that the Jesuits do that. He said someone

pointed out that the word "generally" was in the application, to which he took fault, noting that was an error because all residents will be members of the order and will be working at St. Mary's, and one will be a student. He asked the Commission to approve the application.

Ellen Ramsburgh, 1503 Cambridge Road, said the objection is not to who is applying, but the fact that a Special Exception Use is being granted to a group with more than 4 people, that is not, in many opinions, a functional family. She said the ability for this group to find housing in Ann Arbor exists in several other zoning districts. She read from the staff report on the proposed living arrangements of the applicants, and noted that it described the living arrangements of any one of the co-ops run by the Inter Cooperative Council in town and located in the zoning district that specifically allows this type of living arrangement. There is no substantial reason to grant special exception use in an R1 district when other districts allow the type of living arrangement that is requested. She said the staff report says the arrangement will be permanent in nature, but the application lists numerous occasions when permanency will not exist, and while members might have a permanent relationship to the society, the relationship among the members of this housekeeping group is temporary and impermanent and is subject to the assignments of the head of the society. She said this arrangement does not describe a family unit where the bond is to the particular unit rather than to the organization. She said within biological families, there are usually legal, contractual agreements between the members of that family, such as a marriage certificate or a death certificate, but these do not exist in this case.

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

COMMISSION BREAK

Moved by Adenekan, seconded by Bona, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to meet the standards for a functional family in Section 5:7 (Residential Occupancy), and substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) , and, therefore, approves the Ann Arbor Jesuit Community petition for six members of the Ann Arbor Jesuit Community to live as a functional family at 1919 Wayne Street, conditioned upon providing off-street parking spaces for each vehicle used by the family. This approval is based on the following findings and conclusions:

- 1. The group of people proposed to reside at 1919 Wayne meet the definition of a functional family, specifically:**

a. The members of the Ann Arbor Jesuit Community who propose to reside at 1919 Wayne Street have a relationship that is functionally equivalent to a family in that their relationship is permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. They have taken lifelong religious vows and intend to reside at this address indefinitely. They will assume roles such as head of the household, pool financial resources, assign responsibilities such as cleaning, shopping and yard work, and have adopted other features of a cohesive family unit such as caring for sick members and making medical decisions for each other, as necessary.

b. The Ann Arbor Jesuit Community is not a social society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals in a temporary housekeeping unit in which the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

2. A functional family with an approved special exception use is considered a single family residential use, and thus is consistent with the objectives of the City Master Plan, and with the existing and planned character of the neighborhood. The household size is within the normal size range of households found in this zoning district, and will not have a detrimental effect on neighboring property or the natural environment.

3. No changes are proposed for the current site, which conforms to the R1C zoning district. Adequate off-street parking for the household will be provided, and the use of the site will not be hazardous or inconvenient to the neighborhood.

4. The approval will apply only to a functional family made up of no more than 6 individuals of the Ann Arbor Jesuit Community.

5. The Ann Arbor Jesuit Community has identified a contact person who will act as head of household in relating to the city.

COMMISSION DISCUSSION:

Westphal said he appreciated the robust discussion and comments received both in writing as well as through public comment, adding that the Commission relies heavily upon the public's input. He said their purpose is to look at City code and look at petitions as they relate to code.

Giannola asked if this petitioner is petitioning for 6 individuals or for anyone in the Jesuit religion.

DiLeo said that it would be for any member of the Society of Jesus USA Midwest Province.

Giannola asked if there is a durational requirement for how long anyone must or can live there.

DiLeo said no.

Giannola asked about how long the Special Exception Use lasts and if it belongs to the owner or is it attached to the property for whoever owns it, even if they sell it.

DiLeo said it is attached to the address, not the owner, and if the Commission finds that the Jesuits are a functional family and grant them Special Exception Use approval to be a six person household at this address, that would last until they no longer qualify as a functional family, whether they intentionally dissolve, or whether they no longer meet the criteria [persons living there are no longer Jesuits]. She said Special Exception Uses run with the land, and if they move out, the Special Exception Use will lapse after a period of two years.

Giannola asked staff how this is different from a fraternity or co-op, since she felt they were described just like them.

DiLeo said since neither of those groups have applied, they have not described themselves to her, but her understanding is that fraternities, sororities and co-ops reside in a house and are a large household for 1-4 or 5 years, and they don't make medical decisions for each other, they do not pool their income, or jointly own and share their furnishings and their material goods, and when there is an issue they are likely to turn to their biological families elsewhere, which would indicate the fraternity or the sorority is not their functional family. She said her assumption was that co-ops work in a similar manner to fraternities and sororities, and maybe if a co-housing group presented their case, she could see where they may be able to qualify, but it was hard for her compare when she didn't have a description of the speculated uses.

Westphal asked for the history on why this is in the code and mentioned he understood there was a court case.

Rampson said she was involved in the development in this code initially and gave the background to the Commission on how the 'functional family' code came about.

Westphal asked about other characteristics of Special Exception Uses that might help with the discussion and if restrictions could be added.

DiLeo said the Commission can add conditions to this or any Special Exception Use approval, such as number of parking spaces, more or less people.

Adenekan asked about the house's square footage and if there was a basement.

DiLeo said 4,000 square feet and yes, there is a basement.

