



City of Ann Arbor

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

Tuesday, July 16, 2013

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red/white envelope at the home page.

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

1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:05 p.m.

2 ROLL CALL

Present 5 - Woods, Westphal, Giannola, Briere, and Parekh

Absent 4 - Bona, Adenekan, Clein, and Peters

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

Moved by Giannola, seconded by Woods, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

Deferred to next meeting.

5-a [13-0874](#) City Planning Commission Meeting Minutes of June 18, 2013

Deferred to next meeting.

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

6-a **City Council**

Briere reminded the public that the North Main Huron River Vision Task Force will be meeting on July 17 at 5:30 pm in Council Chamber. She said this is the last meeting before the task force's report is finalized. She reported that the Planning Commission will also receive a copy of the final report. She noted that since the report is in draft form, there is still an opportunity to shape the recommendations.

Briere reported that at the previous night's meeting, City Council approved the South State Street Corridor Plan. She also reminded the public that there is an ongoing survey on downtown parks at www.a2gov.org/news.

6-b **Planning Manager**

Rampson reported that on July 1, 2013 the City Council approved a resolution to re-appoint the R4C/R2A task force that worked on coming up with recommendations for the R4C zoning district. The Planning Commission's Ordinance Revisions Committee also came up with some recommendations for the R4C district. This re-appointment charge is for a short review of the Planning Commission's recommendations and also the opportunity to complete any incomplete discussions from when the group disbanded. The Chair of the Committee is Julie Weatherbee, who is working on setting up public meetings.

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

Westphal reported on the meeting of the Ordinance Revisions Committee immediately before this meeting. He said the committee met with the consultant who will be undertaking outreach for the downtown zoning evaluation. He noted that if you are subscribed to the City's email notification system, you will receive notices of the meeting. He said the process should also be covered in the press.

6-d **Written Communications and Petitions**

[13-0875](#)

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.)**

Rodney Sorge, 1040 Greenhills Drive, in Earhart Village, said he wished to speak about Site Plan SP-004, an administrative amendment for Glacier Hills. He said this addition to Villa F seeks to violate the terms of an agreement negotiated with the City and Glacier Hills. He stated he is concerned about this approval setting a precedent where if developers build 10% at time, they can go back later and have additional floor area approved as administrative amendments. He considers this a slight of hand. He asked the Commission to review this project and the process of how administrative amendments are approved.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**9 UNFINISHED BUSINESS****10 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

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

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

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

ROLL CALL

Bona arrived.

Present 6 - Bona, Woods, Westphal, Giannola, Briere, and Parekh

Absent 3 - Adenekan, Clein, and Peters

[13-0877](#)

Glacier Hills Parking Addition Amended Planned Project Site Plan for City Planning Commission Approval - A proposal to construct 31 new parking spaces along the north driveway for this senior living community located at 1200 Earhart Road. The minimum required open space of 67.5% of the 31.47 acres site will be maintained. Ward 2. Staff Recommendation: Approval

Alexis DiLeo presented the staff report.

PUBLIC HEARING:

Rod Sorge, President of the Earhart Village Homes Association, read from a prepared statement, which he provided to the Commissioners. He brought up concerns over the proposed Glacier Hills Addition.

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

Moved by Giannola, seconded by Briere, that the Ann Arbor City Planning Commission hereby approves the Glacier Hills Revised Planned Project Parking Lot Expansion Site Plan.

COMMISSION DISCUSSION:

Giannola asked if this is a commercial property.

DiLeo said this parcel is zoned R4B, which allows for assisted living, multi-family and hospital type uses. She said she is not familiar with the level of services offered.

Giannola asked if the zoning allows for clinic type uses.

Rampson explained the code allows convalescent homes, which can be quite wide ranging in care.

DiLeo said she would interpret the definition to allow both in-patient and out-patient services and one wouldn't have to be a resident to receive nursing care.

Woods asked if the petitioner was present.

Earl Ophoff, Midwestern Consulting Inc, said he was representing the petitioner; however while he didn't have specific operational information, he could inform the Commission that the petitioner did offer physical therapy and other types of in-patient and out-patient services, but they did not have other retail type services such as medical supplies or a pharmacy.

Woods asked if the facility has a restaurant.

Ophoff explained that the restaurant is for visitors only and not open to the public.

Bona arrived (7:35 pm)

Woods arrived (7:36 pm)

Woods asked if they advertised the restaurant.

Westphal asked about an additional administrative amendment filed by the petitioner.

DiLeo explained that it is for an addition to Villa F, showing an image of the duplex on the site plan. She said they are one-story villas with a partially exposed basement, and the addition would be to the basement and first floor. She clarified that administrative amendments are intended for added floor area of less than 10% or 10,000 square feet or whichever is less, which this request falls under.

Briere asked about the easement on the south side and why 31 parking spaces were removed and then added back.

