



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

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

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Tuesday, March 15, 2016

7:00 PM

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

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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 in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests made with less than two business days notice may not be able to be accommodated. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the home page.

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

#### 1 CALL TO ORDER

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

#### 2 ROLL CALL

*Planning Manager Benjamin Carlisle called the roll.*

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

**Absent** 1 - Peters

#### 5 APPROVAL OF AGENDA

**A motion was made by Clein, seconded by Milshteyn, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.**

#### 3 INTRODUCTIONS

**4 MINUTES OF PREVIOUS MEETING**

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

**6-a City Council**

*Briere reported that the City Council is spending most of its time on the budget with a final discussion on April 19th, after which they will consider changes to the budget and then vote to approve it with any changes at their second meeting in May. She said there are several things that affect the Planning Commission that are on that budget that include additional staffing in the Planning Department and the implementation of the Master Plan Review project that they have all been waiting for. She said the Commission continues to send projects to them so they continue to wrestle and work through them.*

**6-b Planning Manager**

*Carlisle reported that there are currently many projects under review in the department that will be coming before the Commission and projects will continue to be sent to Council for their review and approval.*

*Carlisle reviewed upcoming publics meetings that will be held on the proposed Accessory Dwelling Units as well as the Downtown Premium discussions. He also reviewed other pertinent meetings on the calendar.*

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

**6-d Written Communications and Petitions**

[16-0373](#) 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.)**

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

**16-0374** Public Hearings Scheduled for April 5, 2016 Planning Commission Meeting

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

**Received and Filed**

**9 UNFINISHED BUSINESS**

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

**10-a 16-0375** Liberty Flats Apartments Site Plan for City Council Approval - A proposed site plan for 68 apartment units in six three-story buildings and 136 vehicle parking spaces in garages, carports and surface lots at 2658 W. Liberty Street. The 4.7-acre site is currently vacant and zoned R4B (Multiple-Family Dwelling). (Ward 5)

*Alexis DiLeo provided the staff report.*

**PUBLIC HEARING:**

*Marsha Marola, 485 Liberty Pointe Drive, Ann Arbor, said her concerns were about traffic coming out onto Liberty. She asked if it has been considered, given the number of people coming out from Liberty Pointe, Koch and White, as well as the businesses in the area and from the Blue Heron Development. She said the added residents will contribute to the congestion in that area. She also had concern since the units would be rentals and not owner occupied.*

*Melissa Kennedy, said she works at Meadowlark Builders, which is just down the street, said she was in favor of the development since she believed providing dwelling units that reach to the outskirts of Ann Arbor is good for the community and it is inevitable but she also had concerns about the added traffic, since she knows how heavily travelled the area is.*

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

**Moved by Mills, seconded by Briere, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Liberty Flats Site Plan and Development**

**Agreement, subject to resolving any outstanding comments prior to scheduling for City Council action.**

*COMMISSION DISCUSSION:*

*Clein asked about the placement of the units, noting that they seemed pushed up towards the freeway instead of being further setback. He asked if that placement was set by grade and or bridge abutment or other factors.*

*DiLeo said their placement was set by both grade and distance having to do with the guardrail and bridge abutment.*

*Clein asked about the distance between the units noting that most of the windows seem to face each other, which seemed a little severe.*

*DiLeo said the minimum building spacing required is 20 feet, and she believed these were 30 feet apart.*

*Tom Gritter, McKinley Inc., 320 N. Main Street, Suite 200, Ann Arbor, representing the petitioner was present to respond to questions from the Commission.*

*Clein said these units are seen as workforce housing for the City of Ann Arbor, and are seen as affordable. He asked the petitioner how these units meet the affordable housing standards.*

*Gritter said McKinley owns about 6,000 apartments in Washtenaw County and about 1,000 within half a mile of this site and 95% of the people that live with us probably make 60 to 120 percent of median income and he didn't believe these apartments would be any different from that range. He said they were not making any restrictions on those wanting to rent as the affordable definition, but the housing McKinley provides is for the workforce.*

*Gritter said the demand they have found is that most of the apartments in Ann Arbor are 1 and 2 bedroom, 1970 and 1980s style and they have seen a demand for larger floor plans in the area and this project caters to that demand.*

*Clein said since these will be market-rate housing they would not technically be considered affordable housing with restrictions.*

*Gritter said no, there would not be any restrictions placed on them.*

*Gibb-Randall asked about easy entrance for children if these units are considered family oriented, specifically if there is a garage in front. She asked about the configuration.*

*David Esau, Cornerstone Design, 310 Depot Street, Suite 2, Ann Arbor, explained that the garages are only on one side of the units so the front side of the units would be the rendering showing the balconies, and the main entry door would be in the middle leading into a central stair hall that gives access to all of the apartments. He said there would also be a back entrance getting you from the garages to the central stair hall. He said the parking would be under the building in garages and the area between buildings is asphalt to access the garages on alternating sites and in between those is more of green courtyards as seen in the rendering.*

*Gibb-Randall asked if the side entrances would be exit-only.*

*Esau said they are primarily ingress/egress from the back hallway into the garages but depending on how security is set up they could be used for tenant access into the building.*

*Milshiteyn asked if staff could comment on traffic.*

*DiLeo said the traffic engineers have reviewed the site plan and the traffic impact study and there were no further comments from them, which means it complies with our codes and standards.*

*Milshiteyn asked if the petitioner had rent ranges for the units.*

*Gritter said not yet, but believed they would be close to the units they recently built in Pittsfield Township; the 2-bedroom units were \$1,300 per month, the 3-bedroom were \$1,700 and the 4-bedroom were \$2,000.*

*Mills asked about the comments made at their community meeting from their neighbor to the east related to a fence. She asked if the discussion had been resolved.*

*Gritter said there currently is no fence but there have been discussions on-going and Gritter had sent him a few options of fence renderings and McKinley will install whatever fence he thinks is best for them.*

*Mills asked if the 8-foot fence rendering shown on P10 of the plans exists.*

*Gritter said no.*

*Briere noted that the site plan shows a small play area and across the street is a park. She said there is no safe crosswalk in this area at all, and while the petitioner is extending sidewalk down to Liberty, there is no safe crosswalk across Maple, how are they envisioning their future residents effectively using the neighborhood, since using the back way to get to Kroger's is likely not the only destination residents have.*

*Gritter said they have extended the sidewalk down Maple as well as looking at going directly across there, and adding the top park directly on their site so residents with small children would not have to cross Liberty. He said Park staff looked at that and were in agreement with that and didn't want them to do a park contribution because of that.*

*Briere asked if the petitioner would work with the City to establish a safe crosswalk of Liberty if it turns out that this becomes an issue for their residents.*

*Gritter said, yes, he would certainly be willing to do that.*

*Briere said that would also mean that the City would allow traffic to stop on Liberty, which it already does, but it also means we don't just put in sidewalks we acknowledge the destinations people may chose.*

*Briere asked about the scale of lighting on the external areas.*

*Jonathan Curry, PE, 7927 Nemco Way, Suite 115, Brighton, MI., Engineer for the project, said the lighting schedule was submitted in the original packet. He said the lighting was proposed to be on poles as well as some lighting fixtures on buildings such as doorway lightings.*

*Briere asked if they would be pole mounted at a pedestrian level or as if this was a high traffic area.*

*Curry said they are pole mounted to meet the City's lighting standards for the parking areas access and safety access, and not for pedestrians.*

*Esau said most of the pole mounted lights would be mounted at a 20-foot height.*

*Briere said that was a good height.*

*Briere asked about the acoustics of the apartments, adding that she could imagine they would be very affordable since they are along the expressway. She asked what is being done to mitigate their location.*

*Gritter said McKinley owns a couple other apartment complexes along I-94 so they are proposing double or triple pane windows and they have oriented the buildings with the least amount of buildings possible abutting I-94, in addition you can put in a lot of sound insulation and they have been doing that on a lot of their new buildings, and they plan to do that now as well, so residents don't hear the freeway.*

*Woods asked if they would be adding additional landscaping such as trees that would help with sound or tall sound walls that are seen along freeways in Michigan or in Ohio.*

