

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Final

Tuesday, July 16, 2019

7:00 PM

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

City Planning Commission

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1 CALL TO ORDER

Chairperson Alex Milshteyn called the meeting to order at 7:00 pm.

2 ROLL CALL

Planner Manager Brett Lenart called the roll.

Present 8 - Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, Abrons, and Hammerschmidt

Absent 1 - Woods

3 INTRODUCTIONS

Chair Milshteyn introduced and welcomed the two newest City Planning Commissioners, Ellie Abrons and Sara Hammerschmidt.

4 APPROVAL OF AGENDA

Moved by Sarah Mills, seconded by Shannan Gibb-Randall, to approve the agenda as presented. On a voice vote, the Chair declared the motion carried unanimously.

5 MINUTES OF PREVIOUS MEETING

[19-1405](#) May 21, 2019 City Planning Commission Meeting Minutes

Moved by Lisa Sauve, seconded by Shannan Gibb-Randall, to approve the minutes as amended.

COMMISSION DISCUSSION:

Mills requested a grammatical error be corrected on the May 21, 2019 meeting minutes, page 14, to read as follows: "Mills encouraged Pollay to quantify the number of ground lot surface-parking spaces being lost, showing this addition..."

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

19-1406 June 4, 2019 City Planning Commission Meeting Minutes

Moved by Lisa Sauve, seconded by Shannan Gibb-Randall, to approve the minutes. On a voice vote, the Chair declared the motion carried.

19-1407 June 18, 2019 City Planning Commission Meeting Minutes

Moved by Lisa Sauve, seconded by Shannan Gibb-Randall, to approve the minutes. On a voice vote, the Chair declared the motion carried.

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

6-a **City Council**

Councilmember Zach Ackerman reported from last night's Council meeting; the City and the State of Michigan have reached an agreement on the Allen Creek Railroad Berm Opening. He said this is an exciting project that would open Depot Street to Bandemer Park (1331 Lake Shore Drive, Ann Arbor) and Argo Pond (1055 Long Shore Drive), connecting both the pedestrian walkway on Depot Street to the Border to Border Trail and would also serve as an outlet to the river. Ackerman reported that 325 E. Summit, also known as The Garnet, passed on first reading, and moves on to second reading; he noted there was some opposition to the zoning type that is being used. 2705 Newport Road (annexed parcel) was zoned from Township to R1A (Single-Family Dwelling) and a number of Unified Development Code (UDC) amendments (corrections from when Chapter 55 transitioned into the UDC) were moved forward. He said, finally, there were three special assessments for sidewalks on Pontiac Trail, Scio Church Road, and Dhu Varren Road, that moved forward so there will be some new sidewalk

gaps filled throughout the City.

6-b Planning Manager

No additional report.

6-c Planning Commission Officers and Committees

No report.

6-d Written Communications and Petitions

[19-1402](#) 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

9 UNFINISHED BUSINESS

- 9-a** [19-1397](#) 2857 Packard Road Planned Unit Development Site Plan for City Council Approval - A request to rezone this site from R1E (Single-Family Dwelling District) to PUD (Planned Unit Development) to allow for 25 single-family homes and 26 townhouse units. A 15-foot wide conflicting land use buffer around the perimeter of the site is proposed to screen from the adjacent residential units. Staff Recommendation: Approval

PETITIONER PRESENTATION:

Tom Covert, Midwestern Consulting LLC, 3815 Plaza Drive, Ann Arbor, introduced his project team and provided a brief overview of the project. He said they will maintain the conditions of the R1E zoning designation, the utility layout remains the same, the proposed stormwater system will collect stormwater that previously transferred over the site. Covert explained they have met with Natural Area Preservation staff (NAP) which resulted in revisions presented this evening, along with some planting replacements to reduce deer browse.

STAFF REPORT:

Chris Cheng, City Planner, provided additional comment from the staff report. A revised Natural Features Maintenance Plan has been reviewed and approved by the NAP (Natural Area Preservation) Coordinator and is attached on page 28 of the staff report.

Per the revised UDC (Unified Development Code), basements, whether finished or unfinished are counted as floor area and will be counted toward the 2,000-square foot cap in the underlying R1E Zoning District. To address this issue, the petitioner proposes allowing basements and not counting this as floor area in the PUD Supplemental Regulations and as shown on the site plan

PUBLIC HEARING:

Dan Bilich, 2719 Cranbrook Road, Ann Arbor, stated he's a citizen trying to understand the zoning laws. He drew an analogy that a property owner has trees on a lot, and wants to change the zoning rules to facilitate building on the lot, and the property owner is using the trees as blackmail toward approval. Bilich said after researching the definition of blackmail, he believes the correct word to explain this type of action is extortion. Bilich said, "I have no expertise in the law here, but as a citizen of Ann Arbor it feels like extortion...If it is extortion, what is the legal basis for the City to file a criminal complaint."

