



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Action Minutes - Final City Planning Commission

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Tuesday, March 16, 2010

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 794-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 6th floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

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

### CALL TO ORDER

*Chair Bona called the meeting to order at 7:05 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

### 1 ROLL CALL

**Present** 9 - Bona, Pratt, Mahler, Carlberg, Woods, Derezinski, Briggs, Westphal, and Giannola

### 2 INTRODUCTIONS

*None.*

### 3 MINUTES OF PREVIOUS MEETING

3-1 [10-0248](#)

City Planning Commission Minutes of December 15, 2009 and January 5, 2010

**Attachments:** 12-15-09 Legistar.pdf, 1-5-10 CPC Minutes

**A motion was made by Mahler, seconded by Giannola, that the Minutes of December 15, 2009 be Approved by the Commission and forwarded to the City Council.**

**A vote on the motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion carried unanimously.**

**A motion was made by Briggs, seconded by Woods, that the Minutes of January 5, 2010 be Approved by the Commission and forwarded to the City Council.**

**A vote on the motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion carried unanimously.**

#### 4 APPROVAL OF AGENDA

**A motion was made by Mahler, seconded by Pratt, that the Agenda be Approved.**

**A vote on the motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion carried unanimously.**

#### 5 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING AND DEVELOPMENT SERVICES MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

**a City Administration**

*None.*

**b City Council**

*Derezinski reported on the actions of the March 15, 2010 City Council meeting.*

**c Planning and Development Services Manager**

*None.*

**d Planning Commission Officers and Committees**

*Carlberg reported that the R4C Committee held a well orchestrated open forum with landlords which collected a variety of concerns and suggestions of proposed improvements for the R4C zoning district.*

*Bona reported that the next meeting for the Ordinance Revisions Committee would be held on Wednesday, March 17 at 3:00 p.m. and the topic would be Area, Height and Placement.*

**e Written Communications and Petitions**

- e-1**    [10-0249](#)    (1) Email from Rose Wilson regarding Proposed Convention Center.  
(2) Email from Tom Whitaker regarding Heritage Row Proposal.  
**Attachments:**    Email re Convention Center, Email re Heritage Row

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

*None.*

**7 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

*Bona announced the public hearing scheduled for the meeting of April 6, 2010.*

- 8 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.)**

8-1 [10-0250](#)

a. Public Hearing and Action on Eight Parkland Rezoning: (1) Arbor Hills Nature Area Rezoning, Green Road between Kilburn Park Circle and Gettysburg Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (2) Kilburn Park Rezoning, northwest corner of Kilburn Park Circle and Dunwood Road, north of Green Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (3) Arbor Oaks Park Rezoning, Champagne Drive between Stone School Road and Shadowood Drive. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (4) Berkshire Creek Nature Area Rezoning, bounded by Exmoor Road, Huron Parkway, Washtenaw Avenue and Glenwood Road. A request to rezone this site from R4A (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (5) Malletts Creek Nature Area Rezoning, east side of Huron Parkway, north of Washtenaw Avenue and south of Lindsay Lane. A request to rezone this site from R4B (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (6) Bluffs Nature Area Rezoning, 1099 and 1037 North Main Street. A request to rezone this site from R4A (Multiple-Family Dwelling District), AG (Agricultural-Open Space District) and C1 (Local Business District) to PL (Public Land District) for public park use. (7) Glacier Highlands Park Rezoning, southwest corner of Larchmont Drive and Barrister Road, east of Green Road. A request to rezone this site from R1B (Single-Family Dwelling District) to PL (Public Land District) for public park use. (8) Scheffler Park Rezoning, 3155 Edgewood. A request to rezone a recently acquired portion to the northeast of the existing park from O (Office District) to PL (Public Land District) for public park use - Staff Recommendation: Approval

**Attachments:** Eight Parkland Rezoning Staff Report

*DiLeo explained the rezoning petitions.*

*Ethel Potts, 1014 Elder Boulevard, stated that PL zoning is well-defined for Parks, but asked how does PL for park related to other PL zoning districts.*

*She asked Staff to clarify how uses of a zoned PL district would be stabilized and remain permanent to allow the public's assurance.*

*Mark Vincent-Nadon, representing the residents from 1251-1257 North Main, asked how the rezoning would improve the land itself and/or our community.*

*Edward Zelmanski, Attorney representing Arbor Hills Condominiums Association, which would be affected by the proposed zoning change of Kilburn Park and Arbor Hills Nature Area. He asked the Commission to expand its perspective to recognize the overall integral part of the current Planned Unit Development zoning. Rationally there was no reason to separate the two parks from the surround PUD zoned land to allow for other uses, he said. He did not believe that proper notice was given to all residents of Arbor Hills.*