Adenekan asked if there is egress in the basement.

DiLeo said the garage is in the basement so a person could exit through the garage, and she was not sure if there were egress window wells.

Adenekan asked if interior changes could be made.

DiLeo said yes.

Adenekan asked about the number of cars on site, confirming that there are two spaces in the garage, and the others would be lined up behind each other in the driveway and two cars would be over at the church.

DiLeo said yes.

Peters asked why this request came to the Planning Commission and not the Zoning Board of Appeals.

DiLeo said the Zoning Ordinance is very clear in that the Planning Commission shall determine if a group meets the definition of a functional family and the Planning Commission is the body that approves Special Exception Uses. She said if the definition of "functional family" was in question, that may be a case for the Zoning Board of Appeals, but in this case, the question is are they a functional family.

Peters asked staff if this approval would set a legal precedent for other religious or other groups for Special Exception Uses for functional families in the future.

DiLeo said she did not believe so, since each individual functional family petitioner would have to state their case and it would be decided by the Planning Commission. By nature, Special Exception Uses are not appropriate everywhere, and each one is unique and individual both in

terms of what the use is and the location where it is proposed.

Peters asked how this functional family designation might apply to a same-sex couple, had they applied under Michigan law and could not be married, so technically be unrelated individuals who have adopted kids and be over the 4 person limit.

DiLeo said she believed that would also be another category family type that would have a strong case, and if they would explain and document and apply we would evaluate that and the ties that bind them together.

Clein asked if this was the first time a functional family application had been received since 1991 when the ordinance came into effect.

Rampson said yes.

Clein commented that it had been in effect for almost 25 years.

Clein said one can read and interpret the issue of permanence as it relates to families. He asked if the staff findings had been reviewed by the City Attorney's office in terms of definition.

DiLeo said yes, the definition of functional family and the findings of this case had been discussed with staff, and the City Attorney's Office was aware the staff recommended approval of the application and did not advise differently.

Clein asked for verification that if the Jesuits would cease from using the property, the approval would lapse and another group would have to reapply.

DiLeo said yes, and if another group decided to live there that needed Special Exception Use approval they would need their own approval.

Clein said another group would have to reapply since the approval does not transfer.

DiLeo said it does not transfer to a different address or a different family type.

Bona said typically Special Exception Uses travel with the property.

DiLeo says this approval does not go with the ownership entity, and the Special Exception Use is not tied to the name of the owner on the deed – it is tied to the family type that lives at 1919 Wayne.

Bona asked if that would be tied to the Ann Arbor Jesuits, as noted on application, and not someone else claiming to be a functional family.

DiLeo said yes.

Bona asked if the application is turned down by the Commission, would the Zoning Board of Appeals have any function on this exception, adding that she is aware that Special Exception Uses do not go to City Council but are decided at the Planning Commission.

Rampson said the standard approach if a final approval is turned down by the Planning Commission, the petitioner could take it to Circuit Court. She noted some case law in Michigan that would encourage the applicant to make sure all their administrative remedies are exhausted, and that some courts have held this means the petitioner go to the Zoning Board of Appeals, even though in this case the ZBA has no jurisdiction. She said she is not able to say definitively that it would not go to the ZBA, but in the norm it would go to Circuit Court.

Bona asked staff to explain what neighbors could do if they have complaints, since the City has complaint-driven enforcement.

Rampson said proving in court that there is an overoccupancy in a house can be difficult when it comes down to the City's word versus the owners. She said in the past they have asked to see a joint lease for several residents, which shows several names on a lease. She said they typically don't make people move out until the end of a semester so they are not left in a situation that the landlord has put them in. She said they do, generally, enforce overoccupancy through the City's rental housing inspection program. She said if complaints are brought to the City's Community Standard's Division, Planning staff would not be aware of such. She said zoning complaints such as parking can be dealt with through meeting with the owners and by giving them time to make corrections, and if they don't, staff have the ability to write civil infractions and then it is up to the Court to uphold those tickets. She said the City does have tools to administer enforcement, but they are not easy tools in assisting people to comply with the codes.

Bona asked what would be available for residents in Ann Arbor to six unrelated people.

DiLeo said the only option is the R4C district, and the code has been interpreted to include the downtown commercial districts. She said the code allows for basically 3 options: a family of any size; 4 unrelated persons, or 6 unrelated persons in the R4C district; or the functional family. If there are 7 unrelated people, their only option is the functional

family. This code does not include rooming or boarding houses, fraternities, sororities, co-ops, or convalescent homes, which would be allowed by Special Exception Use in the R2B and R4 districts.

Westphal said he wanted to clarify that they are discussing this specific application before the City Planning Commission, not that there are other places the petitioners could locate.

Westphal said they must also take into consideration the Master Plan that everyone has adopted as a community, and there have been some concerns about stability of neighborhood and turnover. He asked how many bedrooms are in the house.

DiLeo said the real estate posting says 7 bedrooms.

Westphal says it seems like a single-family has been living here in the past.

DiLeo said she presumed so.

Westphal asked if that is typical if a house of this size with that many bedrooms.

DiLeo said based on what she has learned and heard this evening, this is typical of an owner-occupied neighborhood of traditional families, and you don't see many rentals or student rentals in this neighborhood.