Sue Symington, 2649 Carmel Street, Ann Arbor, said she had emailed the Commission a picture of the sanitary sewer overflow sign, adding that this matter has been a concern of hers from the get-go. She respectfully requested a moratorium on building in this particular area, noting the area is prone to sanitary sewer back-ups and she feels strongly that a consultant should be hired to study the City wide sewer to make sure that this proposed project will not exacerbate the problems.

Karen Wight, 2719 Cranbrook Road, Ann Arbor, said she lives adjacent to this site. She stated, "I have been coming to these meetings for a while, and I needed to educate myself; I've seen a few horrible things and a couple of really good proposals, such as 'Veridian' on Platt or 'Roxbury' on Broadway. I would urge you to put this on hold. I know that there is going to be development on this site, but we don't have the luxury of more bad development such as this. I understand that staff has recommended approval, because they think that half a loaf is better than none. I think a better metaphor is that we all share a house, and it is on fire; the

developer would like to start a fire to roast marshmallows, and he doesn't believe in global warming anyhow. We deserve more time to work the plan over to make it better."

Chris Crockett, speaking on behalf of the Old West Side Historic District said one of the requirements of a Planned Unit Development (PUD) is that a public benefit be provided. She explained that a number of people have been meeting to discuss the preservation of the Greek revival home at this location. Crockett read a letter from Ellen Thackery, 1510 Martha, Ann Arbor, Deputy Executive Director Michigan Historic Preservation Network (letter included in communications) requesting that a condition of any approval be that the existing circa 1850 farmhouse be left on site for three to six months so that the house can be viewed and structurally assessed for a potential move.

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

Moved by Lisa Sauve, seconded by Erica Briggs, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weber Rezoning Petition from R1E (Single-Family Residential) with conditions to PUD (Planned Unit Development) district and Supplemental Regulations, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weber PUD Site Plan and Development Agreement.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Zach Ackerman said he was glad to see a 5-year natural area maintenance plan established by City staff, yet there still remains unanswered questions. He asked about stormwater calculations.

Brett Lenart responded that calculations are done as part of the Washtenaw County Water Resources Commission (WCWRC) review of the project, where estimated flows are calculated based on the topography of the site, and where swales are planned, volumes are estimated as to being able to accommodate the flows.

Tom Covert explained they are meeting the standards of the WCWRC for stormwater infiltration; treating the quality and quantity of flow at the site -- all storm events, the 100-year storm event, through natural vegetation in the basins. He said they are fortunate that the site infiltrates at greater rates than required, but they have a backup system should the infiltration system silt up, and those pipes drain underground to the stormdrains in Packard Road. Covert said this site will have the advantage of having a drainage district.

Ackerman said a public benefit of this Planned Unit Development (PUD) would be that the neighboring properties would no longer flood, because this new stormwater system would be able to reduce the amount of water.

Covert said the existing neighborhoods in the area were built at a time when the stormwater rules were different; and instead of allowing the water from the neighborhood (Easy Street and Carmel Street) to drain off-site, they will be collecting that stormwater on site and putting it through their system.

Ackerman asked about possible relocation of the old farmhouse.

Lenart explained that regardless of the age of the structure, it was not in any regulated historic district, which means there are no additional City regulations that hinder moving it to another private property; however moving it to Cobblestone Farms might not be possible given that is an established historic district, owned by the City. He said, to date, there has not been any formal offers, plans, or proposals, provided to the City, or The Parks Advisory Commission, that include the relocation of the old farmhouse, which would ultimately require City Council approval of such action.

Ackerman acknowledged hearing the public comments about the City's sewer system and the need for older pipes to be replaced. He said the City is working with a consultant on a 10-step asset plan for infrastructure, of which includes replacement of underground sewer pipes. He said the City has already built a new water treatment plant, and they are also working with homeowners to get their footing-drains disconnected which all helps with sewer backups. He asked staff to explain how the City has reviewed this project for possible sewer issues.

Cheng said the City's Engineer looks at the proposed project and sewer mitigation to verify sizing is accurate; he noted that if a project has gotten this far the mitigation has already been reviewed and the petitioner would

be paying a fee to the City to offset costs for added flow into the system, if the project is approved.

Lenart added that the City uses these mitigation fees to help pay for capital improvement projects in the City.

Covert explained that the City's utility department conducted sewer and water modeling, with the sanitary sewer calculations showing they will need to mitigate 54 gallons per minute but no areas off-site would need to be upgraded.

Commissioner Lisa Sauve asked about projected timeline of the project, given the request for assessing the farmhouse.

Jim Haeussler, Peter's Building Company, builder, said he estimated it would be 6-8 months before they could be ready to submit construction drawings; he reiterated that the farmhouse is out of the scope of this project and whatever is decided on the farmhouse would be a separate matter. He said he has an agreement with the owner that would allow the assessment and transfer of the old house, if someone wants it. He said the house is old but not historic in the sense of being protected by any historic district or classification.

