

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – August 5, 2008

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

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

**ROLL CALL**

Members Present: Bona, Carlberg, Woods, Mahler, Potts, Pratt, Lowenstein, Westphal  
Members Absent: Borum  
Members Arriving: None  
Staff Present: Acquaviva, Cheng, Pulcipher

**INTRODUCTIONS**

Bona announced that the Planning Commission (CPC) has a returning member, Wendy Woods. She asked Ms. Woods to reintroduce herself to the Commission and the public. Wendy Woods stated that she lives in the fifth ward and is pleased to be returning to the CPC. She has observed the Commissions deliberations over the past year, and feels that they are doing some exciting things and is glad that she has the time to be a part of the CPC again. *(Ms. Woods is replacing Mr. Emaus on the CPC.)*

Bona stated that the Commission will put forth a resolution at its next meeting in appreciation of the service of former CPC member Ron Emaus, who, in addition to the CPC, served on two boards as the Mayoral appointee – the Environmental Commission and the Zoning Board of Appeals. She encouraged the CPC members present to express their interest in filling the vacancies on those boards due to Mr. Emaus absence.

**MINUTES OF PREVIOUS MEETING**

- a. Minutes of June 3, 2008. - *Amendments*

Carlberg – pg. 9, line 5 states “students do go anywhere at eight in the morning” should state “students **do not** go anywhere at eight in the morning.”

Mahler – pg. 9, comment at top of the page is incomplete. “A developer wants to come in and put this building of this caliber.” It should read **“that a developer wants to come in and build a building of this caliber is a boon for this area.”**

Bona – pg. 15, third paragraph, third line should state **“the minimum parking setback or building setback.”**

Potts – pg. 12, top paragraph (reasoning for her vote, having to do with the street congestion and the block), add **“I will be voting “no” on this project”** – and the following statement: **“Many more cars to this very congested block of Forest will jeopardize public safety. New curb cuts are proposed directly opposite the very busy parking structure curb cuts, all curb cuts crossing pedestrian sidewalks. A bad situation would be made dangerous.”**

Without objection, the minutes of June 3, 2008 were approved as amended - **UNANIMOUS**

**b. Minutes of June 17, 2008. - Amendments**

Westphal - pg. 11, third paragraph shows “Westphal stated that there were areas near the expressway – should read **“expressways”** (plural). The following line after “mixed,” insert **“with condominiums.”** Also on that line add **“incentivizing piecemeal development in.”** The following line strike **“being developed.”**

Without objection, the minutes of June 17, 2008 were approved as amended – **UNANIMOUS**

**c. Minutes of the July 1<sup>st</sup>, 2008 Session**

Moved by Carlberg, seconded by Pratt, “To approve the minutes of July 1, 2008 as presented.”

Without objection, the minutes of July 1, 2008 were approved as presented – **UNANIMOUS**

## **APPROVAL OF AGENDA**

Amendments –

Potts – Under “Communications” – There was one communication relating to Metro 202 was missing. She stated that she hoped that staff would locate that communication to be added for the record.

In addition, under item 5.c. – Planning and Development Services Manager, regarding the same subject (Metro 202), she would like a status report on the Administrative Approval that is being considered for this project.

Without objection, the agenda was approved as amended – **UNANIMOUS**

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

- a. City Administration. – None.
- b. City Council. – None.
- c. Planning and Development Services Manager.

Connie Pulcifer, representing the P & D Services Manager reported the following:

- (1) Proposed Land Division Notification Letter for 3175 Glazier Way – Distributed.
- (2) Memorandum regarding Planning Commission Attendance – Per the CPC By-Laws, staff is directed to report on attendance yearly. FY 2007-2008 – Distributed.

- d. Planning Commission Officers and Committees.

Potts reported that the Ordinance Revisions Committee has a schedule of meetings for the next year. The next meeting is on Tuesday, August 26, 2008 at 3:00 p.m. in the fifth floor conference room (City Hall).

There will also be a meeting on the various proposals for 415 West Washington Street from 5:00 p.m. until 9:00 p.m. on Wednesday, August 13, 2008 in the board room of the County Building, located at 220 North Main Street. Potts invited the public to attend.

There were emails included in this packet for the Advisory Development Committee which will meet on August 8<sup>th</sup>, 2008 at 2:00 p.m. in the sixth floor conference room (City Hall) to discuss the details of the Madison PUD zoning proposal.

Bona remarked that the Ordinance Revisions Committee has a special meeting this upcoming Thursday, August 7<sup>th</sup>, 2008 regarding 'private lanes,' which will be an item on the next CPC meeting. The meeting will be held at the usual time, 3:00 p.m. in City Hall (meeting room to be determined).

Mahler – Reported that the Master Plan Review Committee has met twice since the last time that the CPC met, solely to review the DDA'S 'Downtown Plan' which will also be discussed this evening, the details of which will come to fruition during this meeting this evening.

Bona – She has been attending the DDA's "Partnerships Committee Meetings," and at the last meeting they were discussing the street improvements or sidewalk improvements to Fifth and Division Streets. The discussion was centered on the priorities of Phase 1. Included in Phase 1 priorities are the entrance or downtown entries at Fifth and Beakes Streets and Division at Packard Streets;

The intersection of Huron and Division Streets requires some work in order to allow the bike paths to be continuous. The bike paths and the parking will be put in initially, but the 'bump outs' and sidewalk improvements will be phased. We did see the proposal for that entire plan at a working session approximately six months to a year ago.

Pratt reported that the Steering Committee for the A2D2 Project will meet on August 21<sup>st</sup>, 2008 from 3:00 p.m. until 5:00 p.m. in the sixth floor conference room, City Hall. One of the last remaining agenda items is to take another look at the Design Guidelines - partly, the purpose of those. What has been called into question is whether they clear things up or 'muddy the waters.' This is a concern that the Committee is wrestling with right now, and staff is going to look at that and come prepared with some recommendations on how the Committee might proceed.

It's basically a catch twenty-two in that the Design Guidelines are purposely set outside the ordinance, as the ordinance refers to *requirements*, and the guidelines are simply guidelines – so how strong are the guidelines and who says that they are the final step in the guideline process is a tricky issue to navigate. The idea is that there is no need to attach those guidelines to what we're looking at tonight or anything else related to A2D2 (although we'd love to have everything at once), but due to the magnitude of that issue, this will take a bit longer to make certain we have a good document. There has been good public feedback on this issue. Our goal is to have the zoning portion up for discussion at the next meeting.

