



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

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

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Tuesday, April 7, 2015

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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#### 1 CALL TO ORDER

*Chair Woods called the meeting to order at 7:00 p.m.*

#### 2 ROLL CALL

*Planning Manager Wendy Rampson called the roll.*

**Present** 8 - Woods, Adenekan, Clein, Briere, Peters, Franciscus, Mills, and Bona

**Absent** 1 - Milshteyn

#### 3 INTRODUCTIONS

#### 4 APPROVAL OF AGENDA

**Moved by Bona, seconded by Mills, that the agenda be approved.  
On a voice vote, the Chair declared the motion carried.**

#### 5 MINUTES OF PREVIOUS MEETING

[15-0408](#) January 21, 2015 City Planning Commission Meeting Minutes

*Approved*

**Moved by Adenekan, seconded by Clein, that the minutes be approved by the Commission and forwarded to the City Council. 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**

*Briere reported at the previous night's Council meeting, they approved a resolution to hold a public hearing on April 20th about the Redevelopment Readiness plan. She encouraged anyone interested or who had concerns to come to Council Chamber at 7 pm.*

**6-b Planning Manager**

*Rampson reviewed the meeting calendar with the Commission.*

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

*Clein noted that this afternoon was the final meeting of the Downtown Development Authority [DDA] Street Design Manual, adding that it was currently in draft form and will be coming to the City Planning Commission, although it doesn't require their approval. He said it is a very comprehensive document to guide the downtown streetscape.*

**6-d Written Communications and Petitions**

**15-0400** 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.)**

*Zachary Smith, 312 W. Huron, Ann Arbor, said there were over 85 people at the previous night's Council meeting who were in support of Accessory Dwelling Units. He said 8 people spoke in favor of their request and that there is a citizen group organizing and supporting the Accessory Dwelling Unit request. He recommended support from the Commission and that*

*the City Planning Commission be tasked with the discussion of Accessory Dwelling Unit changes above all other projects.*

*Ethel Potts, 1014 Elder Blvd. Ann Arbor, asked about clarification regarding the South Pond agenda item and the status of people who have spoken before.*

*Chair Woods said they would have a hearing on South Pond, and they would permit previous public speakers and they ask, if possible, that people who have spoken before, to limit their comments to newer items that have been raised.*

*Luke Norman, 533 S. Fourth Avenue, Ann Arbor, spoke in support of the legalization of accessory dwelling units. He said this would allow homeowners to put a unit in their garage or basement, or even add a tiny house to their lot. He said this is a first step to addressing the affordable housing crisis in Ann Arbor. He said last night, they filled Council Chambers with supporters, and had a number of supporters speak and they want to let the City Planning Commission know that there will be support for Accessory Dwelling Units throughout the process. He said they look forward to changes recommended from the Planning Division as well as the City Planning Commission. He said as Professor Kelbaugh has stated, legalizing accessory dwelling units is low hanging fruit for developing additional affordable housing in Ann Arbor, and he speaks from experience having lead this cause in Seattle, Washington. He asked that the Commission make this a top priority and that City Council make it a top priority for the Planning staff. He asked for the Commission to make bold solutions to allow people to stay in the community.*

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

**15-0402** Public Hearings Scheduled for the April 21, 2015 City Planning Commission Meeting

*Chair Woods read the public hearing notice as published.*

**Received and Filed**

## **9 UNFINISHED BUSINESS**

**9-a** **15-0403** CrossFit TreeTown Special Exception Use - A request to allow an indoor recreation facility located at 815 Wildt Street (crossfit training) as a special

exception use in an existing building in the M1 (Light Manufacturing District) on this 0.62-acre site. (Ward 1) Staff Recommendation: Approval  
*Rampson presented the staff report.*

**PUBLIC HEARING:**

*Bob Kruse, 855 Wildt Street, Ann Arbor, said he is the property owner immediately to the north and that he appreciates the restrictions that have been offered up, adding that they will help. He said if doors and windows of the business are opened up at 6 am with music blaring, he would venture to say that no one at this table would like to live next to it. He said he has requested that the doors and windows remain closed until 10 am and in the afternoons again around 5 or 6 pm. He said the building is air conditioned and the business owner has already indicated that all business will be occurring indoors anyway.*

*David Lowenschuss, 2020 Shadford Road, Ann Arbor, said he lives very near Tappan Middle School and is a member of CrossFit TreeTown. He said he believed the intensity of the use is blown way out of proportion, noting that the intensity is nothing compared to Tappan Middle School. He said the owner has done what he can do and there isn't much else he can do.*

*Kellie Bombach, 800 Duncan Street, Ann Arbor, said a good way to understand if the requested use will fit into the neighborhood is to compare the building's use in the past. She said it was used for storage for a long time with no one coming or going, and then it was a dance studio. She said she was always under the impression that it was just a dance studio offering classes for young kids. She said she found out on Google that it was a pre-professional dance studio offering classes to youth and adults, including pilates, strength and conditioning classes, dance and health workshops, with morning sessions. She said it would seem that people went before work, and since she has never seen these classes offered without music she will say they had music. She said they operated from 2003 to 2008 and closed after the economic downturn. She said they had 230 students which is well beyond the capacity of what Max has currently. She said the special permit was valid for that use of the building and should work in that space. She said everything she read is that the community mourned the loss of that business at that location. She said she works with Max on marketing his business, adding that Max wanted his TreeTown business to be a welcoming, community oriented environment, and he has stayed true to that goal. She said he has already addressing some of the concerns, such as parking lot signage,*

*which she is working on. She said hopefully the Commission will allow his business to grow organically and will not tie his hands with the business.*

*Jennifer Hall, 1402 Culver Road, Ann Arbor, member of TreeTown, said she had sent comments in writing to the Commission. She said as a former Commissioner, she understands the difficult work of having to balance the work of our City and she really appreciates their time and dedication to these issues. She encouraged their approval of the Special Exception Use. She said her home is .7 miles from this facility, and she has spoken to many neighbors who are supportive of the business. She said she feels the business has a beneficial effect on traffic on Wildt Street, and during the 12 years she has lived here she has biked, run and walked down Wildt Street. She said her personal experience is that when the gym moved in, there has been a traffic calming effect coming down Wildt Street from Sunset and that it is safer for all kinds of traffic, including vehicular, since people are more aware of the vibrant area. She said this is not a recreational facility asking to operate in a residential area; it is asking to operate in an industrial district zoned category which happens to be next to a residential area. She read from a statement, that the point of Special Exception Uses, could allow uses different from the underlying zoning and may be preferable. She listed other types of manufacturing uses that would be allowed in this district, noting that some of them would not be preferable to the neighborhood. She said a hearing is required for doing due diligence to hear from the neighbors and she felt the petitioner has gone above and beyond in proving that he is going to be a good citizen.*

*James Valverde, 912 S. Forest, Ann Arbor, said he is a member of the gym as well as a student at the UM. He said the gym has made him a better person and citizen, since he began there, and he wants the Commission to know how important it is to the community.*

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

**Moved by Clein, seconded by Mills, 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 CrossFit TreeTown Special Exception Use for an indoor recreation facility, subject to compliance with the activities specified in the Addendum to Special Exception Use Application SEU14-018, dated April 2, 2015.**

*COMMISSION DISCUSSION:*

*Clein appreciated the addendum and the efforts between the petitioner and neighbors. He said it seems that the petitioner has gone a good ways in trying to please the neighbors, and he understands from those in the gym that he is that type of citizen that stands behind what he does and can be expected to operate the business in a responsible manner. He said there are recourses that the neighbors have if that should change. He said he lives in the neighborhood and goes past this business 2-3 times a day, noting that the parking on the street has helped with people speeding down the hill on Wildt Street, himself included, becoming more cautious. He said he has noticed since their last meeting, more conscientiousness about where people are parking. He said one of the neighbors who has complained about the request is in the process of selling their location, so he is not sure what long term concerns they might have. He said as noted by other speakers, this location could be uses with a lot more noise and nuisance and felt this request could be a win-win situation of the neighborhood.*

*Adenekan said she is in agreement in that the petitioner has gone somewhat beyond. She asked if there would be additions or change to the existing building.*

*The petitioner said, No.*

*Adenekan said she supports this request.*

*Mills said this document is above and beyond what she expected. She asked how long the Special Exception Use applies after the use ceases.*

*Rampson said for two years.*

*Peters said he wants to underline the point that the other uses allowed by right in the M1 zoning, and this is a less intense use in that space and he is in support of approving this request.*

*Briere said she once lived next to a building that began activity at 5:30 am, and while it didn't bother her so much, it made her spouse insane. She said he would go next door to the business and be rude, because he felt the City's noise ordinance suggests that noise should not begin until 7 am. She said that resonates with her as well, since she knows it made for a bad relationship, and ended up with them moving, which is not the intent, in making someone so uncomfortable that they move. She*

*encouraged the building owner to keep the doors and windows closed until 7 a.m. noting that while the noise ordinance speaks specifically to construction noise, she said other activities, such as doors clattering, voices talking, etc. can be very disturbing and one finds themselves waiting for the noises to begin. She said with the proposed times for closing the doors and windows, it would mean that the adjacent neighbors have no quiet dinner or outdoor space in quiet. She said she would support the extension of their quiet hours, and while she appreciates the petitioner's efforts, she knows that the noise is real and she would urge that they think about those early morning hours.*

*Woods drew attention to the addendum regarding noise and noise measurement done by an engineer and a member of their gym.*

*Max Finkbeiner, 5516 Seney Circle N. Hamburg Township, MI, owner of CrossFit TreeTown, said they take noise very seriously and he was surprised to hear that neighbors said could hear weights clanking from inside their houses. He said they took several readings during class hours and non class hours. He said their noise levels read less than a car driving by and that if you listen, you can hear it but it is well within ambient noise levels.*

*Peters asked about the history of the properties to the north and if they have always been residential.*

*Rampson explained that the property directly to the north was actually a portion of this site originally and was split off in 2003 by the current owner and rezoned to R2A, with the duplex constructed in 2005. She said the other parcels neighboring were already zoned R2A.*

*Peters asked if by-right uses in the M1 zoning district carry a noise restraint for hours of operation.*

*Rampson said no hours of operation, but they would follow the City's noise ordinance at the property line.*

*Peters said he would assume that some of these property uses could be a lot louder than a gym, and while he could be wrong, there probably could be a higher level of sound spillage than the proposed use and so his mind is made up in support of this.*

*Bona asked about sound levels allowed throughout the City on any site. She said she would not want to add any further restriction on this parcel in*

regards to noise, than they would add to any other site in the City, if there was no reason to.

Rampson said she believed construction could go up to 95 decibels during the day, [7 to 10] with less noise allowed during the night, and no construction allowed during Sundays. She said the Police enforce nuisance noise complaints, such as barking dogs, and the Planning Department has enforced construction hours in the past.