*Marty Smith, 3555 Burbank, believed that the rezoning would bring the zoning in line with the current uses of the land. He stated that PUD zoning classification was not the correct zoning class for publicly owned land. He asked the Commission to approve the proposal.*

*Jane Klingston, president of Arbor Hills Condominium Association, would like time to review the proposal and asked the Commission to postpone the rezoning petition. She asked the Commission to research the reason behind the loss of the park designation for Arbor Hill Park. She finished by asking the Commission to work with the Association to ensure that the residents have their easement and access rights protected, as well as maintaining the open space as conservation areas.*

*Steve Hadrell, 3115 Kilburn, asked the Commission to postpone the rezoning to allow each member to consider the elements of the area. He asked how Arbor Hills residents would be protected in regards to storm water detention and utilities easements.*

*Maria Mahan, 2111 South Huron Parkway, asked what the plans were for the trees and the nature reserve along Huron Parkway.*

*Noting no further speakers, Bona declared the public hearing closed.*

**Moved by Carlberg, seconded by Mahler, that the City of Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Hills Nature Area, Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Kilburn Park, Mallets Creek Nature Area, and Scheffler Park petitions for Rezoning to PL (Public Land District).**

*Bona asked how the rezoning would effect the parks and if there was a plan in place to protect the parkland designation.*

*DiLeo said the intent of the PL district is designed to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services. She said all land owned by the City of Ann Arbor, Washtenaw County, Ann Arbor Public Schools District, University of Michigan, and Ann Arbor District Library is considered publicly owned and appropriate for PL designation. The City's parkland is identified and distinguished in the Parks, Recreation and Open Space Plan (the PROS Plan), she said. She stated that the PROS plan contains the official list and map of all parkland within the City and if parkland is on the map it is designated a park. She said all land owned by the City is controlled by City Council, but parkland has additional protection from the Parks Advisory Commission (PAC). All decisions regarding the use of parkland would be made by PAC which forwards a recommendation to City Council, she said. The PROS Plan is an element of the City's master plan, she said, and is updated and adopted periodically. She gave the example of the Scheffler Park addition which is not in the current PROS Plan because it was acquired only a few months ago. When City Council approved the acceptance of the land addition it was designated as parkland, she said. The designation, she said, will serve in the interim until the next PROS Plan is implemented. She said the proposed parklands had been acquired by the City and the proper zoning would be PL. She noted that the R1A (Single-Family Residential District) did not distinguish between any individual owner, likewise the PL District did not distinguish between who owns the land or what the land would be used for. She said parkland was specifically distinguished in the Master Plan and when acquired is designated as such by resolution of City Council. She finished by stating that the recently approved Charter Amendment requires voter approval for land included in the PROS Plan.*

*Bona asked if before the sale of parkland the City Council would have to go through the voter referendum and could not make the decision on their own.*

*DiLeo said that was correct.*

*Bona ask what would be required to remove a park from the PROS Plan.*

*Rampson stated that she was not aware of any parks ever being removed from the PROS Plan. Ultimately, City Council adopts the PROS Plan and the City Planning Commission would treat the plan as part of the Master Plan with a recommendation to Council, she said. She added that both the Planning Commission and City Council would have to approve any changes to the designation of parkland.*

*Derezinski noted that this proposal was the final batch of necessary rezoning of City owned parklands to its appropriate PL designation. He said the Commission had not been given much time to consider the petitions and given the public concern suggested that a decision in regard to Kilburn Park and Arbor Hills Nature Area be postponed. He believed that the other petitions should be approved as stated in the resolution. He believed the postponement was necessary for the Commissioners to visit the parks personally and for staff to elaborate on concerns raised during the public hearing.*

*Westphal said while he was not opposed to the postponement of the two parks, but asked if it would be more efficient in regards to staff's time for the main motion to be forwarded to City Council along with the stated concerns.*

*Rampson said staff would rather have the postponement granted for Kilburn Park and Arbor Hills Nature Area. She believed it was necessary to research the concerns raised with regards to the proper public notice and re-notice if necessary. She asked the Commission to clarify whether or not the public hearing would be continued.*

*Bona said the public hearing would be continued for Kilburn Park and Arbor Hills Nature Area if the amendment was approved.*

*Pratt noted that the amendment may not be included on the April 6 agenda and any persons interested in speaking at the next public hearing should sign up to receive an email to be notified of the date the item would be included on the agenda.*