**e. Written Communications and Petitions.**

(1) June 2008 Planning & Zoning News – Distributed.

Bona mentioned that the CPC was given a handout at this evening's meeting related to the proposed project at 202 Division Street (as previously mentioned by Potts).

Potts reiterated that she was interested in an update from the P & D Services Manager regarding this project.

Bona asked Ms. Pulcifer if she could describe what is happening with the Administrative issue on Metro 202. Ms. Pulcifer deferred to Planner Chris Cheng for further information.

Mr. Cheng reported that there is currently an Administrative Amendment proposed to be reviewed by city staff. The petitioner has submitted revised plans and staff is reviewing the revised comments at this time, so the issue is still pending.

Potts asked about the "Administrative Amendment" (Cheng stated that there is a proposed addition under an Administrative Amendment. Any changes to the appearance of the façade or materials used in the building would require the petitioner to come back for approval from City Council).

Pulcifer pointed out that there are actually two letters regarding Metro 202, passed out to the CPC. Potts stated she has two, dated July 28, but there is an additional letter dated July 8<sup>th</sup> that is missing. (Staff will provide her with that letter).

## **AUDIENCE PARTICIPATION (GENERAL)**

Bona explained audience participation general and informed the public of other opportunities to speak on a specific issue. This portion of the meeting is reserved for participants to speak solely on topics *not* on tonight's agenda. **Bona opened general audience participation at 7:33 p.m.**

1. Nancy Fiengood, Executive Director of the Michigan Historic Preservation Network, 107 East Grand River, Lansing, MI - Spoke on the Metro 202 located at 202 S. Division Street. She stated that the MHPN has worked directly with Peter and Henrietta Heyden to preserve three significant historic properties that they own; 332, 324 and 322 E. Washington Street. These properties are listed on the National Register for Historic Places, and they are very significant to this community. The MHPN Board unanimously agreed that these properties were very important. The Heydens then donated Historic Preservation easements so that the properties could not be altered, except in accordance with specific historic guidelines. Metro 202 Developers are once again seeking to build a nine-story apartment building on a small 8200 square foot parcel adjacent to the these properties. The revised plan doubles the density of the building, and makes architectural changes to the originally proposed building. This building would overshadow these small two story buildings. She asked that the CPC review these plans instead of just an internal review from Planning staff.
2. Gary Reintraup – (Attorney representing the MHPN) The MHPN has retained me over their concern of the proposed Metro 202 nine-story apartment building and its impact on the Heyden properties. The MHPN feels that the issue is not whether there should be an Administrative Review and bypassed by the CPC and then on to City Council; Mr. Cheng has indicated the Administrative Review and the basis is that the ordinance differentiates between major or minor changes. We think these changes are major, and possibly such that they should be re-reviewed. He asked the CPC if these changes shouldn't be reviewed as a whole. This proposal doubles the density of the project, and is not a 'minor' change. This proposal was previously slated as a hotel, which was voted down by City Council on a ten to one vote in January of this year. He stated he has never seen these issues handled 'administratively' and gives the appearance of impropriety.
3. Eileen Tyler, 126 North Division Street – Stated that she is a member of the MHPN team as well as a concerned citizen. She feels that the entire project should come back to the CPC for full site plan review. A previously approved planned project is not to be approved administratively if the proposed changes alter the basic design or specific conditions that are a part of the approved resolution. She stated that this contractor has revised the interior floor plans to increase the number of units from forty-four to eighty-eight, which, coincidentally, is the previous hotel density and is safe to assume this would increase the number of occupants. This is an interior design change that is manifested on exterior elevations, the building footprint, and in the total building envelope. The gross area should be considered, and is included in the resolution in 2006. There is a 20 percent increase in gross floor area of the building project. There are other changes at every level. She expounded on other aspects of the project that she felt were questionable and that the CPC should review this.
4. Ray Detter, Downtown Area Citizens Advisory Council - He stated that many are outraged about this proposal. He is upset that the CPC did not receive the communication regarding this project that was submitted by the DACAC. This project has serious discussion going on. It was rejected the first time, then brought back by one City Council member and passed by one vote. We then moved to a hotel proposal which followed the same design was then rejected by Council, 10 to 1. At that time, we found it amazing that developer Fred Beal appeared before City Council and told them that this was just too much to put on this site, but they didn't. It was too much then, and it's too much now. We have a chance now not to let this go through Administratively, but

to consider these issues again. In the light of the A2D2 efforts and design review, this project reflects none of that. He added that there are other conflicts with this proposal including parking issues, drop-off issues for pedestrians, loading zones and effects on surrounding historic properties. He urged the CPC to stop this.

5. Norm Tyler, 126 N. Division - He stated that it would be a grave error on the part of the city to approve this project administratively. There will be a good project for this site, but this is not it. It would be a shame if the CPC does not have an active roll in this.
6. John Floyd, 519 Sunset – This project has been such a subject of controversy that it should not be decided ‘behind closed doors.’
7. Susan Morrison, 1124 Brooks Street – Although she works for the firm that represents the MHPA, she’s speaking as a private citizen. The time is very short for giving input on the Metro 202 issue. She was advised by city staff that the time for comments at the staff level for the latest plan is August 7<sup>th</sup> 2008, so she urged the CPC to act quickly on this matter. She stated that there shouldn’t be any amendments that here and that it isn’t a right of the developer. The site plan should not end up worse than what it is.

**Noting no further speakers, Bona closed Public Commentary at 7:48 p.m.**

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

Bona announced the public hearings to be held at the next business meeting of the CPC on Tuesday, August 19, 2008, at 7:00 p.m. in the Guy C. Larcom Municipal Bldg.

- a. Text Amendments to Chapter 47 (Streets), Amendments to Chapter 55 (Zoning), Chapter 57 (Subdivision and Land Use Control), Chapter 62 (Landscape and Screening), to revise the private street standards, reduce the number of parcels that can share an access easement, require a site plan for CPC approval for new or reconfigured private streets and establish street, tree and buffer requirements for private streets t
- b. Annexation – Muhleman Annexation and Zoning, 1.25 acres, 3055 Dover Place and a vacant parcel.
- c. Willing Annexation and Zoning, 0.45 acres, 1545 Chalmers Drive.
- d. 133 Hill Street site plan. 0.20 acres. A proposal to demolish the existing building and construct an 8,150 square foot, 3 unit, multiple family residential building with a maximum of 6 occupants per unit and 5 parking spaces.
- e. Anthony’s Plaza site plan – 0.56 acres, 1251 N. Maple Road. A proposal to add 7 parking spaces, an apartment unit on the second floor, an entry to the building, and to enclose an area for a stairway.