Ophoff pointed out the location on the site plan, near Villa F, explaining that the parking spaces appeared on the originally approved plan, but were never constructed. He pointed out the conservation easement on the south of the plan, noting it is 100 feet wide and widens as it moves down towards Earhart. He said Villa F is adjacent to the Greenhills School, and the Earhart property is several hundred feet from where the proposed addition will be built.

Woods asked if they were required to, or had held a public meeting that would have included the residents of Earhart Village or the Greenhills School.

Ophoff said their obligation was to send out postcard notices to resident and owners within 500 ft of the proposed project, which was done and they did not get any comments from that, but talked to Rod Sorge once.

Woods asked if they had received any comments of concern from Greenhills School.

Ophoff said no.

Westphal said, since parking is filling up at the site, are they aware of transportation alternatives available to them.

DiLeo said she assumes so, since the subject was brought up to them.

Briere said the location of the project is in an important creekshed. She asked the petitioner what they were doing beyond stormwater storage to assist in helping to keep the creekshed healthy.

Ophoff said this project is small in the overall context of the site. He said the stormwater pond is on north, and they will be cutting off the nose (bank) of the pond and creating a shelf in the pond to increase storage. He showed several islands designed to capture solids as the water makes its way to the pond.

Briere listed approved uses and amenities in the code, adding that she would assume if she were visiting a friend or family in the center she could visit the café or buy a gift in a gift shop. She said the amenities are not advertised as public amenities, but rather there to serve the residents.

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

Yeas: 6 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Sabra Briere, and Paras Parekh

Nays: 0

Absent: 3 - Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

ROLL CALL

Present 7 - Bona, Woods, Westphal, Giannola, Briere, Parekh, and Peters

Absent 2 - Adenekan, and Clein

10-b [13-0876](#)

Glendale Condominiums Site Plan for City Council Approval - A proposal to construct 8 two-family dwellings and 26 parking spaces on this 2.64 acres site zoned R4B (Multiple-Family Dwelling District) located at 312 Glendale Drive. Two single-family dwellings will be demolished. Ward 5. Staff Recommendation: Postponement

Jill Thacher presented the staff report.

PUBLIC HEARING:

Diane Robins, 1900 Old Orchard Court, read a statement expressing concerns regarding stormwater runoff and sewer back-ups for the downstream property neighbors, which they believe will increase with the proposed development. She said they created a survey and received 52 responses and are continuing to collect details. She said Abbott Street has problems with basement flooding and given the downhill slope from the site, with the added impervious surface, they will lose the current benefit of the property acting like a sponge. She requested that a stormwater evaluation be done by the City and that the project be postponed until that has been

completed.

Mark Hieber, 200 Kenwood, landscape architect, said he had reviewed the plans online, noting that the topographical plan does not show trees, off-site, located along the northern boundary, with drip-lines extending onto the subject parcel. He said the grading plan shows proposed alterations to the grades along the north under the drip-lines of those trees, which need to be protected in order to stay viable. He stated it is important for building elevations to show patio elements on a unit by unit basis in relationship to the topography of the site. He asked if there is a more sensitive way of building layout that will accommodate the topography better and limit the need for extensive grading and backyard exposure on the north. He suggested taking two units on the north and southwest and rotating them like the middle units. He also suggested that traffic be directed to Jackson and that the intersection alignment to City streets be looked at since car headlights are a concern.

Tom O'Donnell, 1805 Orchard, resident on that street for 47 years, said he and his neighbors currently have sump pumps in their yards, and the project will only add to the problem. He said the retaining pond will run through backyards, since they already have a creek forming in their backyards, with the retaining pond down the street. He said there was a class action lawsuit about 20-30 years ago, between 1939 Jackson Avenue and the City, in which he was involved and the issue back then was involving the same problem as now; flooding. He said he can't see how this new project can be built and how they can get away without having water in their basements, since they are still getting water from 1939 Jackson Avenue, behind Orchard Court and off the corner of the property. He said he hopes they can do something to get the problem fixed before the project is built.

Vince Carruso, 555 Glendale Circle, representing the Allen Creek Watershed Association, read from a statement that explained that they have a watershed management plan which was adopted by the MDEQ [Michigan Department of Environmental Quality] and the City of Ann Arbor, and that they are requesting that a watershed study be done before the project is approved. He said the issue has been in the CIP [Capital Improvement Plan] since 2008, and was supposed to happen in 2010, but was postponed. He said extensive flood hazards exist in these neighborhoods, and most of the neighborhood groups in the area sign on to such studies. He said the flooding issues in this neighborhood are very similar to other flooding issues in the Allen Creek waterway, being very flood prone and not very well understood by city planners. He said they have sanitary sewer issues with the Footing Drain Disconnect program and basement sewer floodings which is cyclical, and a survey indicates that they have a high level of basement backups and yard flooding. He said just this last June 27th, there was 10,000 gallons of raw sewage spilled into the Huron River by the City, partially due to the high stormwater flows that we are having in the City. He said they have had many problems in the Allen Creek Watershed; recently in the West Park area when the City installed a stormwater management system, which he was in favor of, but which blew out within one year and the City had to spend additional money to refurbish it. He said the North Main affordable Housing project was in the floodplain and had to be cancelled after a new floodplain map showed that the project was further in the floodplain than planned and the 6 units of affordable housing were lost due to neglect. He said in the Liberty Glendale neighborhood the City was forced to spend half a million dollars to cut down a large woodland and pipe a section of the Allen Creek because a development was allowed to be built on a steep slope too close to a very high flowing creek. He added that the homeless shelter plans had to be scrapped due to flood plain issues. He said they have many concerns related to sewage and stormwater concerns in their neighborhood, and they feel the City needs to step up and protect existing homes and their tax base, weighing the new tax base of proposed housing with the existing.

