



City of Ann Arbor

Formal Minutes

Planning Commission, City

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

Tuesday, October 20, 2015

7:00 PM

Larcom City Hall, 301 E Huron St,
Second floor, City Council Chambers

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1 CALL TO ORDER

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

2 ROLL CALL

Senior Associate Planner Ben Carlisle called the roll.

Present 8 - Woods, Clein, Briere, Franciscus, Mills, Bona, Milshteyn,
and Gibb-Randall

Absent 1 - Peters

3 APPROVAL OF AGENDA

Moved by Mills, seconded by Milshteyn, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

Chair Woods welcomed new Planning Commissioner, Gibb-Randall, adding she looked forward to working with her.

5 MINUTES OF PREVIOUS MEETING

15-1288 September 9, 2015 City Planning Commission Meeting Minutes

Moved by Clein, seconded by Milshteyn, that the Minutes be Postponed to the next meeting. On a voice vote, the Chair declared the motion carried.

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

6-a **City Council**

Commissioner Briere reported that Council discussed ways in which to work with Planning Commission to get an ordinance back to City Council on floodplain development. She said it's been on the Work Plan for a number of years and in order to get it rolled out it would require a significant amount of staff time as well as Planning Commission time. She said Council will look at the tough part of deciding what needs to be done in order to move it forward.

Briere also reported that Council moved one step closer to discussing the site plan and zoning of Nixon Farm North and South, and postponed discussion on the zoning and site plan for Woodbury Club Apartments. She said Council held a lively discussion on how a Greenbelt land acquisition could be applied to Nixon Farms North and South and the Woodbury Club. She said they are working with the University on a feasibility study on moving the Authur Miller house from next to the Institute of Social Research to Liberty Plaza.

6-b **Senior Associate Planner**

Senior Planner Carlisle reviewed the calendar with the Commission, noting that due to the elections on November 3, the Planning Commission meeting will be held on Wednesday, November 4, 2015, and the November 10th working session meeting would be a workshop to discuss the Capital Improvements Plan.

Carlisle noted that during the on-going staffing transitions they realize there are some projects that need to keep advancing. He said the Ordinance Revisions Committee works diligently and very hard to advance some of those projects; the Downtown Zoning Premiums being one of those projects that they are working on to finalize draft language

which they will bring before the whole Commission to review before moving to finalize it.

Carlisle reported that the City has partnered with the County's Community Development Department to assist the City in working on an Accessory Dwelling Unit ordinance. He noted that the County has started doing background research and best practices in regards to the topic and they will be scheduling a meeting with the Ordinance Revisions Committee to discuss and refine the scope, review schedules and timeframes as well as guidance in regards to community input. He explained it is a progressive timeframe in which to complete this project and be able to bring something before the whole Commission and he hoped to have an update for the Commission within a month or so, once they have met with the Ordinance Revisions Committee.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

15-1289 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.)

Garrett Scott, 1421 Iroquois Place, Ann Arbor, said he lives directly behind the proposed re-development site for the Circle K at 1420 East Stadium. He said the site plan might come before the Commission next month. He thanked Matt Kowalski, City Planner, who has been very helpful to this citizen in navigating the review process. He said the Commission had received a letter of support for the project that noted the neighborhood was in support of the project. He said that not all the neighbors are in support, and he is one of the six R1 residentially zoned parcels that about this development that will have a 24/7 lighted canopy that will shine right into his kitchen. He said they also have serious concerns about the possibility of the City granting them a variance to allow them to build into the buffer zone, next to houses so the development can accommodate the increase of their retail store and increased hardscape, and snow melt from snow plowed into the landscape buffer behind his house, concerns about pedestrian safety,

given increased parking lot traffic near an intersection that sees kids walking to Burns Park and Tappan Schools is another concern he has heard, an increase to idling trucks near property lines is of concern, to at least one neighbor. He said to categorize the neighbors as launching a fight against any redevelopment isn't accurate and to characterize the neighbors happy with an eye-sore is not true, He said as a neighbor resident for 18 years and an adjacent neighbor to this site for 15 of those years he has seen the neglect of the current building on the current site, and he would be happy to see improvements like on-site stormwater retention systems or even the brick facing proposed for the new building, but the best solution to neglect is not necessarily building a highway scale gas station/convenient store on a site adjacent to family homes in the heart of Ann Arbor. Instead he asks in his disconcerted way, as a neighbor, that they continue the discussion they have begun with Circle K, the builders, the Planning staff, Planning Commission and City Council as how they can best work together to find compromised solutions and mitigations in keeping with the City's goals for livability, health, pedestrian street life in a mixed residential commercial scale of the neighborhood. He provided paper copies of his comments to the Commission.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

15-1290 Public Hearings Scheduled for November 4, 2015 City Planning Commission Meeting

Chair Woods read the public hearing notice as published.