- e. 326 W. Liberty Street site plan – 0.42 acres. A proposal to construct an addition connecting the two existing buildings for a total of 6,914 square feet, with an office, beauty salon and residential uses and 17 parking spaces.

### **REGULAR BUSINESS**

- a. Public Hearing and Action on Mucha Annexation and Zoning, 0.12 acre, vacant parcel west of 3094 Newcastle. A request to annex this site into the City and zone it for single-family use (the parcel will be combined with 3094 Newcastle) – Staff Recommendation: Approval

Cheng explained the proposal and power point presentation. He stated that it is currently in Ann Arbor Township and is approximate 5,000 square feet. It is located west of Huron Parkway, west of Washtenaw Avenue. It is currently surrounded by R1A zoning to the west, north and east; to the south there is R4A and Township zoning. The petitioner is planning to annex this site into the City and attached it to the parent parcel. The total combined area is approximately 33,000 square feet. It does not meet the minimum requirements for splitting of parcels in the future. Staff recommends approval.

Bona opened the public hearing at 8:09 p.m.

Noting no public speakers, Bona closed the public hearing at 8:10 p.m.

Potts – Asked staff questions about surrounding properties. She stated that it appears that the proposed zoning is appropriate as this zoning currently exists in the area.

**Moved by Carlberg, seconded by Woods, “That the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Mucha Annexation and R1A Single-Family District Zoning.”**

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

YEAS:	Bona, Carlberg, Mahler, Pratt, Lowenstein, Mahler, Westphal, Woods, Potts
NAYS:	None
ABSENT:	Borum

**Motion carried, unanimous.**

- b. Public Hearing and Action on African American Cultural and Historical Museum of Washtenaw County PUD Zoning and PUD Site Plan, 0.21 acre, 1528 Pontiac Trail. A request to rezone this site from R1C (Single-Family Dwelling District) to PUD (Planned Unit Development District) and a proposal to restore and reuse the structure for exhibit space, meeting room, gift shop, and office work rooms – Staff Recommendation: Approval

*Woods asked to be recused from discussion and voting on this matter as her husband is the President of the Board of the Washtenaw County African American Cultural and Historical Museum and will be speaking before this body. In order to avoid any potential conflicts, she will abstain.*

Cheng explained the proposal. The subject site is located south of John A. Woods Drive and located on Pontiac Trail. The current zoning is R1C and is surrounded by R1C. The petitioner is proposing this area to be rezoned to a PUD to be used as an African American Museum. The site is currently approximately 9,000 square feet. He showed a power point presentation and made note that just to the east of this site is the Bethel AME Church which is where the proposed parking for the museum would be. Staff recommends approval of the PUD and site plan.

Bona opened public hearing at 8:22 p.m.

1. Michael Flynn, 1601 Pontiac Trail - Spoke in support of the proposal. He stated that he saw it as the same type of situation as when he was asked to give up some parking in front of his house for a bicycle lane. He is an avid bicyclist and it was something he welcomed to the neighborhood. Similarly, he observed this home being moved to its current site and that it sat unoccupied for a long time and he wondered what would become of it. He welcomes a serious museum and is excited about it.
2. John Rinne, 710 Indianola Street - He stated that he thinks that the museum is a good idea, but had questions. Ten to fifteen years ago, this neighborhood was halfway to nowhere – the boondocks. With the addition of changing the zoning, it would be a bad precedent for the neighborhood. Other businesses will want to have more access to the neighborhood as well. Parking would also be an issue. Three parking spaces for this proposal will not be enough. A museum or something that is historic of this nature deserves more public traffic and support from the city of Ann Arbor and would be better located somewhere downtown where more people can have access to it instead of being stuck out in the proverbial neighborhood. Some of the intersections – Broadway and Plymouth Road are already at capacity.
3. Anthony Bonie, 718 John A. Woods Drive – He said that his property is east of this proposed site. Does Ann Arbor need another facility dedicated to understanding what it means to be American in America? Yes, it does. Do all of us need to be reminded that there are many histories in our history? You bet. Does a collection of research items rich in cultural artifacts deserve a proper home? Indeed it does. But does an idea as noble and well meaning as it may be ‘trump’ the rules and regulations set forth by the community it is supposed to serve? I say ‘no.’ He stated that he supports an African American Cultural and Historical Museum of Washtenaw County and the idea that a land owner, individual organization, business or non-profit be responsible for adhering to the ordinances governing municipal safety and appearance.

Between the fall of 2006 and a few weeks ago, the property named in this proposed redevelopment sat abandoned, accumulating trash and construction items. The property owner, who has remained a mystery to many of us has ignored notices to trim overgrown weeds and brush. The location has become an eyesore. It took several phone calls to my city council representative, the architectural firm and to Peter Heyden to finally have the property cleared. He stated that he wonders if this is what they are to

expect in the future. Due to the neglect of this property, he asked the CPC not to approve this proposal at this location.

4. Craig Teschendorf, 715 John A. Woods Drive – Spoke in favor of the Museum, but against its location in a residential neighborhood. It has been an eyesore ever since it has been located here. This is a small neighborhood zoned Single-Family Residential and parking and traffic is already an issue. On Sunday's the church lot they propose to park in is so filled up that they park on the street in front of our homes. The museum might be needed, but I don't believe this is the place for it.
5. Joyce Hunter – On the Board of the African American Cultural and Historical Museum. She stated that they are staffed by all volunteers and were founded in 1993. Their mission states (in part) "To promote an awareness, understanding and an appreciation of the Black experience." She summed up the institutions that they have collaborated with – among those, the University of Michigan - Arts and Citizenship, The U of M Department of Museum Studies, the University Musical Society, the A2 Public Library, the Ypsilanti District Library, the United States Department of the Interior - Parks Service and the NAACP A2 Chapter among others.

There have been a number of exhibits, the most recent which is the "Midnight Journey," which is a traveling exhibit that tells the story of the underground railroad in Michigan and the people's plight for freedom. (She expounded on the many exhibits) Some of their programs include Black films with the Michigan Theatre, the Underground Railroad Tours, festivals and dinners. They have received many awards and recognitions on their works. We would like to continue our work. With this opportunity we would be able to expand and carry out our workshops and programs and vision.