*Bona supported the postponement of the proposed amendment. She said postponement would be an opportunity to be certain that proper public notification was given and to clarify which land was owned by the Arbor Hills Association.*

*Westphal asked staff if the separate designation of the pump house parcel was made because the land was acquired at a different time.*

*DiLeo replied yes.*

*Westphal asked in terms of utilities who would be responsible for upkeep.*

*DiLeo said as a general rule all staff makes every effort not to have any private improvements within the proposed parkland. She said the location of the detention ponds were unlikely in the Arbor Hills Nature Area, but are more likely to be in the Arbor Hills open space. The City did not want any responsibilities concerning the detention ponds, she said. Generally, she said, the City did not grant itself easement for utilities across public land. The Water Utilities Unit did not usually obtain an easement from the Parks and Recreation Services Unit, however, there may be some private utilities, she said. She said she could look further into the Arbor Hills Nature Area for clarification regarding all of the utilities.*

*Carlberg asked for clarification of the public notice process and whether the public had been given enough time to receive answers to their concerns regarding the project.*

*Rampson said staff received requests for information beforehand, but believed the comment tonight was the included area for which the notice was delivered. Typically, she said, the notice is sent within 300 feet of the subject property.*

*Carlberg asked if neighborhood associations were notified.*

*Rampson replied yes and added that in this case, the neighborhood association was notified. She said it may be that properties along the perimeter were not notified, stating that typically notices were not sent beyond the 300 feet requirement.*

*Carlberg asked if it is assumed the neighborhood associations would notify all of their members.*

*Rampson said the City would not assume anything, but realized that the notification of the neighborhood association would be an opportunity to notify a larger group.*



*Briggs appreciated the citizens that came out in support of protecting parks, but believed that many of the comments was the confusion of what the public land designation would mean for the parkland. She asked if there was additional protections under the current zoning designation versus public land. She believed it was necessary to explain the designation of PL district to the property owner of Bluffs Nature Area as well.*

*Bona agreed with Commissioner Briggs and suggested that the boundaries of Bluffs Nature Area be clarified.*

*DiLeo said there would not be any additional protections under the current zoning designation. She said the most appropriate designation for City-owned parkland would be PL, which allowed protection from the Parks Advisory Commission. She added that any other zoning designation would imply that other uses might be appropriate. She said because of the current zoning distinctions such as single-family, office or agriculture uses, if a developer was viewing the current zoning map the land would appear to be ripe for development. The purpose of the rezoning classification was to match the uses with the expectation and to clarify that these parks are publicly-owned land, she said.*

**Moved by Derezinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area and Scheffler Park petitions for Rezoning to PL (Public Land District).**

**A vote on the amended motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion carried unanimously.**

**A vote on the main motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion carried unanimously.**

**Moved by Derezinski, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arbor Hills Nature Area and Kilburn Park petitions for Rezoning to PL (Public Land District).**

*Westphal stated that neighborhood associations should make sure to update their information to ensure that proper notification would be received by the representatives and neighbors.*

**A motion was made by Carlberg, seconded by Woods, to postpone action on the amended motion.**

**A vote on the amended motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion to postpone carried.**

8-2 [10-0251](#)

b. Public Hearing and Action on Glacier Hills Senior Living Community Site Plan, 33.4 acres, 1200 Earhart Road. A request to construct a new, two-story 60,000-square foot skilled nursing care facility, construct small additions to the existing five-story Manor Building and two-story Care and Rehabilitation Center, and reconfigure the existing parking lots on the east and west side of the site including 57 additional parking spaces - Staff Recommendation: Postpone

**Attachments:** Glacier Hills Staff Report

*DiLeo explained the Revised Planned Project Site Plan and showed photographs of the property.*

*Jordon London, with the architecture company Edmund London & Associates, said the purpose of the project was to allow site improvements, re-distribute parking to create more efficient use of parking spaces, to increase the memory care and sub-acute rehabilitation programs, and create more private rooms for the nursing home. He said the new nursing facility would be a state-of-the-art building dedicated to sub-acute rehabilitation. The proposed addition to the south Care and Rehabilitation Center (CRC) would be used for the new Memory Care facility, he said, which would provide both assisted living and nursing care for patients with dementia related diseases. He showed renderings of the proposed project and made himself available for any questions from staff or the Planning Commission.*

*Noting no further speakers, Bona declared the public hearing closed.*

**Moved by Carlberg, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Glacier Hills Skilled Nursing Care Facility Addition Revised Planned Project Site Plan and Development Agreement.**

Woods asked in regards to the comments made by the Systems Planning Unit if the project was conforming to the ability to provide fire access to the east side of the building. She was concerned that emergency equipment may not have appropriate access to the buildings which would be a safety hazard especially with the facility providing care for elderly patients.