Received and Filed

9 UNFINISHED BUSINESS

9-a 15-1291 2250 Ann Arbor-Saline Road Site Plan and Wetland Use Permit - A proposal to construct one building containing 75 dwelling units, exercise room, community room and indoor pool on this vacant 5.34 acre parcel. The proposal includes constructing 84 exterior parking spaces and 70 parking spaces under the structure. A storm water detention basin will be located in the rear of the site. The basin will be oversized to accommodate additional offsite water runoff from the north. (Ward 4) Staff Recommendation: Approval

Matt Kowalski provided the staff report.

PUBLIC HEARING:

Bob Parnes, 2067 Ascot Road, Ann Arbor, said he has been a resident there for 30 years. He read from a prepared statement; noting he has several concerns with the site plan of 2250 Ann Arbor-Saline Road. He focused on the clear cutting of the northern part of the site and destroying the natural system that is currently there. He said, I am very strongly opposed to cutting down any trees on the property. Why would the city allow mature or landmark trees to be cut down after they have been there for over 50 years? I so enjoy that wall of green on the back of my property! I do not want to have to stare at an oversize condo building. He continued, I also would like to see this development put in as a smaller project. This project is too big for the space and does not fit into any of the developments in this part of Ann Arbor. I am concerned about noise from the property as well as light pollution. I do not want a building towering over our neighborhood, and at the last public meeting the architect said for the project that they would be happy to do whatever the residents wanted; however, the developer has never met or corresponded with the residents of this neighborhood; Please do not approve this project. He read from a written statement provided to the Commission and included in the attachments provided to the Commission

William Higgins, 2131 Chaucer Drive, Ann Arbor, said he has been there for 48 years and he has observed the severe flooding conditions down in Chaucer Court and now in Village Oaks in their backyards, noting it is the lowest topographical area on the whole slope. He said the water from the west of 2250 Ann Arbor Saline Road is still going to go there, and the water from the north of 2250 Ann Arbor Saline Road already has the benefit of a half dozen detentions and nobody knows how much water flows down that slope and how it is possibly going to get over to the new detention pond from the existing flow that he is aware of. He said it is interesting that two or three years ago the City funded a program to put detention ponds in place for Churchhill Downs, Lansdowne and a couple of other subdivisions who have had flooding for sixty years and no action has been taken for those detention ponds. He asked why this one is so important when the others were outlined and even included in the Capital Improvements Plan for a while before being weeded out. He said this area will only benefit slightly from a big retention pond that will have no guard railing or protection from kids and is intended to hold 5 or 6 feet of water and there are no details yet on where that water goes. He said it is going to go out of that pond and down to that same low spot that has inadequate piping and has been demonstrated for decades. He recommended that this proposal be vetoed until those details are worked out and some

sense is made on the water management.

Ruth Dixon, 520 Lambeth Drive, Ann Arbor, thanked the developer for removing the 14-foot sidewalk/road, and continuing to honor the 50 year exit pattern for this area of town. She said she saw the added trees proposed to be added to the landscape buffer but she did not see the retention of any existing trees that were originally slated for removal. She said keeping more trees should be very possible since the access is being diminished on the current plan, and keeping the trees and undergrowth will be important especially at the Lambeth stub to maintain the visual blockage that will control traffic from trespassing onto the proposed development. She said since maintaining trees is a stated value of the City she asked that the Planning Commission request an updated landscaping plan that specifically marks the water and sewer access and shows the trees that could and should be saved.

Aram Kolousdian, said his mother lives at 521 Lambeth Drive and his family has been there for over 47 years, and he had submitted his comments via email. He said this past football Saturday they had a bad experience with the football traffic and they had people picnicking on their front lawn and he felt that with the addition of the proposed sidewalk of the project it would only bring more problems into the neighborhood.

Judy Hanway, 2059 Ascot, said she has lived there for over 28 years. She had questions about the new plan, noting that she hadn't seen it yet. She had questions about moving the wetlands, and if that would include saving and relocating all the plants and animals to the new location. She said if the old would be bulldozed it would be a loss of a natural feature. She expressed the importance of keeping the old trees and their root systems for absorbing water, noting that the root systems underground are as large as the branches that are seen above ground. She said with all the clay soil in that area it could be a significant effect on the stormwater in the area. She concluded that a smaller project would avoid all the problems of the wetlands, tree removal, setbacks, sewage, so she suggested that the Commission perhaps ask for ideas for a smaller project. She thanked the Commission for listening to the resident's concerns.

Mary Gliedt, 495 Village Oaks Court, said she has attended all of the last few months of meetings; she thanked the Commission for their time, dedication, and effort that they have shown as members of the Commission. She said more than 5 years ago, her neighbors and her came to the City with the flooding problem that happens in their

backyards. She said it is horrendous and unacceptable. She said she was astounded and well pleased at how well the City has invited them and kept them abreast of the on-going process what they are doing to try to address the issue, and she thanked the City and staff for doing that. She said the detention pond for this project is the only viable answer to this water problem that has been studied by many different boards and commissions, as to what has to be done and the voice of those living in the path of this water is small in comparison to some of the other voices that the Commission has heard. She said they are not as loud or strident as some of their neighbors but they are no less important and she understands that they can't make everybody happy. She said the developer has changed the plans over and over again to meet the ever changing demands of the neighborhood, and now is the time to do the right thing; the real decline in their property values and the potential property destruction and damage to downstream homes is a reality.