Westphal asked who could live in this house.

DiLeo said a family of any size, a multi-generational family, 4 unrelated persons or a functional family with Special Exception Use approval.

Westphal asked if four cars would be allowed if there were 4 students.

DiLeo said the City does not regulate the number of cars people can own.

Westphal asked if this street participates in the neighborhood Residential Parking Permit Program [RPP].

DiLeo said yes, and this house and any homeowner in this neighborhood are entitled to five permits; one would be non-transferable [going with that license plate] and four being transferable.

Westphal said regarding stability, there is no stipulation on how long someone could live here.

DiLeo said correct.

Westphal asked if there is any precedent on identifying on who may live in the home, if this Special Exception Use were granted, and could something like that be drawn up.

DiLeo said this functional family falls under the residential occupancy section, which talks in terms of types of family arrangements and the numbers of people. She said it does not talk about gender or age or family placement or role or assignments. She said she did not see the need to identify individuals since there could be different individuals within the functional family type.

Adenekan asked staff what they thought when they saw the word 'Society' [of Jesus] and if they are speaking semantics.

DiLeo said The Society of Jesus is essentially a religious order, with that name in the title and the type of bond they have is a religious order.

Woods referenced public comments made regarding property values and asked staff about property values related to this application and how residents go about finding out about their property.

DiLeo said her suggestion would be for homeowners to contact a realtor or property appraiser. She said the code does speak to preserving property values but if this is found to be a functional family, they would be a six person family, in the eyes of the City. She said she feels comfortable that there are six person biological families in this neighborhood so the petitioner's family is not of an unusual size. She said other Special Exception Uses like a home businesses where a landscape architect is using his property as a contractor yard, would be a use not in keeping with the single-family neighborhood and could bring down values. She said in this case, she did not believe a 6 person household is out of character with the neighborhood.

Peters asked if the Commission were to apply certain status' such as student, sex and age to residents, would that violate any Federal Fair Housing laws.

Rampson said she didn't believe that staff could answer that, and that the purpose of functional family was to allow for arrangements that traditionally have been left out and kept out of single-family neighborhoods that are like single-family relationships. She said the Commission could take it from there if it violates any civil rights.

Peters said if the code allows for 4 unrelated individuals to live in this space, we are talking about adding density by two people.

DiLeo agreed.

Westphal asked if, in theory, the Commission could ask that most of the car parking is designated elsewhere, or through arrangements with the church if capacity allows and they are willing, given the concerns brought about added traffic and cars on the street.

DiLeo said it will be up to the petitioner to make arrangements with the church and she understands that they have received permission to park two cars in the church's parking lot and the applicant has stated they will be using their driveway for the other vehicles. The petitioner has indicated that they do not have assigned cars, but rather that the house has X number of cars that are available for use and whoever needs the use of a car takes the first car available to them. She said they have also indicated that their cars are smaller in size.

Westphal said it seems that the Michigan Supreme Court decision that gave us this definition and the requirement that we have allowance for non-traditional families in the code, was made based on an application from a religious group so that seems something that should be considered. He said since the Commission doesn't have experience with this, did staff know of other communities that have had experience with this and how they have fit into the neighborhoods or not.

DiLeo said she cannot point to a specific community that has approved a Special Exception Use, but she could say that from a survey of communities that have the same or similar definition; some of them include specific reference to 'religious order', while the City's code does not reference that characteristic.

Clein asked if there is any record of complaints received from the petitioner's existing home where they have resided for 10 years.

DiLeo said she did not look into that.

Reim said they have had no complaints with parking or any other complaints, and have parked on the street and in their own driveway and have not parked in front of the house directly next to them, honoring the neighbor's request. He said they have told the potential new neighbor that they would also not park in front of their house if requested.

Adenekan noted that the driveway is narrow, but with medium sized cars they would be able to navigate them easier. She reiterated the car

sharing involved by the petitioner.

Adenekan asked if the petitioner intended to make changes inside of the house and how many bedrooms currently exist.

Reim said there are currently 7 bedrooms with 2 bathrooms.

Adenekan asked if there were changes proposed.

Reim said they would like to add 2 bathrooms.

Adenekan asked if there will be meetings at the home.

Reim said no, all ministering takes place at St. Mary's Student Parish.

Adenekan asked if someone relocates, would another brother come in and assume the same place, like as in families where there is a divorce or death and one would remarry.

Reim said yes.

Adenekan asked who was the head of the household.

Reim said he was.

Adenekan asked who would make decisions if the others were sick as to their care.

Reim said he would, as the official patient advocate, and Ben is the patient advocate for him. He said that is the distinction between them and a co-op.

Adenekan asked about shared resources and how decisions are made on purchases.

Reim said they would have a common discussion, and he makes the final decision.

Adenekan asked if anyone decides to not be committed to the order, they would have to leave.

Reim said that is true.

Adenekan said that is the permanency.

Adenekan asked if the brothers are supportive of each other in whatever

the situation might be. She asked about the incoming graduate student if after years of study he would be moving on or staying there.

Reim said it is likely that that will be determined by where he gets a job with that degree.

Adenekan asked if another brother would replace him if he left.

Reim said if another brother were accepted into the university or if there was another brother who was coming to do ministry at St. Mary's Parish.