6. Ronald Woods, President of the African American Cultural and Historical Museum – Mr. Woods thanked the CPC for the opportunity to speak and the public for their input. He introduced the members of the organization and stated that they have been a museum for 15 years. We have largely been a museum without walls. In 2003, we undertook a strategic planning process that had a five-year vision and as part of that process, we identified the importance of a permanent facility. As matters evolved in the last nine months, we stand on the verge of having that permanent facility.

Part of bringing that to fruition will be zoning and some fund raising, but it is a marvelous opportunity that gives us a permanent site and its location is conveniently located close to several of the Washtenaw County underground railroad tour sites that we have been conducting as well as the offices of the "Signal of Liberty" newspaper (an abolitionist journal during the 1830's and 1840's). He expounded on other aspects of the location that have significant importance to the history of the museum. This facility will house archival research within the basement floor, the first floor would house exhibits, and there will be areas for public meeting space, and administrative offices on the third floor. He addressed the question of parking, which will be solved by the alliance with Bethel AME Church. As to upkeep of the property, the current owner has been the owner for less than a year and as issues developed and transitioned, some things were not addressed, but this will not happen again. He stated this is a wonderful opportunity for them and the City.

7. Dick Michelin (architect on the project) – He stated that the house is a pre-civil war home and was built and owned by the Polhemus family in 1848. About 13 years later, it was

owned by the Gelsten family who were traveling ministers. In 1893, the daughter of one of the Gelsten ministers owned the home and converted it to an apartment house and added a kitchen to the side of the building (shown on photo). The apartments were all used by single and divorced women, and stayed in that use quite some time, until the mid twentieth century when it was turned into offices, until 2006 when a local developer bought the house and moved it to its current location to make way for construction that is ongoing at the corner of Division and Washington Streets. This house was moved to this site and its current owner, Peter Heydon, bought the house early last year in 2007.

We replaced the soil erosion fencing and cleaned up some other architectural elements, and that was the extent that we went to button it up for the winter. We have hired a landscape contractor, and the site is now clean and will remain that way. Our plan is to restore the building to its original condition.

Peter Pollack, Pollack Design Associates – He is the landscape architect involved in this project. He presented two drawings of the site and explained the curb cut that will need modification. This is an R1C neighborhood – a residential zone. To use this property to adapt the building to a new use that is not residential (the building sat empty as a ‘residence’ without a buyer for quite some time). It requires a PUD zoning, which is a custom crafted zone to fit a particular use. The PUD is to use this site as a museum under the terms and conditions that have been presented. This is an adaptive re-use of the building and the site. The museum activity and archival research can be accommodated in a residential building. We believe the context and specifics and use fit well with the neighborhood. He explained further the landscape buffering and the low intensity use of the building.

8. Eleanor Teschendorf - Lives on the street that borders this home. She said they are not in favor of having this museum in the neighborhood. She feels that it should stay a residential neighborhood. If this building is allowed to function in the capacity of a museum, there will be traffic and cars and will ruin what they call a “nice residential street.” This belongs in the middle of Ann Arbor and not stuck on a residential lot. We don’t want this.

Noting no further speakers, Bona declared the public hearing closed at 8:58 p.m.

**Moved by Commissioner Carlberg, seconded by Commissioner Potts “that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the African American Cultural and Historical Museum of Washtenaw County PUD (Planned Unit Development Zoning District) and supplemental regulations and PUD site plan, subject of approval of necessary variances by the Zoning Board of Appeals.”**

Potts – Asked about using the current curb cuts. They will need variances? (Cheng –Yes). This is one way it will not be disruptive to the neighborhood – it will be similar to what is in the neighborhood, so I hope that the ZBA gives permission for this. She stated that she felt that it would not impact the neighborhood greatly, unlike a major public building. (She expounded on the positive impact that this would have on the community as a whole.)

This is an important historic house that will be preserved and also serve an important function of

giving a home to something that has needed a home for many years. The neighbors spoke about neighborhood impact, but I feel that this will not have a lot of people coming and going. It sounds more like small groups and individual research, not like that of a large public building. They are fortunate that there is a large parking lot nearby (church lot) that they can utilize, so I think it will be low keyed usage. I understand the neighborhood concern with change, but the building is similar to what is there, the use will be low key and it is a good fit, so for me, it fits the PUD standards, and from the materials presented, it will blend well into the neighborhood.

Pratt – Agreed with Potts. There is a limited collection of artifacts to display, it's the first step, and the Committee will probably hope that they would like nothing more than to need more space and to move the museum out eventually. This may not be permanent, we can't tell. If it makes sense for the museum to stay there, it's because it has limited use with a limited collection to display. They may have an event or two that won't cause major disruption. One concern I have is the maintenance of the property. The planting plan proposed is not 'traditional' turf grass. The types of plantings proposed here (prior to the flowers that bloom from them), tend to make them 'look' like weeds.

At what point would the City step in, because the ordinance the City has that addresses this may not address these types of plantings in this area. He asked if the PUD should state that if the applicant goes out of bounds with the planting plan, then the same ordinance that applies for nuisance plantings would apply. That would be a better show of faith by the applicant and a better method of recourse if there is ever an issue in the future. If someone else purchases this property in the future, they may not understand how to maintain those plantings, and it gives an avenue to address that.

Peter Pollack – Stated that he did not think there would be any objection to that being added to the PUD. The front yard characteristic of the site will be very traditional, consistent with the age of the house. There will not be lush foundation plantings, as there were none traditionally during that timeframe. The landscape vocabulary of that time would have been to pile hay bales against the foundation to keep the house warm. There are rain gardens, but they will be happy to have an agreement to that effect.

Pratt – Asked staff to formulate language for the PUD that would address the taller plantings.

Carlberg – Asked about the timeframe for improving the house and getting the yard landscape. Is this a one-year, five-year or a ten-year plan? (Architect – The construction is to begin in the spring of 2009, so nothing will be done other than landscape maintenance on the site. The site is challenged currently due to a lack of water service on site. It has been hydro-seeded, but we may have to get temporary water on site). You expect the construction to be done when? (We have eight months set aside, which we think is generous.) Your construction requirements wouldn't be anything different than a family residence doing an addition? (No. The only other thing being built is an elevator in the house.)

Carlberg stated that she concurs with Potts that this use is low impact, this neighborhood has cultural and historic ties to the African American community. It seems appropriate here, and certainly more appropriate than having it at its present location on Lohr Road. I would imagine that the museum would plan important events carefully. Students might visit during the day, but most likely by bus or park in the church parking lot and then walking past neighbors' homes to get to it, but I don't see that as a problem. Most of our residences are quite quiet, so I don't see this as being an intrusion into the neighborhood. Since the only way to get this use is through a PUD, that is our vehicle for making this a legal use. She also stated that she favors bringing

activities into residential neighborhoods that supported residential use. The use of this small City lot for a low density use is not a detriment to the neighborhood. Tying this house to historic activities will help to save this building and put it to good use. I'm in favor of supporting this as staff has recommended.