He said they are concerned with climate change and research predicting much higher rain events for Michigan and the need to plan for 100 and 500 year rain events. He concluded that public safety, health and welfare are definitely an issue for this neighborhood that needs to be addressed.

Robert Bean, 1817 Abbott, said that he lives directly across from the orchard in a house built in 1948. He said the footprint of his house is six times less than the proposed footprint of one of the buildings. He said that the northern part of the parcel is shown on maps as being one of the steep slopes in Ann Arbor and while the most recently submitted site plan seems better than previously submitted ones, Building 1, at the top of the slope is shown cut right into the slope, which wouldn't seem to be protecting the slope. He said the northern grade runs to the Old Orchard houses to the north of the property. He said that theoretically, half of the site, one-half acre, will have an impervious surface added to it, in addition to the three-quarters acre of building, that will supposedly have stormwater captured but the reality is different from the theory. He said there will be a ten foot drop from the northwest to the northeast so the buildings will look much taller with exposed basements. He said a real concern is the heavy metals on the previous Barnard Factory site that has an existing drive connecting it to the Hillside Terrace.

Gretchen Hahn, 300 Virginia Avenue, said she wanted to talk about traffic concerns, noting that she lives in one of the two very short lots that face Virginia Avenue, in a house built in 1926. She said she has never had a footing drain so there was nothing to disconnect, and she has a very powerful sump pump that runs non-stop whenever they have water events. She said she is hugely concerned being at the bottom of the hill of Glendale and it will be her basement that has no recourse but to be pumping all the water that everyone else has mentioned. She said she finds it interesting to read that the proposed 4 footing drain disconnects are to mitigate the water on the site, which seemed like insult to injury to her neighborhood that has to do one more thing to accommodate this plan that doesn't fit well. She said their neighborhood has requested a traffic study to look at issues. She said the petition has stated that the site will not connect to the Hillside Terrace due to liability concerns. She said what they are really saying is that they will be pushing the traffic concerns over to the neighborhood, which is the existing tax base. She said with Jackson Road being reduced to 1 lane in each direction with a turn lane, it will make it very difficult. She said MDOT did not evaluate the neighborhood impact because they were not tasked to do one, and without any STOP signs on Abbott, Orchard, and Charlton east-west thoroughfare and with a route that is largely used by a lot of kids walking to school she is concerned that they will have traffic ripping through because no traffic study was done, earlier, for Jackson Road and in particularly for where Glendale meets Jackson Road. She would like for the project to be postponed until a traffic study has been done.

Ethel Potts, 1014 Elder Boulevard, read from a prepared statement, pointing out that the whole site is a hill, and steep slopes in the code need to be protected. She said the slope is kept in place by vegetation, and with a 22 foot difference from the top of the site to the bottom, will require major earth moving in order to make the plan happen. She said they need to see a plan of how much of the site will be left untouched and if that will be enough. She said that she didn't want to hear that the grading will be worked out at the Engineering stage.

Matt Keefe, 1710 Abbott, read from a prepared statement, pointing out that his neighbor, 86 year old Mrs. Qualdros, living at 1720 Abbott, has much to say about the proposed Glendale project. He said she and her family have owned their home here since 1965 and her thoughts are very much representative of those in the neighborhood and they hold the connection of almost 50 years. She asked her son

and neighbors to speak for her tonight, saying during the 1970's her house began experiencing flooding in the basement and that water runs down from the proposed site parcel and collects at the bottom of the street. Her father had met with several engineers in attempts to rectify the problem, and one solution was to grade the backyard to prevent flooding and leaking into the house. She said that solution seemed to work for many decades; however has reoccurred in the past 3 years, with stormwater drainage issues and stormwater collecting at the bottom of their streets. The Glendale project adds to these already existing problems and the City needs to address these issues and develop a plan before ground is broken, noting that some of these existing homeowners have paid taxes over a lifetime, and created a neighborhood that has become attractive to families who want to raise families so close to the downtown of Ann Arbor. He said these comments reminds us that when a community considers development they first need to preserve the health and safety of the residents that already live there and to protect the property of the existing home owners, many who have invested so much for so many years.