*Gritter said they haven't, since they have found that with proper window insulation and just working with residents if they are having concerns figuring out if its leaky windows or insulation missing, usually that solves the problem. He said aesthetically those walls don't look that great and the location drops off into I-94 so he doesn't know if it would even work in this location and situation.*

*Clein asked if utility costs would be included in the rent or in addition.*

*Gritter said in addition.*

*Clein said given that these units are intended to be somewhat affordable, what level of insulation is intended to be used in the buildings.*

*Esau said they haven't gotten to that level of detail on the design but they intend to meet the energy codes.*

*Clein commented that the energy codes have to be met, so that would be a good intention. He asked if they intend to go beyond the basic requirement.*

*Esau said not so far.*

*Gritter added that they put in all Energy Star appliances and they have government financing so they love Energy Star and they were probably the largest buyer of Energy Star last year in the whole country, and it is*

*scientifically proven that it helps with renters and lowers the cost, so they intend to use these types of appliances. He said in McKinley's last three developments their energy costs are 30% lower than existing units in those properties so they expect to do the same here.*

*Clein asked if they would do separate meters.*

*Gritter said they would do separate meters.*

*Clein asked where the placement of utility meters would be.*

*Gritter said they haven't come that far on the design details, but they could possibly go on the side facing the freeway.*

*Clein said, hopefully they wouldn't be on the front of the units.*

*Clein asked about the plan for trash and recycling.*

*Curry said there are several dumpster units throughout the site.*

*Clein commented that he would hope some more thought would be put into the design of the entry hallways before the plan moves on to Council, since the proposed layout doesn't look very inviting for residents upon entering.*

*Esau noted they didn't have too many options for added windows given the layout.*

*Clein said it would seem McKinley would want to make them more attractive to residents, thereby keeping them rented.*

*Franciscus asked about the noise insulation given the freeway location.*

*Gritter noted there are few windows facing the freeway, with most windows in between the buildings.*

*Franciscus said she once lived in a complex neighboring the freeway and she couldn't open the window in the summer because it was so loud. She felt it would be a good idea for them to build a sound wall along the freeway that would help bounce some of the shrill noise so residents could chose to have their windows open.*

*Gibb-Randall said it seems like the front of the building is facing away*



*from where people drive in and it feels like a side view; she said she felt that could be changed either through architectural changes or through a more robust planting with larger trees that would help change the scale of it, so the window doesn't feel so small and shrunken. She said the issue is how to make it appealing from the side that people are really going to be seeing as they drive in, so it doesn't feel like they are coming in the back.*

**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

**10-b** [16-0376](#)

New Life Church Special Exception Use and Parking Improvements - New Life Church is seeking special exception to convert a single-family residence at 1547 Washtenaw Avenue into church offices, meeting space, and a caretakers suite in association with the adjacent New Life Church at 1541 Washtenaw. The applicant proposes to add eight (8) parking spaces along the shared property line. The Site Plan approval is conditioned on Historic District Commission approval. (Ward 2)

*Matt Kowalski provided the staff report.*

**PUBLIC HEARING:**

*Ellen Ramsburgh, 1503 Cambridge Road, Ann Arbor, asked the Commission to address the following concerns, because it's a Henry Freeze House of unique and historic architectural significance the use should be the one that offers the greatest protection for the preservation of the house and the grounds. She said the use of a building has a way of affecting the property, adding that the house is in the Washtenaw/Hill Historic District. She said the church has been a good steward so far, but she asked if it is necessary for the church to get Special Exception Use if the present zoning already allows the church to use the property as an annex. She noted at a neighborhood meeting that took place over a year ago, they were told the church was already using the Freeze House as a residence for the caretaker and as a small meeting space and offices. She said the Central Area Plan for this neighborhood recommends single and two-family residential for this site as it has historically been and it also recommends minimizing displacement of residential uses by commercial and institutional uses. She asked if it is possible for the*

*church to fulfill its goals without changing this historic use into Special Exception Use. She said the lack of adequate parking for this site has been an issue since the conversion of 1541 Washtenaw Ave into a church, noting that at the time from the conversion from sorority use to church use a variance was granted and 9 parking spaces were allowed behind the church and the rest of the parking was supposed to take place in the Forest Street parking structure. She said that has not solved the need for parking for a very busy church, the shared driveway has been used for stack parking continuously and her understanding was that a shared driveway was a fire lane and parking would not be permitted in a fire lane. She explained that cars have also parked on the lawn in front of the Freeze House after the site was purchased by the church and while it seems to have been solved, it indicates that the Forest Street parking structure is not being used as the church vehemently pledged that it would be when the parking variance was granted. She said she hoped that these two concerns would be addressed by the Commission this evening.*

*Erik Lipson, 1318 Rosewood, Ann Arbor, said he was on the Planning Commission when New Life Church was originally approved and he said he agreed with what Ramsburgh said about the parking. He said the church promoted the fiction that all of their clientele were going to be on foot and they were going to use the Forest Street parking structure and this was the biggest issue for the neighborhood, but that never materialized, and parking is a problem and it is a big church. He said part of the compromise with the City as part of a potential lawsuit, was that the church sanctuary be downsized. He said the parking at this site has been excessive and probably dangerous with the fire lane being blocked up on big event days, as pointed out by Ramsburgh. He asked the Commission to take that into account that that lot is already overloaded.*

*Melissa Kennedy, said she attends this church and she uses the Forest Street parking structure for her family, and during the church service hours, while she lives in Ann Arbor Hills now and is not able to commute by foot as she did previous to having 2 kids. She said she meets several people in the evening hours that are looking for a place to park and she thinks the church does the community and college students a huge service by providing safe space to meet with other students, adding that she is a part of the group that does that, offering some parking and a little more parking spaces would help for those who are trying to get there in the evening hours.*

*Troy Hayes, 207 Miller Avenue, Ann Arbor, said New Life Church has been a place for him as a student before he graduated, where he felt safe*

*and the community was built not only for the students but also the City, as he has now joined the City community. He said as a student it was a place where he not only made deep friendships but where the staff also provided the space for students to come in and feel safe and where students can go at any time during the week and not only during services. He said allowing use of the neighboring Freeze House would allow transfer of some of the uses like offices which would in turn make more space and provide the students more space in the building whether for groups or studying and he thinks the rooms would be great for people and the parking spaces aren't about the church but for the people next door and if this is granted it would be a space where people could use it as offices and for meetings, and where people related to that space could specifically park so it would not be about expanding parking for Sunday services but for the building next door.*

*Andrea Roe, 1541 Washtenaw Avenue, Ann Arbor, petitioner, said they are excited about the proposed use of this building, explaining that they purchased it in 2012 when it was in pretty poor condition, having previously been owned by a group of male athletes at the University. She said upon ownership they were able to spend significant time and resources restoring the house back to its original condition, repairing walls and ceilings that had been busted out from partying and restoring the hardwood floors back to its original condition along with having the spindles on the banisters re-spun and repaired the slate roof as well. She said they take the fact that it is a historic property very seriously and they want to maintain that, since it is an honor to own that type of home in Ann Arbor knowing how important it is. She said they have worked hard to build relationships with their neighbors and both Angell School that is adjacent from their property in the back they do some parking sharing with them. She said in addition to the Forest Street parking structure there are parishners who drive youths on Sunday and they share the lot with them, as well as the neighbors immediately next door to them at 1555 Washtenaw Avenue, with whom they have established a great relationship. She noted that both of these parties are in favor of the project and they have spent time reviewing the plans. She said they have not parked on the front lawn for at least a year, and they have taken serious steps with their parishners and staff to let them know that is not allowed and they don't plan on parking on the lawn again. She said as part of their project they are putting up landscape barriers to ensure that that won't happen in the future and they take it seriously and want to make sure they are respectful of that. She said they are also making improvements to the front lawn and in asking neighbors for suggestions they tell them they are just happy that improvements are being done to*

*the property and they are happy for their support. She said they are not currently using the house for anything other than residential and they take the zoning very seriously and are not using it for meeting space.*