DiLeo stated that the Fire Marshall had review the plan and recommended approval. She said the site plans demonstrated the large truck allowance, but added that she would confirm that this would not be a problem.

Mahler asked staff if there was any other conflicting site data other than what was currently listed in the staff report that would need to be clarified.

DiLeo stated that there was a small discrepancies about how many units exist. The number of units the data provided did not match the previously approved plans, she said. For example, she wondered if when the Meadows was constructed it was built smaller than originally intended. She stated that she wanted to be sure that all of the various approvals over the years match up or if they do not the reason is a code conforming reason.

Mahler asked if the developer had proposed a solution to the two-drive approaches that do not conform to the City Code requirements.

DiLeo said staff was investigating the date of construction which could grandfather their approaches or if they have variances had been approved that would allow the approaches to remain. If not, some modification would need to be proposed, she said.

Mahler asked how many bicycle parking spaces would be provided.

DiLeo said currently the petitioner only had half of the required 43 Class A bicycle parking spaces. The petitioner had proposed 12 Class C bicycle parking space where they are required to have four, she said. The City's online code had an error, she said, which was the reason the information was calculated incorrectly. She did not believe that this project had a very high demand for bicycle parking. She said the plan was to show the spaces on the plan, but to defer them as if they were vehicular spaces.

Rampson said the bicycle parking would mainly be provided for staff because the facility did not have a particularly accessible bus route. For this reason, staff would need to determine if the bicycle parking was adequate, she said.

Mahler asked if the Washtenaw County Water Resources Commissioner (WCWRC) agreed with the proposed modification of the water level and whether the adjustments would provide the necessary detention volume.

DiLeo stated that the correspondence she received from WCWRC believed the amount of detention was correct. She believed that some documents of agreements needed to be provided to the WCWRC that stated the adjustments to the holes of the outlet structures of the south storm water management ponds.

Briggs agreed that the bicycle parking demand for this area would be low, but suggested that the non-motorized transportation plan for this area might be in the future.

Bona asked the petitioner to provide staff information so that the bicycle parking

*demand could be assessed.*

*Gordon said he would provide the staff information, but clarified that the city bus system was accessible from the front of the building.*

*Rampson said that was correct, but the frequency of that particular route was not very convenient.*

*Gordon was open to suggestions regarding additional bicycle parking.*

*Derezinski stated that the facilities had been expanded over a period of time and asked what plans the petitioner had regarding further expansion.*

*Gordon stated that there were interior improvements underway, but said he did not have plans for future exterior expansion at this time. He clarified that the discrepancies regarding the unit counts was due to the Manor building's original construction of all studio units, but over the years many of the units had been converted to one and two bedroom apartments. Additionally, the Meadows building was constructed with less units than the original plan, he said. The market of Senior Living is changing rapidly, he said, the purpose plan was a holistic plan that would address demands of the future.*

*Derezinski asked if the proposed plan would provide a continuum of care.*

*Gordon replied yes.*

*Pratt asked if the storm water was contained within the City's boundaries or flow into Fleming Creek.*

*DiLeo said staff would look into the storm water management issue.*

*Pratt asked if the storm water flowed into Fleming Creek if guiding documents would be provided by the Washtenaw County Water Resources Commissioner and if there were binding documents if the water flows out of the City's boundaries. He suggested that the current standards be reviewed to ensure that the petitioner would not need to provide voluntary improvements to the quality of the water leaving the site. Any issues that could be addressed prior to the project being forwarded to City Council would be helpful, he said. He believed it would be beneficial for the storm water management to become modernized.*

*Woods asked staff if the vehicle parking only required 1 vehicular parking space per 6 nursing beds.*

*DiLeo said that was correct.*

*Woods stated that the required parking seemed rather low. She asked if staff parking was taken into account when calculating the parking requirement.*

*DiLeo noted that 347 vehicular parking spaces would be required, but currently the petitioner had 460 spaces with a proposal of 517 spaces. She said through research she believed that the parking was low, but the petitioner would be providing much more parking in the proposed plan.*

*Woods asked for the source providing the standards for vehicular parking.*

*DiLeo said the standards were from the City Code, Chapter 59 Off-Street Parking.*