Sauve asked about orienting the roofs to the south, to allow them to be solar ready, if future buyers decided to add solar panels. She noted the current housing typography is pitching the roofs east-west. She noted that the connected buildings in the middle have the least amount of shade, and given the vernacular she felt it would be a win-win to have them solar-ready.

Haeussler said the housing typography is what they plan to build, and given all of the City's various rules, he is trying to follow them, as well as building something that people will want to buy and live in.

Lenart said he didn't see any inherent conflicts other than the potential of natural features preservation on orienting roofs.

Commissioner Shannan Gibb-Randall asked about the natural features maintenance plan.

Cheng said City staff reviewed the plan and our okay with a three to five year plan.

Haeussler said each year could be different depending on the outcome from the previous year, so they will include language in the condominium association agreement which will allow the plan to be as dynamic as possible as there is on-going reviews conducted by the City's Natural Area Preservation Department.

Gibb-Randall said she was very glad to see the built-in flexibility in the maintenance plan that will allow the City to check-in and have oversight yearly; she said there was a lot of work done on this matter since the last iteration, and she is pleased to see this progress, as well as the review and input from the City's Natural Area Preservation(NAP) whom have years of expertise in these matters in our area. Gibb-Randall said it made her feel good about the plan knowing that the vegetation will be allowed to evolve as it should; to allow the Burr Oaks and Walnuts to regenerate as they should and seeing it clearly specified that the homeowner's association will be responsible for providing annual reports by a professional restoration consultant as well as seeing specific herbicide regimes noted. She expressed being comfortable knowing the ongoing stewardship and management is taken care of with the natural area preservation piece in place. Gibb-Randall said, "For me this is a big part of what we are getting out of this PUD, and the attached units allow these areas to be saved and restored, and that's the piece that means the most to me." She said it takes management to have these things evolve in healthy ways, given the many invasives out there and this plan accommodates that. Gibb-Randall said she was also comfortable with the stormwater part of the project, because the petitioner could just bypass everything flowing onto this site, but instead they are taking some of the problem areas in the neighborhood onto their site which is highly unusual and not required at all; thereby, becoming another public benefit of the project. She felt it would be fabulous if a private individual would take on the project, to move the old farmhouse to another private parcel, because it would be a lot for the City to move the structure into a park, restore it, and manage it -- all requiring budgeted funding and taxpayer dollars.

Commissioner Sarah Mills asked staff to explain how this proposed project goes above and beyond what would be required of any other project.

Cheng explained that a natural feature mitigation plan isn't required on other projects, but on this project, being a PUD, they need a public benefit. He said the proposed open space at 54%, the natural preservation plan, together with the added stormwater detention from neighboring areas would be considered added benefits.

Gibb-Randall noted that the City's code currently only manages the trees on a site, but it doesn't manage the kind of eco-system of the woodlands, so if the petitioner saved the trees, he would only be required to have lawn around the tree, while this plan is intended to save the woodland eco-system which is part of the forest floor allowing the small Burr Oaks and Walnuts to grow, instead of being mowed down as part of a lawn. Gibb-Randall said it will be crucial that the president of the homeowner association takes on this mantle of stewardship for maintaining the plan, understanding the importance of preserving this eco-system, and knowing that the development exists only because of this preservation aspect.

Haessler commented that managing the eco-system will allow the small Burr Oaks to grow up, with appropriate growing space, so they will be able to replace the existing centennial trees that might not withstand forces of nature over time. He said NAP didn't want to dictate a plan, rather react to what is current and dynamic with best practices of the day.

Mills noted that specific language in the development agreement for this project, along with enforcement, would be very important. She asked for elevation plans of the attached structures.

Covert responded he did not have proposed elevation plans; however, anticipated them to be similar to the detached houses, only attached.

Mills said it was unusual for the Commission to not have elevation plans to react to at this juncture. She expressed the desire to see solar-ready roofs on the attached structures, especially if roofs would be flat. Mills asked about calculations of total square footage, as they relate to R1E zoning.

Cheng said square footage of basements count in all zoning districts.

Milshteyn asked for clarification on above versus below-grade, square footage.

Lenart clarified that the City's Unified Development Code (UDC) clearly defines floor area to include above and below-grade areas, and in the R1E Zoning district the threshold is 2,000 square feet.

Mills asked if the square footage definition would be calculated differently on this project, since a reason for having a cap on square footage in the

R1E zoning district is for the City to have diversity of housing stock, and allow small-ish type houses up to 2,000 square feet. She said people could finish their basements and get 3,000 square foot homes, which would be counter to the intention of the existing zoning district and run counter to a public benefit of diversifying housing type. She asked if the total allowable square footage would be spelled out anywhere.