Briere noted the noise ordinance says that the maximum level at the residential property receiving the sound is to be no more than 55 decibels, between the hours of 10 pm to 7 am and no higher than 61 decibels during the day. She said the reported noise decibels from the petitioner is 54, which she would consider to be skating right at that limit.

Bona said she was in support of the request and encouraged the business owner and the neighbors to follow the restrictions in place and that those classes before 7 am would need to be quieter because of the noise ordinance.

Peters said adjacent property owner would have the recourse to call the Police, and he felt no need to add additional restrictions on the noise, other than what is already in place throughout the City.

Clein said his ear is sensitive to noise, given that he is a musician and he understands that the perception to noise is different for each person, but felt that the proposed use fits within the ordinance and should be accepted.

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

**Yeas:** 8 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Bonnie Bona

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

**9-b**     [15-0404](#)

South Pond Village Site Condominium Site Plan for City Council Approval - A proposal to develop 73 single-family site condominium lots on this 36.2 acre parcel, zoned R1B (Single-Family Dwelling District). The site will contain public streets and be accessed from Algebe Way and a new public street connection to Chalmers Drive, to be constructed in an undeveloped



right-of-way south of Woodcreek Condominiums. (Ward 2) Staff  
Recommendation: Approval

*Matthew Kowalski presented the staff report.*

**PUBLIC HEARING:**

*Michael Roddy, 3411 Washtenaw Ave, Ann Arbor, who owns Paesano's with his wife, said they are asking for further consideration on the ongoing efforts of Reimagine Washtenaw, and while they welcome the new development, they are asking for a second opinion regarding the petitioner's traffic study conclusion that the new development would not significantly contribute to the delay at Chalmers and Washtenaw Avenue. He said with the Reimagine Plan, traffic could get worse, and the lack of accidents is a tribute to Woodcreek residents. He said as a member of the Washtenaw Avenue Business Association, he begged the Commission to find a way for a northbound exit from this development with an extra lane for merging from this development onto Huron River Road. He said that way people could get out of the subdivision and go to Hogback and turn left or right onto Washtenaw Avenue, which would be much faster and safer.*

*Jenny Allan, 1485 Chalmers Drive, Ann Arbor, said she is not against development, nor this development, but asks that the traffic and access issues be addressed. She noted that there are already 75 houses in the Woodcreek subdivision that funnel out through a choke point at Chalmers and now with the proposed 72-73 houses that will funnel out through the exact same choke point onto what has been described as a very troubled road, full of blind curves. She said there has already been one fatality on Chalmers, and all they are asking for is a second entrance into the neighborhood. She said the traffic study said there has been no increase in traffic on Washtenaw in the last 6 years, which she finds hard to believe. She asked how the intersection at Chalmers and Washtenaw could have gone from being labeled as an F intersection 15 years ago when the Woodcreek subdivision was built to an A or B intersection now, as presented in the developer's traffic study. She said nothing has changed and that is why she wished they could have had an independent traffic study done. She asked for the Commission to please look for another access point and for an independent opinion on the traffic study.*

*Kim London, 1490 Woodcreek Blvd. Ann Arbor, President of Woodcreek Homeowners Association, expressed concern about the staff recommendation for approval of the South Pond development in its current form. She said they are not against development, not against this*

development, but they do have some concerns. She said their first concern is with traffic along the Washtenaw corridor, specifically east of Huron Parkway, which is at odds with the City's own analysis, with respect to traffic in an unrelated report with respect to ReImagine Washtenaw. She said the staff report recommending approval of South Pond Village in its current form indicated that the developer's traffic study found that over the past 6 years there has not been a significant increase in traffic. She said compare this analysis to page 13 and 14 of the ReImagine Washtenaw report that states that average daily trips on Washtenaw, east of Huron Parkway, is approximately 42,000 vehicles a day. She said, at the US 23 interchange, east of Arbor Land, the average daily trips increases to 46,000 vehicles a day; she finds the disparity between the two reports to be odd and troubling. She said the developer used 6 years as a comparison point; why 6 years, why not 15 years when Woodcreek was being developed and the first residents were moving in and the corridor on Washtenaw east of Huron Parkway saw new shops and shopping centers, including the Whole Foods Shopping Center, the shopping center across from Paesanos and Arbor Land's revamping with added shops adding more traffic to this area. She said she is also concerned that alternate egress access points were not really explored. She asked why the right-of-way at Arborland is not being considered seriously or why the old farm road that exits on Huron River Drive isn't being considered. She urged the City Planning Commission and City staff to reassess these concerns and issues and not ignore the safety concerns that have been brought before them this evening and at the previous public hearings.

Ethel Potts, 1014 Elder Blvd, Ann Arbor, said the wetland use permit and the development agreement were not addressed at the previous meeting. She asked if the Development Agreement has penalties for damaging the existing wetland, adding that she has noted that construction trucks do not pay attention to a line on the ground and when they back up they back up to where they have to go and she believes they need some sort of penalty. She said there is an escrow account for trees, but that won't do for the wetlands, noting that this wetland is a major nature feature of the City and we protect our natural features which help to protect the river and South Pond. She said the site plan only shows the finished grades and buffers, but does not show how large bulldozers and trucks will achieve these finished grades. She asked who will be daily monitoring this major earth movement. She said she didn't think that would be done, so the damage will be done. She asked if these new deep, wide wetlands will drain into troubled Mallett Creek. She hoped not, adding that Malletts Creek is already filling up South Pond with silt so it doesn't need any

*more water. She said you should just say no for any drainage to go to Malletts Creek. She asked for there to be a drainage system that doesn't drain into the wetlands and pollute South Pond and the river. She asked for them to respect the existing wetlands, which she didn't feel this development does.*

*James Bardwell, 830 N. University Drive, Ann Arbor, Volunteer park steward for South Pond Nature Preserve, said he has been fighting this project hard for 10 years and he has to say he has changed his mind. He said the petitioner has responded very nicely to most of his concerns and split off the 12 acres of wetland which is currently under consideration by the City for purchase. He said they put on additional spaces for perforated pipe; they put in a rain garden. He said as a scientist, he felt they have done a really good job in removing nutrients from the water and he is not longer concerned with the impact it will have on South Pond. He said in terms of traffic, he lives on Huron River Drive and uses Chalmers all the time. He asked the Commission to look at the actual numbers of how many cars are driving down the street on Chalmers in comparison to any other feeding street in the City. He said one in five times he drives down Chalmers he sees another car so he doesn't think there is a lot of traffic down there. He said the Washtenaw Chalmers intersection is an issue, but it has been an issue for 20 years. He said he thinks the developers have done a nice job and he applauds them for what they have done, and he takes them at their word that they are going to negotiate with the City to transfer the 12 acres of wetland and he also takes them at their word that they are going to look at another 1.4 acres under conservation easement for landmark trees.*

*Madeline Gonzalez, and son Julian, 2091 Chalmers Drive, Ann Arbor, said she lived on the corner of Chalmers, and she has a different perspective of what happens on Chalmers, noting that there is congestion at the school bus stop in the mornings with parents dropping their kids off and then leaving for work and trying to get out onto Washtenaw. She said since Chalmers Place moved into their neighborhood, there are the delivery vehicles from Jimmy Johns and Hungry Howards that create huge traffic impacts on their street, so depending on when you are on Chalmers there really is a lot of traffic there. She said we are not occasional users but live there on a daily basis and it affects us. She said there are also the delivery trucks that use Chalmers to access Chalmers Place. She said another concern she has is the financial implication this project has on her personally, as a single mother of two children, and what might happen to her property taxes, she said that is unacceptable. She said she has been there for 14 years and they are a very cohesive group*

*on Chalmers, with a lot of single income homes and retired incomes and this would be a financial burden. She said those living here are not the fancy half million dollar homes, but the small regular homes, which she asked the Commission to consider. She asked them to please not let the access to South Pond Village be on Chalmers Drive.*

*Rita Mitchell, 621 Fifth Street, Ann Arbor, said she wanted to express her concerns about the natural features on a micro level. She referenced page 5 of the site plan and the list of trees to be removed, noting there will be a lot of trees. She said the whole northern slope leading into the created wetlands will be scraped of its features and trees and regarded so it will be extremely steep going into that newly created detention pond. She said she feels there could be potential problems in creating that pond and the farther north edge, such as the creation of a lot of silt during construction that will go into that wetland that we all love and want to preserve. She said the shown construction fence on Page 5 is right on the northern lot line which is below the area of construction and grading and during rain events which will happen during the construction period, soil will erode down to fences and lower to slopes below. She asked the Commission to look at Page 33 of the existing slope of the land versus the proposed slope. She said the tree replacement list shows that 67% will be evergreen, while currently there are only about 20 evergreen trees, so you will be changing the quality of that landscape. She said it is a very long project with the finished landscape noted for June of 2016, and she is not sure how long the surface will be open and un-vegetated. She said there will be open land that will be a muddy mess. She provided the Commission with a handout of an article regarding a construction disaster in Traverse City related to silt.*

*Robert Lindsay, 1305 Chalmers Drive, Ann Arbor, said other speakers mentioned the cursory dismissal of the Arborland connection to this development. He said this is one possibility for making a big improvement in the traffic problem that they face and he encouraged the Commission to treat this as a problem that can be solved. He encouraged them to take it as an obstacle, meaning a problem, and to see how they can get around that obstacle, and perhaps then move forward. He encouraged the Commission to make use of residents who live in the area who will be impacted by these changes and ask them to take part in trying to solve this traffic problem. He said the worst case would be that they are not able to do that and they can't solve the problem, but feel that they have been listened to and have had their day in court. He said the best case would be to figure how to get an access to solve the problem and everyone lives happily ever after.*

*Livia Ioana Popa-Simil, 2085 Chalmers Drive, Ann Arbor, said she recently moved to this neighborhood and she believes this new development will be a disturbance and a nuisance for the neighborhood. She said the reason she moved to this neighborhood was because she considered it to be a safe environment with little traffic, and limited people going by. She said she believes that personally it is a safety issue and that the heavy machinery would be creating an impact on their quality of life and their property through them traveling on their street. She said she drives out from Chalmers onto Washtenaw every morning and if she doesn't make it out by 7:30, she can wait several minutes to turn left.*

*Raman Ranganathan, 1635 Meadowside Drive, Ann Arbor, said he lives in the Woodcreek subdivision; two doors down from Algebe Way. He said he felt they need another access point and make Algebe Way one-way, that way people can go through that subdivision to go out. He said he has to go left towards US 23 in the morning and between 6:45 and 8:00 am the minimum wait time is 4 minutes, noting that every day is the same and he has done it for 14 years. He said it is in the last 6 7 years that it has really gotten worse and we should go back 14 years when he moved into the subdivision. He said with all the shops that came in across, that place is a mess right now. He said here wouldn't be an impact if you are comparing 75 cars with 42,000; to take a percentage and compare the ratio, it is small compared to what it is. He said you should go there and try to get across, people get frustrated, and when they need to go to a meeting and try to get across they might make it across one lane but then someone doesn't allow them to cross the other lanes. He said you should put a camera there during the week days and then watch what happens.*