*Pratt agreed with Commissioner Briggs in regard to verifying the non-motorized transportation plan. He was concerned that the walkways would not connect the property lines.*

**Moved by Carlberg, seconded by Derezinski to postpone action on the main motion.**

*Mahler asked when the proposed plan would come back to the Planning Commission.*

*DiLeo stated that the petitioner and staff would be prepared to return by April 21, 2010.*

**A vote on the motion showed:**

**Yeas:** 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

**Nays:** 0

**Motion to postpone carried.**

*Exit Pratt.*

**Present** 8 - Bona, Mahler, Carlberg, Woods, Derezinski, Briggs, Westphal, and Giannola

**Absent** 1 - Pratt

8-3 [10-0253](#)

c. Public Hearing and Action on Heritage Row PUD Zoning District and PUD Site Plan, 1.23 acres, 407-437 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District) and a proposal to renovate the existing seven houses (total of 26,873 square feet and 38 units), and to construct three new buildings (total of 44,738 square feet and 44 units) and a total of 62 parking spaces below the new buildings (postponed at 2/18/10 meeting) - Staff Recommendation: Approval

**Attachments:** Heritage Row Ordinance Briefed, Heritage Row Ordinance.doc, HeritageRowSupport4-20-10.docx, Heritage Row 3-16-10 CPC Minutes.doc, Heritage Row Staff Report 03-16-10 w/Attachments, Communication from Alex DePerry

*Kowalski explained the proposal and showed photographs of the property.*

*Tom Luczak, 438 South Fifth Avenue, spoke in opposition of the project. He stated that the proposed building was too large in perspective with the existing houses. He appreciated the petitioner comment that he would adhere to the Secretary of Interior guidelines, but stated that the background building should also be consistent with the guidelines. He believe that the Historic District Commission would nearly determine if the Secretary of Interior guidelines had been met, but the proposed site was currently not protected as a historic district.*

*Jack Eaton, resident of Dicken Drive, spoke in opposition of the project. He believed the Commission was acting prematurely and should wait until the Historic District study was complete. He said staff had failed to apply the Planned Unit Development (PUD) standards. The benefits of the project should be significant, measurable and enforceable, he said.*

*Claudis Vicenez, 535 South Fifth Ave, spoke in opposition of the project. He said property owners and investors in the community are looking for stable and secure zonings. He believed that changing the zoning districts would remove motivation for responsible infill development. He was concerned that the project would set a precedent for even less beneficial development in the future.*

*Ethel Potts, 1014 Elder Boulevard, spoke in opposition of the project. She believed the PUD was asking for an unacceptable amount of deviation from the zoning requirements. The Central Area Plan (CAP) would be violated if the project was approved, she said. She believed the project was being rushed through in advance of the site's designation of Historic District so that the petitioner would not have to adhere to the Historic District Commission standards.*

*Ellen Ramsburgh, 1503 Cambridge Road, spoke in opposition of the project. She agreed with the previous comments from her neighbors. She did not believe the benefits justified the PUD. She asked the Commission to consider the historic district and R4C studies currently being conducted.*

*Brad Mikus, resident of Stone School Road, asked the Commission to postpone the PUD for further questioning. He believe the petitioner should be required to use geothermal energy without the alternative to use renewable energy credits. He asked what the criteria would be in determining residents eligibilty for affordable housing within the PUD. He asked if noise, light leaving the area, curb cuts, and the additional height requirement for the mechanical elevators would be a problem for the*

neighbors. He finished by asking if the City or the developer would pay for the 14 footing drains.

Tom Whitaker, 444 South Fifth Avenue, said the R4C focus group for landlords spoke loudly in opposition to these type of projects. He presented a list of approved residential projects near downtown to the Commissioners. He believed this project would negatively impact the William Street Historic District.

Alex deParry, developer of Heritage Row, said the projects height would be 38.875 feet and there would not be an elevator shaft. He provided a sample of the tan colored brick and added that he would be open to using an alternative wood siding because it had a more traditional appearance. He said they planned to reuse the existing stone and would not change the existing windows.

Kyle Mazurak, Vice President of Government Affairs for the Ann Arbor Area Chamber of Commerce (AAACC), as a representative of the AAACC spoke in support of the PUD. He read a prepared statement submitted to the Planning Commission on February 18.

Susan Whitaker, 444 South Fifth Avenue, spoke in opposition of the project. She believe if the PUD was constructed the homes would be forever lost after being lifted from their foundation with apartments crammed underneath. She wondered if there was an alternative motive behind not allowing the Historic District and the R4C studies completion.