Westphal – Agreed with most of the CPC member comments so far, but asked the contractor how much interaction there had been between the neighbors and the developer. (Architect on the project stated that there were two meetings, in addition to several mailings for notifications of meetings to show how the process was going. There were three neighbors who were at the first meeting and eight for the second. Comments were favorable in the meetings.) Were some of the speakers present here tonight among those that were in attendance at those meetings? (Yes). He told the architect that the CPC likes to see that feedback information to be certain that the effect on the neighbors is not detrimental where City policies are concerned. He concurred with the beneficial interest for the City.

Mahler – Wanted to echo many of the comments, particularly about the traffic concerns. I concur with a lot of what Commissioner Carlberg stated that a lot of the traffic will be foot traffic. Many school or community groups will be coming by bus. The peak times and uses would be limited in scope (i.e., African American holidays, Black History Month, etc.). The PUD guidelines have been met. This is an appropriate use for the neighborhood and it will preserve natural features and an historical building.

I am not persuaded that this belongs downtown as it's not economically feasible to do that and there is no reason that the citizens of Ann Arbor can't enjoy it just as much in this neighborhood as in the downtown. I'm assured by Mr. Woods stating that they will maintain the property and I'm encouraged by the fact that they reached out to apologize to the neighbors for past conditions and assure them that they would improve in the future. I think we should go forward with recommending approval.

Lowenstein – It has a great proximity to Northside school and could be a great resource to it (the school has its own historical importance as well). Besides being in an important historical neighborhood for this museum, it will benefit the school.

Bona – I agree with most of the comments that have been made. I have a few questions that Mr. Pollack can probably answer. She asked if there was a barrier free parking space amongst the three proposed on the site. (P. Pollack – No. There is not one that is dimensionally able to handle that. There are three nine-foot wide 'regular' parking spaces. Because of the nature of the museum visits 'by appointment,' if someone needed space for access, it could be pre-arranged. Since you can drop off, this facility can accommodate as needed.)

The available parking in the church - there is no sidewalk there except in front of the center house on John A. Woods Drive. Is there any chance that either of those homes were willing to have one built, that this project would consider filling in that sidewalk so that the people coming from the parking lot could actually get there without walking in the street? (P. Pollack – We can find that out and are happy to consider that.) She stated that the museum might want to look into barrier free access.

One advantage of the PUD zoning is that it does allow for this museum; if the ownership changes hands, it doesn't mean that another non-residential use can come in without seeking another PUD. She hopes that the museum is successful enough to eventually outgrow that building, but concurred that the intensity of use described should actually be very pleasant for

the neighbors.

Pratt – Stated for the record that he personally agrees that this is a totally residential neighborhood and that he doesn't want others to think that this sets a precedent. He could not think of any other non-residential use to come in and change things.

Potts – It should be reassuring that this PUD zoning in the neighborhood is specific. They don't have a lot of options to what they can do to the home. Everything agreed to in the PUD agreement has to be adhered to.

Westphal – The estimated number of visitors on average was estimated to be about ten at any given point? I want to make sure that if this is something presented to the neighbors, that this is a realistic level going forward and they know what to expect. (P. Pollack – There are different types of visitors: a research project meeting using the conference room might be that size, a school bus would be greater than ten, Saturday open hours would be a very low-key type of activity. Special events would happen on occasion but not on a daily or even weekly basis.)

This may be a rare occurrence, but I don't know what the Fire Marshal might have to say. How many people can occupy this house at one time? We want to be sure that the neighbors have a clear expectation of these things.

*(Discussion between the CPC and the project architect about maximum occupancy. He stated that they haven't looked at that yet so he couldn't answer that question. The overall opinion was that it would not exceed any regulated capacity.)*

Westphal – In my mind, it does meet the PUD standards; I just want to be sure that when we look at unusual uses like this in residential areas that the neighbors are getting a realistic view of the intensity of use. I would be in favor of it.

Bona – Suggested that if the project goes before City Council, that the project principals be prepared to answer that question so the neighbors would be informed.

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

YEAS: Bona, Carlberg, Mahler, Pratt, Lowenstein, Westphal and Potts

NAYS: None

ABSENT: Borum

**Motion carried, Unanimous.** Recusal – Commission Member Woods

Exit Lowenstein.

**c.** Public Hearing and Action on Downtown Plan Amendments – The Downtown Plan, adopted as an element of the City Master Plan in 1998, provides guidance for future land use, development character, open space, circulation and parking in the downtown. Amendments to the plan have been drafted to support the recommendations of the Ann Arbor Discovering Downtown (A2D2) initiative. Planning Commission will consider adoption of the proposed amendments – Staff Recommendation: Approval

Rampson - Explained the proposal. She reviewed the process which began with the Calthorpe

Report, which is the Downtown Vision and Policy framework which was presented to City Council in 2006. From that, the City Council identified an implementation plan of a number of items that Council felt were important to move forward on to implement the vision in the downtown area. The work plan was divided into five areas; Historic Preservation, Zoning, Urban Design, Parking and Transportation Policy and streamlining of the Development Process.

From that, City Council formed advisory committees. For the Downtown Plan, for the most part, the recommendations from the advisory committees on Zoning, Urban Design and Parking and Transportation play into these changes.

The last stage of this process is to make those recommendations into reality, and that involves two aspects; 1. Amending the Downtown Plan so that it supports Code changes and those code changes are primarily to the zoning ordinance, but also involve the off-street parking and land control ordinances.

This process has been ongoing for several years, including the Downtown Residential taskforce. The A2D2 Steering Committee included community workshops, focus groups, etc. Those recommendations went to City Council and were approved, and we're in the process of implementing them. The Downtown Plan covers a sixty-six block area which is primarily the Downtown Development Authority District. Additional background information - 1988, the community was concerned with the scale of buildings coming into the city, and a development boon within the city.

In 1992, the Central Area Plan looked at the previous plan and made some changes. We're now talking about making changes that make the downtown plan a sub plan of the city Master Plan. *(Ms. Rampson explained other intricacies of the extensive plan, including how the revised "Zoning Enabling Act" revised laws affect this plan).*

Ms. Rampson stated that she had originally come to the CPC this evening recommending Approval, but is changing her recommendation to Tabling. She asked that the Commission consider the changes she outlined, hear the public comment and then they would move forward with the changes to the Downtown Plan in concert with the Zoning changes. Staff was advised by the City Attorney's office that this is the direction we should take due to the recent changes in the Zoning Law.