*Chris Finney, 1645 Chalmers Drive, Ann Arbor, [Township resident] said he is a professional driver who hauls expedited freight throughout the country on time critical shipments. He said he started in the fall of 2006 and he can tell you what exit he should be at, four hours from his house, and he knows exactly what you should be doing when it comes to driving; but now he can't get out of Chalmers and it costs him 10-15 minutes which is time critical when he is hauling medical supplies or hauling a shipment when they are going to shut a factory down. He said he is on the clock from the moment his phone rings and the traffic has changed drastically since 2006. He said he can't speak to why, but it has, and he doesn't have numbers, but is speaking from the real world and can tell you what it is like. He said he knows how to get around Cincinnati or Atlanta, Georgia, and he knows something about driving.*

*Nina Homel, 3473 Wooddale Court, Ann Arbor, said she is retired, which means she has a flexible schedule and doesn't enter Washtenaw in the mornings. She said she rarely turns left on Washtenaw Avenue anytime, because that would be taking her life in her hands. She said her favorite time to go to Hillers is 8:00 am on Sunday morning, when she can make that turn. She said there are times of the day when she doesn't try to get on Washtenaw, which is morning rush, noontime lunch, and evening return from work, and there are times when the cars are bumper to bumper from US 23 all the way to Stadium in the evening, She said on Good Friday she attempted to go home at 3 p.m. and it was bumper to bumper then and is terrible at holiday time, any season, but worse at Christmas. She said there is a real problem moving into Washtenaw and she only turns right and she would like to go north onto Huron River Drive but the gravel road is not inviting and she would like the Commission to try to solve this problem.*

*Michael Homel, 3473 Wooddale Court, Ann Arbor, said he hopes the Planning Commission will vote to deny this project, noting that there are several things that don't add up or make sense. He said one is the lack of an explanation as to why the Arborland route was rejected. He asked whether it was because of the developers preference or staff preference, noting that there is no explanation in the staff report. He said they are not against the South Pond development and that the houses are a lot like theirs and makes sense in that respect. He said there a lot of contradictions between staff reports and staff statements. He said in March, Jerry Hancock brought up the Green Streets requirements and that the petition should not be scheduled for Planning Commission until items have been addressed. He said he doesn't know if items have been addressed and where does that stand. He said you hear the derision when claims are made that Chalmers is an A/B intersection, and that there is no increase in traffic and that this will not make a difference. He said they are going out Chalmers and because Washtenaw is heavily gridlocked, we do that dodging game as was mentioned, and it would work somewhat if we were the only car waiting there. He said let's say South Pond Village is built and vehicles are using the only way out, through Chalmers, and 130 vehicles are now going out at different times along with service and delivery vehicles and they are waiting in queue. He said let's do something for everybody; the new development, Woodcreek subdivision and the people on Chalmers.*

*Harvey Kaplan, 3065 Hunting Valley Drive, Ann Arbor, said he is one of the many citizens concerned about the environmental issues as well as the traffic and safety issues regarding the South Pond development. He*

said he read the April 7th Staff report, recommending approval, and he finds the boilerplate language to be of concern. He said he finds the language disingenuous, and that the plan meets, at best, the lowest bar. He said all City documents speak of highest and best use of available land. He said the report says that there will be no "significant" traffic impact. He asked what significant means. He said in the January 21 staff report there are significant concerns about limited traffic access and limited traffic plan at Chalmers and Washtenaw. He said the developer is not planning access to Arborland, which is contrary to what it stated in the January 21st report. He asked who was wrong, and while the petitioner may have met the minimum standards and may have the right to proceed, if they did indeed meet the minimum standards, this does not make the development right for Ann Arbor. He urged the Commission to reject the staff recommendation.

Shirley White Black, 3595 East Huron River Drive, Ann Arbor, concurred that the traffic is an enormous issue, and that she cannot get out of Chalmers because of the reasons stated by public speakers. She said she can also not get out of her drive on Huron River Drive after 3:00 p.m. because the hospital has let out and everyone is trying to get out of town. She said she is here to talk about water, and she regrets this forum that they must use, because it would be so nice to have conversations with the Commission instead of having you sit and just listen and not be able to respond directly. She said she had some questions; Mary Beth Doyle, \$3.4 Million dollars spent. Malletts Creek Restoration, \$ 2.8 Million dollars spent. Malletts Creek still has a TMDL [Total Maximum Daily Load] rated poor after years of working on it. She asked what these expensive and extensive efforts are all about. She said they are an attempt to address impaired waters in the Malletts Creek Watershed and the creek that feeds into the Huron River. She said we need to ask ourselves how Malletts Creek reaches the Huron River. She said the answer is that it goes through South Pond. She said South Pond is part of the 1968 bond issue to create and maintain Gallup Park and its components, and this bond specifically provides for and requires for periodic maintenance from the City of Ann Arbor. She said South Pond is meant to function as a drain basin or a detention pond, yet the City or its agency do not clean it, do not maintain it, they pretend it does not exist, while it continues to degrade filling the sediments pollutants all coming from Malletts Creek. She said these developers of South Pond Village also plan to handle stormwater run-off from 36.9 acres of impervious surface with their detention pond. She said it will have a surface area of 6000 square feet or about 2 acres of 20% slope and could at times be 15 feet deep at the center and there will be no fence.

*Nancy Kaplan, 3065 Hunting Valley Drive, Ann Arbor, said she was speaking to advocate for sustainability, environment and community. She said let's look at benefit versus burden to the community for this unexceptional housing development. She said when it comes to land and water, our first obligation is to do no harm, and this development will do harm. She read from a list, saying the first harm is impervious surface; this development will change multiple acres to impervious surfaces, and as the 'Green Streets' has stated, impervious surface is a major contributor to stormwater pollution and volume. She said to standard street design, this development will not fulfill the standard for design for new and reconstructed streets. She said the damage will be in the removal of hundreds of mature trees that absorb and filter stormwater, and the damage of replacing the trees will necessitate a detention pond that the developer plans on placing directly adjacent to and upstream of a nice habitat and sensitive wetlands. She said it is a bad idea for the wetlands. She said the construction equipment will likely damage the wetlands while building the detention pond, and the detention pond will put increased pollution into Malletts Creek and South Pond and this housing development will cause deterioration to land and water. She said we must consider the individual benefit versus community burden, noting that the benefit is to the developer with minimal tax benefit to the community. She said there is no diversity; this development does not add to diversity of housing stock to Ann Arbor. She said for this development 22 existing houses will have to have sump pumps installed, obviously a huge burden to our current residents. She said this development does not enhance our community and should not be approved, and that you can make a positive, forward thinking decision to benefit and protect your community. She said, please say No thank-you to development of this 48 acres.*

*Myra Larson, 3575 East Huron River Drive, Ann Arbor, said she hopes that the Commission turns down this proposal, mainly because of concerns in terms of traffic and in terms of the water issues. She said there is one issue stated, that it will have no detrimental effect, and she wants to be the voice for the Huron River. She said South Pond is a detention pond that cleans up the water before it goes into the river and she lives there, and contrary to James Bardwell, she is the Steward of South Pond. She said her late husband, Ted Larson, and her have invested over \$100,000 in caring for that pond for over 45 years, so she can tell you that that pond needs a lot of tender loving care that it is currently not receiving. She said this development will exacerbate the problem worse than you can imagine, and if you don't think that is right,*



*you have to deal with abstractions here. She asked all the Planning Commission members to meet her this Saturday, at the NAP headquarters, and she will show them why detrimental is not the right word to use on accepting this proposal.*

*Tom Covert, Midwestern Consulting, 3815 Plaza Drive, Ann Arbor, introduced the development team, saying the project has changed, while maybe not in layout, but from best management practices, from a stormwater perspective. He said they have added stormwater filter in their detention basin and they have proposed a small rain garden delineating the small space between the public park and the lots. He said they have added decentralized drainage. He said they have submitted three addendums to the traffic reviews, as well as having sent to staff information about a 1.4-acre conservation easement in the valley for additional preservation on the site. He said they believe they have found a location for a pedestrian access to Arborland Mall that will benefit both the Woodcreek community as well as South Pond Village. He said they have also included soil erosion design to construction level of detail to include vegetation and silt fences. He said they are respectfully requesting consideration of approval on their project. He said there are no sump pumps for sanitary flows, just the standard stormwater only, and that they are not proposing any wetland impacts, but that they will be collecting and conveying through their system and then out-letting above the wetland buffer so that it would ultimately be released to the wetlands there and they are not releasing directly to Malletts Creek with their design. He said they do show the limits of their impacts to the site from a grading perspective and they understand that erosion can be a factor of construction. He said the way their pond is set up, it will collect the stormwater from their site and capture sediment, and there is a berm that will collect their stormwater and not allow it to erode off into that wetland area. He said they had a number of experts available at the meeting that could respond to any questions the Commission might have.*

*Lois Kamoi, 2070 Chalmers Drive, Ann Arbor, said she is concerned about the paving of Chalmers, noting that the increase in traffic was really horrendous after Woodcreek was built, and will only increase with this new development. She said paving Chalmers will only bring more traffic because it is a great cut through and their current saving grace is that they have a lot of potholes. She said if paving Chalmers is what this development needs to facilitate the subdivision, she doesn't think the people on Chalmers should have to subsidize them but that they should pay for it themselves. She said she can't afford to subsidize them. She said she does not want Chalmers paved and if it is forced on them, she*

would not want to have to pay for it.

Tariq Ali, 1585 Meadowside Drive, Ann Arbor, said this is the first winter he has not seen any deer or rabbits this year. He said last summer there was a bulldozer that caught on fire on Meadowside Drive with fire trucks and responders attending. He said while it provided a good show for his kids it came at a high price, and he would definitely say no to this project. He said if the Commission says yes, he would go with an exit on the north side. He said in 1999 or 2000 Ann Arbor was one of the top places to live in the US, but has fallen in one of the top 20 places. He said he will leave his future, his children and his grandchildren's future in their hands to make it environmentally safe.

Joyce Gerber, 1365 Chalmers Drive, Ann Arbor, [Township resident] said you don't need any studies, you just need to park your car on Chalmers and watch the traffic. She said she leaves 15 minutes earlier for work every morning so she can get out. She said they definitely don't want Chalmers paved, as it would be financial burden to those living on the street. She suggested that they really look at this development and re-look before any recommendation is made.

James D'Amour, 2771 Maplewood Ave, Ann Arbor, said he speaks with mixed feelings, and he appreciated the work that staff put into their reports. He read the staff recommendation and said while he loves staff dearly he finds it amazing that a detention basin at top of high quality wetland defies logic. He read from a statement asking what the point of acquisition is if this area is to be degraded by construction. He said we probably need to have the City review its priorities, such as growth over all other environmental considerations, and maybe the staff recommendation because it is problematic that it has too much legitimacy and should be limited on how the staff makes their recommendations. He said we need to review the Northeast Area Plan in terms of natural area recommendations, because people don't like what they see in terms of natural feature changes. He said maybe the City needs to review their natural features ordinance to prevent any other instances such as this one from ever occurring again.