Cheng explained, since this is a PUD, the calculation would be included in the Supplemental Regulations for this project.

Lenart explained that this PUD is specifically choosing to exclude the calculation of the unfinished basements, which could result in a 3,000 square foot house; however, it would still have that 2,000 square foot limit on the house, even if it counted above-grade only. He said no other zoning district had such a limit and he believed the intent of the code was to allow for more affordable and flexible housing, and while this might not meet the intent of the code, it would still carry a 2,000 square foot cap, unlike any other zoning district in the City.

Commissioner Lisa Sauve asked if there were walk-out basements on any of the units, and if there is any plan to have egress windows built into the basement area.

Covert said, there are no walk-out basements as you would think; he explained that in order to preserve the trees on the eastern side the grade drops down about 4-5 feet which will result in exposed basements at those locations.

Haeussler explained that they had planned to have egress windows built into basements, but as discussed, his intention for the basements is clearly only for them to be used for storage, with the agreement between the City and the developer clearly stating the capped floor area can only be 2,000 square feet.

Sauve asked staff about their anticipation on owners finishing basements themselves.

Cheng answered they anticipate some people applying for permits, and getting their applications denied by the Building Official; while others will finish their basements without applying for permits, thereby creating difficult enforcement situations.

Sauve said she preferred having the specified language in the

agreement, where it spells out the maximum square footage allowable, and should complaints come in to the City, she felt they would be easier to enforce, noting that people will always be looking for alternative ways and the City will continue to enforce what they know.

Mills asked about other R1E zoned districts and if they were built with unfinished basements. She asked about previous discussions, if the unfinished basement issue had come up when the R1E zoning classification was created.

Lenart responded, yes, they were approved under the previous zoning code and it's left many illegally and messy finished basements for the City to try to deal with.

Milshteyn said he didn't recall ever having the conversation of basements as part of the pre-zoning classification discussion, as the intent was more on getting smaller houses. He said in his own experience as a realtor, he has found that up to 75% of basements are finished without building permits.

Haeussler commented that buyers would be made aware of the restricted square footage, when buying the houses, since he intends to include it in the binding condominium homeowner association bylaws, thereby making it enforceable by and through the association at the sole expense of the owner.

Sauve said she likes the varying typology of the one-story, two-story, and attached housing types within this development, because she felt it will bring a diversity to the residents; she wasn't concerned with the basements.

Commissioner Sara Hammerschmidt asked about open space for families with children who might be living in this potential development. She asked if there was any possibility for an internal connection from the site to Buhr Park nearby.

Cheng reviewed the site plan with the Commission and Lenart provided some background on the outer lots being individually owned and without common easements making a connection to the nearby parkland becomes difficult.

Covert explained that the roads within the development will be private and there will be pedestrian walkways on both sides of the streets, as well as a

walkway bisecting the central block of the property. He further explained that stormwater from the drainage district will have many restrictions as dictated by WCWRC, down to where landscape plantings can be. Covert mentioned that as part of the project they are proposing to pay the parkland contribution as well.

Milshteyn asked Covert to review the public benefits of the project.

Covert said as part of the PUD public benefits they are identifying diverse housing typology with the attached units and limited density along with the single-family homes; the natural features preservation, woodland, landmark trees, including the substantial natural features maintenance plan; the stormwater management, as exceeding the requirements and addressing historical flooding issues.

AMENDMENT I:

Moved by Zach Ackerman, seconded by Lisa Sauve, to amend the motion to add a condition that the house remains until a Grading permit is issued. On a voice vote, the Chair declared the amendment approved.

VOTE ON AMENDED MAIN MOTION:

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

Vote: 7-1

Yeas: 7 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 1 - Zachary Ackerman

Absent: 1 - Wendy Woods

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

(If an agenda item is postponed, it will most likely be rescheduled to a future date. If you would like to be notified when a postponed 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** **19-1398** Shell Station Planned Unit Development (PUD) Modifications for City Council Approval - A proposal to add approximately 4,500 square feet of floor area for retail/office use to the previously approved PUD zoning and site plan. Additional surface parking is proposed along the property line to the south on this 1.44-acre site located at 2679 Ann Arbor-Saline Road. Staff Recommendation: Approval

PETITIONER PRESENTATION:

Todd Quatro, Quatro Construction LLC, 201 N. Park Street, Ypsilanti, provided an overview of the proposed project.

STAFF REPORT:

Chris Cheng, City Planner, provided additional comment from the staff report; the parking spaces include spaces at the gas pumps. The petitioner is requesting a landscape modification to reduce the screening from a 15-foot wide berm to a 10-foot berm.

PUBLIC HEARING:

Alex Dieck, Bodman PLC, 201 S. Division, Suite 400, Ann Arbor, representing Cranbrook Village, reviewed written communication they had provided to the Commission. She said we have concerns regarding the application, and discrepancies to the traffic study. Dieck said our main concern is that the traffic study is not accurate, and there are some missing dimensional requirements in the parking lot.