Doug Aikenhead, 534 Glendale Circle, thanked the Planning Commission and acknowledged the efforts of the design team to respond to the issues that might not be fixable. He said the problems have been mentioned by neighbors and include the flooding and traffic issues. He said the City has already installed 3 speed bumps along Glendale out of concerns that they needed traffic calming and enhanced safety for residents, noting that the street is quiet and narrow and parking during special events adds to the congestion and concerns about pedestrian safety. He said Glendale is also very steep and challenging where it intersects Jackson Road, just one block north of the proposed development, especially in inclement weather and when the hill is extremely slippery, and with the Jackson Lane reduction next year it will exacerbate the situation. He said the condominium buildings are much larger and disproportionate to the existing buildings and will quadruple the density. He said a major concern is that this piece of land is unique and fulfills aesthetics and recreational needs of the neighborhood as they play in it, walk in it or exercise their pets in it, adding that it calms his soul as he walks in it and drives past it. He said if you chose to let this project to proceed, this priceless natural landscape will disappear forever and there is no bringing it back. He said please don't let it happen, suggesting that the property be preserved as a natural parkscape.

Priscilla Parker, 1706 Chalton, referenced the City's Natural Element Landscape Plan, stating that the proposed development does not meet goals of natural features guidelines, given the flooding and destruction of natural systems that will harm the neighborhood. She said the proposed project will not achieve the plans of the City's Non-motorized Plan, but will do the opposite by promoting more vehicle traffic, as well as that the pathway will be removed, traffic will be increased on Glendale and it will not promote walking and biking. She asked that the project be denied by the Planning Commission when it returns for reconsideration.

David Gold, 1712 Orchard, lives one block east and downhill from the proposed site. He said they purchased their home because it was a quiet neighborhood, with mostly single-family owner-occupied houses and some duplexes. He reiterated the need for a traffic study to be done, noting that there are 7 children under the age of 10, living on his street, and the children can currently play safely on the street. He said they already have current parking issues with only being able to park on one side of the street and with the added density of the new development will make it more difficult with parking. He said with Glendale being very steep and near impassable in the wintertime, traffic will cut through Orchard, Charlton or Virginia Streets to get to Jackson Road.

Kathy Boris, 1726 Charlton Street, said that flooding has been an issue in this

neighborhood for decades, with both sanitary and storm systems being overburdened. She said under these existing conditions, it makes not sense to approve a development of 16 units, on a hill, upstream from their neighborhood, asking with the added impervious surface how much more water will come streaming down to their doorstep. She said she had spoken to a neighbor who had worked to install a drain system in his yard and his basement is still almost never dry. She said many in the neighborhood have invested in mitigation to the flooding problems and asked if their efforts will be undone if the new development is built. She said the public health concerns over the spread of the West Nile virus remain with standing stormwater after the summer rains. She said a site plan can only be approved after the Planning Commission determines that the development will not cause a public or private health and welfare issue; she informed the Commission that this approval will cause a health and welfare problem in her neighborhood and asked the Commission to do no harm and deny the project.

Lynn Borset, 322 Virginia Avenue, representing the Virginia Park Neighborhood Association, asked for elevation plans to be shown by staff that would further show that rooflines of the proposed buildings will contribute to the runoff. She said she has lived in Ann Arbor for 30 years and is on the Advisory Committee for developing the first Urban Forest Management Plan. She said she shares the comments expressed previously about the impacts on the neighborhood, adding that she wants to speak to the loss of trees and how that will impact their neighborhood. Reading from the City's website she quoted that trees reduce stormwater run-off and improve air quality and water run-off quality downstream. She said that there are over 60 trees, on the proposed site, most of which are 10-inch in diameter, and 80% are proposed to be removed to make room for the new development. She read from data on the website that addresses the benefits of trees, adding that while a stormwater basin might address stormwater issues, it would not address benefits to the community provided by the trees. She said the paving over of pervious surface will create a giant heat island. She said she is very concerned with the sidewalk at the north end of the site that they are proposing to pull onto the site and build a retaining wall that will be 7 feet high, which in turn requires digging that will damage the roots. She read from the City Planning Commission bylaws, Article 3, Section 3, that Planning Commission recommendations shall consider such impacts that a development will have on a physical, social, economic and environmental condition of the City. She said the proposed Glendale project will have a very negative impact on the previous mentioned conditions of the City.

Chuck Warpehowski, 2020 Winewood, began to speak about the Glendale Project.

Commissioner Giannola stated that per Article 5, Section 9 of the Planning Commission bylaws, a City Council member may not speak at City Planning Commission on a matter in which they have interest during a Council term of office.

Warpehowski asked if that was true.

Commission deferred to the Bylaws and read the section, verifying it was true.

Susan Cybulski, 2107 Charlton Street, said she lives west of the proposed Glendale project and spoke on behalf of the residents of Hillside Terrace, noting that her mother is a resident there and approximately 100 residents of the facility are shut-in due to physical limitations. She explained that their view is facing the beautiful orchard and a development like Glendale will impact these people; she asked that the Commission please consider the quality of life for the residents of Hillside Terrace as well.