Norman Hyman, Strobl & Sharp P.C., 300 E. Long Lake Road., Suite 200, Bloomfield Hills, representing developer, Michael Furnari, said the substantial number of public comments have been related to traffic and getting out of Chalmers onto Washtenaw. He said we all know the Washtenaw problem. He said their traffic consultant, and he believes the City, agree that there will not be a substantial increase on impact on

*Washtenaw. He said we are all concerned with Washtenaw and it's a burden on all of us. He said we didn't make the Washtenaw problem, and we won't make the impact much worse, and we all have to live with that. He said the additional access has been reviewed by them and staff and it is referred to in the staff report. He said having due regard to issues not created by the developer, they not only meet but they exceed all the requirements of the ordinance and they are therefore entitled to Commission approval.*

*Amir Mortazawi, 1710 Woodcreek Court, Ann Arbor, said the added traffic from the development will impact the whole area and the safety of people. He said he was surprised to hear that City staff agrees that traffic has not increased on Washtenaw over the past 6 years. He said, maybe next they will deny global warning. He asked the Commission to humbly reject this proposal when such studies are contrary to experience and intuition that one questions all aspects of all studies and conclusions made. He said he doesn't know what to believe anymore. He asked the Commission to please deny the development.*

*Laura Showitz, Woodcreek Court resident, Ann Arbor, said traffic on Chalmers is out of this world. She said she jokes with her friends that you can experience what it is like to drive in a Middle Eastern country right here near her home, adding that she has driven in the Middle East. She said when she has to turn left when coming out on from Chalmers she has to pray that both cars will let her in and if they don't she is going to be smashed, which is a real concern to her and she only sees it getting worse. She said the Woodcreek subdivision has a good number of homes, and she envisions the new development having more. She said with Chalmers being a dirt road and with the snow and ice on the winding road, she often sees drivers by the side of the road due to aggressive driving and she said, you either have to be an aggressive driver like in the Middle East or you end up having to wait about 15 minutes until someone lets you in. She said she hopes that the Commission denies this application.*

*Steve Gerber, 1365 Chalmers Drive, Ann Arbor [Township resident] said he doesn't understand why paving of Chalmers is linked with this project, and he strongly urged denying the paving of Chalmers. He said if they do pave it he recommends that the developer pays completely for paving from Washtenaw to Huron River Drive.*

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

*Commission Break at 9:07 pm*

*Meeting resumed at 9:20 pm*

**Moved by Bona, seconded by Adenekan, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the South Pond Village Site Plan and Development Agreement, subject to completion of a land division prior to issuance of any permits.**

*COMMISSION DISCUSSION:*

*Briere asked for traffic engineers to step to the podium.*

*Cynthia Redinger and Jim Valenta presented themselves.*

*Briere asked about how level of service could be listed as A or B for the Chalmers/Washtenaw intersection.*

*Valenta said a traffic impact study follows a very prescribed recipe, that is part mechanical, which is the collection of the data, along with the creation of a model. He said they used the latest model for this called Synchro, which is also prescribed by the Federal Highway Administration as well as MDOT. He said the important part is the calibrating of the model for the existing conditions, which matches what they saw in the field, such as the length of queues. He said the process then turns into an analytical process, when computer models are run and the interpretation of that data then sets what the Levels of Service are. He said the quality of flow is then measured per traffic movements, per Federal Highway Administration procedures and MDOT's procedures. He explained that the traffic movements are measured generally from A through F, and they like to see C's or D's before improvements are planned, and in this case when they looked just at the Chalmers Drive's movements, they got the service levels at either A or B, for all the movements, because that matches all the number of movements they counted during peak hours that got through the intersection. He said in looking at the interpretive data using the prescribed procedures for the intersection, it received an A or B, which is not to say that the intersection doesn't clog up. He said they were able to trace where the clogging occurs; he said it starts at Pittsfield into Arborland and goes to the west at Huron Parkway and to the east, the two signals with Arborland is where it starts. He said it doesn't start at Chalmers, so the Chalmers intersection looking at it by itself has an A or B level of service.*

*Briere said Washtenaw Avenue absolutely backs up at Huron Parkway and Arborland, but Chalmers doesn't. She asked if they were evaluating the intersection of Washtenaw at Chalmers or Chalmers at Washtenaw.*

*Valenta said they are evaluating three approaches to the intersection of Washtenaw and Chalmers; southbound, eastbound and westbound, all movements and they all function at a level of A or B at the existing conditions. He said if you go to Huron Parkway, to the west, you see E's and F's for some of those movements.*

*Briere said knowing that the service levels were E's 15 years ago, and that the traffic on Washtenaw has become worse, she said she will confess to confusion how they could come to that this intersection needs absolutely no improvement, as A's and B's would mean.*

*Redinger explained that Level of Service grade is determined by delay that is measured in seconds, but it is average delay for all of the vehicles that come through this intersection approach or even broken down into a movement, during that hour. She said while one person may experience a very long delay another motorist in that same analysis period could have a very, very short delay. She said they do not evaluate on the basis of the extremes, but they look at the average over the course of the analysis period. She said the methodology they use is the Highway Capacity Manual, and Synchro is built on this methodology, which is established by the Transportation Research Board.*

*Mills asked if there are breakpoint for each level between A's, B's and C's.*

*Redinger said yes, and they were reported in the consultants Traffic Impact Study.*

*Mills asked about the difference between B and E in terms of seconds.*

*Redinger explained un-signalized level of service. She said something to keep in mind is that when Chalmers gets analyzed, it is an un-signalized intersection that has stop control on one approach, so there is no delay at the intersection for traffic on Washtenaw, because of the constraint of the analysis model. She said although Synchro and its component models, Synch-Traffic, do have the capacity to build in back ups and queue backs into its analysis modeling. She said for a Level of Service A, you are looking at 0-10 seconds of delay; for Level of Service B, you are looking at 10 15 seconds of delay; for a Level of Service C, you are looking at*

*15-25 seconds; for a Level of Service E, you have 35-50 seconds; for a level F, you have 50 plus seconds. She said the intersection analysis was part of a comprehensive model, but reviewed by itself.*

*Briere said the morning peak hour measured delay was 16.3 for a Level of Service which puts it at a C, and the afternoon measured delay was 17 seconds which still keeps it at a C level. She asked how does that count as an A or B.*

*Valenta said Briere was referring to the delay study, used to calibrate the model, and when they went out in the field and measured it, they got the C levels for those two time periods.*

*Briere referenced the report they received, and asked did the levels count as an A or B.*

*Valenta said the A or B level part of the report was based on the larger traffic volume counts they did all along Washtenaw, not just that one peak hour study they used to calibrate the models.*

*Redinger said Valenta was referring to an intersection Level of Service, which takes into account the delay of the entire intersection. She said at that point in time the intersection will go to a level of service A, because of how much traffic is on Washtenaw. She said in looking at the column on the very left of the main report, on Page 15, it gives the analysis results for Washtenaw and Chalmers. She said that left column is southbound Chalmers and it provides the delay for the approach, and the delays that MCI is reporting on that page are consistent with the delays which they observed in the real world.*

*Briere asked if that means that the people that drive on Chalmers experience a level of C.*

*Redinger said it was based on average delay, so individual motorists will experience different results.*

*Briere said she was struggling to understand how this works, and using an analysis that is looking at 42,000 cars not stopping at Chalmers, as part of the calculation of the impact, of say another 50 cars, trying to exit onto Washtenaw, the impact is not going to be on Washtenaw, in the peak hour. She said nobody will notice another 50 cars, except the cars that have to slow down for them. She said it's the people on Chalmers that will notice the additional 50 cars.*

*Valenta said that was true, and they now have a calibrated model that works for the am peak hours and another model that works for the pm peak hour, and to those models they then add the traffic that can be reasonably associated with South Pond Village and they run the models again and then compare the differences between the future model and the existing models to see if there is a significant increase, or in this case a decrease in service levels associated with the change, being South Pond Village. He said they found there was not; they didn't go from a C to a D or a B to a C, but they stayed at the same service levels, the same ranges of delay per vehicle, that they had with the existing models.*

*Briere said she had looked at several resources in trying to understand the issue. She said in information from Wisconsin, it says that for every residential unit you multiply that by .75 and that is how you figure out how many trips are likely to be generated for am peaks. She said if she calculates 73 new houses times .75 that is 54 vehicle trips during am peaks, adding that she didn't see anything in the study that referenced something similar.*

*Valenta said here in the City as well as in the State they use the Institute of Transportation Engineers trip generation manual, which is based upon single family developments nationwide and there are a number of studies that actually counted and related the new vehicle trips to the size of the development itself. He said it does that by a series of equations, and they have actually used the equation for a complex this size noting 76 units and they were able to get the am trips generated by the added vehicles, and particularly how many of them are inbound and how many are outbound. He said, on Page 8, during the morning peak hours, they have 16 vehicles entering South Pond Village from two routes [southbound from Chalmers and northbound] and then 47 vehicles exiting, with some of them going north and some going south to the Washtenaw intersection. He said it's a total of 63 in the morning and 82 in the afternoon peak hour. He said as for the distribution, they take a look at the existing intersection at Woodcreek and they count the percentage of cars coming out of Woodcreek that go north and the percentage that go south. He said they figure that this development being similar to Woodcreek will have the same turning percentages with a larger volume and that's how they assigned the new trip distribution out of South Pond Village.*

*Woods asked about percentages of vehicles going north or south.*

*Valenta said they estimated 40 vehicles would go south and 7 would go north in the am.*

*Woods asked about queue wait and how the model works in that regard.*

*Valenta said in the companion program, called Synch-Traffic, they could identify each vehicle and see its expected delay. He said all 40 vehicles do not leave in the first minute, but are spread out over the 60 minute peak hour.*

*Woods said let's suppose everyone goes at once.*

*Valenta said it would be a long line.*

*Woods said that is why we have so many people here talking to us.*

*Valenta said, yes, but we don't design Arborland parking lots for holiday shoppers, we design them for an average.*

*Woods said her concern is that they have to look at issues as something being a nuisance or health and safety, and in trying to understand the traffic models they are trying to put the models into real terms for real residents that live in that area.*

*Peters said he believes that some of the worry is coming from those who by necessity need to make a left turn onto Washtenaw and may not have other options. He said he noticed in one of the supplements to the traffic study, one of the reasons that the connection to Pittsfield Boulevard wasn't considered is because the level of service wouldn't be changed all that much by it. He said it seemed like one of the reasons that that assumption was made was that all that traffic from Woodcreek and anyone living on Chalmers would continue using Chalmers when there is a signalized left turn on a theoretical connection onto Pittsfield Boulevard. He said he would assume that anyone coming out of Woodcreek would use that signalized intersection, because it is controlled there.*

*Valenta said that was the assumption made in analyzing the paving of the 50 foot right-of-way. He said the decision he made to reject that was a viable alternative. He said Pittsfield Boulevard is a 3-lane south-bound, with 1-lane turning southbound at that signal. He said there is no return path northbound into Woodcreek except for Chalmers, so if they signalize and add access to South Pond Village through the west side of Arborland, how do people get back northbound through that same signal, without reconfiguring the intersection. He said those people would be going through Arborland, which is private property, to gain access to a public*



road. He said he thinks that is a bad policy and not one that the City has necessarily supported in the past.