Adenekan asked if they are saying there will be 5 to 6 individuals living in this house.

Reim said no more than six.

Peters asked for the specific reason for picking this property over others where there wouldn't have needed to be a Special Exception Use.

Reim said it goes back to loving the house where they currently are and they wouldn't leave, except that they have outgrown it. He said the home is one that fits their lifestyle where they live like a family while they are clearly not a family. When they were looking for a seven bedroom house, and there aren't many, they searched for quite some time, so when this home became available, they were there very quickly. He said the size of the bedrooms are perfect and the house is appropriately sized with living arrangements that are conducive to the life they have been living for the past ten years at 1250 Ferdon. He said he has to apologize, since he had no idea this would be such a big issue and require so much people time and feelings.

Westphal said there was no need to apologize since it was new to them and the neighbors.

Peters asked for Reim to comment on how the brother's commitment towards each other works, separately from the order.

Reim said they have a long period of training where they learn a specific type of spirituality within the Catholic Church, which focuses on how they live their life, and what their mindset is, what their mission orientation is. He said through all of that history is what they share in common. He said there is a large relationship to the order that gets lived out on a daily basis by their life together. He explained through their vows of poverty; they don't have their own cars, or own their home. The pastor of the Parish's salary comes into the common pot with his lesser salary and yet their common expenses are shared together.

Bona said she appreciates the petitioner's approach to sharing, and commented that all families deal with issues and conflicts. She asked how they deal with these issues to keep together.

Reim said the easiest is to talk about the struggle over who has the remote for the TV. He said they address issues mostly through communication, and they live with each other and work with each other, and because of their commitment, they are here in Ann Arbor to try to help improve people's lives. He said through a faith perspective, they believe that it is through their encounter with Christ and how Christ can help each of us to live our lives to the fullest in a way that is contrary to so much of what the world tells us. He said, further, by sharing together and practicing together and talking and praying together, and though they are far from perfect and would not always want to be held up as a model, he felt they do pretty well by talking with each other and struggling like everyone else does in trying to figure out how they are going to go forward.

Bona said if she was in co-op, and she didn't get along she would sell her share and move out. She asked if they feel more like they are stuck with each other, like in a marriage and they need to figure it out. She said she is trying to get into how the functional part works for them without digging too deeply into a specific situation.

Reim said they take a vow of obedience to their Provincial, their next higher person in the religious order, and he is the one responsible for assigning the brothers to wherever it is that they might go. He said they don't get to choose where they get to go or do; they make themselves available for the mission for which they joined. He said there have been times when those who sign up say it's not what they thought it was and they can leave the order, but he believes their vow encourages them to work harder to work things out before it gets to that point.

Adenekan asked about daily routine.

Reim said going from 9 am to 9 pm would not be uncommon.

Adenekan asked about possible activities at the house on weekends.

Reim said they work mostly during weekends and that each of them has an assigned day off so they have recreation in that way. They may have guests, such as other Jesuits that might visit them or their biological family members.

Giannola said this does not seem like a functional family to her, but more

like a cross between a fraternity/sorority/co-op. She said fraternities and sororities feel like they have bonds for life, just as this has been described, but they live more like in group housing, not in a smaller house setting but a larger setting. A co-op lives as a family but more temporarily, so they might not view each other as family for life. She said because the petitioner is the entire religious group and not limited to 6 individuals, she could not think of this as a functional family. If the 6 individuals came in together and made these claims she would consider it more. She said if Ann Arbor were a city that had nowhere else for them to go, it would be a reason to make an exception and let them in, but we have so many other districts that have families living in them, like R4C, where they could actually go get a house there, so it just doesn't seem like we should make an exception because they don't really fit the functional family. She said the way it is written she can't support the request.

Westphal asked staff about the interpretation.

Rampson said the code language talks about functional family types and occupancy. She says it does not say functional family individuals in the code, so staff is drawing the conclusion from that distinction. She said the Commission might determine that this specific type does not fit that family definition, but in talking with the City Attorney's Office, staff felt it was pretty clear that it's not specific individuals, the way the code is written.

Giannola said since it is so broad for the entire religious order, there is too much transiency going back and forth it would need to be more permanent and that is why she is saying there needs to be 6 individuals versus just anyone who can come in and out at will, whether it's a year, five years, ten years, nobody knows – it's just not permanent family, and she thinks it is too broad.

Westphal asked if there is any opportunity, thinking of the transiency and not just looking at this applicant, to speak to the Master Plan's desire to have stability and to regulate the transiency or the number of occupants and who are there.

DiLeo said she might have to discuss with the City Attorney's Office regarding attaching something related to the transiency.

Rampson said this is a very difficult area and as mentioned before the Fair Housing Act and other civil rights may play into this; they just don't know and have been unable to explore. She said they explored the legal background for functional families and the standards that are in the code, but if the Commission needed that specific question answered she

did not believe staff could answer that this evening.

Westphal said he believes that would get at some of the core concerns brought to them. He said the Commission may or may not see more of these, given the track record of once in 23 years, but he felt the Commission needed to treat this request as potentially being one of others to come before them and not as a single issue. Westphal said he is aware that there might be time restraints or spacing requirements to be considered, which would require attorneys to be present.