Scott Bowers, 2400 S. Huron Parkway, representing the petitioner, said there were two neighborhood meetings and he understands the concerns that were brought to the meeting. He said the original plan was for four buildings with four units each, and after the first meeting they realized that would not be a good plan so they broke them down into duplexes, which allowed them to follow the topography as much as possible, and help eliminate a lot of dirt hauling on the site. He said that even since Friday last week, they have submitted a new grading plan that proposes no grading on that slope at all, since shifting units on the north, which will allow for the existing trees to capture the run-off. He said there is some discrepancy with what Washtenaw County wants and the City wants, but they believe they have met those requirements by staying out 55 feet. He said the calculations for the drainage area is because it is a sandy soil and they are acquiring soil boring samples to prove that they do have the capacity to put in the drainage field that is sized for the entire site, not just the disturbed area. He said one of the concerns that people use the site as a pedestrian path was a concern for liability issues, but they hope to be able to work out that concern with staff by putting in a walkway that goes over to the Hillside Terrace. He said given the different ownerships Hillside does not want a vehicular connection and they cannot make them put one in. He said they have explored entering all traffic from Hillside Terrace, but that did not work. He explained that all buildings will have gutters that connect to the development's central drainage storm system and all impervious surfaces will drain to the same. He said the buildings also will have basements to allow the buildings to move up and down with the topography and the proposed garages will be set back to assist with parking. He said they have tried diligently to preserve as many of the trees as possible and that the proposed retaining wall will be built into the hill.

Chair Westphal stated that if the item is postponed the public hearing will be continued to allow for further comments.

Moved by Briere, seconded by Gianola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Glendale Condominium Site Plan and Development Agreement.

Enter Peters: 9:15 p.m.

COMMISSION DISCUSSION:

Briere asked the petitioner about how much water would be generated by the site and how they can retain it and not impact the off-site neighbors. She asked how the stormwater system will function.

Bowers explained that in the latest proposal, along the north property line would not be graded and that area would be left undisturbed. He said they would be adding a catch basin in the street to capture current drainage. He said all catch basins will connect to their drainage field, which will be covered by grass.

Briere asked if it is intended for the grassy area to be walked upon.

Bowers said yes.

Briere asked how large the reservoir would be and if it is impermeable.

Susan Bowers said that it is impermeable with 72 inch diameter pipes, surrounded by gravel and top soil on top and grass over that.

Briere asked how the water enters that system.

Bowers said through direct connection mostly.

Briere asked how long the first flush will be retained.

Bowers said that they doing soil borings to determine permeability, but they know that they meet the City's 100 year flood code and will be oversized for the site.

Briere said that one of the concerns is that water will flow from the catch basin into Glendale and into the street, and with the increased rain levels the City has experienced lately this is a real concern.

Bowers explained that the system does hold the water and that it goes into the system at an agricultural rate. He said there is a curb and gutter system to contain all water on the site that is designed to drain back into the catch basin and not leach over the hills, which is the natural flow.

Giannola asked if they accounted for any of the water coming onto the site from upstream.

Susan Bowers said that per the Washtenaw County Water Resources Commissioner code, they are not required to take that into consideration but that they are still reviewing it.

Giannole asked if they were concerned with flooding onto their site.

Bowers said that they fixed existing storm sewer lines to go through the site from Hillside Terrace.

Giannola asked how much in access their system could absorb.

Bowers said the system is oversized, but that they are doing the calculations that will give them more details.

Susan Bowers added that Washtenaw County would like for them to build a system that will handle their parcel only and that their proposed system is too large, so the discussion continues, because they feel they might need the added capacity.

Bona asked how the 100 year flood stormwater on their site compares to what is there right now and will there be less water later, on the site.

Scott Bowers said, more than likely yes, since they are redirecting the water to a new system and the slope in the ROW will still continue to drain as it does now.

Bona asked if it would be safe to say that the water run-off will be less.

Bowers answered yes.

Bona asked who pays for the proposed disconnects and how they came up with the number required.

Bowers said the petitioner would be paying based on the City's analysis, which the petitioner paid for, and the City came back with the required amount.

Bona asked if the mitigation sites would be downstream from the site.

Thacher said, yes, and explained that Troy Baughman's [City Engineer] report is attached with the site plan information and reports/reviews completed and made

available through the City's eTrakit project software.

Bona asked the petitioner what the stormwater disconnects do.

The petitioner explained that individual house connections are disconnected from the main system allowing for added capacity from others.

Rampson clarified that these are sanitary sewer mitigations; removing stormwater from sanitary mains, which removes the excess flow by limiting what goes into it.

Bowers explained that it used to be an easy way for contractors to get rid of the excess water by connecting the drains instead of installing a sump pump.

Westphal asked about roof run-off and the likelihood that it would spill outside of the catchment area.

Bowers said they have looked at all the roofs and that they are guttered into 6-inch collection systems, that piped to the catch-basin with nothing draining to grade.

Westphal asked if the proposed system is standard.

Thacher said, yes.