Eric Macks, 2155 Ascot, said he came to voice his concern to the size of the project and he felt it would tower over the houses that surround it in Lansdowne and the size is out of character with the neighboring neighborhood and is telling that they have never seen a three dimensional scale model how this building relates to the surrounding neighborhood or businesses and he felt there should be some reconsideration on what size development should go on that size property and that it shouldn't be allowed to tower over neighboring properties. He said the neighbors shouldn't be forced to take on such a large development, being a subdivision that has been there for so long. He felt it was unfair that was the only way they can get a detention pond.

Prasad Venkatesh, 2122 Ascot Road, said they are glad that the recent access road has been removed from Lambeth Road, yet they continue to have significant concerns about the proposed development and they relate to the destruction of the natural buffer zone between the proposed development and the Lansdowne subdivision. She said the change of the road to a sidewalk didn't change the plan of the removal of the trees that form the natural buffer zone right at the Lambeth intersection and preserving a natural buffer zone has been brought up multiple times by community members and there continues to be a lack of attention to these concerns. She said they want to keep the existing trees and buffer zone and they don't want to have to view the construction of the new development and the re-growth of the trees but they want to keep the existing buffer zone other than a barren landscape and manicured lawns and a full view of a 4-story building. She asked that whatever design of the detention pond that it redirect the water to the pond and the existing trees

are able to be salvaged and the design should ensure that the pond addresses the existing drainage problems and not create new ones. She asked if the existing sewage lines that have had prior problems with the neighborhood, if they have the capacity to handle sewage coming from 75 additional units. She said the overall scale of this project continues to be a concern and she felt the detention pond shouldn't be linked to the new development.

Nancy Yalonen, 487 Village Oaks Court, said her husband and her have lived in Village Oaks court for 25 years with their home situated at the base of the court in the lowest point. She said they strongly support the proposed stormwater detention basin that will be constructed on the development site, and they feel the basin is in the best interest of the area and is supported by multiple studied, and their neighborhood has experienced serious stormwater issues for years. She said during storm events there is water flowing into Village Oaks from unintended sources and they live in a detention area designed to service only stormwater from Village Oaks Court; however they have always been subject to floodwaters flowing in from both the up-stream developments to their north and Lansdowne subdivision. She said the proposed basin would serve to mitigate stormwater issues by providing flood relief, not only from within their surrounding neighborhood but also to neighboring developments downstream and would create a positive flow effect for Mallett's Creek. She asked that the Commission consider this as an immediate necessity for a stormwater detention basin as designed within the proposed development, before coming to their conclusion tonight.

Paula Uche, 482 Village Oaks Court, said the neighbors at the bottom of the hill have suffered such great flooding for which she has compassion; however, she too has suffered incredible flooding; four feet of flood water. She said her basement is pretty much a retaining pond for the entire set of houses uphill and she is very concerned that this development will add yet more water, noting that the planning of the whole Village Oaks Court development was faulty and the gutters of all the houses above her parcel just go straight out and that flows down into her parcel and into her basement. She said this has cost her thousands and thousands in mitigation and she has tried to solve the problem and she has asked the City and been to this building so many times asking people to come look at the problem. She said she is very concerned with this proposed project as the retaining pond may help them but the building project is separate from the retaining pond. She said the retaining pond has to happen but that number of buildings that close to her property with all of their water along with all the water coming from the north could add more water to the

already flooded area. She said no one in the City has been able to address the concerns, and she has asked that the developers be able to communicate to her how they intend to address the issue; will they be installing swales so all the water doesn't come back on her. She said she is only one voice but her voice needs to be heard. She said her 85 year old mother who has Parkinsons was unable to walk in the house because of the high water. She asked that the Commission please hear their voices; while the Fire Marshall and the traffic engineer have approved this project, she wanted the Commission to know when there was a fire in a condo, one unit away from hers, the sparks were flying on her roof, and she was concerned that if there should be a fire in the newly proposed development their whole neighborhood could burn because of the close proximity of the developments and if it were in the winter the fire department wouldn't have access to drive around. She also added that the traffic will be too heavy with the added development, and the protection of pedestrians will be diminished with the proposed location of the entrance/exit of the new development. She said she knows so many accidents that have happened right there, including one involving her daughter, and it is a death waiting to happen and she wanted the Commission to please consider that the speed limits are not adhered to where there are no lights.

William Pollard, 2139 Ascot Road, said he has lived there his entire life and he brought concerns about the woods and wetlands that are behind the houses on Ascot and those backing up to Chaucer Court, adding that he would really hate to see that go away, since it is a great natural buffer zone that helps keep the road noise down from Ann Arbor Saline Road and it keeps the visual down. He asked if anyone has investigated the sewer capacity, noting that Lansdowne and Ascot are on a very old system and they currently have sewer back-up problems with the sewer system and he had concerns if the sewer from the 75 units would be added to their sewer system. He said he also gets concerned with having a 75-unit structure towering over everything else in the neighborhood and not be to scale. He said his neighbors and he have never met with the developer to give their feedback on what the residents in the neighborhood would like to see on this parcel. He said added traffic in this neighborhood really is a concern to him, noting that on football Saturdays the added traffic has a negative impact on their neighborhood.