Mark Drane Rogvov, 32500 Telegraph Rd. #250, Bingham Farms, said he is an Architect and was asked to review the drawings on behalf of Cranbrook Village. He provided his review of the submitted plans and

stated he is opposed to the development. Rogvoy noted floor area calculations discrepancies as well as no loading area provided.

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

Moved by Sarah Mills, seconded by Zach Ackerman, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Shell Gas Station Planned Unit Development (PUD) Site Plan and associated Landscape Modifications.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Zach Ackerman asked for responses to comments made at the public hearing. He also asked about site lighting and compliance with the City's ongoing attempt to comply with 'Dark Skies' initiatives, as well as a possible fence.

Quatro reviewed their calculations with the Commission and explained that City Engineering had reviewed their plan multiple times and there were no outstanding issues. He said he couldn't speak to existing lighting, noting that the canopy lighting was recently upgraded to LED lighting, and they were willing to work with the City on bringing any new lighting into conformance with the City's initiatives. He said there is a 1:4 gradient leading off the back of the property towards Cranbrook Village parking lot, and the owner is amenable to any reasonable request. He said Cranbrook Village has requested a 6-foot high fence, but the owner was thinking a 3-foot tall fence would be better if he has to install a fence between his property and Cranbrook Village. He clarified that the owner would like to continue encouraging foot traffic between owner's property and the neighboring Whole Foods business in Cranbrook Village.

Commissioner Erica Briggs said she would not like to see a fence between these sites, rather a pedestrian walkway to encourage foot traffic if it would be Americans with Disabilities Act (ADA) compliant. She asked about public benefits of the project when it was originally approved and previous zoning.

Cheng explained that the site had mainly been a service station up to

that time, and they turned it into an entrance-point into the City; he pointed out two separate pedestrian meeting areas on the site, pedestrian pavers as well as specified building materials used on the facade of the previously revised PUD site plan in 2014. Cheng said the underlying zoning was C3 which is Fringe Commercial, allowing service stations and drive-thru's with Special Exception Use, which was requested and granted previously. He said, by-right, they are allowed to use 150% of the floor area and they are asking for less than 15%; however, this site is limited by required parking so he doesn't see the owners requesting further expansion anytime soon.

Commissioner Shannan Gibb-Randall said the grading layout plan was difficult to read and follow; she noted a raised bio-retention curb protruding into the drive-aisle by several feet, which wouldn't allow a parked car to back out, without driving over the curb, because there needs to be at least 20-feet behind those spaces.

Quatro noted some confusion, likely due to a mistake by their office when they just recently revised the plan to reflect small parking spaces, they didn't adjust the layout correctly.

Gibb-Randall expressed the need for the layout plans to be cleaned-up before the Commission could review them correctly. She respectfully disagreed with the other Commissioners on the need for a fence; saying, if the petitioner owned that steep slope it would be their liability if they would be willing to have customers go back and forth to Whole Foods for a 'full shopping experience', but the liability is on Cranbrook Village, should someone fall, because that slope area is owned by Cranbrook.

Commissioner Sarah Mills said as a pedestrian you have to go out of your way to maneuver the Cranbrook Village site and she doesn't support the addition of a fence. She said she visits the site mostly on bicycle and with the City wanting to encourage walkability, along with the clientele of Whole Foods and REI, they are more likely to show up on a bicycle or walking, and the corner is where the pedestrians find the street crossings. She asked for clarification on the traffic study.

Quatro said the traffic study was done by Spalding DeDecker and reviewed by the City's Traffic Engineer; it said three 1,500-square foot units. Quatro said they used the impact of the additional uses in addition to the existing uses.

Cheng reviewed how the required parking spaces were obtained, both for

the existing uses as well as the proposed uses.

Mills said she was fine with the parking and wasn't proposing the need for more parking.

Commissioner Lisa Sauve asked if the site had been evaluated as a 'retail-center' for traffic loads, since she felt the area was geared towards being more car-centric. She enquired about sidewalk and grading by the rear service entries to the retail space, since it wasn't shown on the site plan. Sauve noted it could get tight in the back with door swing openings if a fence was installed. She requested the site plan to be updated showing these details.

Quatro responded they had just made that modification when they moved the building by 1.5 feet; he said they will put in sidewalks leading to the secondary means of egress at the building stage. He explained they have 6 feet of clearance for the door swings and another 6 feet before the drop-off.

Cheng noted the petitioner found it difficult to finalize the plans not knowing what would be going in that area. He said the Building Department believed he would need to install a safety railing at the secondary means of egress.

Chair Alex Milshteyn reviewed the proposed parking noting 39 total proposed spaces; 12 used for gas pumps, and 10 for the drive-thru. Milshteyn expressed concern, noting he frequents this gas station often and on most days it's a giant mess with the parking situation.