Lou Glory, resident of Brook Street, spoke in opposition of the project. She believed the process of transforming to PUD would allow the City to extend downtown by stealth. She said there was no compelling reason to grant a PUD under the circumstances as there is currently a glut of rental housing in the area.

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

**Moved by Westphal, seconded by Derezhinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Heritage Row PUD (Planned Unit Development District) Zoning, Supplemental Regulations, PUD Site Plan (conditioned on City Council approval of the PUD Zoning), and Development Agreement.**

Enactment No: ORD-10-13

*Bona asked staff how the income would be determined in regards to affordable housing.*

*Rampson said the office of Community Development had standards that would be applied for rental units. First, the units have to be rented at a fair market rate based on Housing and Urban Development (HUD) standards, she said, beyond that Community Development worked with the property owner to screen potential residents and income. Community Development is aware of the issue of temporary poverty, she said. The units are permanently affordable so any new tenant would have to meet the income criteria and all tenants are to report their income annually, she said.*

*Bona asked if the mechanical units on the roof were included in the height restrictions.*

*Kowalski said the petitioners would not have rooftop mechanical equipment.*

*Bona asked if the petitioner later decided to place the mechanical equipment on the roof would it be included in the height restrictions.*

*Kowalski stated that if the mechanical equipment was in an inside room or was screened it would be included in the height restrictions.*

*Rampson said the height limit in the supplemental regulations would be the absolute height limit including any type of rooftop equipment.*

*Kowalski said nothing could be above the parapet wall.*

*Bona stated that the petition was in front of the Commission because it was submitted to the City. She asked staff how a Historic District designation of the site would affect the Planning Commission vote.*

*Kowalski said if the site was approved as a historic district the project would have to comply with the historic district standards.*

*Bona asked if the petitioner would need approval from the HDC to receive a building permit.*

*Giannola said the petitioner would have to receive a certificate of appropriateness from the HDC regardless of the vote of the Planning Commission. If the HDC determined that the project was not appropriate it would not matter that the Planning Commission had approved the project, she said.*

*Bona asked for a definition of the sewer disconnects and who would be responsible for payment.*

*Kowalski said prior to the issuance of Certificates of Occupancy the petition would have to disconnect 14 foot drains and make the payment. The requirement would be used to offset the proposed buildings impact to the sanitary system, he said.*

*Bona asked if the petitioner would be disconnecting more drains then they would later add.*

*Kowalski said yes.*

*Bona stated that the 14 disconnects would be a positive for the City's sanitary*



system.

*Mahler noted that the question regarding renewable energy was addressed in the supplemental regulations in paragraph 3 of Section I.*

*Westphal was concerned with how the supplement regulation was written in terms of the alternative of purchasing renewably produced energy for electricity. Originally, he believed the Commission was under the impression that the project would be one of the first larger scale implementations of geothermal and asked if the feasibility had been addressed or was geothermal energy determined impractical.*

*deParry said the site space would not allow on-site geothermal energy due to the basement parking area excavation which was the reason they propose to use the Energy Star Program. He added that they were trying to obtain energy efficiency and he believed the Energy Star Program is a very good system.*

*Carlberg asked that the actual amount of additional insulation be included in the supplemental regulations.*

*deParry stated that he would use a mineral wool insulation and would achieve R-30 in the side walls and R-48 in the ceilings which would be very efficient.*

*Carlberg said it would be helpful if the information was included in the supplemental regulations.*

*Briggs had three questions. 1) Who would determine compliance with the Secretary of Interiors standards? 2) How the noise level and of the open space would affect the neighborhood with a definition of the open space. 3) What type of lighting would be used and if it would cause a light intrusion problem.*

*Kowalski said the Planning Manager and the Historic District Planner would review the Secretary of Interior standards. He said the open space would include benches, barbecue grills and a public art area.*

*Brad Moore, architect for the project, he said the open space would only be open on the eastern side. He said the space would mainly be used for outdoor eating and the recreational needs of the residents. The City has noise ordinances which are enforced routinely, he said, the petitioner did not anticipate any excessive partying.*

*Briggs asked how much of the open space would be shaded during the daytime.*

*Moore said potential 40-45 percent of the day, but it would depend on the time of the year. He said there would be decorative lighting that would be compatible with the City's light pollution requirement. The lighting had been designed not to shed light to the adjacent properties, he said.*

*Kowalski said the lighting would provide low level ambient light.*

*Bona asked the petitioner to provide lighting that would not allow the bulb to be seen.*

*Giannola noted that the supplemental regulations on referred to the materials used in the project which stated "All existing windows, siding, doors and architectural accents shall be restored according to Secretary of Interior Standards for Rehabilitation. She added that the standards did not cover the placement of the houses. She asked how the project would affect the City Place project.*

Rampson said it would void the City Place project because the property would be rezoned from R4C.