Pia Bennett, 476 Village Oaks Court, stated that the size of the proposed project is way out of anything that they can live with and it has created a big problem and doesn't look like anything that should be there. She said the developer should have had more feedback as to what the neighbors

wanted to see there, versus the meeting that was held and the developer presented the proposed project telling them what was going to be built. She said they should have been part of it because they are going to be living there and this project will be in their backyard. She said even if the project were to be toned down to 20, it will look like a box and they don't have boxy buildings in their neighborhood and the creation of more impervious surface will not be fixing the problem for the neighbors down the road. She said in her opinion the three homes at the bottom of the hill in Village Oaks should never have been approved by the City of Ann Arbor, and now those people who bought those homes are paying the price, and now that problem needs to be addressed by the City and not by the neighbors in paying for a retaining pond. She said about a year and a half ago, she received a bill from the City asking her to pay for a retaining pond and she said, why would you want me to pay, because it's not my problem. Bennett said changing the way the parcel looks by going to a concrete building may look pretty but nothing like anything in the neighborhood. She concluded that traffic is also a huge problem in the area.

Brad Moore, J. Bradley Moore & Associates, 4844 Jackson Road, Suite 150, Ann Arbor, Architect for the project said they have removed the emergency vehicular-only connection to Lambeth Drive and they have added a lot of evergreen screening between their property and the neighbors who will be closest to them. He said they have designed the project to accommodate the amount of stormwater the City has asked them to retain on the site, adding that it can only go to the lowest part of the site because they cannot make the water run up-hill, which forces the location of the retention pond to the proposed location. He said they have tried to hold the grading as far as possible from the property line in order to preserve as many of the existing trees as possible; those trees will then be backed up with evergreens that are planted after the grading for the retention pond has been completed. He said most of the existing trees are deciduous and the evergreens, over time, will provide a year round buffer instead of just a seasonal buffer. He said Scott Betzoldt, from Midwestern Engineering has been working together with the City on the design of the utilities, including the stormwater management on site, noting that the sewage has been modeled by the City for adequacies by City Engineer, Troy Baughman. He said the pedestrian improvements are now in place on the Ann Arbor-Saline Road, giving a refuge area in the middle of the road. He concluded that he and his team were available to respond to any questions.

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

the item is postponed.

Moved by Briere, seconded by Franciscus, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2250 Ann Arbor Saline Road Site Plan and Development Agreement, subject to preliminary plan approval by the Washtenaw County Water Resources Commissioner, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2250 Ann Arbor Saline Road Wetland Use Permit, to remove up to 1,728 square feet of wetland area, and mitigation plan, including construction of at least 2,735 square feet of new wetland, restoration and monitoring of the remaining wetland area.

COMMISSION DISCUSSION:

Bona thanked the public for coming out to the meeting and voicing their concerns. She commented that the Commission had already taken action on the zoning for this parcel (at their July 21st meeting) which deals with the density and setbacks for this parcel.

Briere thanked the public for coming and talking about their concerns, adding that the Commission doesn't get tired of listening to them. She also thanked the developers for removing the access road that has dominated the discussion for months, and by the removal of it they are able to focus their attention on the site plan itself and the wetland permit which has not been discussed and she felt is a crucial area. She asked staff engineer, Troy Baughman to answer questions.

Briere said in looking at the site plan she wasn't sure how the retention pond could be built without removing trees.

Baughman explained that there will be massive earth work performed and he didn't see the possibility of saving much of the vegetation in that area due to the construction and accessibility to the required area. He said there is also underground utilities that will be going in, such as a water main and storm sewers that will lead to the regional retention basin.

Briere asked how deep the pond will be.

Baughman said he believes it will be about 6 feet.

Briere said one of the neighbors had voiced concern about run off from

the building directly impacting her property. Briere asked how the water will be captured and where will it go?

Baughman said one of the benefits that the petitioner is doing is re-grading the site, and one of the new storm sewers they are putting in on the south side of the building to help capture as much surface water as possible to re-direct that to the regional detention basin as opposed to allow it to sheath off the site to the south.

Briere asked if they will have 'bee hive things' and who will be responsible for cleaning them.

Baughman said since they only drain what's on private property, the petitioner will be responsible for that maintenance and will be considered a private storm sewer.

Moore pointed out that it is a belt and suspender approach; the underground storm sewer being the belt and the suspender being a natural swale they will be putting in through the grading, so even if the 'bee hives' became plugged, it would still flow in the same direction and not across the property but down to the pond.

Briere asked what protections are being written into the development agreement or condo association agreement to guarantee that that will be kept clear in the future.

Moore explained that the City Attorney has included the approved site plan language as part of the development agreement so it becomes part of the condominium association.

Briere asked about the size of the trees going in and how they can ensure they are capturing the stormwater, which is one of the benefits of trees.