Peters said wouldn't they still have the ability to have access into Chalmers.

Valenta said yes.

Peters said he is still of the belief that this is one of the viable possibilities, given that there is a cost involved. He said for him, one of the issues is the safety issue in having another egress, also a nuisance issue in having another egress to this development, be it via that access on Pittsfield Boulevard. He said there is even a theoretical possibility, given it would require purchasing a small strip of land, a connection from the proposed Creek Hills Road along the MDOT right-of-way on US 23, right up against it, to connect to what he thinks is called Huron River Service Drive, to exit out to get around some of those left-hand turn issues.

Valenta said they looked at a number of different access alternatives, including sending everyone north to Huron River Drive. He said that particular alternative they looked at, along with the cost involved and the benefits that they would trade off, was not one that would increase the service levels that would be significant. He said if there had been an improvement, they would have included the recommendation in their report, since it is an unbiased look at the facts and analysis provided on the computer which they look at to form their opinions

Bona apologized that she wasn't at the earlier meeting when South Pond Village was discussed. She said when she thinks about managing traffic relative to a road like Washtenaw, she thinks about limiting access points and making those access points function as well as possible. She said the idea of replicating in parallel Chalmers with access to Arborland doesn't make a lot of sense to her from that perspective. She said what does make sense is the idea of giving everyone in this neighborhood, both current and in the new development, more direct access to Arborland, when it is right there. She said she absolutely applauds the pedestrian access and hopes the neighborhood will embrace it. She said some people live further away and the weather is not always accommodating, and some people are older or just can't make that walk, and it seems if they were to pick between Chalmers and using that already owned right-of-way through the back of the side of Arborland, the right-of-way might be the better choice. She said it gives you direct

*access to Arborland which means people in these neighborhoods no longer have to get onto Washtenaw to get into Arborland. She said it would also allow them to get closer to the signalized intersection solution, and would probably mean closing off the access to Chalmers, right there, at the commercial properties, and that becomes a cul de sac. She asked for Redinger to explain why that would be a good idea.*

*Redinger said they walked out of the last Planning Commission meeting with clear direction that the Commission wanted that alternative to be analyzed. She said there are some very real design concerns about utilizing the Arborland right-of-way, particularly with how this public street is going to interface with this private development. She said you would have a public street that has delivery vehicles that have to back into it to make their deliveries, noting staff had a lot of concerns around those types of things. She said they had a meeting with MDOT regarding the possibilities of utilizing that connection, and they had some concerns, not the least being the current delays and queuing that are experienced at that intersection. She said the queues for the traffic signal back up around the building, and anything they add to that connection could complicate matters, particularly when you don't have great sight distance for traffic exiting the private development onto this now, officially public roadway, at what would be a stop-controlled intersection, very close to a signalized intersection. She said the applicant's consultant analyzed that situation and found that the overall improvements and delay for residents making a left turn at Pittsfield instead of at Chalmers would not be a significant improvement for them.*

*Bona asked if that was looked at assuming Chalmers would stay open. She said she was thinking that Chalmers would stay open and the end section would be replaced by this.*

*Redinger said this would have a broader impact in that you would have to provide two-way traffic through the Washtenaw/Pittsfield intersection, which has a lot of movement, and based on the meeting with MDOT, she didn't believe MDOT would be supportive of that. She said they are currently looking at how they are going to facilitate better pedestrian flow through that intersection. She said Chalmers residents would have concerns with being cut off from having access via this public road to Washtenaw Avenue.*

*Bona asked that the developer, the City and the State consider thinking about this in longer terms. She said Arborland won't always be Arborland, and that kind of strip development with that huge parking lot is becoming*

*a thing of the past, and single-story strip development is not a way that this City is going to move forward. She said she would think that having a signalized intersection and being in a line, and knowing that at some point you are going to have a green light is a far more desirable position to be in than wondering when the queued cars ahead of you are going to make it into traffic.*

*Bona said another possibility is reducing access points to anything along Washtenaw. She said within the next 20 years, the opportunity will come with this development [Arborland] with something far more exciting than a bunch of asphalt and flat roof boxes and we will have an opportunity to re-design these access points. She said maybe it's saying that when this happens, connecting this neighborhood via that public access or via a brand new access that is a part of Arborland would be desirable. She said just assuming what is there now, will always be there, is going to keep us behind the times, and she would like to think a little bit bigger and not just immediate.*

*Bona said when she thinks about living in this new neighborhood, it would make sense to make another connection to Chalmers or to Huron River Drive. She said she doesn't like dead-end neighborhoods, which this becomes, and she expressed the need for interconnection that needs to be there. She said the trade-offs we make when reviewing wetlands and agree that the wetlands are precious and we need to save them, we also need to think more holistically about at what point is it acceptable to traverse a wetland and maybe create a natural feature that isn't historically natural that is even better. She said she was struggling with this because she felt that we weren't picking the optimum access, but what was convenient right now.*

*Bona expressed thanks to everyone who came out to speak to the Commission.*

*Hyman said the broad policy concerns before the Commission are in the zoning ordinance, and we have a private property owner who wants to do a development that is totally compliant, and even exceeds the requirement.*

*Woods stated that Bona's question was not being answered by Hyman's comments.*

*Valenta said he believed the access questions were addressed in the traffic impact study, and he doesn't put roads through wetlands.*

*Rampson explained that when the Woodcreek study was done, there was a lot of discussion about the old farm road that goes to the north, so there has been historic access to the north, but at that time it was concluded that it would be very disruptive and more impactful of Malletts Creek and the wetland than the City was willing to do, even with the benefits of having access, plus the point that it comes out on Huron River Drive isn't that great of a location, either. She said the door has been closed for quite a while on the issue of putting an access to the north, and that is why access to the west has been discussed to Huron Parkway and to the south, through Arborland.*

*Clein asked if the main concern was with the number of vehicles coming off the new development, and if the main concern was with cars coming off Chalmers entering Washtenaw Avenue and making a left turn, specifically.*

*Valenta said, that was correct.*

*Clein asked about the recommendation for the paving of Chalmers Drive.*

*Redinger said Chalmers is not all within the City's jurisdiction, and the Traffic Impact Study recommended that Chalmers be paved up to the intersection of Woodcreek. She said something to consider is that Chalmers is currently a soft surface roadway and is having difficulty dealing with the loading that is there. She said with the additional turns, they would be impacting the soft surface roadway, which is why they recommended the paving. She said as part of the paving, they would anticipate not only providing vehicular connection, it would also be providing sidewalks, which will provide the multi-modal connection and the ability to walk down and utilize mass transit on Washtenaw Avenue.*

*Clein said a number of public speakers expressed concern about paving Chalmers, and understanding the reasoning and that it would be a partial paving might alleviate some concerns. He said while it might not be atypical, it is possible to go south as well as north on Chalmers to Huron River Drive to Hogback to get to where one needs to go.*

*Mills noted that the draft Development Agreement says that if Chalmers is paved, that they would pay a proportional share, and what she is hearing from neighbors is their concern over possible proportional cost sharing. She said in reading the second amendment to the Traffic Study, she understands that the Arborland connection does not improve the Level of Service, especially in comparison to the cost. She said her*

*assumption is that is referring to the cost to the developer. She said it strikes her a little unfair to say to residents that they need to be paying for paving Chalmers for this development. She asked about special assessments and how proportional costs sharing works. She said if the Arborland connection is too expensive, does it also take into account the total cost of paving Chalmers from Woodcreek to Washtenaw Avenue.*

*Briere said the Woodcreek subdivision may or may not have specifications regarding paving of Chalmers in their development agreement and who would pay for such. She said, generally for the residents on Chalmers, the City Assessor would divvy up the share based on how much each property benefits, with the calculation being based on property frontage. She said depending on the Woodcreek Condominium agreement, the proportionate share for Chalmer's residents could decrease.*

*Rampson added that Woodcreek does have this assessment district participation requirement in their Development Agreement.*

*Mills asked if the monetary expense was compared to the total cost of improving Chalmers.*

*Valenta said there were no calculations done by the developer or anyone else.*

*Bona asked about future paving plans of Chalmers, and if the staff report included sections above and beyond what is being discussed at the table.*

*Kowalski said the paragraph was intended to specify the section from Woodcreek to Washtenaw Avenue.*

*Bona asked if the developer would pay a proportional share of that paving.*

*Kowalski said the details have not been worked out on the proportions, but it would be done through a special assessment, with Woodcreek as well as the developer of South Pond.*

*Bona said that would be decided by Council at a later date.*

*Kowalski said it would have to be more finalized by the time it went to Council.*

*Clein commented that Section P 9 of the Development Agreement, which stated that the condominium units would be assessed a prorata share of the improvement, which would mean the developer could pass on the cost to the buyers.*

*Bona said she was more concerned if the people in Woodcreek and those living on Chalmers would have to pay a share, which she understands probably hasn't been calculated yet.*

*Rampson explained that typically the City Assessor makes a determination of benefit, as Briere mentioned, that can be done on a front footage basis, or a per-unit basis [lot], or it could be done per sidewalk segment because it is an improvement. She said the Woodcreek subdivision already has sidewalks but Chalmers does not, but the City Assessor would review it and make a recommendation to Council as part of the special assessment process. She clarified that the Commission cannot determine that now as a part of the Development Agreement.*

*Adenekan asked if the discussion included sidewalks as well as paving.*

*Rampson said the paving would be from Chalmers up to where the Woodcreek paving currently ends, noting that the City has a Compete Street policy and a Green Streets policy, which says when you put a street in you also do stormwater and pedestrian non-motorized improvements as part of the total package.*

*Briere asked about the developer offset mitigation program, and if as a result of this development they would do mitigation on the sanitary sewer system by disconnecting footing drains somewhere else.*

*Kowalski said yes, they are required to participate, noting that it was included in Section P 24 of the Development Agreement; 21 footing drains or its equivalent.*

*Clein said someone had mentioned to him that they were not able to find the site plan document in the lobby.*

*Rampson said the initial site plan set would have been placed in the lobby with a note to contact the department for subsequent revisions to the plan.*

*Clein asked about trees shown on the perimeter of the site and if there are street trees in front of each unit.*

*Kowalski said yes, they have exceeded the requirement on the exterior landscape buffer.*

*Clein asked about sequencing and landscaping.*

*Kowalski said some landscaping will be required initially, then as each lot is completed the final landscaping will be installed.*