Mahler agreed with the projects overall benefits in terms of the affordable housing, commitment to energy efficiency, the 60 underground parking spaces over the by-right spaces of 36 and the preservation of the historical houses. He was concerned with the Historic District study and whether or not the site would be rezoned, but agreed with Commissioner Bona that the project had to move forward with the project otherwise the Commission would be interfering with the rights of the petitioner.

Woods appreciated the energy efficiency, but believed most of the improvements were beneficial to the petitioner and would not be a specific public benefit. She did not believe the project met the PUD standards. Looking at the background building of the historic houses the scale and the mass would not be compatible with the neighborhood, she said. She was not in support of the project.

Briggs was not in support of the project stating that the project did not meet the PUD standards. She said there were several reasons she was opposed to the project. She did not believe that PUD standard 6-A had not been met, which required the building to have compatible aesthetics of the surrounding land use. Secondly, the development should provide innovation in land use design which furthers stated goals of the City's land use plan and looking at the Central Area Plan (CAP) she did not believe that the project would complement the historic architectural and environmental character of the neighborhood. The CAP also stated that the scale and detailing of the new building should be appropriate to the surrounding and "in various locations around Ann Arbor houses are overshadowed by larger commercial, residential or institutional buildings that are out of scale with existing surrounding development. In addition to being aesthetically displeasing out-of-scale construction alters the quality of living conditions in adjacent structures by blocking air and light, and by covering green spaces with excessive building mass", she did not believe these CAP requirements would be met with the current PUD. She agreed with the letter from Mrs. Thatcher of the Historic District which said "the historic relationships between houses on the site and on the block would be substantially compromise if the backyard were occupied with three four-story buildings in what has historically been open space, it would be appropriate, for example, to build one or two-story structures towards the rear of each lot using design and materials that are compatible with historic houses, in which are similar in size to historic barns or carriage houses found near downtown this could maintain the historic relationships between the houses and street while allowing additional floor area in a context sensitive matter". Finally, she said, the PUD requirements said density should be consistent with the Master Plan or current existing zoning, which she did not believe was the case with the current site plan. She believed that the Commission should acknowledge that the R4C zoning study was underway and one reason for the review was the density that would be allowed under the zoning had been seen to compromise the integrity of the neighborhoods. If the City was saying that the R4C level of density was inappropriate then certainly approving density above that level would clearly be inappropriate. She did not believe the project would meet the City's PUD requirements for approval.

Westphal asked if the Commission was to consider the wood panel.

Matt said currently the Commission was not to consider the wood panel. The wood paneling was submitted as an alternative by the petitioner, he said however the light brick as presented in the slide show would be used.

Westphal asked for the name of the type of brick that would be used for the project.

*deParry stated the name of the brick was "Nob Hill".*

*Kowalski said he would change the name of the brick in the supplemental regulations.*

*Westphal believed that the Commissioner had asked that the lighter color brick be used, but the petitioner went with the suggestions from the neighbor and went with Nob Hill brick.*

*Kowalski said the Commissioner had different opinions of what brick color should be used. The petitioner weighed Staff's recommendation as well as the Planning Commission and neighbor's preference and decided to use the lighter color brick.*

*Bona suggested that when the project was forwarded to City Council that it read "some Commissioner's preferred the light colored brick was not unanimous".*

*Kowalski said he would clarify be for City Council submittal.*

*Westphal said the comments from the community inferred that there was not a potential market for these types of units. He did not believe that it was within the Planning Commission's purvey to determine whether the units would be rented or not and added that the approval or denial of a PUD project should not be based on this criteria. He believed that refurbishing the houses even though a couple of them would be shifted from their current foundation, the project would extend the life of the structures. If the petitioner would be using materials compliant with historic standards, he believed many people would see the project as an improvement over the current condition of the houses which would be a major benefit to the City and neighborhood. He said the underground parking in terms of innovative land use would also be a benefit. He believed the project would be a great use of hidden density and in return the City would receive a streetscape that will be preserved for the foreseeable future. He was disappointed that the geothermal might not be financially feasible, but he believed that Energy Star would be an upgrade. He commented that staff examination of the projects and their check system was thorough and worth taking into account.*