Clein said he felt they were bordering on holding this group to a higher standard than they would a traditional family of 6 individuals, which could quickly lead to a sense of discriminating against people like this because they are creating different standards for them than for others. He said in traditional families there are divorces, foster children coming and leaving, adoptions, and so forth, so the thought that traditional families are permanent might be a little overstated. He said in his mind, it meets his understanding of a functional family test. He said he didn't feel the neighborhood's concerns regarding property values have solid evidence in this case. He said the church in the back of this property probably has a bigger impact on property values than this proposal would, if they maintain the property as they say. He said the off-street parking is an issue that they need to insist on to reduce the amount of cars parked on the street, but he had a hard time seeing this request as being detrimental to the neighborhood. He said everything they have heard about the petitioners is that they have made wonderful neighbors in their previous location and there is no evidence that they would not do the same thing, especially after going through this process, and endanger it and make the neighbors more upset. He said it is obvious that there will be tension in the neighborhood when they move in, but he would hope they are things that can be resolved with the neighbors.

Adenekan said she agrees with Clein. She said as a Realtor, when they go inside a house they don't look at who lives there and how long they might have stayed there, but at the house itself, and the comparative marketing about the area and what the house is worth. She said she knows this area as her daughter lived on Lorraine Place; it is a family-friendly residential area, where people get along together and maintain their homes. She said she sees no reason why these gentlemen, that are not teenagers, would be able to maintain this house. She said she sees no reason why she should not support the application and agrees with the definition of a functional family as stated by staff and the City Attorney. She said that as the petitioner has stated, it never gets to be more than 6 people. She noted she had heard what everyone has said and she has certainly not disregarded it because what she does in this Commission is listen and she has empathy, but to say that

this is going to be a detriment to the neighborhood or property values will decrease in value, when these people are committed to their vows and have to stay there, is not accurate. She said she will be supporting this request.

Woods said she has read the staff report and listened to the discussion and is supportive of the petitioners and find they have met the definition as set forth as a functional family. She said the difference with their functional family is that they have a cap on the number of people they are going to bring in, which is different to traditional families, where you can bring in help when the family needs it. She said if the request passes, she hopes that the community healing will happen. She said the Commission has heard the concerns brought this evening, such as earlier misfortunate events and the issue of women in the church, and she wanted them to know that, while petitioner as well as the Commission might not be able to solve these issues, the concerns have been heard and that they try to continue to work on them. She said since students come in all shapes and sizes, we need to give thought to how we use or make reference to students, as they are not here to defend themselves. She said she was in support of the application, and if the Commission begins to get more applications in the future, she hopes that they can bring their best thinking in order to make the right decisions on the requests as they come before them.

Westphal said there is an option to look further into this request and to see how other communities deal with them and to find out what is legal and what is not, as well as seeing what the Master Plan calls for. He did not feel prepared enough to make a deliberate decision with the information that had been provided to the Commission and wished to get more comfort that this fits the expectations for neighborhoods.

Peters said he too had some questions surrounding the issues of permanence and wasn't sure if they could craft language that deals with that or if that would be exclusionary under Federal Fair Housing law. He said that is the one issue that has lead him back and forth to wonder if this is a functional family or does it feel more like a co-op living situation, and he has been trying to sort out where he is leaning after listening to the petitioner as well as the public speakers and was inclined to move in the direction of Westphal. He said he would like to move to postpone this motion to get more information from the City Attorney's Office, with specifics in regards to possible restrictions on permanency.

Bona said she has been through the same gyrations as the rest of the Commission, while going through this request and taking all the public comment to heart. She felt the definition of functional family is coming down on the Ann Arbor Jesuit Community in this resolution as the type,

and just like the traditional family where members may come and go, she sees this as a similar comparison, except that this is specific to this Jesuit community. She said she felt very comfortable with that group and felt very comfortable with the idea that this Special Exception Use is not precedent setting. She said every time the Commission reviews a Special Exception Use, it is a brand new evaluation based on the criteria standards, not based on precedent. She said she didn't have the need to resolve every other application that might come before the Commission in the next 25 years and she was in support of the group and felt they might be some strong neighbors for the neighborhood.

Wetstphal said he did not disagree with anything that Bona had said. He said he would like to have legal advice, since he does not know if they would be setting a precedent if any other particular religious order were swapped in for the name in the resolution. He said when he looks at the criteria, the petitioners have vows, they have a track record, which is specific to this group. He said what concerned him is future applications and they can look at contractual issues, like healthcare proxy; these are legal documents that gave him comfort with this unit functioning in a permanent fashion which they might not expect from other religious orders. He said these are the things he struggles with and are there ways they can achieve reassurance with the community so this might not cause some unforeseen circumstance.

Peters said out of the concerns for legal questions that might need to be hashed out a little bit, he was less worried about the precedent but more interested in finding out what possible restrictions could be there.

Peters moved to postpone this Special Exception Use motion to get feedback from the City Attorney's office. Seconded by Giannola.

DISCUSSION ON POSTPONEMENT:

Westphal asked when the Commission might expect a response from the City Attorney's Office.

DiLeo said staff could contact them tomorrow, and the next meeting is June 17th so it should be a do-able goal to have an answer back by then.