*Clein asked about the quality of trees being removed.*

*Kowalski said there are a few landmark trees being removed, mostly where the new retention basin will be, and their removal is being mitigated. He said the vast majority of vegetation being removed is highly invasive species, such as Buckthorn and Russian Olive. He said the City has had their Natural Area Preservation staff and the City Forester visit the site and the vegetation is very thick, but is of low quality. He said there are no landmark trees in the center part of the site.*

*Clein asked about the stormwater system and timing on its installation.*

*Kowalski said it needs to be put in place early in the project and stabilized, but the soil erosion control measures will be installed first so that there is no run-off.*

*Clein asked if it will be inspected, noting that it is a high profile project and sensitive area.*

*Kowalski said it will be inspected regularly by the City's soil erosion inspector, especially during earth moving periods and construction.*

*Franciscus said with development and construction, she understands that the first order of business in the process is the scraping and removal of top soil which is sold. She asked if the top soils would be re-used for this project.*

*Covert said he had heard of that happening on some sites, but the plan on this site is to strip the top soil, stockpile it, and then reuse it in disturbed areas for re-vegetation.*

*Franciscus reiterated the soil plan described by Covert.*

*Covert said yes, and that the top soils would also be available for*

*establishing the yards on the individual lots.*

*Franciscus asked if any top soils would be sold.*

*Covert said the plan is to use it all on the site, noting that they also have berms that they would need it for.*

*Franciscus said she has experience this around her office, where the topsoil has been scraped and the trees are planted with their roots exposed and when it rains it does not drain. She said the top soil is the number one defense for storm water problems where vegetation can absorb it.*

*Franciscus asked if the houses will have basements, given that they are so close to a wetland.*

*Covert said the houses will have basements, and since they have topographical relief, they are probably 20-25 feet above the floodplains and wetlands. He said they have also advanced soil borings throughout the site to study infiltration of the soils so they can confirm that their basements are above any water table. He said the finished elevations of the basements are 10 15 feet taller than the surface grade, since they moved everything to the higher plateau of the site.*

*Franciscus asked about the sand filter and how it would be maintained.*

*Covert said the filter will be in the bottom of the detention area with an under drain system. He said the native soils are clay and they don't infiltrate very well, so they are providing an opportunity to help infiltration through sands that will be planted with natural wetland plants. He said prior to getting to that portion of the system, the water will have had the opportunity to pass through their conveyance system, and to go through their silt sedimentation system, which give it several opportunities of removing sedimentation from the water. He said there was a maintenance schedule provided in their report, which included events where they would go out and remove the sediments from the whole system and make repairs as needed. He said they have provided through the design, access routes all around the detention basin where they can get equipment from their paved roadway back into the detention system and all the way around to maintain it. He said then beyond that, they will be establishing a 433 drainage district with the County where if the homeowners association was not maintaining it, the County would have the ability to go in, maintain it and assess those properties that it serves.*



*Franciscus asked who pays for it and what the intervals for excavation for maintenance are.*

*Covert said the installation of the system would be by the developer, and as mentioned it has to be one of the first things established and vegetated, and beyond that it would be the developer's responsibility until it is turned over to the homeowners association. He said if the homeowners association could not fulfill those obligations, the County has the opportunity.*

*Franciscus asked about the maintenance timeframe.*

*Covert said usually they install a stick measuring device in the silt basin to see where the silts and sediments are and then it is done as needed. He said he is anticipating that it could be maintained a number of times during construction and then after construction it could be maintained every few years. He said they have worked hard to provide conveyance to the system that would not exacerbate any kind of erosion once the site is vegetated.*

*Franciscus said someone spoke about exceeding the Total Maximum Daily Load limits [TMDL] for solids and particulates, especially now. She said with the different stormwater management system to be provided, did the developer see it to be sufficient so not to be an increased burden on the system.*

*Covert said their system reduces the erosive speed of the current condition because they are providing conveyance to the storm water, and he thinks that overall it's a big improvement to what happens to the site, existing, from what they receive from the watershed to the south. He said currently it is very erosive and there are slopes that receive a lot of rainfall, and they will be taking that and running it through their systems and rain gardens and through their infiltration pipes and then through their filter and sediment forebay.*

*Franciscus asked if this is the best use of the land in Ann Arbor, and is it to the beneficial use to the surrounding community that is proposed to be built. She said she is not convinced but she sees that the developer has done a lot of work and tried hard to accommodate things in a way to make them as harmonious as possible.*

*Briere asked about the Green Streets waiver and what did the developer*

*see as a benefit of such a waiver.*

*Covert said the main policy behind green streets is that you decentralize your stormwater detention and you provide for infiltration of those soils into the site, as practical. He said one of the challenges that they have here is that they have a site that is heavy clay, so they can build something to allow water to sit there but the infiltration rate is so slow that the water is just going to sit there, evaporate or be used by the vegetation. He said because of the clay soils, water would not leave the system. He said the County requires the water to infiltrate or leave the system within 48 hours. He said this site does not have that opportunity, so what they have tried to do using those guidelines and principles is to provide a number of elements by bringing sand in as well as taking the rear yard conveyance system to be built with slotted pipes and granular fill around it so even though it does infiltrate very slowly, they have given it a bunch of area through the trench around the stormwater pipes to infiltrate and not at the surface where kids can play in it or get into it or mosquitos and those types of things, and they have moved it below grade underground throughout the backyards of the sites.*

*Briere restated the process as she understood it.*

*Covert said the site has a number of sub drainage areas. He said in a typical area, rain can hit the street, and find its way along the curb to a catch basin into the sub-surface conveyance for the stormwater and ultimately to our storm water siltation basin and then the detention pond and then outlet on the north side of the site. He said let's say you have rain hitting the lot or the roof of the home, it is going to drain from there into a rear yard collection system which is a series of slotted pipes that provide for the opportunity of infiltration into the soil to the stormwater sediment forebay then the detention pond then the outlet.*

*Briere asked if this meets the requirements functionally of the Green Streets policy.*

*Covert said because the site does not infiltrate within that time he cannot say it meets it functionally but based on conversations he has had with a number of people, Jerry Hancock included, this goes a long way to try to meet the intent of it given the conditions of the site.*

*Briere asked if the part they could not meet was the 48 hour drainage.*

*Covert said they cannot meet the infiltration, because of the soils.*

*Briere asked if they had been granted a waiver.*

*Covert said he has not received a formal letter.*

*Kowalski said City staff had met to discuss the matter and all agreed that it is meeting the intent and going as far as they can possibly go without clearing out all the soil on that site.*

*Bona asked about disturbance to the site during construction and what some of the rules are that the City requires, such as silt barriers.*

*Kowalski said one of the first things required is for them to put up soil erosion control fences to protect soils from moving to neighboring properties. He said the detention must be installed early in the process so all the water flowing off the site must be treated and all the sedimentation is not going off into the pond or onto neighboring yards. He explained that once the site is seeded and soils stabilized, and the landscaping is in place, the soil erosion fences can be removed. He said on a project this large, there will be a lot of monitoring required and inspections done throughout the project.*

*Covert said the first thing they do to prepare the site for earth moving is to install the orange construction fence to establish the boundaries/limits, then very near that the silt fence goes up. He said they have also been asked by the City to provide a silt fence on the low side as well as on the high side of the slopes. He said they will be adding additional silt fence at various intervals to give them more control of run-off. He said each catch basin will get a filter silt sack put on them and they would stay in place throughout the whole construction of the project. He said they would have a certified stormwater operator in charge of the grading permit from the construction/developer side and they have to inspect after every rain event and he would expect that the City would get those events or be able to review them. He said wherever there are outlets on the site they would have rip-rap placed there to help with erosive velocities of water coming out of them.*

*Bona asked about the noted public concern about destruction by equipment on the site. She asked if the wetland area would be seeing equipment.*

*Covert said the wetland area or the buffer area would not be seeing any equipment.*

*Bona asked about the need to re-aerate soils when they have been compacted.*

*Covert said the buffered areas will be planted after utilities are in place in order to establish themselves in hopes of having them grow bigger, while the street trees would be planted later. He said they have provided for soil amendments to fill in after trees have been planted, which is fairly typical, as well as over excavation of soils, noting that they will be using 4 inch soils for lawns to get established.*

*Bona asked about pedestrian amenities. She said she didn't see the access to Chalmers or the north end of the neighborhood where they are also adjacent to the wetland area.*

*Covert reviewed the path and the access, noting that they have re-used the old farm road as part of the access.*

*Bona asked if the petitioner would consider connecting the path to Chalmers.*

*Covert said another issue is that Malletts Creek is adjacent to Chalmers and he wouldn't know how that would get crossed. He said Algebe Way has sidewalks and they plan on connecting to them as well as Woodcreek Road.*

*Bona said she would like them to think about possible linkages that could happen in the future.*

*Adenekan said she felt they were not at a point where there's a win win situation, but she sees it as the residents see it. She said she almost got sideswiped maneuvering on Chalmers trying to come out on Washtenaw, and there are so many potholes. She said even if you were to take the Huron River Drive way to Hogback, she said the intersection at Hogback and Washtenaw must be the longest wait in the whole world. She said you have drivers coming out at Pittsfield and turning right and you have traffic blocking you at Chalmers and the only hope you have is that the light at Huron Parkway is red so some driver will have the courtesy to let you out. She said her concerns are mostly the traffic, the safety, about school busses and delivery vans and trucks going through as well as access to Washtenaw. She said she cannot in all sincerity support this project. She said she felt Huron River Drive is quite dangerous given that it is a winding road. She said she is looking at 73 proposed homes to be built*

*and she sees each home having 2 maybe 3 cars each, so you are going to have all that traffic. She said in the rush hours and peak periods it is just too difficult and trying to turn left is just too severe of a problem. She said she is also thinking about children playing in the street on Chalmers in the summer with double parked cars, and a ball goes into the street and accidents happen. She said she echoes what everyone has said, and she cannot support this.*

*Briere said she believed that part of their task is to figure out if problems have been resolved. She said they know there are problems in this area and traffic is a problem to her and there is a way to solve the problem, but unfortunately they heard tonight that there isn't a problem, and we know there is a problem, which leaves her very dissatisfied. She said, saying that the problem already exists and adding 73 homes and potentially 150 additional cars, won't make it worse is not accurate. She said while it might not make Washtenaw worse it absolutely will make Chalmers traffic worse and she believed it will force more people north on Chalmers to avoid the traffic while will make the road surface even worse, and much of that land is township and not City owned so talking about a Special Assessment district has differential impacts, which makes her very uncomfortable. She said she was not at the point of saying that this development should or could never be built, but she is at the point of saying that they haven't even addressed the traffic problem and it's the failure to address it that makes her so unhappy. She said she is not particularly happy with their choices at this point.*

*Franciscus suggested taking a look at doing a traffic impact study that examines and captures the reality of residents on Chalmers. She said she feels like they missed that and it is needed. She said something was missed and to re calibrate it so they don't miss it; so they can really understand what the reality really is there and what are the numbers, actually if they pave and who is to pay. She said these are questions that have been asked but not answered this evening and she is uncomfortable with what they have before them right now for approval.*