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

**SPECIAL EXCEPTION USE:**

**Moved by Mills, seconded by Clein that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to approval of the corresponding site plan; and, therefore, approves the New Life Church Special Exception Use for use as a church annex facility.**

*COMMISSION DISCUSSION:*

*Mills asked how the parking lots connect as well as how the parking lot of Angell School connects to this site.*

*Kowalski reviewed the site plan with the Commission, noting that there is currently one curb cut, which will be maintained, that serves as access to both sites.*

*Roe said there is a vehicular connection, showing it on the site plan, and noting that there is also Angell Drive off Washtenaw Avenue.*

*Mills asked if there currently is an access or easement agreement between the two.*

*Kowalski and Roe said yes.*

*Mills asked about the location of the parking spaces.*

*Kowalski reviewed them on the site plan. He said they would need to be recorded in the existing driveway easement agreement.*

*Mills asked the petitioner if they are allowed to park at Angell School on Sundays as well as during evenings.*

*Roe said yes, they are allowed to park there after 5 p.m. on weekdays and on week-ends.*

*Mills asked in changing the use of the building, what type of internal reconfiguration are they planning.*

*Roe said they don't plan to take down any walls or make any changes at all, other than carpet replacement and painting, since they really want to keep it in its original condition.*

*Briere asked if the request had gone before the Historic District Commission.*

*Kowalski said not yet, but if the Commission gave their approval it would be conditioned on the approval of the Historic District Commission to add the additional parking.*

*Briere asked about the internal routing of projects and when projects came before the Planning Commission or the Historic District Commission first. She said it would be helpful to have projects consistently routed.*

*Briere said in looking at this site, one of the biggest concerns is the commitment to maintain the property as a historic building. She said it seems that the petitioner has made a significant attempt to lock that in for the future use which is a positive. She asked how they can guarantee that as it would be used as meeting space, office, and residential all mixed together.*

*Roe said they will do their best and they don't plan on making changes to the inside and their intention is to maintain the historic property. She said they understand the conditions set out given that it is the old Freeze House and they will do their best to meet those.*

*She said it is difficult since the exterior of the house is something that the HDC can monitor and control but the interior is not within the City's purview, as long as it's safe and meets building codes. She suggested that the interior could be protected through a deed restriction when it is passed on to the next owner.*

*Milshteyn asked staff to explain why this use needs a Special Exception Use.*

*Kowalski said because it's a church use of a building in a residentially zoned district (R2B) which allows churches through Special Exception*

*Use and while it is not a sanctuary it would still be used for church use, such as a church meeting place so it requires the Special Exception Use approval.*

*Milshteyn asked how the parking requirement was calculated and what the maximum and minimums are.*

*Kowalski explained that the calculation was based in part on the proposed office use as well as the existing residential unit.*

*Carlisle clarified that the maximum is 12 spaces, and there is 1 space for the residential use and 8 spaces for the office use which brings it to 9 total spaces.*

*Milshteyn asked how the 8 spaces are calculated.*

*Carlisle said through square footage.*

*Kowalski said it is calculated on the square footage outside of the residential use of the house.*

*Franciscus said it looks like this use is providing a service to the community for the people in the community. She noted that the Commission often speaks about the need for people to commute to Ann Arbor to do things and this use is one way of reducing regular traffic in the city since it is all internal, even if people would be commuting to visit the church. She said this use adds a bit of mixed use to an otherwise residential area which she was in favor of and in looking at other possible uses for the Freeze House she felt this seems agreeable that it would take care of the existing property and keep it similar to its original use. She asked what can be done to relieve the parking for churches on Sundays for the residents as well as for those trying to park in the church area.*

*Clein asked about the proposed parking area, noting it would be provided using porous pavers and an infiltration system. He asked if soil borings had been done to determine the suitability for these.*

*Kowalski said yes.*

*Clein asked if there are any lighting improvements proposed with this petition.*

*Kathy Keinath, P.E. Perimeter Engineering, 11245 Boyce Road,*

*Chelsea, Engineer for the project, said there is no new lighting being proposed, noting that there is existing lighting on the building that is directed at the path, but they are not proposing to add any new lighting fixtures in the parking area or on the house at all.*

*Clein asked if this project needs to meet the City's requirements for parking lot lighting.*

*Kowalski said he didn't believe it met the threshold of 1,200 square feet, but if it did he would make a note that lighting would need to be added to the plans as it moves forward.*

*Roe said they would be open to adding lighting at anytime if it seems that the area is too dark.*

*Clein asked if the Fire Department had reviewed the plan for access in and out of the site.*

*Kowalski said yes.*

*Clein asked the petitioner why the properties are not being combined.*

*Roe said it seemed like it was another process to go through.*

*Joel Van Derskoul, one of the pastors at New Life Church, explained that they had met with Planning Director Wendy Rampson about 2 years ago to discuss what would be the best approach on meeting the City's needs and the simplest way was to keep the parcels separate which they took into advisement. He noted that there is a Historic District line at the lot line which puts one of the parcels in the historic district and the other one not, and then they decided to deal with the parking overflow through easement. He said they have had numerous health incidences, which have necessitated the Fire Department to come on site since they took ownership of the parcel in 2007 and the Fire Department seems to have a functional knowledge of their site.*

*Clein said he felt it was a valid reason for not combining the lots in order to keep the existing historic district boundary and the proposed church use along with the residential use would certainly be less wear and tear on the building than the previous fraternity group who used it. He said while not affiliated with this church in any way his past experience with faith groups is that they usually maintain historic buildings quite well and their hardship is most often in having to rely on the generosity of others in*

*order to exist so he felt it was a reasonable use of the building.*

*Clein asked if the Special Exception Use would just stay with the Freeze House property.*

*Kowalski said, correct, as long as it is currently used in the capacity that it was approved for in the Special Exception Use.*

*Clein asked even if it were to be sold.*

*Kowalski said yes, if it were for the exact same use.*

*Carlisle clarified that regarding the lot combination, the City felt it would be in their best interest not to combine them given the previous court settlement between the church and the City.*

*Gibb-Randall asked about the geometry of the parking lot.*

*Keinath said they were working around existing trees as well as a main power-line that runs through the site, and the existing parking behind the house.*

*Gibb-Randall asked if part of the development agreement included maintenance of the porous pavers.*

*Keinath said absolutely, there is a maintenance schedule that has to be followed.*

*Milshteyn asked if special conditions could be added to the special exception.*

*Kowalski said yes, reasonable conditions could be added.*

*Milshteyn asked if a condition such as maintaining the historic property in its historic condition could be added.*

*Kowalski said since the Commission has no purview of the exterior, while the Historic District Commission does, he noted it would be difficult to enforce such a condition; he suggested something more quantifiable.*

*Milshteyn asked if language could be added regarding no parking in the Fire Lane.*



*Kowalski said the Special Exception Use before the Commission was for the Freeze House and doesn't cover the New Life Church site.*

*Carlisle commented that if there is an issue of parking in the Fire Lane the City will enforce the No Parking requirement.*

*Woods asked if parrishners have to pay on Sundays for parking in the Forest parking structure.*

*The response was that it was free on Sundays.*

**Vote on Special Exception Use:**

**On a voice vote, the vote was as following, 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

**SITE PLAN:**

**Moved by Mills, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends approval of the New Life Church Site Plan, subject to historic district approval and modifications to the existing drive easement to allow for shared parking and subject to necessary approvals to the adjacent New Life Church site plan.**

**Vote on Site Plan:**

**On a voice vote, the vote was as following, 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

**10-c [16-0377](#)**

Circle K Gas Station Site Plan for City Council Approval - A proposal to demolish the existing 2,360-square foot gas station/convenience store building, relocate the gas station pump island and construct a new 3,394-square foot retail building and pump island canopy on this 0.86 acre

parcel. Two curb cuts are proposed to be removed: one on Packard and one on Stadium. A landscape modification is being requested. (Ward 4)