*Derezinski said the project had metamorphosed and continued to get better over time. He said overall, the project would meet the public need and PUD standards. He credited staff with presenting a project that would meet the standards and local, state and federal laws. He believed the project would provide the benefits required when changing the zoning ordinance. He stated that the project was one that caused him to propose a resolution for the study of the R4C zoning district, which is currently underway. He did not believe it would be appropriate to wait until the completion of the study to make a decision about the Heritage Row project. He said he believed the project deserved the Planning Commission's approval.*

*Carlberg agreed with Commissioner Derezinski and Commissioner Westphal. She did not believe the height of the background building would be noticeable from the street. She said turning the current graveled lots into wonderful residential units would be of great benefit to the community which would be innovative and efficient land use. She stated that there was no fire suppression in the existing houses, but the new project would provide better insulation and include fire suppression. She believed the streetscape would be preserved since the houses would be rehabilitated. Providing housing close to downtown would be a tremendous benefit to the City, she said. The petitioner would be removing the parking burden, she said, by providing the very expensive underground parking. She said the historic district*

standards would like a definite contrast between the new buildings and the old buildings and she believe this project fit the criteria. The open space courtyard would be a benefit to the residents, she said. Affordable housing would always be important, she said, it is nearly impossible to have a petitioner provide the housing without the added bonus of density. The project would be winning situation for the community as a whole. She believed the Commission should vote on the project and move it forward.

Bona asked for clarification from staff between the language in P-19 of the development agreement that stated "all new and restored residential buildings on site will be Energy Star" and the petitioner's earlier statement that only the new buildings would be Energy Star, the old buildings would receive added insulation and other changes listed in the supplemental regulations. She asked the petitioner to add to the supplemental regulation that there would be a maximum of one five-bedroom unit and there would not be any four or six-bedroom units. She also asked the petitioner if he would like the Planning Commission to respond to the exterior drawing that depicted the wood siding or allow City Council to consider the siding as an alternative.

deParry said the wood siding was presented as an alternative based on the comments received from staff and Planning Commission. The wood siding would complement the buildings and provide the appearance of a smaller building, he said. He believed the wood siding would work best, but he would use the materials that could be agreed upon. The wood siding would complement the new building with the existing houses, he said. He stated they were not trying to replicate any architecture, but was trying to include some traditional elements.

Moore added that the Secretary of Interior standards was that the new building be distinct from the existing houses which was the reason the drawing was present to the Commission. The original intent was to also design a building that had some elements of buildings in the neighborhood so the new building could co-exist with the other buildings, he said. He believed the geometry of the building would make the background building identifiably different even if similar materials to the existing houses was used.

Giannola stated that she would not be looking at the project from a historic district viewpoint because it was not currently a historic district. When the study is complete the Historic District Commission would make a decision based on the guidelines, she said, the study was not pertinent now. She agreed with the benefits stated by Commissioner Westphal, Commissioner Carlberg and Commissioner Derezinski. She appreciated the preservation of the streetscape. She believed the project fit in with the Master Plan in terms of "we should promote compatible development of sites now vacant, underutilized or uninviting wherever this would help achieve the plans overall goals". The location would help infill with the downtown development, she said. She was in support of the project.

Bona agreed with all of the stated benefits made by her fellow Commissioners. She thanked staff for the comparison of units to bedrooms on page two last paragraph of the staff report. She did not believe that the CAP prevented the density that the zoning allowed. As a Commission we have been asking for smaller units such as studios, one and two-bedrooms as opposed to six-bedroom units which this project would provide, she said. She was in support of the project.

Enactment No: ORD-10-13

**A vote on the motion showed:**

**Yeas:** 6 - Bonnie Bona, Eric A. Mahler, Jean Carlberg, Tony Derezinski, Kirk Westphal, and Diane Giannola

**Nays:** 2 - Wendy Woods, and Erica Briggs

**Absent:** 1 - Evan Pratt

**Motion carried.**

Enactment No: ORD-10-13

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

*None.*

**10 COMMISSION PROPOSED BUSINESS**

*Carlberg asked that the December 15, 2010 minutes page 13 and 14 the word "Burton" should be corrected to say "Barton".*

*Rampson stated that the CPC retreat would be scheduled for Tuesday, March 30 from 5:30 p.m. to 9:30 p.m.*

**11 ADJOURNMENT**

*Bona declared the meeting adjourned at 10:30 p.m.*

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**Wendy L. Rampson, Planning Manager  
Planning and Development Services**

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**Kirk Westphal, Secretary**

**Prepared by Carol King  
Management Assistant  
Planning and Development Services**