**Bona opened the Public Hearing at 9:30 p.m., and made the public aware that because the issue is recommended to be TABLED that they may want to sign up for notification as to when the issue will return to the CPC.**

1. John Floyd, 519 Sunset Road – He stated that the floor area ratio (FAR) in this publication will open a 'tsunami' of ten to twenty-five story buildings in downtown Ann Arbor. Is my aversion to this plan to more than double those heights from the current three and four hundred percent FAR's just an aesthetic preference or is it a strategic blunder that will damage downtown Ann Arbor's economic niche – small town look and feel, big city vitality. Fourteen of the last nineteen Ann Arbor Observer magazines had cover art of downtown buildings and streetscapes. Burton Tower is the only building they show as more than four stories tall. *(He pointed out various instances of newer high rise buildings being built that he feels are out of scale with the downtown).* He urged the CPC not to approve the FAR.
2. John Nystuen, 1016 Olivia Avenue - Stated that the University District is zoned D1 in the

proposal, and he suggests it be zoned D2 Fringe in its entirety. South University doesn't have Central Business District core characteristics. It's a two block, student oriented, fast food and other student services area. *(He quoted some text from the proposed guidelines on core areas)*. He stated that there are law offices, insurance companies and many other businesses that are missing from the description. He disagrees with this zoning designation and feels that if the designation were changed, it would protect the area from very large buildings that could be built within the fringe.

3. Ellen Ramsburgh, 1503 Cambridge Road - She stated that she wanted to echo what the last speaker said, and stated that she appreciated the hard work and hours that have gone into this document. She is glad that it is being tabled as she feels that more citizens would like to have more input before it is finalized. Reading the comments from the County entities, she noticed that there were at least three references to the South University in question. If they're picking up on this, it deserves the attention of the CPC. She hopes they will consider change regarding this zoning that will provide for a better transition.
4. Ray Detter (on behalf of the Downtown Area Citizens Advisory Council) – He stated that he was glad to see the document was suggested to be Tabled, as he felt that there are many missing revisions that have yet to be worked out. What they are looking for with the A2D2 process with regard to the Downtown Plan is arriving at a point with these elements and the new zoning and review process, is that there is less confusion. Right now the Downtown Plan has vague elements in it, and the only thing that will make it emphatic is that we are clear on what the zoning means. He feels that the downtown is not so big that they can do site specific instances of how it is that the Downtown Plan applies to different areas in the downtown along with design review processes. He urged the CPC to look at protecting the areas in terms of the residential housing that exists in those areas. The downtown plan does not protect the Historic areas, and we would like a clear cut statement on what can and can't be done.
5. Gwen Nystuen, 1016 Olivia Avenue – She stated she feels uneasy about zoning being adopted before the guidelines are in place and implementing them. They should not be treated as something that can't be put into our ordinances – We should have some of these things put into our ordinances. She does not feel that massive projects take into account environmental and aesthetic views along with sun, shade, climate, wind, etc. She feels there are not enough protections in regard to implementation of the guidelines.
6. Betsy Price, 905 Olivia Avenue – She stated that on October 17, 2006, the A2 News reported that “new buildings in the in the South University area would be allowed to rise up as much as seven stories under a zoning change unanimously approved by Ann Arbor City Council.” That is what we all expected, but look what's happening. The 2006 rezoning did not anticipate the development of the size and scale that has become known as 601 Forest. South University neighborhoods have been struggling since March with the consequences of the lifting of height limits on South University. 601 South Forest is the result of what might happen on South University and zoning as D1 means unlimited height. She feels that the area needs surrounding buffers next to this area.

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

**MOTION #1**

**Moved by Potts, seconded by Mahler, “that the Ann Arbor City Planning Commission hereby adopts the Downtown Plan as amended as a sub-plan of the City Master Plan. (No action taken on this Motion)**

## **MOTION #2**

**Moved by Potts, seconded by Mahler, “that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council adopt the Downtown Plan as amended as a sub-plan of the City Master Plan. (No action taken on this Motion)**

Bona – Suggested that because this issue is tabled, she suggested that the CPC get all concerns and questions on the table. It might be ‘cleaner’ for the document to make amendments at a meeting where we’re recommending approval.

### Commission Discussion:

Pratt –Not ready to comment on amendments submitted tonight, but concerning the South University area, as a member of the Steering Committee, want to relay what the County talked about and why you see in front of you today. I’m not saying this group shouldn’t change that, or there isn’t a better way to do it, but I want to explain the information we found. When this went to the County Planning Board, there were some comments added relative to South U, primarily because there were three members of the public that showed up. I was unable to be a part of that discussion, but I was at that Planning Board meeting.

Those citizens had valid concerns, but the questions asked by the Steering Committee were because some of the same residents showed up at that meeting and asked “why don’t we have an interface,” and it was explained to us that - typically, streets are used as a type of interface, partly because the right-of-ways are generally sixty six feet (unless they’re older neighborhoods), so this is the transition, along with some rental property near Willard, but ‘is it wide enough?’ is something the Committee discussed. *(He explained some discussion that the Steering Committee had put forth)*. I personally wouldn’t have a problem with that little southeast section becoming a transition,

Potts – Stated that this area and the areas around it are not intense and should not be zoned D-1, nor should it be D-2, an interface. The most intensive part of South U are the stores along the streets and they are not intense. I don’t see either of these zoning classifications are suitable in the South University area.

Mahler – I’ve stated before that South University was a C2A area with no height restriction and it’s been that way in 2006, and I’ve yet to be convinced that this was a mistake. To put a height restriction in that area would be like saying a mistake was made when it was zoned C2A. I’ve yet to hear anyone say that that was a mistake, based on what we knew at the time. I think that those people who counted on that area for D-1 for a project, to now go back and say “gee, that was a mistake - we really didn’t want that” is very unfair. It’s unfair to the developers and others who may be interested in the area. We should remember that as a part of the Master Plan Review Committee, we took a look at this document that was extensive. There was a lot of content, a lot of verbiage that I’m sure was well meaning, but it tended to have a confusing and

contradictory nature that tended to ramble.