Scott Betzoldt explained that they will have to remove a large amount of vegetation, of which most are deciduous vegetation, and loses its leaves and ability to absorb any moisture for half of the year. He said they will be heavily landscaping after the construction of the pond. He said the goal was to build as big of a pond as possible, noting that downstream they need exactly this size of pond to compensate for the lack of detention upstream from this site, which is a confluence of two fairly strong tributaries. He reviewed the flow of those tributaries on the site plan. He showed where they will need a 30-foot easement for the construction and maintenance of the pond which will go essentially to the building, where

that super sidewalk was proposed to be. He said while they have tried to maintain the trees along the periphery, the construction and utilities necessitate grading and the removal of much of what is currently seen.

Briere asked if there were no project involved, just the detention pond, would the City locate the pond in the same spot.

Baughman said yes, with the benefit that the developer is re-grading the entire site to bring the stormwater down to that area, adding that if the City would be doing this as a stand-alone project he wasn't sure that they would be able to gain all the necessary easements needed in order to direct the flow of water as is currently proposed.

Woods asked what the construction cost of the pond would be if the City were to construct it.

Baughman said it would be a 6 figure cost.

Gibb-Randall asked for verification that the proposed pond wouldn't be alleviating the water from the Village Oaks subdivision which is below this site, but they would be intercepting the flow of water coming into their subdivision from the area north of them.

Baughman said that was correct.

Gibb-Randall asked about the proposed seed mixes that will be used in the pond, suggesting that they go more with what is listed on page 9 of the site plan than what is shown on page 8 given the clay soils explained earlier. She said she hoped they would allow the plants to do their job and in order for them to do their job they need to grow and seed, allowing them to become the most vigorous species will allow them to absorb the stormwater. She recommended they leave them grow and whack them down just once a year, thereby allowing the soils to break up while the plants grow allowing the water to infiltrate so they can achieve the goal they are aiming for on this site.

Clein asked about the soils in the pond.

Betzoldt said the soil boring 30-40 feet deep were clay without any sand.

Clein said that explains why whatever water comes there now, doesn't remain there but keeps going.

Clein asked for verification that the pre-development flow rate is the rate before any development has started.

Betzoldt said, correct, not taking into account there are off-site contributions, just those that this development site would produce.

Clein asked if they are taking into account the off-site contributions for the size of the basin.

Betzoldt said, yes, they are sizing the basin for everything upstream, regardless if they have detention or inadequate detention, as if the existing basins were not there. He said the basins are so difficult to remedy because of the size of their construction and outlets. He said they will be making some modifications to the existing ones so they don't overflow and so they have a continuous flow. He said once they do that they will be able to model the flow and manage it in the pond.

Clein asked if it will work.

Betzoldt said they have the volume necessary for the entire upstream area to hold it. He said what they don't have yet, is an emergency overflow from the Village Oaks basin; the outlet pipes that go from the Village Oaks basin that go through Chaucer Court and out to Ann Arbor-Saline Road are not big enough to handle this flow, so while they are detaining the required amount, the allowable discharge is greater than the discharge capacity of those downstream pipes, so they will be entertaining an additional independent overflow from the bottom of the Village Oaks to act as a secondary measure.

Clein asked who 'we' are.

Baughman explained that back in 2010, the City undertook a drainage study looking extensively at this area, which produced two recommendations; one being the implementation of a regional basin, which is what is being proposed with this project. The second was to look for some emergency overflow outlet for the Village Oaks subdivision which is further south. He said the second recommendation is a separate project that the City is moving forward on and is currently in the design stages. He commented, there are a number of stormwater recommendations within the whole watershed and this is just a piece of the puzzle.

Clein asked if the separate overflow outlet project is included in the City's

Capital Improvement Plan.

Baughman said yes.

Clein asked if it still needs to be approved by Council.

Baughman said yes.

Clein asked about the sewer issue.

Baughman explained that the sanitary flow from the site is heading to the west, to Lambeth Drive, going out to Ascot Court. He said the City has spent a lot of time over the past years studying this neighborhood's sanitary sewer issues and then the added flows from this proposed development and capacity during heavy wet weather, which is not a concern in the local pipe. He said the concern they have is further downstream in the trunkline sewers which are actually a couple miles downstream. He said one of the requirements as part of this project is that the developer has to mitigate his new sewage flows and he needs to do it upstream from that truckline issue.

Clein asked if that mitigation would be footing drain disconnects.

Baughman said that is one of their options and one of the most common mitigations, noting that it is up to the developer to demonstrate how they are mitigating the flow.

Clein said that is something that would be included in the development agreement.

Baughman said correct.

Bona asked about the estimated depth of the water in the detention pond on an average day and what the neighbors could expect to see.

Betzoldt said the 5-foot depth is the maximum height of storage during the 100-year event or 1% chance event. He said on any given year he would expect to see no more than two and a half feet of water on a big storm or 5 to 10-year event. He said this pond is no different than any other pond one would see in developments that is proposed and approved by the City or the Washtenaw County Water Resources Commissioner. He said it has the same side slopes of 5 on 1; five foot of depth is not uncommon and are seen all over town and the pond is

designed to hold and discharge the water in a period of 24-48 hours. He said it is essentially stopping the flash flooding and the development is backing up the water in this reservoir.