*Matt Kowalski provided the staff report.*

**PUBLIC HEARING:**

*Mark Newman, 1417 Iroquois Place, Ann Arbor, said his property touches the Circle K property and he together with neighbors had collectively identified a number of issues of broad concern throughout the neighborhood. He said he is concerned about a reduction in safety due to repositioning of driveways and an overall increase in traffic due to the larger store with a larger parking lot. He said the current most northern entrance on Packard is quite dangerous as drivers dart into the parking lot after having cleared the intersection and they don't look out for pedestrians, and the new plan perpetuates this making it probably worse due to the increased traffic. He said he is also concerned with the added localized air pollution resulting from increased volume of trucks needed to service the larger store and from the fact that the store location and parking is much closer to the houses on Iroquois. He said they can already smell the exhaust from big trucks in their yard and that troubles him along with the thought that it will only get worse. He said there are 8 children, between the ages of 3 and 13 that live in the properties abutting Circle K, of which 3 are his, and the exposure to diesel fumes are well documented and idling trucks are one of the most egregious sources of such fumes, and the further these trucks can be kept away from people's houses the better. He said the new plan makes the situation worse especially asking for a variance to build into the buffer zone that is intended to protect the neighboring houses. He said he is not opposed to Circle K being a part of the neighborhood, since he is a regular customer there and he appreciates the convenience and he understands the importance of having service stations within the City that are easily accessible to residents, however the proposed plan does not fit with the character and profile of the neighborhood, it essentially puts a freeway style gas station design into a well balanced residential and small scale commercial neighborhood, threatening to upset that balance. He said the 17-foot canopy with 24 hour LED lighting which will not only be visually out of place with the neighborhood, but will produce nuisance lighting that will be visibly bright from the neighboring properties. He said he would like to see the plan revised to move the Packard Drive further away from the intersection, to keep the building further away from the houses by a minimal 30 feet, respecting the buffer between uses and eliminate the canopy to reduce the nuisance lights and the eye sore.*

*Edward Viemetti, 1210 Brooklyn, Ann Arbor, said he lives close enough to the Circle K that his 5th grade son walks by himself across Stadium Blvd. to go to the Circle K to buy candy and snacks that his parents won't buy for him. He said he is a little disappointed that he was not consulted on this matter directly, and he knows that postcards were sent out to adjacent owners but as a stake holder in this and a customer he would have hoped that the public notification process would have been more robust, in particular the sign announcing the public notification of this event here, was not posted at the main door to Circle K, but instead on the side, next to a door that is often locked, and the sign doesn't have a telephone number on it so if you are unable to send an email or view a website, you would have no guidance as to how to get a hold of this body and it might be difficult to call the City and get a hold of when the meeting was. He said he shared the neighbors concerns about the site plan, the crossing at Packard, and the proximity of the turn lane there, noting there is no easy way of making it a right-turn only as the only to get out from there on regular sized roads turning right, and it really doesn't allow you to go down Iroquois as it is a 5-mile street. He said he is concerned with the stormwater controls at this Packard and Stadium intersection, remembering a shower that came 18 months ago that resulted in a flood on Packard. He said stormwater at that intersection is worse than you would think it should be and he knows it is an issue the City struggles with and he felt expressed that it didn't sound like the proposed stormwater management on the site would be adequate to manage the task.*

*Elizabeth Davis, 1421 Iroquois Place, Ann Arbor, said she lives immediately behind the Circle K, and her family enjoys living where they can walk to campus and downtown and where they are surrounded by small businesses that help Ann Arbor thrive, but she is concerned about Circle K's proposal. She said she worries about safety due to the location of the Packard Road driveway, air and noise pollution, due to trucks parking at the station, run-off and snow accumulation, due to the increased footprint of the building and parking lot and the proximity of a much larger and taller building to her home. She said the building and site plan are not suited to her neighborhood and looks like something they would see on the Ohio Turnpike, not in the middle of a college town. Davis said her biggest concern relates to the light that will be generated from the canopy, adding that the canopy will have a 14-foot clearance and Circle K will be higher than that since Circle K is elevated higher than her lot even without lighting it would be an eye sore. She said they recognize that the developer has used directional lighting that should reduce the glare from the canopy at night; however given the developer's rendering it seems that the lighted canopy will glow in their back yard and shine into*

*their kitchen and bedroom windows all night. She said the canopy will adversely affect other Ann Arbor residents too and is ill suited for a property in the middle of a century old neighborhood. She urged the Commission to request a plan that would do more to mitigate the nuisance light and unseemly design and if eliminating the canopy is infeasible then using the building to shield neighboring residences from the light would at least help to improve the site plan or consideration of other designs such as a slanted canopy of added evergreen trees, perhaps in their yards. She said safety is a concern, they have counted 45 kids living on Iroquois Place or on the block of Stadium which is most affected by this plan, and 35 of those kids are Middle School age or younger, which includes her daughter who walks to Tappan Middle School everyday. She said the location of the Packard drive is counter to best practice designs, and this dangerous intersection with many young pedestrians will become even more worrisome, and she urged the Commission to suggest substantial modifications and a better plan would be more in keeping with the neighborhood and would respect the health and safety of all of the citizens of our City. She provided copies of her statement as well as a statement from a neighbor who was ill and unable to attend the meeting.*

*Gary Cohen, current owner of the Dairy Queen across the street from Circle K, said he has owned the business for 25 years and his main concern is for all of the kids in the neighborhood. He said they get hundreds of kids, adults, and bicycles that come to the Dairy Queen daily both walking and riding and he thinks the current plan needs to acknowledge neighbors and visitors that come to the area and he didn't think the current plan is in the best interest of Ann Arbor and should be further updated to include more safety issues. He said if now is the time to redevelop, now is the time to do everything possible in the area to make it traffic friendly. He said he does not want more accidents or fatalities, and they currently get many cars and trucks that turn right onto Packard, coming out of Circle K gas station who then turn around in the Dairy Queen to head north towards Stadium. He said they have installed speed-bumps to try to slow them down and added traffic is not safe for anyone, and the current plan will add to this unsafe condition, noting that many of the kids that walk to his store after school need a safe environment. He said a couple of years ago a school girl from Tappan School was hit while crossing the street and he knows that Ann Arbor has many concerns about pedestrians having accepted Vision 0 in the belief that the human life and health should take priority over mobility and other objectives of the road traffic system, and he doesn't believe the current plan has any plans for vision 0 and he thinks we should work towards*

*vision 0 in our community to make it safe and secure and he hopes we can work together to make this a safe development. He provided copies of his prepared speech to the Commission.*

*Lindsay McDivitt, 1419 Iroquois Place, Ann Arbor, said she has been involved in the re-build process from their first meeting and she agrees with the concerns raised by the previous speakers and she sees many opportunities to fix issues. She said they have seen many iterations of the proposed building and she feels that every successive plan has worsened increasing the existing problems and adding new problems. She said the new driveway onto Packard pushed it too close for safety and while she appreciates the work of City departments she feels the plan does still not meet the goals of Vision 0 that was recently accepted by City Council. She said she hopes to lessen idling of delivery trucks and to lessen noise and air pollution but this plan opens more of Iroquois to noise and pollution by adding traffic and moving trucks up to 4 times closer into parking areas 15 feet from yards and this plan creates a dramatic new problem of nuisance light from 14-foot light poles and a pump canopy which is an eye sore by day, lit by harsh white light all night, and paving of white concrete will add to the glare, all vastly brighter than businesses nearby making their backyards unpleasant. She said they have consistently expressed concern over light and noise, yet the only concessions are 8-foot board fences instead of the proposed 6-foot fences, despite many homes being at a lower elevation than the gas station property. She said their property is the only property currently with an 8-foot fence and it doesn't cope with the light. She said more creative mitigation might meet their needs and those of Circle K; eliminating the pump canopy and adding walls not fences and at the same elevation as the business makes more sense. She said some of the concern is that the beer and wine sales is driving the design of the site plan. She said per conversation with her neighbor, an architect, this is a self imposed hardship. She read that at the first public meeting, Circle K stated an interest in potential future sales of beer and wine from their new store, but later stated that they do not meet current regulations for carrying wine and alcohol, yet the new store will be much larger. She said the same regulation requires that stores maintain a distance of 50 feet between pumps and cash registers to sell beer and wine. She said she doesn't object to beer and wine sales despite the fact the area is well served but she strongly objects to this site plan requiring a variance; one that does not fix a problem of pedestrian safety and places a lit canopy with nothing to shield homes. She requested the Commission reject this site plan or substantially modify it to address neighborhood concerns and that more effective mitigation of new and old problems be required. She*