Bona said out of respect for all Commissioners, she encouraged postponement so that they could feel comfortable voting on the issue.

Woods asked the petitioner about their plans.

Reim said there was a certain amount of money committed in case they

withdraw their bid or cannot get the house, because the sellers have delayed their ability to offer the house to other people.

Taylor said the Jesuits put a purchase offer on the house with a contingency that they get this approval, but he was not aware of the terms of that condition.

Seth Urbaniak, current owner of 1919 Wayne Street, said he is not making a decision on the spot here, and he respects their discussion, but is not clear with the decisionmaking process and would like to take the time to consider what it means to them.

Woods said she appreciated hearing from the owner and was not in favor of a postponement, since they hear often that time is money.

Adenekan said she was also not in favor of a postponement.

Clein said he too was not in favor of postponement, since they have already heard that the City Attorney has reviewed the opinions and findings put together by the Planning staff regarding functional family and did not take exception to them. He said a postponement may kill the real estate deal, which would be the same as voting it down. He felt given the time invested in discussion by everyone and all the public who came out to the meeting a vote would be best. He asked how many affirmative votes were needed to pass the special exception use request.

Rampson said 6 votes.

Westphal said it was unfortunate that this was a first for them, and he doesn't have questions on the functional family part but how they could implement this so that it would possibly save the Commission time if it ever came up again and how they could create it in a way that gives the neighbors reassurance that they are not only abiding by the code but by the Master Plan recommendation for stability that is to be expected in the single family neighborhoods.

Bona asked staff if the Commission could get the issue back in two weeks due to the time constraints mentioned.

DiLeo said staff can work with the City Attorney's Office to address the questions, adding that Planning staff received help in crafting the findings since this is a case by case matter and very specific to the request. She said she didn't know how much more the City Attorney could offer for precedent finding, but she could work with them on what types of other conditions could be put on.

Westphal asked about conditions.

DiLeo said she would need more specific questions from the Commission as to what they were looking for so that when she goes to the City Attorney's Office she can receive specific answers to these questions.

Woods asked what conditions the Commission was thinking about.

Westphal said his concern was about the degree of turnover and how that could possibly be addressed through restrictions. He said parking was an issue that he felt could be removed from the discussion.

Peters said he was open to a friendly amendment to add the following to the motion; "for two weeks". He noted that he was not in favor of postponement himself, but wanted a discussion on the floor about the concerns of the Chair.

Westphal encouraged both involved parties of the real estate agreement to make good faith efforts to come to an agreement in the event this action is delayed.

Adenekan asked the seller if they could extend their offer for 2 weeks or at most a month.

Urbaniak said the situation is that they have had this offer for quite some time now and it has taken some time to get here tonight, and they will be leaving for China on July 1st and were counting on a decision. He said the Commission has received their legal counsel and there are still unspecified questions and he does not know where they will lead, so he was at a loss on further comments.

VOTE ON POSTPONEMENT:

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

Yeas: 3 - Bonnie Bona, Kirk Westphal, and Diane Giannola

Nays: 4 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Absent: 2 - Sabra Briere, and Paras Parekh

Woods clarified that this decision on a Special Exception Use is made at the Planning Commission and does not go on to City Council, and going to the Zoning Board of Appeals is not an option.

VOTE ON MAIN MOTION:

On a roll call, the vote was as follows with the Chair declaring the motion failed for lack of six affirmative votes.

Yeas: 5 - Bonnie Bona, Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 2 - Kirk Westphal, and Diane Giannola

Absent: 2 - Sabra Briere, and Paras Parekh

Moved by Adenekan, seconded by Peters, to continue the meeting past 11 pm. On a voice vote, the Chair declared the motion carried.

10-c [14-0890](#)

Rudolf Steiner High School Addition Special Exception Use and Site Plan - A proposal to construct a 19,780 square feet, one-story classroom and gymnasium addition to the rear of the existing classroom building on this 6.26 acre site located at 2230 Pontiac Trail. A special exception use approval is required to expand the private school building in a residential zoning district. The proposed maximum enrollment will remain unchanged at 120 students. (Ward 1) Staff Recommendation: Approval

No verbal staff report was presented, but staff were available to respond to enquiries from the Commission.

PUBLIC HEARING

David LaClair, Livingston Engineering, Site Engineer for the project, introduced his team. He noted that Robert Black, Architect for the school project and landscape architect Patrick Judd were not able to make meeting.

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

SPECIAL EXCEPTION USE MOTION

Moved by Clein, seconded by Giannola, 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 therefore, approves the Rudolf Steiner High School Special Exception Use for the construction of a gymnasium and classroom addition to the existing private high school use, with a maximum enrollment of 120 students.

VOTE ON SPECIAL EXCEPTION USE MOTION

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 0

Absent: 2 - Sabra Briere, and Paras Parekh

Kahan noted there was a slight amendment to the site plan motion regarding a bioswale that flows under the utility line. He suggested the following language be add to the end of the motion: 'subject to a modified utility easement agreement addressing the proposed bio swale located within the easement area'.

SITE PLAN MOTION

Moved by Woods, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Rudolf Steiner High School Building Addition Site Plan subject to a modified utility easement agreement addressing the proposed bio swale located within the easement area.

COMMISSION DISCUSSION:

Clein asked about the additional parking proposed and site lighting and if it had been reviewed by staff.