Woods asked about contaminated soils, and if the item is postponed, she hopes that they will have more information about soil testing for possible contaminations.

Bowers said that Phase 1 investigation soil borings have been done, which didn't show contamination, and they will provide those results to the staff. He said the owners have done several since that haven't shown any contamination.

Westphal asked about the alternative analysis.

Thacher said that an alternative analysis was requested because the one provided didn't show how they would be protecting natural features on the site; and the petitioner is still working on that request.

Westphal asked about the concerns about the retaining wall next to the sidewalk and going down underground.

Bowers said they will cut into hill with 'deadmen' retainers and not burying them.

Bona asked about drip line of trees on adjacent properties and if there are requirements for protecting neighboring trees and possible mitigation.

Rampson said the code says they must show vegetation within 50 feet of the property line, so ideally critical root zones would need to be shown in order to protect the trees. She explained that mitigation is not required, but as a practical matter, they have asked people to follow the same standard for off-site natural features as for on-site natural features.

Bona asked about the need for any mitigation for the off-site trees nearby this site.

Rampson explained that the mitigation is only for landmark sized trees or woodland requirement.

Bona asked the petitioner if there are any off-site trees affected.

Susan Bowers said there are no off-site trees affected with the current design of not grading the north area of the site.

Briere said she has concerns there are no interior sidewalks and only one single sidewalk at the one end of the site, and she would like to see ease of transport within the development and continuing off-site through means of walking or biking. She said this site is so geared to vehicular traffic that it is hostile to walking out to Glendale except the one access point. She said given the buses on Glendale she doesn't understand why the petitioner isn't running sidewalks and making this an accessible site.

Bowers said there are two points; extending to the Hillside walk system and at the northeast driveway to Glendale.

Parekh asked why there weren't more internal connections creating a sense of community.

Bowers said that given the low activity, they would use driveways and not have to add impervious surface, adding that they have even tried to narrow the road width by meeting the minimum standards.

Bona said while she appreciates not wanting to add impervious surface, she said we often fail to minimize roadways. She said she would love to see the alternative analysis when it comes back. She asked if they had considered having two driveways, which would eliminate the drive pavements per house.

Bowers said they did have two drives, but one of them really cut into the hill and then they went to Hillside Terrace and were turned down by them. He said that left them with the one driveway. He said on their original plan they had one building with parking underneath but that plan got revised after initial reviews.

Bona said she would like to see alternative designs and be convinced that a second drive is not feasible. She said that through a different, less symmetrical layout they might be able to add sidewalk connections that should be celebrated and inviting as they connect to Hillside Terrace and to the outside neighborhood.

Briere asked about soils that discouraged permeable drives and sidewalks, as people will want to visit this neighborhood that they are creating.

Bowers said it was an issue between maintenance and costs for the driveways, and they didn't look into the costs for sidewalks. He said they are open to looping sidewalks on the site.

Woods asked if they could bring back photos of unit's slope or cross-section showing elevations.

Bowers said that the grading plan has the elevations showing where the finished grade would be, noting that they tried to reduce the amount of soil removed from the site. He said each building is going up and down with the topography.

Thacher said there was one layout included in the site plan; SP101.

Briere said that the illustration shows single buildings, and she recommended the petitioner provide a view from Abbott Street looking toward the development showing context included.

Parekh said he agreed with comments of Bona, and in looking at the how they can preserve the natural features of the site, while meeting the needs of the developer. He asked the petitioner to look at the possibility of preserving the trees in the middle of the site when working on their alternative analysis.

Bowers said they have gone through 10 different site plans in the last year and the presented site plan is the least harmful to the site while still getting the numbers of units needed. He said the only other way would be to go back to linking up buildings for unit units, noting that they have spent time preserving the large slope and high quality trees on the site, since they love the trees.

Susan Bowers said most of the trees in the middle are crabapple and mulberry trees that are large and not that healthy, while the healthy original orchard trees are on the exterior of the parcel, along with the 10-inch walnut trees.

Bona asked if the petitioner would be willing to make a notation on the site plan that when and if Hillside Terrace is willing to connect they could show connections for the future.

Bowers said he would need to go into the condominium documents with ownership information changing.

Bona mentioned that the more interconnection of vehicular drives that are possible, the less traffic stress occurs on everyone.

Bona asked about the possible alignment of driveways with Carlton and if that is discouraged by the City.

Rampson said that generally, they try to align driveways across from each other and usually you don't have private driveways across from City streets.

Bona asked if the petitioner had had any communication with the homeowner expressing concern.

Bowers said she had attended a public meeting and had concerns with children playing in the front yard, and they explained to her about the easements of the site and the existing constraints of the site that made it difficult to move the driveway.

Bona asked if there could be some landscaping offered to the homeowner if they would be interested in that solution.

Bowers said they would ask.

Bona asked staff if the petitioner wanted to make drives narrower, would that require a variance.

Thacher said that they could ask for a variance but given that it is currently a vacant piece of property, they would not have a hardship.

Woods said she would be concerned if they made them narrower for fire truck access.