Bona asked if the pond will be empty when there is no rain event.

Betzoldt said the pond is designed to drain but you will see hydro loving plants in the bottom, like cattails and other plants one sees in wetlands. He said they don't have it on such a steep slope that it is going to dry drain quickly because the steeper slopes don't produce the amount of volume. He said it is not going to be something that you would want to walk across.

Moore commented that it will be up to the City to make sure it doesn't silt-up and that it functions correctly, over time.

Bona asked about the comments about sanitary sewer back-ups and if City staff was aware of these.

Baughman said the neighborhoods to the west was one where there had been a lot of footing drain disconnects in the last decade. He said there were two reported sewer back-ups reported to the City from this immediate area and the investigation concluded that it was a private issue on private property and had nothing to do with the City's sanitary sewer being overloaded.

Bona said if someone does experience sewer back-ups they should notify the City.

Baughman said yes, he strongly recommends that anyone experiencing basement back-ups, they should notify the City so the City can look into it.

Mills asked if the water they are trying to contain is flowing from the northeast and northwest, how has the developer accommodated for the water to get to the basin as it flows over the developed site.

Betzoldt said there is a culvert that goes from the far west side that is capturing the water that is coming predominantly from the two condominium developments to the north and the backyards of the Lansdowne subdivision. Moving eastward, you will see another culvert that is also capturing water flow coming from the north and funneling it into the detention pond.

Moore explained that is why the wetlands are where they are and why they will have to re-excavate for the detention pond.

Mills asked if the culvert would be running underneath the sidewalk.

Betzoldt said yes.

Gibb-Randall asked how deep the water would be with the first flush.

Betzoldt said he didn't know, but estimated not more than a foot or a foot and a half, noting it had been so long since they were approved by the Washtenaw County Water Resources Commissioner that they had had to request an extension on their approval.

Gibb-Randall commented that reference in the motion should be revised to update the approval.

Kowalski agreed.

Clein asked about the landmark trees that are proposed to be removed.

Betzoldt said there are about 4-5 of them right up front and 1-2 in the very back.

Kowalski reviewed the location of trees on the site plan with the Commission.

Clein said the 1 near the west is right where the connection is for the sewer and 1 in the middle is in the basin and the 4-5 in the front are where the building goes.

Betzoldt said the 1 in the back where the sewer goes is not being removed; so there are 5 in the front and 1 in the middle of the detention pond.

Clein asked the architect to explain how they ended up with the current layout.

Moore said the size requirement of the needed detention pond is the 'gorilla' they had to work around, followed by site distance issues along Ann Arbor-Saline Road, in meeting the City's traffic requirements. That lead to putting the entrance where it is across the frontage, or it would be

too close to the entrances of Busch's Shopping Center or too close to Village Oak Court, and the remaining space is where the building is located.

Clein asked if they had considered flipping the building with the parking side so it would be located further away from the neighbors, or maybe there wasn't enough space for that.

Moore said that was correct.

Mills said that answered previously mentioned concerns of the proximity of the southern wall to the residents in Village Oaks, and she appreciates the additional screening given. She said in terms of the setbacks, this project meets the requirements of the current zoning that they have approved. She said while they have an opportunity in the future to revise and change setback requirements, through the work of the Ordinance Revisions Committee, they can't change the current zoning now tonight, and this gives them an example of getting something that they don't always want, but the current rules need to be obeyed, until those rules change. She said she doesn't love the rule.

Mills said the location of the detention pond provides an additional buffer for the residents on Ascot Road. She said the minimum setbacks in the R4B zoning district is 30 feet and this project is proposed to be located at 230 feet setback so with the approved zoning on this parcel there is the possibility of having a building located much closer. She noted that it's a trade off.

Franciscus thanked the public speakers who came to voice their comments. She said it is evident to see that it is just not possible to keep what is currently on the site with the alternative to not do any grading on the site and not remove any trees and continue to have the same issues with stormwater so she sees the proposed project as heading in the right direction and she feels there has been a lot of accommodations made and she feels that they have really worked to come up with the right thing.

Bona said there were previous concerns brought up about possible fire jumping; she asked Moore to explain what is being done on this building to prevent fire jumping from this development and the neighboring residential neighborhood.

Moore said this development is multi-family residential which is a step between single-family residential and commercial so it has aspects of

both; one aspect for life-safety is an internal fire suppression system of the entire building being sprinkled and is designed to be a fail-safe system where no one has to pull an alarm. He explained, if the sprinklers detect heat from a fire they activate right where the fire is and is intended to put out the fire before the fire department can arrive. He said there is also an external connection to the building where fire pump trucks can hook-up and pressurize the system on-site. He said there are redundancies built in to make it safer than a single-family home that doesn't have a sprinkler system.

Milshteyn referenced the development agreement, asking if there have been any changes other than the deletion of the access drive that the Commission should be aware of.

Kowalski said no.

Milshteyn said there have been fewer and fewer neighbors coming to speak against this development so he hopes the developer will be doing all the right things to address the concerns that have been brought by the neighbors, and he supports the project as proposed.