*showed an LED flashlight to the Commission, and handed out her statement to the Commission as well as a statement from her neighbor, Scott Diels, who was unable to attend the meeting.*

*Molly Lindner, 1502 Morton Avenue, Ann Arbor, said she conquers with the previous speakers, and read a statement addressing the Commission about the sales of alcohol at Circle K. She said she realizes that Circle K complies with the laws and has a liquor license already, and she didn't question their right to sell the alcohol, but wants to know who will supervise and support the cashiers who sell the alcohol, and who will train them to handle customers who are possibly intoxicated when they enter the building. She read that both Stadium Market and Morgan and York stores on Packard Road enforce the legal procedures required in the sale of alcohol, and she knows that the owners of Circle K are not on site, especially at night, when alcohol is proposed to be sold until 2 am at Circle K and who will be buying beer and wine late at night. Lindner read about other stores selling alcohol, noting that these stores, including the Citgo Station sell alcohol but the owner is always there to take care of any unpleasant situations that might occur. She reiterated her concern about who will be training the employees of Circle K to deal with these types of unpleasant situations.*

*Donna Answorth, 1435 South Blvd., Ann Arbor, said she and her family love their neighborhood because of the older homes and the proximity to downtown and local businesses, like the Dairy Queen, coffee shop, and smaller grocery stores like Morgan and York and Stadium Market, which add to the neighborhood. She requested that Circle K be appropriate to the scale of the neighborhood, noting that a store that backs up to the neighboring houses and has a pump canopy similar to a freeway gas station would be an eye sore and nuisance in that space. She noted there are already a great deal of bicycle and pedestrian traffic at Packard and Stadium and children cross on their way to school and bicyclists use Packard as a thoroughfare and she is one of them going to and from town and she has seen as many as 6 bicyclists waiting to cross Stadium and she asked that the Commission act on the concern of the neighbors and that Circle K redevelops to the scale of the neighborhood.*

*Marian Myser, 1203 Gardner, Ann Arbor, said she is also a long time neighbor to this intersection and she encouraged the Commission to request an alternative plan for this site. She said her main concern is pedestrian safety, adding that her grandchildren and her walk frequently to Dairy Queen and it is already a terrifying intersection to her and she is a native New Yorker. She said she read a report from the Governor's*

*Report on Safety Association and they say that nationally pedestrian deaths are up 10% in 2015 in comparison to 2014. She noted it is a growing concern and the problem with this site is the visibility from this single exit on Packard which is very close to the intersection and if you are driving and trying to navigate across the cars you can't look carefully at what is coming at different speeds. She asked that the Commission request an alternative plan in which that exit onto Packard is moved further away from the intersection. She said she assumes that the regulations that are in place that the Commission are kindly dedicating their time to supporting, were put there for good reasons, including the various regulations that apply to this plot. She said it seemed to her that a request for a variance should be considered on the basis what it does for the community good not necessarily for the owner of the lot, adding that's why we have regulations. She said there is no local demand for additional gas pumps and we have 2 gas stations on the 4 corners, so this is really an enterprise that is really not concerned with this particular neighborhood.*

*Victoria Green, 803 Sycamore Place, Ann Arbor, read a statement that she is near neighbor about 7 blocks away from Circle K and she goes by every week, but not every day. She thinks its great that there is a gas station at this location because she doesn't want to have to go to Pittsfield Township just to get gas, noting that she can find all her basic services embedded in her neighborhood, and like in all urban neighborhoods there are compromises that need to be made on all sides. She said she doesn't see the compromises the developer is making when she looks at the site plan, and the needs of motorists, pedestrians, near neighbors, and customers of other businesses. She asked where the safe path for her kids is as they walk down the sidewalk to their music lessons at Oz's or if they have to weave between cars in the parking lot when they are trying to get to bike racks, and will her visits at the neighboring café still be as pleasant or will it be the disturbed by the nearby idling trucks and the lighted canopy instead of a backdrop of trees. She said it is great that the developers have a plan to help the gas station thrive, but they have to figure out how the neighborhood can too and she believes the developer can do better than this.*

*Jimmy the Greek, Major of Greektown, 1351 Rosewood Street, Ann Arbor, said everything the other speakers are saying is true; his father was hit by a car 30 years ago, right in front of Dairy Queen, and he lived through death and quit breathing for 15 minutes and was resuscitated and lived on life support for 1 month and then 5 months on his own and he was a green beret in the Greek Army and was a very tough man. He said that*

*intersection is very dangerous and recently he had the courage to walk up to the spot which used to be a City bus stop and he realized there was no protection for him at the City bus stop with Iroquois directly across and he realizes that was idiotic and unsafe and ultimately cost him his life. He said his father pulled over to help someone change a tire and he died a good Samaritan. He said it's the AAATA that decides where every bus stop goes but there has to be protection and ultimately oversight and he feels his father's life was lost because there was no oversight, and if there needs to be pedestrian crossings added there we have to be more involved. He further explained that he came to the City looking for the young man who hit his father that February, to tell him that it wasn't his fault, but the Police Report wasn't available because it was too old. He said he knows this road is very dangerous and there are so many children that cross there and if his father's life meant anything to the City, he knows he was a great man (he owns Ashley's Restaurant before it was Ashley's) but he feels that the City failed him. He recommended one large entrance on Packard.*

*Gene Jones, 1412 E. Stadium Blvd, Ann Arbor, read an email from William H. Poe, 1306 E. Stadium Blvd., Ann Arbor, about the traffic that backs up past his house every weekday and the safety problem that would be exacerbated by additional traffic at the Circle K. He wrote, they did not expect to be victims of that traffic, but Michelle was hit by a driver last Sunday who was trying to fight his way onto East Stadium Blvd. while she was crossing at an intersection on foot. She broke her tibia in 2 places and had surgery today where a plate was installed to stabilize the fracture, and while all went well, she endured excruciating pain and will be months trying to regain full mobility. He asked the Commission to be reminded that the first responsibility of government at every level is to protect the safety and wellbeing of citizens. He asked how many bags of 6-packs and chips does it take to equal 1 life. Jones said he agreed with the email.*

*Bob Dascola, spoke on behalf of the Baldwin/Cherokee Neighborhood Group, 1815 Baldwin Avenue, Ann Arbor, said he agreed with the others speakers about the traffic issues, adding that they have serious concerns about the proposed plans; the driveway on Packard is much too close to the corner and its going to force all the cars onto Packard going south and they are going to do 1 of 3 things; they are going to shoot across into the Dairy Queen, or come up to our street and cut through to Stadium to make it around or they are going to come on our street into our driveway and turn around and some days it's just like Grand Central Station. He said they are very concerned with the children in their neighborhood at*



*Cherokee with Baldwin and cars speeding through there. He said they will have a traffic study on their street this spring to find out about possible traffic calming and he hopes they get it. He said they have been good neighbors to Circle K for years by patronizing the store and now they ask they be good neighbors in return by planning the renovation of their business to reflect the neighborhood in which it does its business not a major freeway exit, and let's use some common sense. He said if you approve this proposal as is, we ask that you stipulate the Circle K must repave the section of Baldwin between Packard and Stadium on a regular basis, replace/repair their driveway that's been trashed by the cars turning around and re-do the paving in the Dairy Queen as needed to compensate for the Circle K traffic pulling onto Packard.*

*Matthew Katanzerat, 1480 South Blvd., Ann Arbor, said he looks forward to this transformation of the intersection becoming an asset for himself and everyone else that lives in the community. He said he felt that if this building had a face, it would be looking away from the community, and looking down Stadium, while the pedestrians and bikes are by the Dairy Queen area but it's not engaging that whole area on Packard, and people will be seeing the brick and the business won't be having the eyes on the street but will only be looking at their own parking lot, and isn't contributing in that way. He said he felt that if there was a way that the produce stand could be incorporated in the design it would be a way in which they worked with the neighborhood, adding that it was helpful to have the option of visiting the produce stand or buying gas.*