Kahan said the petitioner is proposing adding 31 additional spaces that would be added onto the existing parking lot to the east to accommodate overflow parking that occurs occasionally. He said that parking area is intended to be lighted.

Clein asked if the request had been reviewed by the Fire Marshal.

Kahan said the Fire Marshall recommended that an emergency fire access be established to the street immediately to the south of the site. The Fire Marshall also agreed to a gate that would prevent a regular route of access for vehicles. Kahan showed a stone walkway that would be connected on the site that would function as a path but could be used by emergency vehicles.

Westphal asked about the timeline for sorting out the easement.

Kahan said the City needs this access if they ever need to get to the water main, and the City is fine with the 6 inch bioswale that is there, but if the City ever needs to get to the water main, it would be the owners' responsibility for restoring the bioswale if it needed to be dug up.

Westphal asked the petitioner about the citizen participation feedback.

Victor LeBeau, facility maintenance supervisor, said he attended the Citizen Participation meeting and there was a question about the interior lighting in the gym shining out into the neighborhood. He said their response was that they would drop down the shades over the windows at night and they seemed fine with that resolution.

VOTE ON SITE PLAN

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 0

Absent: 2 - Sabra Briere, and Paras Parekh

Moved by Peters, seconded by Adenekan, to continue the meeting. On a voice vote, the Chair declared the motion carried.

10-d [14-0891](#)

Research Park Lots 26-31 Rezoning and Area Plan - A request to rezone 6 vacant platted lots totaling 16.65 acres, located at 3958 Research Park Drive, from RE (Research District) to ORL (Office, Research, Limited Industrial District) to allow development of recreational, research and development uses on the properties. The Area Plan proposes a 1 story tennis facility with indoor and outdoor tennis courts and five 2-story office/research buildings with associated parking and stormwater detention facilities. Site plans will need to be submitted and approved prior to building permits being issued or any development on these parcels. (Ward 4) Staff Recommendation: Approval

No verbal staff report was presented, but staff were available to respond to enquiries from the Commission.

PUBLIC HEARING:

James Barnwell, Desine Incorporated, 2183 Pless Drive, Brighton, MI, and property owner Leif Farjo were available to respond to the

Commission's enquiries.

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

Moved by Giannola, seconded by Peters, that the the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Research Park Lots 26-31 Rezoning from RE (Research) to ORL (Office/Research/Limited Industrial) and Area Plan.

COMMISSION DISCUSSION:

Giannola asked if the item had come before the Commission earlier.

Rampson responded that the petitioners had come before the Commission at a working session.

Westphal asked the petitioner whether there was feedback at the Citizen Participation meeting and if they propose any changes based on such feedback.

Farjo said no changes were proposed. He said that the ones in attendance were from the business area, and they all liked the proposal. He said they liked that it would be bringing more activities to the area and that the hours of the tennis facility would be complementary to the other facilities nearby.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 0

Absent: 2 - Sabra Briere, and Paras Parekh

Moved by Adenekan, seconded by Peters, to continue the meeting. On a voice vote, the Chair declared the motion carried.

10-e [14-0892](#)

Text Amendment Regarding Outdoor Recreation Uses in Office Research Limited Industrial [ORL] District - A property owner request to amend the use restrictions for the ORL (Office Research Limited Industrial) district to revise Section 5:10.14A, Special Exception Uses, to allow for both indoor and outdoor recreational uses. Currently, only enclosed recreational facilities that have received special exception use approval from the Planning Commission are allowed in this district. The

revised ordinance would delete the word “enclosed”, thereby allowing “Places of recreation such as bowling alley, tennis courts, health club” if the use meets the standards of Section 5:104 of the zoning ordinance and is approved by the Planning Commission after a duly noticed public hearing. Staff Recommendation: Approval

No verbal staff report was presented, but staff were available to respond to enquiries from the Commission.

PUBLIC HEARING

James Barnwell, Desine Incorporated, 2183 Pless Drive, Brighton, MI, and property owner Leif Farjo were available to respond to the Commission’s enquiries.

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

Moved by Giannola, seconded by Peters, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 55, Zoning Ordinance, Section 5:10.14A Office/Research/Limited Industrial (ORL) district to permit indoor and outdoor places of recreation as allowable special exception uses.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 0

Absent: 2 - Sabra Briere, and Paras Parekh

Moved by Giannola, seconded by Peters, to continue the meeting. On a voice vote, the Chair declared the motion carried.

10-f [14-0893](#)

Dusty’s Collision Site Plan - A proposal to construct a one-story, 30,537 square feet automobile collision repair facility on this 3.16 acres parcel, located at 2310 South Industrial Highway. The former building on this site was demolished in 2013. Proposed site improvements include a revised parking lot, lighting and landscaping, and two driveways in the approximate location of the existing curb cuts. (Ward 4) Staff Recommendation: Approval

Staff was available to answer questions regarding the staff report.

PUBLIC HEARING:

Rich Henes, Cornerstone Design, 310 Depot Street, Suite 2, was available to answer any questions from the Commission.

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

Moved by Peters, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Dusty's Collision Site Plan, subject to providing one footing drain disconnect prior to issuance of a certificate of occupancy.