We wanted something that any person could pick up and say “I want to know something about this,” and be able to get a grasp on that by reading the essential elements of it and still get some recommended action strategies for what we – as a city and as a commission – would like to see in the downtown area. To go back and go block by block and character area by character area and “this is what we want here...” I think it would go right back to the confusing and paradoxical document that it was before. The previous downtown plan almost defeated itself in that anyone could pull almost anything out of it and say “see, this is what they want in the Downtown Plan.” I think THIS Downtown Plan and this draft gets away from that and clarifies a lot of that verbiage to get down to its essence, and that is what we tried to do here.

I think it has good concepts for neighborhood protection. It speaks to parking pressures as well as expansion, and I think we did a good job in this document of addressing the interface areas and the surrounding neighborhoods. I don't think there is any danger of changing any historical preservation, and I want people to keep that in mind as we go forward. If people have concerns about what is left, and if we've missed something substantive, I'd like to hear that. If there is something really wrong with this or just some fundamental things we've left out, I think that would be worthwhile to hear.

Carlberg – When the South University area was originally rezoned, there was an expectation that buildings might get to be six, eight, maybe ten stories tall. We weren't imagining someone putting together this much property to give them an opportunity to build such an immense building there, so I'm one of those who is shocked by the size of the plan for the South U building, so I would be more comfortable if this were D2, or parts of it, which are close to the neighborhoods, either have some height restriction or zone it “Interface;” I do think that all the neighborhoods close to downtown are going to be dealing with considerably taller buildings close to them, but it's a great leap to go from a 2 story house to a twenty-two story building, which I find very uncomfortable in just this one area. It doesn't concern me in the rest of downtown.

I think there is a sizeable interface area to the west; there is almost no interface area to the south (this little strip along William Street is no interface – no protection for much gradation in heights). There will be a challenge all along that area when a tall building comes in there, and we'll have that discussion again and again – is it too tall for the context, and that will be a decision that will be made by this body and by City Council on the merits of each project. I repeat my continued discomfort on a twenty-two story building on South U that goes all the way back to Forest Court. I think that is too tall in that area.

Westphal – Stated that he appreciates the new sustainability guiding value as previously mentioned. There is a reference in there as to an energy efficient built environment, and I'm wondering if there may be a way to add some verbiage talking about transportation as well. It seems as though some of the subsequent sections – pedestrian and non-motorized transportation – seemingly all based on sustainability. But without being explicit, I think this is helping to fill in the gap in terms of what is really guiding those recommendations and policies. The other issue is regarding the requirement of active uses on key retail streets. I would like to see that reconsidered; maybe not to the same scope or degree or linear footage of streets, but focusing it on Main and State and parts of Liberty or South U Streets, possibly to give some protection to the small business people there who really depend on a lively walking environment. None of this would say that the existing uses have to go, it would just be a matter of something being redeveloped or if people leave that – there is some protection of the

pedestrian environment that I think the downtown really hinges on for its survival. In all, this is a great document.

Carlberg – On page 19, (question directed to Ms. Rampson) under "sanitary," there is a description of available capacity - it doesn't make mention of any requirement of the city to reduce the input one hundred and twenty percent when we build something new. (Rampson – The footing drain disconnect?). Yes, does that *not* apply to downtown? (It does apply to downtown, as any new development would need to do that – they would need to meet their disconnects for any additional flow). I think it would be instructive to put a sentence in there that makes that clear, that this is one of the ways in which we actually increase capacity.

The other suggestion I have is in the beginning where we list "Documents" – There are a number of County documents that are referenced – like the Watts Document in the County Plan (pg. 3 and 4), that those are documents that we do relate to. They're County documents but they are county wide documents that we have gotten feedback from those bodies on. (We can, but for instance, I went back to look at, for instance, the Watts Transit Study and it really doesn't have anything specific to downtown. It's much more system-wide recommendations, so that is why I put it in the transportation piece. The County Comprehensive Plan does talk about downtown centers being an important part of the County, so that might be the most relevant part to put in here).

Potts – Having worked with the Master Planning Committee, we used a pretty good plan that most of us thought was not that out of date, but it was far too 'wordy' and we struggled and strained to find a way in which we could get the essence of it without the eloquent language that went on and on. We took stabs at it ourselves (we didn't fare so well – I think it taught it to appreciate how hard this is), but Wendy (Rampson) volunteered to do this, and did a wonderful job. What I looked for when reviewing it, was what changes of meaning there were.

I think she (Rampson) did a wonderful job. I get tired of trying to describe what I'd like in setbacks, etc., and it's very nice that Wendy could translate that, and I'm glad to see some of that back. There are some special things I've wanted all along that I see that she's managed to 'tuck in' there. In some ways, our new plan is a lot more brief. We are making some changes, and those need to be debated. If we could find some way to include the public in this – if there were more people that knew about it – I doubt any of them would feel good about going in depth on critiquing the plan. We need the public input, but how can we get them interested and inform them so that they would realize that this means something to them.

Woods – Stated that it is a good idea to table this issue as there is a lot to digest here. Having served on some of the task forces, I'm certainly familiar with many of the plans, and yet I agree with Commissioner Potts that it will be good to hear from more of the public in whatever form that occurs. With it being summertime, many folks may not be paying attention to what we're doing here. I think we agree that everyone wants a vital downtown that it's important to get that input.

Bona – Pg. 29 (*Development Character*) – It speaks to interface areas and the transition and scale and height to the neighborhoods – yet, the way this is written, it assumes that there are interfaces surrounding the entire core. I believe that one of the things we were looking at concerning the zoning was to come up with a way for the D1 Districts that were adjacent to residential would also have some form of 'transition character.' The way this is organized, it says "Interface Area," and yet it might not *just* be the interface area, but also core areas that are adjacent, that might help address some of the concerns on South U, to add an interface that

helps with the transitions. A bigger impact on South U is the two blocks on Huron Street that do shadow neighborhoods (as the neighborhoods are to the north).

In addition, I would like a few clarifications from Wendy. Someone mentioned increasing the FAR from four hundred to eight hundred. Would you briefly explain the change in the FAR from the zoning? There were many districts previously, but if you could state this in a succinct way what the FAR will be compared to the current ordinance? I think this is part of the misunderstanding.

Rampson – The most intense downtown district is currently C2A now. The D1 zoning would be very similar. C2A has a requirement for four hundred percent maximum floor area ratio (FAR). The proposed D1 would also have a four hundred FAR – then there is the ‘premium’ FAR, and right now there is a residential premium that allows you to go up to seven hundred percent, so you can exceed the cap if you put in that premium based on the formula set forth. So you could go up to six hundred sixty percent. In the D1 zoning, you could go up to seven hundred percent under the current draft of this document. The last proposed changes would allow (if affordable housing is included) nine hundred percent in that core area. You can only get that if you provide on-site affordable housing (in a certain number to get you to that point).