*Sally Daniels, 1847 Packard Street, Ann Arbor, said that regularly passing by their house are wheelchairs, baby buggies, skateboards, tricycles, bikes as well as pedestrians and if they get more traffic down there, especially more cars that are tired of waiting in traffic and make quick judgments, it's an accident waiting to happen. She said her neighborhood has a small neighborhood feel with family outings that add to the neighborhood charm, and additional traffic on Packard puts the children at risk. She said she is against enlarging Circle K as well as directing traffic out of Circle K going south only; adding that they don't need a larger convenience store since they have several other stores nearby that meet their needs. She said when you get off the bus, you are tempted to dart through traffic, and now they will have more traffic and cars and pedestrians darting in front of each other.*

*Ellen Ramsburgh, 1503 Cambridge, Ann Arbor, said the 3 landmark trees on the site that are proposed to be removed are very noticeable and are a huge part of the site in adding a green element to the grey parking*

*side of the lot. She said if there was any way of redeveloping the site and saving the trees it would help the neighborhood and the ambience of the lot.*

*Eric Lipson, 1318 Rosewood, Ann Arbor, said the site is dangerous as it exists and he doesn't know what the changes in the curb cuts are going to do, and he sees the biggest problem with cars eastbound on Stadium turning left onto Packard and then cutting the corner into that northerly driveway and with kids there it's dangerous and the current lighting is notorious and it is unshielded and into the neighbors backyards so he thinks the improvements proposed by the applicant is a good idea. He said the scale is similar to what is across the street with a canopy and the canopy doesn't bother him as much as the lighting. He said the lighting would be reduced to the minimum and if they are going to be LED lighting they can be toned down and he suggested they could grant a variance of the lighting to be even less than the minimum because you don't need to be doing surgery under those lights but because the current lighting is bad, it can't be worse. He agreed with the speaker whom suggested they install a brick wall along the edge and that would be significant to stop the sounds and some of the fumes, noting that wood fences degrade quickly and they don't stop noise, and a masonry fence would also give the neighbors some sound privacy and from the headlights. He said he thinks it's a good idea they are doing storm water management on the site and he doesn't understand why they need a variance to build a 1,000 square foot larger building when they can have a smaller building on the site and fix some of the other access problems.*

*Jay Scloss, 1423 Iroquois Place, Ann Arbor, reiterated the volume of bicycle and pedestrian traffic in this intersection and asked the Commission to concern itself, making it a priority over granting any variance as he would like to see more pedestrian focused things or make sure everything is accounted for as far as pedestrian use, for example if there is going to be a right-only turn out onto Packard, he believes there would be signage provided by the property owner indicating watch for pedestrians, to lighten the conscience of consumers and reminding them the neighborhood they are coming in is of unique character and making sure the operations of the business have as much of a pedestrian focus as possible, including if there are any ways of doing deliveries not during high pedestrian peak hours, for instance on the way to school 8-9 am and on the way home from school 2-4:30 pm due to the volume of pedestrian traffic. He said the general concern is that if the City is going to give some leeway through means of variances they ask that the same sort of consideration be given by the property owner to obtain those variances.*

*Garrett Scott, 1421 Iroquois, spoke on behalf of the Iroquois East Stadium Neighborhood Association, said he wanted to make a correction on the applicant's submittal under community concerns that they asked to have the canopy eliminated and not illuminated. He said tonight marks the fifth time since February 17, 2015, that he has appeared before the Commission to express his concerns about the proposed redevelopment. He said the Commission has heard from several of his neighbors and he had more comments to distribute from those who couldn't attend tonight. He said you've heard about the unscreened 17-foot tall canopy that will be lit up all night sitting in the middle of 6 R1C parcels, and about their variance concerns about building well into the 30-foot residential setback which is in departure from the City's goals to maintain buffers between conflicting uses, and that the front of the store will face Stadium Blvd across a broad stretch of parking lot and just doesn't meet the spirit of the City's Area Height and Placement to engage all the users of the street and large blank wall on Packard isn't going to do the trick, and the concerns about constraints about the 50-foot distance between the fuel pumps and the cash registers, concerns about idling trucks brought much closer to residential properties, about polluted runoff from run-off snow, even though the City's new mandated stormwater retention system, concerns about traffic patterns, about concerns with non-motorized safety in the neighborhood and about pedestrian safety. He said you've heard from me before as a next door neighbor to the gas station for over 15 years, we've all seen the neglects on the current site, and the place looks plenty rundown right now, but the best fix for peeling paint isn't building a highway style gas station adjacent to our 6 single-family homes. He said it is an established mixed residential and commercial neighborhood, and he and his neighbors don't deal with issues in Planning & Development on a regular basis but the folks who build gas stations do and when they are finished with you here tonight they are likely to go on to another town and go through the required reviews and build another big convenient store, that's their right and that's what they do; they make their living going into other people's neighborhoods building bigger convenient stores and he can imagine it must be frustrating to present what they consider the best and meet with continued neighborhood pushback, when in their minds they could be building something worse. He said we've seen alternative designs and they could be building something worse but it is our City and we're going to be left with this lasting impact of this Circle K and it's neighbors like us who are going to be living in the shadow and the glare of this new development. He asked that the Commission not act as their advocates tonight but to do what he's seen the Commission do at all the other meetings he's attending, which is take a close. Careful look at*

*the proposal and help insure a workable solution whether through mitigation, redesign, that will further help the City's goals to engaging the life of the neighborhood streets, for ensuring the pedestrian safety for all ages and all mobility, for ensuring a development that is appropriate to the scale of their largely residential central neighborhood, that they might preserve some measure for the Ann Arbor residents who live there, for the quite enjoyment of their own property in their own neighborhood. He said he was available to come back to the podium to answer questions from the Commission.*

*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 Circle K Site Plan, subject to approval of two variances (driveway width and rear setback) from the Zoning Board of Appeals and approval of sanitary calculations.**

*COMMISSION DISCUSSION:*

*Mills thanked everyone for coming out to the meeting and pointing out issues to the Commission. Mills said in looking at the comparison chart, on the front E. Stadium setback, if that would also require a variance.*

*Kowalski said when the site is on a corner, they only have to meet one of the setbacks.*

*Mills asked the petitioner to give the history on the deed restriction that is limiting where the building can be placed.*

*Todd Quatro, explained that during the purchase of the property they found a 1929 deed restriction that part of the property became zoned P and part of it became C3; the P portion of the property cannot support a structure but can underground, as well as parking on top. He noted that their original design had the building pushed over to that side, but they have gone through 12 re-designs and this current design is what they felt met everybody's needs.*

*Mills asked how one would get a deed restriction rescinded.*

*Quatro said they would have to go to the entire block, and 75% of the value of the residents in the area have to sign off saying they can move the building over. He explained that it's not necessarily 75% of the people*

*but it's the value of each piece of property, and given their competitors in the area that make up a large portion and would rather not see anything happen they believe it probably isn't a viable alternative. He said when they had the building moved to the other side there were offences to other neighbors, so they tried to address the safety concerns first and take it one thing at a time.*

*Mills asked staff about the zoning and the deed restriction.*

*Kowalski explained that the zoning in theory could be changed to C3, but there is no point, so staff did not recommend re-zoning the parking site, because there is nothing else that can be there.*

*Mills asked what the traffic engineer had to say about traffic on Packard.*

*Kowalski said she looked at that quite extensively, and it is a good thing that they are eliminating curb cuts along Packard; he said traffic impact work was done on that intersection and basically the solution is to limit it to right-turn only upon exiting. He said she looked at the visual distance from the building and given the notch in the building she felt it addressed the issue with seeing pedestrians. He noted that she had requested revisions and this site plan is what she has approved.*

*Mills asked if the curb cut were to be located further south would it be right-turn only.*

*Kowalski said during the draft reiterations left turns out onto Packard were always her concern as well as onto Stadium.*