COMMISSION DISCUSSION:

Bona asked about pedestrian access to and from the site.

Henes pointed out there is pedestrian access from the public sidewalk at the northeast corner.

Bona asked about customer parking.

Henes said there would be three drive-up lanes with everything happening inside the building, protected from the elements.

Peters asked about internal drainage and any mitigation to collect unintended hazardous run-off from collision vehicles.

Henes said they have internal trench drains that will all be contained, drained and disposed of legally.

Clein asked about required vegetation around the parking lot and if it met City requirements.

Kahan said yes.

Peters asked about comments from Mallett's Creek Coordinating Committee regarding design of the detention basin; he asked if the petitioner had plans to address the comments separately. He also had concerns about potential run-off from the parking lot into the nearby detention basin.

Henes said he believed the Mallett's Creek Coordinating Committee's concerns were related to the existing swale on the north east side of the property; that they were trying to get them to have it drain to the center-front landscape strip between the parking areas through the installation of a pipe. He said due to the water table being so high, that request would be useless, due to the infiltration rate being so low. They

currently plan on collecting everything in the pond and from there the pond will do what it is supposed to do with the water.

Rampson noted that this project is being reviewed under the current Water Resource Commissioner's rules since their proposed changes are not in effect yet, adding that this project does comply.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 0

Absent: 2 - Sabra Briere, and Paras Parekh

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

None

12 COMMISSION PROPOSED BUSINESS

Moved by Bona, seconded by Peters, to continue the meeting to take up another item. On a voice vote, the Chair declared the motion carried.

14-0889

Ann Arbor Jesuit Community Special Exception Use - A request to approve a "functional family" use to allow occupancy of this single-family dwelling, on this 0.22 acres site, located at 1919 Wayne Street, by up to six members of the USA Midwest Province of the Society of Jesus religious order (Ann Arbor Jesuit Community). The Zoning Ordinance defines a functional family as a group of people having a permanent and distinct relationship which is functionally equivalent to a family. The code allows for a functional family living as a single housekeeping unit to occupy a dwelling if approved by the Planning Commission as a special exception use. (Ward 2) Staff Recommendation: Approval

Peters said it might be appropriate to look at bylaws regarding Special Exception Uses to see if they could legally change the required vote to be a percentage of members present instead of 6 affirmative votes.

Rampson said they could review the issue.

Westphal said the Commission has the ability to revisit an agenda item.

Giannola said someone on the prevailing side could move to re-consider

an item on the current or next meeting.

Rampson read the section regarding reconsideration from the bylaws.

Bona said the Commission does not tend to take a straw poll before they vote; they tend to vote their conscience and she likes that instead of trying to negotiate votes which feels like a political process, which they are not doing. She said it is appropriate to just take a vote and if a Commissioner feels that they want to take up an item, they can vote to re-consider.

Westphal said his preference was to have a fuller discussion.

Giannola said that given the lateness of the hour, she suggested they wait two weeks and if someone wants to reconsider an item they can do it at that meeting.

Bona said she would like to send a signal to the petitioner if the Commission plans to reconsider the item in two weeks, in order to let them know since she felt the deal could be lost tomorrow, without an agreed upon extension.

Adenekan agreed.

Giannola said they would still purchase the house and have 4 people live there.

Bona asked if the Chair could bring up the item.

Rampson read that the bylaws noting that 'any Commissioner' could bring a vote to reconsider an item.

Moved by Westphal, seconded by Bona, to reconsider Agenda item 10-b.

DISCUSSION ON RECONSIDERATION:

Westphal said the reason he moved to reconsider is to give more time to craft this Special Exception Use so it is satisfactory to the Commission and the community. He said he felt it was preferable to the community to conclude this discussion in a thorough way instead of an outright denial.

Peters said he agreed that it was a good idea to reconsider to allow the Commission a fuller discussion, since it would still allows for the possibility of a sale.

Vote on Reconsideration:

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

Yeas: 6 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 1 - Diane Giannola

Absent: 2 - Sabra Briere, and Paras Parekh

Moved by Peters, seconded by Giannola, to postpone agenda item 10-b until the next Planning Commssion meeting.

COMMISSION DISCUSSION ON POSTPONEMENT

Rampson asked if the Commission would like to reopen the public hearing at that time.

Adenekan asked if the item would come back to the Commission on the 17th of June.

Rampson said yes. She reviewed the proposed Agenda items for the next meeting with the Commission.

Bona said she felt the public hearing needed to be reopened and would rather have the public input than not and asked staff to recommend the petitioners meet with the neighborhood group before the Commission's next meeting to address their concerns.

Woods agreed and asked if it would be possible to have a City Attorney in attendance at the June 17th Commission meeting.

Westphal asked if there was any guidance and language feedback they could get from the City Attorney's Office before they made their decision.

Rampson said staff could have a new staff report available to the petitioners and the public on the Friday before the next Planning Commission meeting.

Vote on Postponement:

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

Yeas: 6 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

Nays: 1 - Diane Giannola

Absent: 2 - Sabra Briere, and Paras Parekh

13 **ADJOURNMENT**

The meeting was adjourned at 12:51 am.

Kirk Westphal
Chairperson of the City Planning Commission

Mia Gale
Recording Secretary

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).

The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.