Quatro noted there is also stacking of cars, not counted in the calculations, i.e. the drive-thru has 9 stacking spaces. He said 90% of their Tim Horton's customers are drive-thru customers. Quatro explained they propose to infill the retention pond, thereby creating 21 new parking spaces, which they anticipate will be for the new added retail area on site. He said the owner still doesn't know which retailer will be going into the proposed 1,200-1,500 square feet space.

Milshteyn said he agreed with Commissioner Mills on the fence issue, noting if there was no agreement between the neighbors or shared sidewalk installed due to grade changes, it's probably not going to happen. He expressed a fence would probably need to be a part of this plan, adding there are aesthetically pleasing fences that could be installed, and it doesn't have to be a 6-foot high fence. He enquired when

and where deliveries are proposed to occur. Milshteyn asked about signage for the added businesses to the site, noting there is already a lot of signage for the existing gas station.

Quatro responded that technically it's not a requirement of the PUD, but noted it's currently usually done in the off hours so not to block customers, and he anticipates they will continue with this schedule. He said they believe deliveries and pick-up vehicles would be using a retail parking spot.

Cheng explained that each new business is allowed 2 square feet of signage for the building frontage (calculated per linear feet), so if each business has 20 feet of frontage, they would be allowed up to 40 square feet of signage. Cheng commented that temporary signage is not allowed, and the City will continue doing enforcement. He said a monument sign is allowed separate from the building signage (he believed the maximum allowed is 200 square feet).

MOTION II

Moved by Ackerman, seconded by Gibb-Randall, to postpone, to allow the dimensions on the site plan to be cleaned up, and that the petitioner explore with staff the possibility of adding a fence.

DISCUSSION ON MOTION II

Briggs said the proposed addition would probably not increase the pedestrian flow between neighboring sites, and she felt it more important to have connectivity throughout the City.

VOTE ON MOTION II

On a rollcall vote, the Chair declared the motion failed. Vote: 4-4

Yeas: 4 - Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, and Elizabeth Sauve

Nays: 4 - Erica Briggs, Sarah Mills, Ellie Abrons, and Sara Hammerschmidt

Absent: 1 - Wendy Woods

MOTION III

Moved by Zach Ackerman, seconded by Sarah Mills to postpone, to allow the dimensions on the site plan to be cleaned up.

DISCUSSION ON MOTION III

Briggs said she didn't believe the project met the requirements to be a PUD, and she's not in favor of a proposal that is adding, unnecessary, more intense uses at this corner location where they are already having challenges, but she is not opposed to receiving more information on the proposal.

Commissioner Ellie Abrons asked if this proposal would be considered a rezoning.

Lenart said no rezoning is being proposed at this time, and since it's a PUD, there is public benefit discussion. He explained that the City has already re-zoned this parcel to PUD and it has established a zoning district and on that zoning district the applicant has submitted a site plan for review and the Commission will respond if that site plan is compliant with those zoning regulations that have been enacted through the PUD.

Abrons asked if it would be possible to make sure the issues brought up during public comment have been resolved before the agenda item returns before the Commission.

Lenart said yes.

Ackerman said the petitioner should work with the City on the Dark Skies Initiative on new lighting.

Sauve said she would be interested in seeing the petitioner work with their neighbor so they could evaluate further.

Quatro said he is all about working with neighbors, but believes this situation is not about that.

Gibb-Randall requested the petitioner to look at their landscape buffer, landscaping material and species, since it's hard for plants to survive along E. Eisenhower Parkway.

VOTE ON MOTION III

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

Item Postponed.

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

COMMISSION BREAK (7 minutes)

- 10-b** [19-1399](#) The Glen Planned Unit Development (PUD) Modifications for City Council Approval - A proposal to modify the previously approved PUD zoning and site plan by removing the pedestrian hotel entrance on Glen Avenue, reducing the number of valet parking spaces, revising the rear elevation, and increasing the maximum height of the building to 109 feet 4 inches, on this 0.54-acre site at 201 Glen Avenue. Staff Recommendation: Approval

PETITIONER PRESENTATION:

Craig Singer, Catherine Ann Development Company, LLC., 6960 Orchard Lake Road, Suite 300A, West Bloomfield, owner, introduced his development team, and reviewed the modifications with the Commission. He explained they are glad to have partnered with Marriotts, as a boutique hotel.