*Mills said probably because that lane is often backed up for a long way.*

*Briere asked about recent changes to the Area Height and Placement ordinance, that it requires a minimum 30-foot rear setback because it is adjacent to residential. She said she wanted to understand the rationale for approving a 15-foot rear setback, even if the petitioner has to get a variance from the Zoning Board of Appeals for that setback.*

*Kowalski said staff is not making recommendations on the variance, but on the site plan, and after working with the petitioner for years as well as with the neighbors, and having seen many different versions and knowing what could have been built on the site, staff noted that parking can be placed within 15 feet of the property line and doesn't have to respect a 30-foot setback, and the canopy could be placed along the 30-foot*

*setback line. He explained that staff doesn't design the site plan, but rather reacts to what comes before them. He noted the placement of the underground tanks plays into the limitation of the placement as well as the need for trucks to circulate around the building. Kowalski expressed that given the site limitations and restrictions, staff felt this was the best design presented.*

*Briere responded that staff's response was saying that they found this the least offensive of options.*

*Kowalski said correct!*

*Briere said she lives close to another gas station where the canopy fell over, but that location on Plymouth is much different, with residential units further away, but that canopy is much smaller. She said she likes having a gas station in her neighborhood and she doesn't hesitate to fill up her gas tank even without a canopy covering her from rain and snow. She said the neighbors are the backbone of the business, and was trying to understand the rationale behind the giant canopy.*

*Quatro explained that little of it is driven by ordinance, since there are certain travel patterns you have to have with certain widths between the pumps, and the canopy is driven as to the spacing of the pumps. He said there was a minimum spacing between the pumps so cars can crisscross in a safe manner and on the outside the canopy only extends the pump by 12-13 feet to protect when it's raining or snowing. He said on this design there are 2 pumps in a row so one car can get around the other and given the geometrics of the site the placement is where it is.*

*Briere asked why they need a roof over the pumps.*

*Quatro said it is the current standard and he hasn't seen any new gas station being built without a canopy, not with this type of investment into the property, and the operator feels it is essential to the operation.*

*Franciscus asked if the canopy is a state requirement.*

*Quatro said no, adding that the current configuration shows the pumps only 11.5-feet from the pedestrian walk with a little brick wall separating the cars from the station and the building is located right in front of it. He said the current ordinance doesn't allow that. He explained that right now, people pump, they go into the store that is 20-feet away, but the current ordinance says they have to be a minimum of 50-feet away so the canopy*

*has become a requirement by industry or owner of the building.*

*Franciscus said she is concerns with the placement of the curb cut on the Packard side close to the corner where pedestrians would be crossing and where it was mentioned someone got struck by a car recently. She asked if the design could be configured to the curb cut is further away from the intersection.*

#### COMMISSION BREAK

*Quatro pointed to an alternative option handout of the site plan that complies with the entire ordinance the way it is today and they would not need any variances, where they could have a 4,000 square foot building instead of a 3,000 square foot building, but he said the owner has turned that option down because he felt it impacted the neighborhood in a very negative way. He said the canopy is in the rear and it is accessible from Packard and Packard Drive is moved substantially away from the intersection, allowing a left turn, but it is much safer as far as the access to Packard Road goes. He said they felt the impact on his neighbors and customers was greatly a negative so they started exploring different options and 20 options later this is what they came up with. He said moving the 4,000 square foot building to the south gave accessibility to the front. He said the proposed building would be increased by 1,000 square feet of which 624 square feet is just for ADA compliance; there has to be 2 public accessible bathrooms where currently there are non, and there has to be wider isle ways and turning radius' behind the cashier, all of which are currently non-existent in the existing building just because it is so old it hasn't become compliant yet.*

*Quatro further explained there is approximately 375 feet of sales floor, cooler, and they probably are looking at doing beer and wine but no liquor, and that is just something they feel they need in order to compete with the market as it stands.*

*Quatro said the proposed wooden fence in back they felt was more esthetically pleasing to the neighbor rather than a brick wall, and in order to install a brick wall they would have to put in a full foundation along the perimeter. He said they aren't opposed to doing such, but with the landmark trees the roots would be killed which in turn kills the tree. He said there is a future fence-wall, much like you see along the highways, where you have posts and masonry slides in between them which is a viable 10-foot tall option, and they are also not opposed to installing that but they felt the neighbors wouldn't like that.*

*Franciscus asked to see an example of the fence-wall.*

*Quatro provided a photo, explaining that sound bounces right off it.*

*Franciscus said it would be a much better buffer.*

*Quatro agreed.*

*Franciscus asked if the landmark trees would be compatible with the fence-wall.*

*Quatro said it would be as good as a wooden fence, and they would like hit a few roots when putting in the poles, but with a 12-inch diameter hole you are not going to hit like with a continuous poured footing going down the perimeter of the site.*

*Franciscus said she is looking at the light and sound pollution from a larger gas station with lights and everything that goes with it, and she recommended using a fence-wall instead of a flimsy fence.*

*Quatro said they are not opposed to that and he can also add a decorative window on the Packard side with a little canopy just to make it more decorative.*

*Franciscus asked about the site plan, attachment # 3, saying she understood the store can't be in that corner because of the deed restriction, which is unfortunate, but she is very concerned with the curb cut being very close to the corner and is opposed to its location and before she could approve any site plan she felt that curb cut has to move further away from the intersection which would require the Circle K store to be moved and reconfigured on the site. She showed on the slide that she would like to see a pedestrian path coming in on Packard Rd and crossing through the back of the site away from the intersection where they wouldn't have to cross the vehicular lanes entering and exiting the site thereby making it safer for all.*

*Quatro said attachment 2 shows that alternative.*

*Woods commented that the Commission will not design the site and she felt it wasn't good use of the Commission's time to be reviewing alternatives; she suggesting going around the table to hear what concerns Commissioners have and then decide if they want to vote on what was*



*before them this evening or do a postponement.*

*Clein asked about the two entrance exit drives and if there would be a curb ramp detectable warning for the pedestrians.*

*Kowalski said not at driveways, and it is required that the pedestrian sidewalks carry through on the site plan.*

*Clein echoed the sentiments of Franciscus on the location of the curb cut on Packard and having it further south would seem to enhance the safety which was one of the main concerns expressed by neighbors.*

*Clein asked if the developer had a clear understanding of where the neighbors want the building located on the site.*

*Quatro said the location of the building has been driven by City requirements, existing landmark trees, neighbor concerns, storm water mitigation. He said they are moving the driveways further from the corners and requiring a right-turn only, while now you can turn left and there are 4 curb cuts. He said they prefer the triangular building, and every Circle K is built that way, but the reason they didn't do that was because the variance was much greater and the building per code has to be 10 to 20 feet from the property line, so the building has to be pushed close to the property line which requires the building to be tight and pushed the curb cut to the north.*

*Clein said he realized this is a tight puzzle and it might be a situation in which not all the puzzle pieces will fit in. Clein said he is in favor of having the building as shown but instead of the blank wall there could be an entrance on that side that would make it more welcoming.*

*Quatro said they could put a false window that looks like a real window and they can add a canopy over it and it gives a good look yet you don't lose the wall space inside.*

*Bona said she agrees with the comments made about the Packard entrance that it should be moved and she doesn't believe that median will work and even if it does the path that people take when they are forced to turn right doesn't solve the problem, so she can't accept a site plan with a right-turn only. She said fake spandroglass doesn't do it, and she would rather have a brick wall than a fake window, and the petitioner needs to remember that this is a historic neighborhood with older homes, and a more traditional structure that is close to the sidewalk that has a storefront*

*that speaks to the sidewalk. She said when a building in close and it communicates through glass with the sidewalk it slows traffic. She said you have an opportunity for outdoor seating and as a neighbor mentioned; missed opportunity, you have the opportunity to take advantage of the pedestrian nature of this neighborhood, which doesn't exist for many Circle Ks. She said Circle K might not get it but this neighborhood can support this project if it speaks to the pedestrian.*