**Moved by Franciscus, seconded by Briere, to postpone agenda item.**

**COMMISSION DISCUSSION ON POSTPONEMENT:**

*Woods asked if there were specifics to be looked at.*

*Franciscus said there needs to be a traffic impact study that looking at the Chalmers side of things, not just Washtenaw traffic, as well as the costs*

*and what does that look like.*

*Clein said regarding postponement for more extensive traffic data and costs, he wasn't sure they could hold this petitioner responsible to do an area wide traffic study, and to his understanding they have met the requirements, and while we may not like what they are saying and the residents may not like it, and it may be that this development will not appreciably change the situation; it was already bad before they got there. He said he believes they are asking about a more pervasive problem that needs to be looked at, but is it the responsibility of this developer, because they are the last people here. He said this is the question they have to ask and do they have the right to ask them that. He said he doesn't have the answer but suspects the answer is no. He said in terms of costs of Chalmers, he believes they were told that those costs would not be known until later and then assessed, so they can't know this before voting on this, so he wasn't sure that was a good cause for postponement. He said maybe the traffic study is a good basis.*

*Briere agreed with Clein that knowing the exact cost of the repaving of Chalmers and the other amenities may be out of reach. She said it may take 2 or 3 years between the time the City decides it is going to repave a road and put in sidewalks until the Special Assessment district heads to City Council for approval. She said she did think there was an opportunity for a traffic study as well as an opportunity for who pays for what. She said she knows in the downtown, if there are projects that are the tipping point for infrastructure improvements, they are assessed to the developer. She said when the Commission looked at the Nixon Road property, they added the requirement to link it to the Dhu Varren/Nixon/Green intersection improvements and a big chunk of the cost associated with the project.*

*Peters said he has more questions for the developer, but not linked to the postponement.*

*Bona said she was hoping they wouldn't postpone yet because she had more she wanted to say.*

**Franciscus withdrew postponement motion. Agreed by Briere.**

**COMMISSION DISCUSSION:**

*Peters asked about the conservation easement.*

*Covert pointed out the area on the plan, noting it was 1.4 acres that would*

*be a conservation easement to the Homeowners Association.*

*Peters asked about the land division and consideration of a potential conservation easement on the north site and if the City were to take ownership.*

*Covert said previously they looked at a portion being considered in a conservation easement, but since he didn't have further information, he said it would be premature to comment on that issue at this time.*

*Hyman said they are open to either a deal or a conservation easement on that 12-acre piece.*

*Bona said most of the traffic is related to Washtenaw and is from people coming from outside the City. She said this project is not the difference between that working and not working, and it is hard to look at a small area in comparison to the rest of the City. She said the most efficient from a sustainability perspective way to house people is to get people close to where they work and go to school and where the infrastructure already exist; most of which is within City limits. She said while we want to save lots of green space, the most effective green space is either contiguous wetland, like this is a part of, but then protect the larger green areas around the area that has the infrastructure. She said this project will produce a better environmentally sensitive solution than most of the homes in the City in Ann Arbor. She said that infrastructure includes being close to mass transit and the best transit in the City is on Washtenaw. She said this is an ideal location, and it is appropriate that it is single-family. She said if Arborland became urban village instead of a big parking lot surrounded by chain stores, it would be great, but she felt this proposed development having access to mass transit was ideal, and we are preserving a wetland that we are improving versus leaving it as a degrading wetland full of invasives. She said she is extremely sensitive to the traffic issues, but she is not convinced that voting this project up or down is going to make any difference to that traffic issue. She said we need to address that through Reimagine Washtenaw, through how we approach our urban planning more broadly, and the more we push housing out into the Townships, the more traffic we are going to have. She said 70 homes doesn't solve the problem of 70,000 commuters, but it's a move in a positive direction, and it gives those who want to use public transportation an opportunity rather than forcing them outside the City. She said she wasn't sure postponing the project would get them more answers or solve the issue.*

*Clein said that while this development might not be all and end all, and is not perfect, it is a positive, and while it does bring challenges, it is much smaller than other projects in the Northeast side, and it's not going to be a make or break with the traffic situation. He didn't think postponing will help with anything, and he believed he would be voting in favor of the project.*

*Mills said all things considered, the project has done a really good job in thinking about the impact they could have on the wetlands and worked to protect the wetlands. She said she felt it was the appropriate density for this area, and is what the Master Plan calls for, even while they haven't solved the traffic problem. She said she is concerned about the potential "subsidizing" of the project through the paving of Chalmers. She said she knows it will be a drop in the bucket with the impact to traffic on Washtenaw but that it will impact those on Chalmers. She said possibly through the Special Assessment as well as the added traffic and if that aspect of it could be changed, she would vote differently, but as it is she can't support it.*

*Franciscus echoed Mills concern. She said when she hears that it is near jobs, she doesn't see any difference whether they are coming from somewhere else or from within the City, she sees it as one and the same. She said she is not comfortable with the safety problems previously articulated and how the traffic impact study did not take into account the Chalmers impacts.*

*Adenekan agreed, saying we are talking about 73 homes. She said she was wondering who they are marketing these homes to, because she said that would give them an idea. She said she knew they wouldn't be affordable houses included.*

*Bob Helsaw, Pulte Homes, said they conducted focus groups with various Ann Arbor realtor groups, which helped identify the need. He said they will be designed to be marketed to families, much like those living in Woodcreek, with 2900 3500 square foot homes.*

*Woods said she listened to various comments this evening and thanked the Commissioners for their thoughtful input. She said earlier in the evening as she was listening to presentations, she felt like she was being asked to suspend reality and what she knows to be true because she comes down those streets and knows that it is horrible. She said she doesn't understand why they can't look at alternative way to get people out of that development. She said she hoped that change would come earlier than later, and she also expressed concern over the issue of a special*



*assessment and who is going to pay for the paving of Chalmers. She said for those reasons she cannot support the project.*

*Peters said he believed the project, from an environmental standpoint would add a lot of benefits, and prevent a lot of silting that is probably already occurring off the site, given the fact that the soils underneath don't retain much and that there is clay there. He said one of their charges is to determine the health, safety and welfare of the property owners nearby, and he is not convinced that there is safe egress from the number of cars that are coming through this area. He said he would support a postponement for other possible egress solutions, or if that was not possible, then he would not be in support of the project, because he doesn't believe they have found safe egress. He said even a stub road that would connect to Arborland for possible future use, he would be in support of because it showed forethought that there might be other egress possibilities. He said with the current project, he could not support it.*

*Bona asked the developer if they supported a postponement.*

*Hyman said he would like to pass a recommendation on to Council tonight. He said the traffic issue has all been considered and recommendations have been given from staff. He said the zoning act says if it meets the requirements, it shall be approved.*

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

**Vote: 2-6**

**Yeas:** 2 - Kenneth Clein, and Bonnie Bona

**Nays:** 6 - Wendy Woods, Eleanore Adenekan, Sabra Briere, Jeremy Peters, Sofia Franciscus, and Sarah Mills

**Absent:** 1 - Alex Milshteyn

*Peters said he is voting no because he believed their purview as Commissioners is to respect the code, which talks about the health, safety and welfare of the neighboring residents, and he doesn't believe this plan meets that code.*

**Moved by Peters, seconded by Councilmember Briere, to continue taking up the next two agenda items; 10-a and 10-b. On a voice vote, the Chair declared the motion carried.**

**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](http://www.a2gov.org).)

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

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

- 10-a**      **15-0405**      Thurston Pond Restoration Project Site Plan and Westland Use Permit for City Council - A proposal to restore Thurston Pond through sediment dredging, creation of a waterfowl nesting island, and fortification of a berm with clay excavated from the pond. Construction staging is proposed to occur in the natural features open space, off of Yorktown Drive. This project is being conducted by the Ann Arbor Public Schools and the Thurston Nature Center on 4.4 acres located at 2350 Yorktown Drive. A portion of the project will be located on property owned by the Orchard Hills Athletic Club. (Ward 2) Staff Recommendation: Approval

*Rampson presented the staff report.*

**PUBLIC HEARING:**

*Frank Commisky, 2300 Prairie Street, Ann Arbor, Steward and Chair of Thurston Nature Area, introduced David Bannell, a representative from Orchard Hills Athletic Club. He noted that there were others present to answer questions. He said this site has been the heart of Ann Arbor in terms of education and using project-based learning tools with hands-on learning for the kids. He said they need to restore the pond to get the diversity back, explaining that it is turbid and needs attention, adding that it is over 50 years old. He said they started this project in 2003-2005 and were able to bring in additional water from the neighborhood footing disconnects, so it became more of a retention and detention pond, but they never got the project completed in the sense that it's able to contain more water and also to be able to control the flow of water when they get it. He said it would be nice to be able to hold back the water during dry spells*

*and to be able to release it during the wet season. He said they are very much stewards of the Miller Creek and meet monthly with the Miller Creek Action Team. He said their permit forces them to complete this work by September 30th, so it is a time dependent project.*

*David Bannell, Orchard Hills Athletic Club, said he was grateful to Ann Arbor Public Schools and the Thurston Nature Center for initiating this badly needed restoration project. He said they want to reiterate their full support of this restoration project and he thanked the City Planning Commission for streamlining their review process.*

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

**Moved by Briere, seconded by Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Thurston Pond Restoration Project Site Plan, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Thurston Pond Restoration Project, and**

**The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Thurston Pond Restoration Project.**

*COMMISSION DISCUSSION:*

*None*

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

**Yeas:** 8 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Bonnie Bona

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

**10-b** [15-0406](#)

AutoZone Site Plan for City Council Approval - A proposal to demolish an existing carwash and combine the site with an adjacent vacant site to construct a one-story, 7,381-square foot retail building with 28 parking spaces and a single curb cut at 2151 West Stadium Boulevard on 1.17

acres. (Ward 5) Staff Recommendation: Approval  
*Kowalski presented the staff report.*

**PUBLIC HEARING:**

*Ted Barnes, 2101 W Stadium Blvd., Ann Arbor, said he is the co-owner of the parcel to the south of the AutoZone site. He said he has two concerns; one is environmental with the concern over the past leaking, and maybe present, tanks that he believes are still in the ground from when it was a gas station. He said he does not support the driveway, going south, and he has been told they do not have to allow that, and he would like to have it removed from the site plan. He said they just re-did their parking lot and he wants to keep it looking good and he doesn't want that traffic and trucks going through his lot.*

*Wesley Berlin, PE. Professional Engineering Associates, Inc., 2900 East Grand River Avenue, Howell, AutoZone Civil Engineer Consultant, said they have done their market analysis and there is a need for this type of business here in this area. He said he and his team were available to respond to any enquiries from the Commission.*