Westphal said that given that this site is zoned for more units, he asked if it would be appropriate to show any of these or possible stacked units.

Susan Bowers showed SP100B; two-stories above parking, with 32 dwelling units, which was an alternative approach, but was turned down by the Natural Features review.

Scott Bowers added that with that approach they didn't have to grade so much of the site.

Westphal said that in looking at the site plan, the Planning Commission focuses on the site rather than wider ranging concerns. He asked if staff could point people to City resources that could help explain the proposed system and that it will work as planned and not exacerbate the situation.

Thacher said that the City's System Planning Unit has been working with residents and Troy Baughman has reached out to neighbors interested in the on-going stormwater modeling analysis for the project.

Rampson said it is important that the data collected is important to Systems Planning in calibrating the model and finding solutions to the problem.

Westphal said that given this parcel's attractiveness and well-used area, he acknowledged that a piece of land, once zoned, could have expectations associated with it. He explained that each project that comes before the Commission is reviewed to make sure it meets the existing zoning and any conversations, related to zoning of this parcel or preservation of open space, he urged the public to be directed to their elected officials.

Briere said that the Systems Planning staff met with the neighborhood on May 3rd, and during those conversations some of the neighbors discovered that their stormwater systems have collapsed and these issues are ones that this neighborhood needs to have addressed and should be addressed in the next year. She added that there are concerns that developments in previous open space become problems for neighborhoods, and they would like the open space to become City acquired parkland because it adds to community value; however in this situation the land is in private hands and the City doesn't have plans for acquisition.

Woods asked when staff thought this item might return.

Rampson said the earliest would be August 7th, but if the conversations doesn't happen in time, it could be later. She reiterated that interested residents should sign-up for an email notice, which will notify when the item returns for further discussion.

Moved by Woods, seconded by Peters, that the item be postponed indefinitely. On a voice vote, the Chair declared the motion carried.

10-c [13-0878](#)

Shell Gas Station / Tim Horton's Revised PUD Zoning and PUD Site Plan for City Council Approval - A Proposal to revise the Planned Unit Development (PUD) supplemental regulations for this 1.44 acres parcel located at 2679 Ann Arbor Saline Road, to allow drive-thru restaurant uses and to construct a 109 square foot drive-thru window addition and access driveway on the north side of the existing building. Ward 4. Staff Recommendation: Approval

Chris Cheng gave the staff report.

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

Moved by Woods, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Shell Gas Station/Tim Horton's Revised Planned Unit Development (PUD) Zoning, Supplemental Regulations and PUD Site Plan.

COMMISSION DISCUSSION

Giannola asked if this project came before the Commission before.

Cheng explained that the Tim Horton's project was approved by the Commission about a year ago, but the drive-thru was not on the site plan at that time.

Parekh asked if the petitioner had considered another corner for public space and a quiet conversation, given the busy location on the corner.

Cheng explained that given the difficult grade issues on the northern part of the site and the detention pond located on the south, the only available location is the one proposed.

Briere said that this is not particularly an area where one would normally walk, given the giant parking lot next door, and she noted that she was struggling to imagine the area as a true public amenity. She asked if there might be other public amenities the petitioner has considered or might consider.

Cheng replied that the amenities proposed are the meeting place, given the gateway location to the City, along with job opportunities and the added landscape screening from Ann Arbor-Saline Road and the convenience of shoppers not having to leave their vehicles during shopping visits.

Brad Cousino, Project Manager, introduced himself and offered to answer questions.

Briere said she was hard-pressed to envision the public amenities.

Cousino pointed out that there would be park benches located in the meeting area, and the picnic eating area is separate. He said at the citizen participation meeting it was brought to their attention that there is a fair amount of foot and bicycle traffic in this area, especially during game days. He said they are open to entertaining any other ideas from the Commission but they believed this would be a public amenity that would be received well.

Peters asked if they had considered the park bench area to be an area that could be used by their patrons as well as the patrons of Whole Foods.

Cousino said they have an area of tables and chairs at the north end and wanted to offer another area as a gateway welcoming area for visitors to the City.

Woods said that she goes often to that area of town and there is a lot of bike and pedestrian customers that are fond of Tim Horton's, and therefore this can be considered an amenity to the public. She appreciates the fact that this area is more of a pleasant gateway to the City.

Westphal asked if there were renderings of the proposed area.

Cousino said no, but that the grade is not too drastic.

Cheng reviewed the photo of the proposed site, stating that the area would be 140 square feet surrounded by landscaping and with benches inside, with sidewalks to the site.

Bona said if there were added landscaping between the plaza and the street, she would feel that one wasn't sitting on the street.

Cousino said they could add landscaping; however the landscape plan already showed 3 gal plants would be used as plantings in that area.

Rampson cautioned any public space as being fully buffered from view, for safety reasons.

Cheng clarified that there are shrubs that wrap around the area.

Bona encouraged people to use the existing sidewalks on the site. She asked staff if cars in the drive-thru are driving over a paved sidewalk.