*Quatro said they have entertained putting the exit door onto the parking lot, but the more entrances and exits to a building it dramatically affects the actual size of the building. He said the goal is to meet the ordinance as well as make the neighbors happy and in order to do what the neighbors are asking for requires more variances which make it more non-compliant.*

*Bona said they are limited with the space they have so they either make it work or they don't.*

*Quatro said they felt this design and site plan had taken everyone's comments into play and they had reduced the building from the 4,000 square feet down to 2,300 square feet and while they would much rather move it away from the corner but then they lose the compliance to be 10 to 20 feet from the road. He said Attachment one handout met the ordinance, but the canopy is in the backyard.*

*Bona said but they are now talking about a masonry wall now, and putting a suburban styled gas station in a tight neighborhood isn't going to fly for her.*

*Quatro said but putting a canopy 15 feet from the neighbor's property, 14 feet in the air; that is everyone's number one concern in the neighborhood not to do.*

*Gibb-Randall asked about possible contamination on the site and if any testing was required to do an underground stormwater infiltration based system.*

*Quatro said all detention requires a storm receptor or a contaminant removing system before it enters into the public system and the detention is downstream from that system. Quatro explained that the site is monitored all the time, with monitoring wells all over, to meet environmental concerns of the State and they are inspected and updated on a monthly basis. He said the tanks are brand new, double lined/walled and have inter monitoring to determining if there is any leaking at all.*

*Gibb-Randall asked if the soils were tested after they took out the old tanks to make sure stormwater isn't being drained through contaminated soils from the old gas station.*

*Kowalski said he didn't have the reports, because most of that is handled through the State but he noted that the City's stormwater reviewer raised that same concern and requested the infiltration to be moved further away from the earlier site, and he has now signed off on the current location of the infiltration system.*

*Quatro explained that any contaminated soils from the site have been removed with the tanks.*

*Gibb-Randall asked if there is any bike parking on the site.*

*Kowalski said yes, and reviewed the site plan with the Commission.*

*Gibb-Randall asked if the sidewalk in front of the store connected with the public walk.*

*Kowalski said yes.*

*Gibb-Randall asked if they would be working around existing trees.*

*Quatro said they attempted to save every tree, but they had to take out 2 trees.*

*Gibb-Randall said she preferred the petitioner's version because she felt given the canopy the trees wouldn't do well and they wouldn't get enough light. She said they might reconsider the choice of White-pine because they are sensitive to salt and run-off. She also noted that they could get evergreens that were larger than 7 feet and in this situation she felt the neighbors would appreciate the larger trees with the canopy.*

*Mills asked about the required parking, adding that if some of the parking would be eliminated, she would be okay with that.*

*Kowalski said the parking spaces at the pumps could be counted towards the required parking but they prefer not to. He noted parking is based on total square footage of the building.*

*Quatro said the Circle K folks prefer not to lose any more parking and*

*would actually like 2 more spaces added.*

*Mills said she preferred Attachment 3 of the designs, because the current building location doesn't talk to the street.*

*Quatro said he would like to hear the feedback from neighbors and the City on the possibility of moving the building further back towards the middle of the site, which would increase the amount of variance requested, but it would interact more with the street and the neighborhood. He explained that they have all mechanical equipment enclosed and compressors are proposed to be on the Packard side where they believe there is already noise coming from the street.*

*Mills asked about the snow run-off and if it is accounted for on the southern portion of the site.*

*Kowalski said it would melt and run-off as it currently does, noting there is a slight elevation change; he said they explored the possibility of adding a stormdrain there, but it would greatly impact the trees in the southwest corner.*

*Quatro said the soils are great for infiltration in that area; he said they can't infill with the trees there, but noted directly adjacent to the parking there are bioswales that would contain the water. He said they tried to address*

*Milshteyn said, speaking as a member of the ZBA, he didn't believe that the current site plan with variances would have been approved by them and he believed they needed to go back to the drawing board because there are other possible options available. He agreed with the other Commissioners on comments.*

*Briere recommended that he try not to go further into the 15 foot setback*

**Moved by Milshteyn, seconded by Briere, to postpone taking action.**

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

**Postponed.**

**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

*Woods asked what the pleasure of the Commission was in continuing past 11:00 p.m.*

*Clein agreed to continue the meeting until 11:30 p.m.*

**On a voice vote, the Chair declared the motion carried. Item Postponed.**

**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

*Woods asked what the pleasure of the Commission was in continuing past 11:00 p.m.*

*Clein agreed to continue the meeting until 11:30 p.m.*

**10-d**    **16-0378**

Zoller Building Site Plan for City Council Approval - A proposed development of a new 44,000 square foot building of office, warehouse, and garage uses on vacant site at 3900 and 3928 Research Park Drive. The site is adjacent to Mallets Creek and a portion of the site lies in the flood zone. (Ward 4)

*Matt Kowalski provided the staff report.*

**PUBLIC HEARING:**

*Tim Walter, The Mannik & Smith Group, Inc. 2365 Haggerty Road, Canton, MI, Engineer for the project, was present to respond to enquiries of the Commission.*

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

**Moved by Milshteyn, seconded by Franciscus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Zoller Building Site Plan, subject to 1) a variance for the driveway width being granted by the Zoning Board of Appeals, 2) parcels being combined prior to issuance of Building permits, 3) providing two footing drain disconnects or equivalent prior to issuance of a certificate of occupancy, 4) subject to preliminary plan approval by the Washtenaw County Water**

**Resources Commissioner.***COMMISSION DISCUSSION:*

*Woods asked what would be taking place in this proposed building.*

*Alex Zoller, Zoller Properties, LLC, 3753 Plaza Drive, Ann Arbor, said they provide tool software management and measuring machines for the manufacturing industry. He explained that their company was founded in 1945 in Germany; since 1997 they have been here in Ann Arbor in a rented space and they are looking to move to their own facility where they can support their innovations. He said they make manufacturing companies more productive and their main customers are in the automotive industry, such as FORD and GM. He said they will have big companies come and see their products in their showroom here in Ann Arbor and they are happy to be here.*

*Briere asked about the two existing curb cuts and if there would be any drive conflicts.*

*Walter explained that there are no existing curb cuts on the inside curb and the two curb cuts they have on the west side, the one closest to Mallett's Creek is in between two existing curb cuts, and the northerly one is not exactly across from the other one.*

*Matt reviewed the curb cuts on the site plan.*

*Briere said her concern was with the need to widen the curb cuts to make them a comfortable turning radius for large vehicles, and she wanted to know if they anticipated use of the drives would block the exits from other businesses.*

*The Architect said, no, explaining that Research Park Drive is an extremely wide roadway and the curb cuts they are proposing are standard for normal semi-truck traffic for this type of need. He said the reason they are wider is so that they stay on the drive and don't go over landscaping and damage such. He didn't believe there would be any problem with conflicts while exiting their parking lot or the neighbor exiting from across the street. He said truck traffic would be coming in on the southern drive and exiting on the other side. He said the proposed northern drive was designed to keep the pedestrian traffic using the front door and thereby separate from the truck traffic.*

*Kowalski clarified that the curb cut variances would be for the southern drives.*

*Briere asked if the northern drive was leading to the surface parking lot. She also asked about covered parking.*

*The architect said, yes, and noted there are only 3 interior parking spaces.*

*Gibb-Randall said it was great seeing that storm water management would be integrated throughout the site instead of sticking it in a hole with a fence around it. She asked if there was another way of handling the surface treatment of Mallett's Creek than through the proposed turf in terms of buffering the watershed and protecting it so it is less lawn as it really takes a hit while moving through town. She said while not required she suggested that they might want a neat 10-foot swath of lawn along the road but that the rest could be a prairie area with more native species that would be another step towards supporting this creek that is suffering as it moves through our City.*

*The Architect said he believed they could entertain different plantings and seeding as noted in that area.*

**On a voice vote, the vote was as following, 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.)**

**12 COMMISSION PROPOSED BUSINESS**

**13 ADJOURNMENT**

**Moved by Milshteyn, seconded by Bona that the meeting be adjourned. The meeting was unanimously adjourned.**

Wendy Woods, Chair  
mg

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