Friendly amendment made by Clein, seconded by Mills, to remove "subject to preliminary plan approval by the Washtenaw County Water Resources Commissioner," Approved by the Commission.

Friendly amendment made by Briere, seconded by Milshteyn, to strike paragraph P-6 from the Development Agreement. Approved by the Commission.

COMMISSION DISCUSSION:

Briere asked about the location of volleyball court in the detention pond.

Moore said it is proposed to be located in an area that shouldn't be damp or wet unless they have that 100-year event, because when there are regular seasonal rains the water levels won't rise to that level, and it is proposed in an open recreational area.

Gibb-Randall asked if it is located above 1st flush.

Betzoldt said he was sure it was, and it was not a sand court, but was one of the only level areas on the site.

Woods said in hearing the public comments she knows there are people

that are not satisfied with this project and she encouraged them to go to City Council when the project moves on, to let Council know their thoughts on the project. She said she agrees with other Commissioners that there has been a lot of give and take on this project; it started as a gated community and a lot of progress has been made to where it is now.

On a voice vote, the vote was as follows with the Chair declaring the amended motion carried. Vote: 8-0

Yeas: 8 - Wendy Woods, Kenneth Clein, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 0

Absent: 1 - Jeremy Peters

COMMISSION BREAK

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

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

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

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

- 10-a** **15-1292** 220 West Ann Street Addition Site Plan for City Council Approval - A proposal to add a second story to the rear of the existing building, construct a front porch facing North First Street and construct a covered exterior stairwell at the northeast corner of the building located on this 0.1 acre parcel. (Ward 1) Staff Recommendation: Approval
Matt Kowalski presented the staff report.

PUBLIC HEARING:

Jon Botorowicz, O/X Studio, Inc, 302 S. State Street, Suite B, Ann Arbor, Architect, was available to respond to the Commission's questions.

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

Moved by Clain, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 220 West Ann Site Plan.

COMMISSION DISCUSSION:

Clein asked if the site was in the floodway or floodplain.

Kowalski said no.

Clein asked if on the west elevation on First Street, there are 2 units.

Botorowicz said there are not, but the owner is hoping to have the flexibility to have a home office where he can have an external entrance to his office that is separate from the home. He said they would be connected on the inside but the external entrance would allow him to enter without disturbing the family. He said they are leaving the current configuration but changing the door to be more appropriate to the style of the home.

Gibb-Randall asked about the discrepancy of the photos that shows 2 doors in the existing elevations, that doesn't show any updates.

Botorowicz said he didn't know.

Zaki Alawi, owner, said this project went through 2 different stages to get here. He said the first stage they were approved to add a third unit, and there was an issue the City brought up that you could add a third unit, which is what you see. He said they went to the City with a plan of altering the back unit, and before altering the back unit, that is how it looked.

Gibb-Randall asked if they altered it anyway.

Alawi said, they were approved by the City.

Gibb-Randall asked which part of the City.

Alawi said by the Building Department. He said they progressed into it but

at some stage they decided they alter the second floor to have 2-bedrooms and 1 bath, and the City gave him problems about that. He said, at that stage they stopped the work because they would not give us an alteration on the original plan. He said, they went from the plan that has the 2 doors, which was approved, but then they were stopped, because they wanted to use the space in the second floor differently and they had a differing of opinion so instead of fighting the City and going to court we decided to spend the money on site planning; since we are spending the money we might as well finish the basement, and that's how it ended up being from 3-units to 5-units. He said they were approved from this stage so that's why you have this intermediate stage that looks like something is missing or done wrong, when it wasn't.

Gibb-Randall commented that the Design Review Board, of which she is a member, had seen this project come through and they wondered about the 2-door thing. She said it seemed pretty easy to just shut that door between those 2 rooms and make that center area a separate unit. She asked if there were any zoning issues that would allow this house to become a 6-unit house and how would it be handled and who would manage that issue. She said she would hope that the petitioner wouldn't just shut the door and decide to build that section out without the City being a part of that decision making process.

Kowalski explained that zoning in the D-2 district is all by floor area ratio, so according to zoning it really doesn't matter if it becomes a 6th unit or an 8th unit; however, the City's Housing and Building codes are a different matter. He said the petitioner would have to meet Housing and Building codes for size of dwelling units and the required amenities within a unit. He said they are parking exempt and they would not be increasing floor area.

Carlisle noted that it does matter from the Building and Housing perspective if the applicant did convert that unit that they have stated they do not wish to do at this point. They would need to go through all the necessary building requirements and rental housing inspection requirements as well. He said it would be outside of the purview of the Planning Commission if it were converted; however, it would not be outside of the City's review from a life/safety code issue.

Kowalski commented that if building permit applications were submitted, the Zoning Department would review it as part of the zoning review.

Alawi added that it's a process that could happen, and they would have to

go through the Building Department, but there is nothing that really would be violated in this straight forward procedure.

Bona said the office use or mixed use didn't matter from a zoning aspect.

Kowalski said that is correct.

Bona said since this property is already a rental the Rental Housing Division would also be informed about any changes.