*Leo Fox, 2101 W. Stadium Blvd., Arbor Farms Market, and partner in Arbor/Ace Center, explained that they have a 20 foot driveway in the back that is about 500 feet long. He noted that there is quite a bit of traffic back there; Arbor Farms gets 20-30 delivery vehicles daily and his associates go to the recycle dumpsters often, and he is really concerned about their safety with this additional traffic that will be created on the south side of the Autozone site. He said he is also concerned for the potential cut-through to the back of the driveway and out to Maple. He said they have Goldfish Swim School back there with a lot of toddlers coming and going with their parents and he had concerns for their safety with the potential traffic. He said on the one hand, he welcomes AutoZone, acknowledging that it is going to be a nice new business on the Boulevard, but he encouraged Planning to explore the possibility to just closing it off and getting them a little more parking.*

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

**Moved by Mills, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the AutoZone Site Plan, subject to recording of an easement for the sanitary sewer lead that serves the adjacent property prior to issuance of building permits.**

*COMMISSION DISCUSSION:*

*Bona asked about the connecting drive between the two properties, noting that in the past they have tried to create as many internal connections as possible so motorists don't have to go out onto the street just to turn in again at the neighboring parcel. She said in this situation they have a brand new driveway next to another. She asked staff to explain why we like these and how can we prepare this site for future opportunities.*

*Kowalski said the value of cross inter-connections of parking lots is to minimize traffic and turning movements onto West Stadium Boulevard, and is not intended to be any kind of cut-through to Maple. He said the City's Master Plan and Transportation Plan both encourage these cross-connections, and in some cases it fosters compatible uses.*

*Bona said if they decide not to require the cross-connection now, could they put something in the site plan that would indicate that this property is already approved for a future connection when the neighboring property is ready.*

*Kowalski said it would probably require a site plan amendment to put a new drive in place.*

*Briere agreed that two drives next to each other is not ideal.*

*Briere asked what was on the neighboring parcel across the service drive.*

*Berlin provided a handout to the Commission showing an aerial view of the area.*

*Barnes reviewed their parcel layout and the neighboring proposed AutoZone site.*

*Peters asked about the proposed dumpster location on the AutoZone site.*

*Berlin said City staff had agreed that the proposed location was the best. He said they will be having a delivery truck backing into that area. Kowalski said there will be a sanitary sewer lead relocated on the site that will limit use of the site because City staff does not want any structures cover access to it, for maintenance needs.*

*Peters asked about the storm water treatment area and its capability to handle run-off.*

*Berlin said the site is currently 100% impervious surface and has no stormwater management system. He said the location of the detention was based on the building location setbacks and parking location restrictions, and was the only possible location on the site.*

*Berlin explained that there would be an 8 foot evaluation difference from the grassy edge to the bottom of the basin and they have proposed a fence around the perimeter of the basin which would hinder any public access to the open water area.*

*Mills asked what rationale went into favoring the building location on the northern portion versus the southern.*

*Berlin said cross-access is provided to both lots, and they propose to maintain the southerly drive approach, which is in direct alignment with the drive approach across the road, which is the most safe and optimum location, and recommended from City staff. He added that decision then laid out the remaining site. He said while their business is self-contained and they don't need the cross-connection with the neighboring site, it was something that was requested by City staff, and the location of the approach made the most sense since it was so close to the approach of the neighboring site.*

*Franciscus asked how likely it was that they would find a solution that would be a win-win for both Arbor Farms and AutoZone in regards to a shared driveway, which would involve an easement.*

*Berlin said in preliminary discussion with the owner to the south they were not in agreement with any sort of easement.*

*Barnes and Fox said they were not approached about the possibility of sharing a driveway with the AutoZone site.*

*Franciscus asked if that is something they would be opposed to.*

*Barnes said without seeing it on paper, he is unable to say.*

*Berlin clarified that AutoZone and one of the co-owners of the neighboring parcel had held a discussion regarding the possibility of a cross-connection easement, which they were opposed to at the time, but*

*they had never raised the issue of a shared drive approach. He said the location of a shared drive approach would also interfere with the alignment of the drive approach across the street which could create a left-turn conflict.*

*Franciscus said from personal experience she felt there would be enough space since there is a middle turning lane as well.*

*Rampson reminded the Commission that traffic reviews had been done on the current proposal and if there are any additional changes, they would need to go back for additional reviews from the City's Traffic Engineer since any changes could interfere with traffic flows.*

*Peters said he was contemplating a postponement to allow consideration of a combined curb cut and the possibility of the two sites sharing a modified access. He said it would be advantageous to pedestrian traffic and cyclists, noting that there are several residential areas behind these sites as well as traffic from the neighboring township. He said if there is an opportunity to remove an existing curb cut, it's worth exploring the possibility.*

*Clein said that the Commission should keep in mind that it's within the property owner's rights to have access to the street and they might be overstepping their bounds on that issue. He said he didn't believe that was reason to postpone. He said to begin to look at one shared drive access would require looking at the bigger picture, including semi truck access. He said knowing that one of the businesses has 30 truck deliveries a day make him nervous and this might be a situation where it's better to leave them separate. He said they will be removing impervious surface in the rear which will off-set pavement concerns in the front.*

*Briere said she would encourage the connecting drive to be a landscape island instead, and by doing that they would address the immediate concerns of the neighboring owner who just re-did their parking lot, and they would keep open the possibility of a connection at some point in the future. She said if the motion were amended to include language to have the area turned into landscape for a possible future connection, with an administrative amendment, she would support that.*

*Rampson explained that if they add language on landscaping, when and if the item comes back, it could not be done administratively, because it would be adding impervious surface.*

*Woods asked Mr. Barnes what issues he had as a next door property owner.*

*Barnes said he had concerns about the proposed connector drive between the two parcels, and if the drive connection was put in, going south, it would be where the dumpsters and receiving dock are on his site.*

*Bona asked if there is existing access to both sites already.*

*Kowalski said, yes, and reviewed the access points on the aerial photo.*

*Bona said she felt differently about the connection access, knowing that there already is access, and said she was fine with approving the motion as it stands.*

*Peters asked why the connection location was chosen as proposed.*

*Berlin said it was due to parking configuration. He said they would rather pave the connection and barricade it than have to come back for future approvals from the City.*

*Bona encouraged AutoZone and the neighboring site to consider alignment before the item goes to Council.*

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

**Yeas:** 8 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Bonnie Bona

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

**Moved by Adenekan, seconded by Peters, to continue taking up the next agenda item. On a voice vote, the Chair declared the motion carried.**

**10-c**    [15-0407](#)

Staybridge Suites and Retail Planned Project Site Plan and Rezoning - A request to rezone this 3.56-acre parcel, located at 3850 Research Park Drive, from RE (Research District) to C2B (Business Service District) to redevelop for hotel and retail uses, and a proposal to demolish an existing building and construct a two-story, 9,120-square foot retail building and four-story, 90,198-square foot extended stay hotel with 134 rooms. Access



to the site will be provided through a driveway on Research Park Drive. Planned project modification is requested to reduce the front setback along South State Street. (Ward 4) Staff Recommendation: Postponement  
*Kowalski presented the staff report.*

**PUBLIC HEARING:**

*Andy Andre, Bud Design & Engineering Services, Inc., 11075 S. Saginaw St., Suite B, Grand Blanc, Architect and Engineer for the project, said this portion of the City is prime for redevelopment and in looking at the market study, it shows a need for hotels within this area and within the City. He said Staybridge Suites is an extended stay hotel offering a mixture of room options, such as studio and one-bedroom units that all have kitchenettes, and are structured for the business type traveler. He said based on their national average, Staybridge has an 11-night stay and the target for this site is about 5 days, as well as re-occurring stays. He said there will be a retail component to this project to bring mixed use to the site. He said they would like the retail building as close as possible to the right-of-way. He said there are no tenants planned for the retail building at this time, since the owners have a broker working on that aspect. He said they are working very closely to be able to address the landmark tree issues and hope to have the revised plans shortly. He explained they will be doing a bio-retention system with infiltration through underground retention, noting that they hit the best soils that he has ever seen. He said this property is deteriorated and is currently un-detained without any underground stormwater, so they will be vastly improving the circumstances and the watershed. He said they plan on using LED lighting as outlined on their lighting plan.*

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

**Moved by Adenekan, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Staybridge Suites & Retail rezoning from RE (Research District) to C2B (Business Service District), and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Staybridge Suites & Retail Planned Project Site Plan.**

**COMMISSION DISCUSSION:**

*Peters asked if staff preferred to move the zoning forward.*

*Kowalski said staff would like the zoning and site plan to track together.*

*Briere asked about approved projects for the State/Ellsworth corner.*

*Rampson responded that a Jimmy Johns is starting construction directly to the south, and Tim Horton's and Belle Tire are new on Ellsworth.*

*Mills said there seems to be a lot of parking on the hotel site plan. She asked how much parking do they expect to use.*

*Andre said their brand typically requires 1 parking space per room, especially when it is extended stay, and guests are usually solitary versus traveling in groups.*

*Mills noted that she is not concerned about it being a Planned Project, with the commercial building being right up against the right-of-way, since it was still pretty far from the sidewalk. She said anything that makes this area more walkable is good, and she supports moving buildings closer to the sidewalk, as well as adding more sidewalks to this area.*

*Andre said they are extending the public sidewalk along Research Park Drive also.*

*Adenekan asked if the rooms would be efficiency suites.*

*Andre said the one bedroom units would be approximately 500 square feet with kitchenettes.*

*Woods asked about other amenities that would be offered within the hotel.*

*Andre said the hotel will have an exercise room, central core including a gathering space, conference room, meeting facilities, and a pool. He said the owner wants to provide on-site activities and pedestrian options while they are in Ann Arbor. He said some guests bring their bikes.*

*Bona said when she thinks about this location, it doesn't seem pedestrian oriented. She asked what the petitioner saw in this location.*

*Andre said he used to travel a lot and stayed at many hotels and he was always looking for ways to get out for fresh air. He said there are many hotels where you can't even leave the premises, and having a non-motorized path on this site gives guests the opportunity to get out*

*and walk, jog, or leave the grounds.*

*Bona asked what would the petitioner suggest would be most valuable to be added in this area in the future.*

*Jimmy Azmar responded that spurring redevelopment to continuing retail development would be valuable. He said hotel guests are looking for this, along with the garden setting they will have with a gazebo area. He recommended continuing retail northward on State Street.*

*Peters said as a resident of this area, he often travels through this area on his bike and noted it is not the easiest, but improving pedestrian access will greatly improve the area as a whole. He said he understands that Ellsworth is scheduled to be redone soon with improvements to the bike path which will be welcome. Peters said he knows how important it is to be able to get out and move around when one is travelling and often being stuck inside for days at a time.*

**Moved by Peters, seconded by Franciscus, to postpone action on this request until the next available meeting after staff comments have been addressed. On a voice vote, the Chair declared the motion carried.**

**Yeas:** 8 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Bonnie Bona

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

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

**12 COMMISSION PROPOSED BUSINESS**

**13 ADJOURNMENT**

**Moved by Peters, seconded by Franciscus, that the meeting be adjourned at 12:55 a.m. On a voice vote, the Chair declared the motion carried.**

Wendy Woods, Chair  
mg

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