STAFF REPORT:

Jill Thacher noted the proposed site plan petition modifications;

- The hotel lobby and restaurant entrances were moved from Glen Avenue to the passenger drop off area facing East Ann Street. A fire exit on Glen was revised. The vehicle entrance and circulation are unchanged.*
- Revisions to the rear elevation of the building were made to shift the north stairwell slightly south. As a result, floor plan changes were made and a column of windows was shifted. The number of hotel rooms is unchanged.*
- The overall building height increased by approximately 6'. It is still below the 109'4" maximum.*
- The mix of bicycle parking spaces has changed from 18 class A and 16 class B, to 14 class A and 20 class B. Four bike parking spaces were shifted from the lower level parking area to covered bike parking along East Ann. Six more covered spaces remain at the corner of Catherine and Glen.*
- Per site plan sheet A3, regular underground parking spaces were reduced by 8, from 203 to 195. Valet (double parked) parking spaces were reduced by 3, from 49 to 46. The new total number of parking*

spaces is 241.

PROPOSED REZONING PETITION MODIFICATIONS:

- *The proposed Supplemental Regulations were modified to reflect changes in parking spaces and bicycle spaces listed above.*

PUBLIC HEARING:

Chris Crockett, 506 E Kingsley Street, Ann Arbor, said Craig Singer and their team have kept the neighborhood informed on these modifications. She said her concern has always been pedestrian safety and she feels their concerns have been addressed. She said at the same time, the University of Michigan plans to make changes and build a new School of Pharmacy as well as enlarge their power plant -- all near Glen and Huron Street.

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

Moved by Sarah Mills, seconded by Lisa Sauve, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve modifications to The Glen Mixed Use Planned Unit Development (PUD) Zoning District, Supplemental Regulations, and PUD Site Plan, with the condition that the five lots are combined before issuance of any permits.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Zach Ackerman said this is a project that makes the Planning Commission and City Council excited about a new project that works with the neighborhood and will serve the needs of the area. He said he'd rather see a hotel and meeting space, built close to the hospital, meeting the needs of the University of Michigan, than seeing it built along the Plymouth Road corridor. He noted that the revisions requested are minimal and very close to what the Commission originally approved. Ackerman said along with this project comes almost half a million dollars in contribution to affordable housing, \$15,000 to our Park funds, as well as cleaning up about four stories of contamination below this site, without tax abatements. He said these are minor changes to something that will

be a community asset.

Commissioner Sarah Mills agreed, adding that the first time around the one sticking point she had was that one door on Glen Avenue; she said this modification of removing that door will make it safer, by removing pedestrians from that area. She also supports moving the Class B bicycle parking up, because she believed it will be utilized more at this street level. Mills said she's excited to see this project move forward.

Commissioner Erica Briggs said she has no concerns with the revisions; she thanked the petitioner for all their efforts in reaching out to the residents and neighborhood, as is evident in the citizen participation report provided by the applicant.

Commissioner Sara Hammerschmidt asked if the modifications are due to their partnership with Marriotts.

Singer responded, some of them; he said while they carefully review the plans, and made suggestions, the Engineering played a major role due to internal configurations, and they got lucky that the changes made the project better.

Commissioner Gibb-Randall agreed that the modifications work very well, not only is the pedestrian entrance oriented towards Ann Street but the part of Glen that it lets out to is the widest part of Glen Avenue, making it way safer for bicyclists as well as pedestrians. She said she was thankful for the changes and supports the changes.

Chair Milshteyn said he was supportive of this project before, and even more so today with the modifications. He thanked the petitioner for all their work on the project, adding that he looks forward to seeing this great project on Glen Avenue.

On a voice vote, the Chair declared the motion carried. Vote: 8-0

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

10-c

19-1400

2793 Plymouth Road Special Exception Use and Site Plan for City Planning Commission Approval - Application to expand Special Exception

Use floor area to 3,400 square feet in existing building (Suite H & K) on this 0.99-acre site zoned C3 (Fringe Commercial). Staff Recommendation: Approval with Conditions

PETITIONER PRESENTATION:

Jack Edelstein, Plymouth Road Plaza Associates, LLC., 2793 Plymouth Road, Suite F, Ann Arbor, said they had the opportunity to move to a dedicated, 2725-square foot suite after operating out of a 550-square foot suite. He provided a presentation of the proposed interior modifications.

STAFF REPORT:

Jill Thacher, City Planner, noted there are no exterior changes to the existing site, and the parking requirements are met with the existing parking.

PUBLIC HEARING:

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

Moved by Sarah Mills, seconded by Shannan Gibb-Randall, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and Section 5:50.1 (Regulations Concerning Medical Use of Marijuana), and therefore approves the 2793 Plymouth Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:

- 1. The proposed use will be consistent with the C3 Fringe Commercial District, which provides for commercial activities including retail establishments, offices, and personal services.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Plymouth Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.**
- 3. There is an existing site plan approved by City Council in 2013, on file in Planning Services.**
- 4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of**

operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

5. There is an existing approved special exception use for medical marijuana provisioning approved in 2018, on file in Planning Services, that will be amended by this special exception use.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.
2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The special exception use may occupy no more than 2,725 square feet of the entire building.
4. This special exception use supercedes the previous special exception use approved on this site dated May 5, 2018.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Shannan Gibb-Randall asked about bicycle parking requirement on the site plan.