Carlisle said yes, the City's Rental Division would pick up on any changes made, but the good faith of the applicant has stated they would comply with all building requirements.

Bona said she believed the applicant would follow through on their statements.

Alawi said the City would find out right away.

Woods asked if there were a 6th unit added, would that trigger any additional fire suppression requirements.

Clein said there were no additional requirements; noting there are fire separation requirements between each unit and the standard fire detection in each unit. He said in a D2 zoning a higher density might not be a bad idea.

Mills asked about the parking location and the recommendation provided by the Design Review Board.

Kowalski reviewed the parking with the Commission and explained that parking in front of the house is not allowed and the City's Community Standards Division would ticket vehicles parked there.

Botorowicz explained that they removed any parking area that was outside of the property line and sidewalk and they added a pedestrian walk and a grassy area and just left the drive in the front.

Gibb-Randall asked if they needed to provide any landscape buffering from the parking.

Kowalski said no, since it wasn't a parking lot.

Woods said she would think something nice in that area might be nice for the neighbors, even if it wasn't a requirement.

Bona commented that there was a car parked in the front area this evening, when she passed there on her way to the meeting, and maybe the car would be ticketed tomorrow. She asked if the apron was narrowed.

Botorowicz said the apron was already narrow and they just aligned the driveway with the apron.

Bona said she has never seen the lack of a driveway stop parking in a rental house and even with the best intentions of the landlord, tenants park on the grass. She suggested something needs to be done to make sure the parking functions the way it is supposed to; some suggestions included bollards or shrubbery that would stop possible parking on the grassy area as shown on the site plan.

Gibb-Randall agreed with Bona adding that no self-respecting shrub would grow in something that has been a gravel driveway for years so she encouraged that the soil be decompressed and good quality soils be brought in to help with the growth of landscaping in order to give it a surviving chance.

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Vote: 8-0

Yeas: 8 - Wendy Woods, Kenneth Clein, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 0

Absent: 1 - Jeremy Peters

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

Greg Aber, 2058 Ascot Road, provided a handout to the Commission. He said he wouldn't be too proud of the fact that the developer of the 2250 Ann Arbor Saline Road project removed a road that shouldn't have been there, and removed gating that road required, and a few parking spaces. He said that's all you got out of that guy, and you all know this thing is way too big and totally inconsistent with the neighboring building and it's going to be an eye sore and its going to drive our property values down and that sidewalk is going to turn my street into 2250's guest parking lot. He said the fact that they now have 75 new two to three bedroom structures with dishwashers and washing machines and they are all going into the same

sewage pipe as these other houses go into where the City forced people under threat of \$ 100 month bills to put in radon releasing sump pumps to relieve water from that sewer line and you have just put 75 more units on that same line. He said he has looked at the capacity of that blue line and there is this huge nasty FDD project which is being challenged in court as the Constitutional taking, and there is not room in that sewer line for these sanitary toilets, especially if there is a rain storm. He said his house is just 8 houses up river from where that connection is so he would appreciate it if you guys would go back to staff and have them take another look at their own data, adding Mr. Hupy put it together, and make sure it is in the packet for City Council and hopefully City Council will bring it back to you guys to re-consider this. He thanked the Commission for all their patience adding that the reason all the people are not here is because they got rid of the road, which is a good thing, but they got tired. He said this is our fourth meeting; you folks volunteer and he really appreciates that, but a lot of these people have families and he has had to explain to his wife why he is here four nights in a row. He said you got rid of the people because these people here are getting paid to earn that guy \$ 22 million for his dentist and doctor family, and we are not. He said he thinks the Planning Commission needs to start to check whether things are legal and should go back to the Charter of making sure they are planned well because he thinks the people of Ann Arbor are just a little too afraid of being sued and you might just want to go back to your roots to see what a Planning Commission is really supposed to be doing representing us the community.

12 COMMISSION PROPOSED BUSINESS

Briere reported that Councilmember Eaton representing the 4th Ward, and some of the West Side and Councilmember Anglin, representing more of the West Side had brought forward a resolution that would have directed the Planning Commission to review the draft ordinance that had been prepared by the Dow Fellows, hold public hearings on it, and bring it forward in some condition to City Council by next March. She said Systems Planning and the City Administrator all addressed the fact that those various groups are already filled with a pretty big load of work to do and while it could happen there was no easy way that if we would move the Flood Plain ordinance to the front of Planning Commission and therefore Systems Planning, other items would be moving to the bottom of the agenda, that they have been told should be prioritized. She said instead the Council will be discussing where this item is on the prioritization list at their December retreat.

Briere said there are several other issues that will need to be addressed, such as the Allen Creek Master Plan, the Citywide Land Use Master Plan, which she understands will be postponed another year from 2017 to 2018. She said the Commission has lots on their plate.

The Commission welcomed students in the audience who are in the University of Michigan's Program of Urban Planning.

13 **ADJOURNMENT**

Moved by Franciscus, seconded by Milshteyn, that the meeting be Adjourned at 9:24 p.m. On a voice vote, the Chair declared the motion carried.

Wendy Woods, Chair
mg

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

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