Cousino showed a rendering, saying yes, it would be raised with bollards and signs; he added that foot traffic coming into site is low.

Bona asked if there was a bike rack and suggested adding a bike hoop to the picnic area.

Cousino pointed out bike hoop from earlier approved plan located close to the island.

Briere asked about the addition to the building.

Cousino replied that it will be 109 sq feet, showing the addition on the plan and that it would be just enough space for a cashier.

Peters asked about traffic generated by the drive-thru, and for the possibility that traffic will back up onto Ann Arbor-Saline Road with 30 users in the AM peak hours. He asked for possible mitigation.

Cousino said that 10-car stacking is a generous allowance for drive-thru's adding that when people see stacking they will leave or get out of their cars to pick up their order.

Mark Kellerberger, representative from Tim Horton's, said the owner had a traffic report forwarded to the City where they had looked at other similar sites. He said they have also just finished a queuing analysis for free-standing Tim Horton's on state highways and the research shows that the largest number of stacking was 10 cars with 7 being a common number. He said they feel they have allowed themselves some flexibility and feel comfortable running through operations at this site. He said the last thing they want to do is inconvenience anyone, adding that they can actually have 3 to 4 more vehicles in the stack before they back into the right-of-way.

Westphal asked if it might be possible to run the seating area arrangements past the City's Parks and Recreation Department before finalization.

Westphal asked about code compliance questions that had come up at previous meetings and if staff are satisfied with compliance or if they could address this before the item moves on to City Council.

Cheng said the propane tanks are no longer stored in front and they have had numerous discussions regarding the banners, which are prohibited by the City's sign

code and yes, they could include those in their approval.

Westphal said he would like for the signage to be taken care of before moving on to Council.

Woods said she would like to see this as a location of some public art.

Westphal asked if this was considered.

Cheng said no.

Briere said the City could accept public art, and crowd-funded art, but the City could not consider placing art here since it is not a City funded project. She said if the petitioners chose to put art here themselves, they would applaud it.

Bona suggested that a photo of the same side of the building without flags and banners be provided to Council as part of the Commissions approval recommendation.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 2 - Eleanore Adenekan, and Kenneth Clein

10-d [13-0881](#)

Approval of Bylaws

Rampson reported that she had checked with the Clerk's office on their change from 24 hours to 48 hours in obtaining interpreters for public meetings. She said the Clerk had noted it was important in order to be able to meet the special requests for sign language interpreters. She said the Commission could chose to keep the 24 hour notice but it might be difficult to obtain someone within that timeframe.

Moved by Bona, seconded by Giannola, that the Ann Arbor City Planning Commission hereby adopts the amended Planning Commission Bylaws, subject to Council review and approval.

Peters asked if there were legal consequences if we were not able to obtain interpreters in a 24 hour timeframe.

Rampson responded that it could be possible for someone to file a complaint under the ADA provisions if the City promised to obtain an interpreter within 24 hours but then were not able to; while she thought it unlikely, she did acknowledge the possibility.

On a voice vote, the Chair declared the motion carried.

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

Rod Sorge, 1040 Greenhills, Earhart Village, provided a written copy of his comments regarding administrative amendments. He thanked the Commission for listening to all the public comments which are prohibited with administrative amendments. He said he doesn't understand how this whole thing works, but he hopes they will look at this issue on a greater scale.

Robert Bean, 1817 Abbott, thanked City staff for being very responsive to their questions and concerns. He said the developer brought up some points on water run-off that he doesn't believe have any merit and he won't believe it until he sees the data and reports. He said the interior sidewalks are a major concern as he and his family walk to Krogers all the time but once they get there, there is no way to connect up to the entrance. He said it is an uncomfortable feeling for him with small children. He said the driveway now matches up with Charlton and they could move it over to the side of the house, since the elevation of the driveway is five feet above the house across the street the headlights go directly into the opposite house. He said the unhealthy trees are due to neglect of the property owner since they are not maintained after storms, and the neighbors are the ones that come and maintain the downed trees and brush. He mentioned that the small land strips are zoned R1D and that be taken into account when they are brought into the rest of this parcel.

Gretchen Hahn, 300 Virginia Avenue, reiterated concerns about traffic in this quiet neighborhood. She said while she has her summers off she watches as cars barely touch their brakes as they go east/west crossing through. She said with no STOP signs she is concerned about bringing in extra cars. She added that Glendale has no speed bumps and felt it would be tragic if something terrible happened with the children playing in the neighborhood just because MDOT did not do a neighborhood impact study. She said on her corner there are 7 boys and 1 girl that play outside all the time. She said it would be helpful to know what is the concentration of the flow out of the detention, given the comments about clay leaching back into the system.

Rampson brought up a telephone call she had received late in the day, today, from Jan Curry, on Fair Street, who brought concerns regarding traffic issues and maintenance and dust on the gravel portion of the road in that area.

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

The meeting was adjourned at 11 pm.

Moved by Bona, seconded by Giannola, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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