Thacher said the bicycle parking meets standards.

Commissioner Sarah Mills asked about limitations on operating hours.

Thacher said there were no previous limitations stipulated.

Chair Milshteyn said he remembers earlier discussion on this location, since it was in a retail commercial center and not near by residential, the Commission hadn't added limitations; however, the applicant has specified hours of operation that follow previously approved hours.

Gibb-Randall asked about odor issues.

Edelstein explained how, a year ago, dispensaries used to be able to bring marijuana flowers in jars out to the customer to view them, but that is no longer possible as packaging rules by the State of Michigan are much stricter than they were a year ago. He said they look forward to moving into a suite that won't share heating and air condition with other units in the building as currently.

On a voice vote, the Chair declared the motion carried. Vote: 8-0

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

10-d Election of Officers

Moved by Lisa Sauve, seconded by Erica Briggs, to nominate the same slate of Planning Commission Officers as currently serve. On a voice vote, the motion passed unanimously.

10-e [19-1410](#) Annual Review of City Planning Commission Bylaws

Moved by Zach Ackerman, seconded by Erica Briggs, to approved the City Planning Commission Bylaws as presented.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format.]

Commissioner Zach Ackerman enquired if the By-Laws needed to reflect recent changes the Commission has made in regards to Petitioner Presentations, before Public Hearings.

Lenart said, yes, if the Commission would like to continue with the meeting format they had been trying, it should be reflected in the By-Laws. He asked if the Commission would consider the notion of maintaining an affirmative vote of 6 Commissioners to advance a petition, but clarifying that procedural actions on a petition (e.g. tabling, postponing) would be by simple majority.

Commissioner Sarah Mills asked about order of public comment.

Chair Milshteyn said his only concern for multiple specified public comment at working sessions and committee meetings is that those meetings only allow the Commissioners 2 hours in which to hold discussions, without making decisions, so it's a matter of making sure they have enough time allotted, and allowing the Commission to make the call on a case by case basis.

Lenart said he believed language could be drafted so that public comment shall be incorporated at committee meetings but allows the Chairperson the flexibility as to when on the agenda it should occur, but would set the expectation requirement that it has to happen.

Commissioner Erica Briggs said she's appreciated that this Commission has held public comment at the beginning of the Commission (regular) meetings as well as at the end, and she hasn't found that public comment at committee meetings has jeopardized discussion; if anything, we can talk less and listen more. Briggs noted it's helpful to the public to show when public comment participation is allowed.

Commissioner Shannan Gibb-Randall commented that she finds public comment very thoughtful and helpful, whether before, after, and during Commission discussion.

**Moved by Sarah Mills, seconded by Erica Briggs, to postpone taking action until a future meeting to allow the bylaws to be revised as discussed. On a voice vote, the Chair declared the motion carried.
Item Postponed.**

12 **COMMISSION PROPOSED BUSINESS**

Commissioner Sarah Mills noted that the Commission had received some really good communications on affordable housing and Airbnbs.

Lenart explained that per Council's directive, Planning staff is working on collecting and putting together, potential direction the City might want to move towards on regulating Airbnbs. He said the issue would be brought through the Commission this year.

Commissioner Mills asked if there is a requirement for sidewalks on both sides of the streets within private developments.

Commissioner Mills asked, if hypothetically, a proposal came before the Commission today, with R4E zoning, would basement square footage be counted towards the total 2,000 square feet.

Lenart said, yes.

Commissioner Mills said she was totally fine with that limit, but suggested the Commission discuss it further if they weren't in agreement.

Chair Milshteyn commented discussion on the square footage limit should be put low on the priority list, because he didn't know how feasible it would be for a builder to build such a house and make it work for them, given the City's land costs today.

Chair Milshteyn said there are current bills in the Michigan Senate and Michigan House of Representatives dealing with Airbnbs, with bipartisan support.

Lenart said he believed, if passed, the bills would prohibit regulation of Airbnbs.

Commissioner Erica Briggs said if there was a way to incorporate the evening's discussion on ecosystems into the City's ordinance, it would be lovely.

Commissioner Shanan Gibb-Randall noted that the City's Energy Commission is looking into ways to incorporate a heritage tree category, that is specie-related as well as size-related. She said it would be great if the City could find a way to incentivize working with NAP, which is a great

local asset for Ann Arbor.

13 **ADJOURNMENT**

Moved by Shannan Gibb-Randall, seconded by Sarah Mills, to adjourn the meeting at 10:44 p.m. Without objection the meeting was adjourned.

Alex Milshteyn, Chairperson
/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 Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2ctn.viebit.com>.

The complete record of this meeting is available in video format at <https://a2ctn.viebit.com>, or is available for a nominal fee by contacting CTN at (734) 794-6150.