Bona - So, we’re going from six hundred sixty up to seven hundred for most projects? (Yes, due to a change, there would be more opportunity to exceed that four hundred percent and get to the seven hundred percent as we’re expanding the use of the premiums).

Bona – (To Rampson) – You said that some of the Counties’ comments weren’t incorporated here. Since I didn’t go through item by item, I’m hoping you can give us a brief explanation?

Rampson - One of the things the group has touched on is recommendation to have the South University Area to be an interface area. There have been conversations at the Steering Committee level regarding this. At this point, I didn’t feel comfortable making any changes based on that comment.

The other comment not incorporated was to somehow include the language from the County Comprehensive Plan about ‘context sensitive design.’ I didn’t include their comments as we felt those were all much more suited to a “small residential – urban village.’ Our plan is a much more urban development, so there is substantial language in the Plan about being sensitive to context, so I didn’t include their language as I felt that they were already addressed in *our* Plan.

I touched base with Brett Leonard from the County, and he agreed that this was probably an acceptable response. They wanted it because they wanted that ‘link’ to the County Comprehensive Plan language.

The other comments in a number of cases – the Watts study made comments about changing the term “Pedestrian” to “Non-Motorized” – I did change that in a number of places where it was transportation related, but there are a number of places where the term “Pedestrian” is more about the look and feel of the street and not how people travel along it. In those cases I used the term “Pedestrian Scale,” so this is how I addressed their comment. Also, at one point, the Master Plan Review Committee talked about some grocery stores that hadn’t been in the original Downtown Plan, but we added a comment about that and some others that I think were incorporated as I thought they made good sense.

Pratt (to Rampson) – At one point we shared with the CPC that there were eight focus areas

and you offered up three to five solutions for each of those. The CPC looked at those and gave some mixed feedback that came to the Steering Committee. Over the course of two or three meetings did their best to say “this is how the Steering Committee would like you (Rampson) to present it from the staff perspective.”

Because those issues already came up as a result of the feedback that you received, it might be helpful to explain that this is what the Steering Committee recommended, not just a staff decision. (Rampson – I had intended to use that as information in our next working session). Yes. This is a way to answer the questions that may come up. We did spend some time on Huron Street, and believed we came up with something that made sense.

Bona (to Rampson) – Did most of those relate to zoning rather than the Downtown Plan, or was it both? (Rampson and Pratt – Yes, most of those related to the zoning, but now we’ll look at them together).

Woods – For clarification, when the city asked for the County and surrounding communities to make comments on something the city is proposing – was that mainly to provide a means of notification and to make sure that what we’re doing is not having an impact on those areas – were merely being ‘polite’ or to what extent (if any) does it tie the city’s hands? Particularly, since the areas we’re talking about are not contiguous to another jurisdiction.

Rampson – State law was amended about six or seven years ago to require a mandatory notification and comment period for adjoining jurisdictions. I think it was Michigan’s attempt at inter-jurisdictional coordination and planning. We’re mandated to do it, although we did it prior to that law. We’re not obligated to follow those comments, they re just advisory.

### **MOTION #3**

**Moved by Carlberg, seconded by Pratt, “to TABLE the issue to adopt the Downtown Plan as amended as a sub-plan of the City Master Plan.”**

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

YEAS:	Bona, Carlberg, Emaus, Mahler, Pratt, Potts and Westphal
NAYS:	None
ABSENT:	Lowenstein, Borum.

**Motion carried.  
TABLED**

### **AUDIENCE PARTICIPATION**

**Noting no speakers, Bona closed audience participation.**

### **COMMISSION PROPOSED BUSINESS**

Potts – We're not normally in the position to be giving instruction or opinion to staff, so it would be awkward concerning the pending administrative approval in the case of the Metro 202 issue without the Commission being involved or knowing about it.

Bona – Suggested that since this was not on the agenda, the CPC speak briefly about whether this group even *wants* to talk about this? And if so, how you might want to address this.

Carlberg (to Pulcifer) – What are the timelines for the administrative amendment procedure?

Pulcifer – Yes, I did want to clarify. There is no August 7 deadline; that was simply a request from the P & D Services Unit to get staff comments back to us so that we could consider those. We are under no obligation or deadlines for making a decision on this until all issues are resolved. There is no imminent deadline.

Carlberg – As a process, the CPC might put this on the agenda for the next voting meeting to give staff direction that we either do or do not want this to come back to us.

Pulcifer – That would certainly work within our timeframe and would give us a chance to look at all of the comments and see if there are any issues remaining that might move this from what we've interpreted as a 'minor' to a 'major' project, so I think that timing would work well.

Pratt – Initially, we received two letters from the City Attorney's office dated July 28, 2008, and quite honestly, I was a little disappointed. They said that we should be seeing this, but they never quoted anything from the ordinance helping me understand *why* we should be seeing this. Some of the information we were provided with tonight was more helpful than the information from the City Attorney's office. As I'm not familiar enough with the code, I don't know whether this information is true or not. Specifically, it would be helpful to not only have it on the agenda, but to receive a report from staff that explains to us these items and what and where it is in the Code. I don't know if it's true that a planned project can't be approved administratively, but logically, that's the one that would say to me "It's not an agenda item we should decide," - it's already in the Code. This would be helpful. (Pulcifer – We can certainly do that).

Mahler – If it's going to be heard in two weeks (we already have a six item agenda – do we really want to add that to the next meeting, or do we want to bump one of these other issues to get to that? There are a couple of annexations, but there are three site plans plus text amendments to some ordinances and that will be a robust discussion. I'm in favor of putting it on the next agenda, but if possible, I'd suggest amending the upcoming agenda. I don't know that it's possible to do that given the requirement for public notification. *(He suggested that it be placed on the agenda for the first meeting in September if it won't interrupt the staff timeline.)*

Pulcifer – Yes, we would like to give this a bit of thought and see if this needs to come to the CPC or not, depending on interpretation from the City Attorney's office. We can send that information out in advance and then a decision can be made. (Bona – We will work with staff to put this on the Agenda when appropriate).

## **ADJOURNMENT**

**Bona declared the meeting adjourned at 10:25 p.m.**

*Minutes Prepared by Brenda Acquaviva, Administrative Service Specialist V, Planning and Development Services*