



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

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

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Tuesday, October 3, 2017

7:00 PM

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

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

#### **1 CALL TO ORDER**

*Chairperson Ken Clein called the meeting to order at 7:00 p.m.*

#### **2 ROLL CALL**

**City Planner Matt Kowalski called the roll.**

**Present** 6 - Briggs, Clein, Milshteyn, Gibb-Randall, Weatherbee, and Ackerman

**Absent** 3 - Woods, Mills, and Trudeau

#### **3 APPROVAL OF AGENDA**

**Moved by Ackerman, seconded by Milshteyn, that the Agenda be Approved as presented. On a voice vote, the chair declared the motion unanimously carried.**

#### **4 INTRODUCTIONS**

*None.*

#### **5 MINUTES OF PREVIOUS MEETING**

None.

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

**6-a      City Council**

*Commissioner Zack Ackerman explained that the Lowertown property, 1140 Broadway Street was rezoned to C1AR from PUD. He added that the next reading for 1140 Broadway will be on November 9, 2017, and the that site plan and brownfield plan will be discussed at that meeting.*

**6-b      Planning Manager**

*City Planner Matt Kowalski, on behalf of Planning Manager Brett Lenart, explained that a public hearing notice for 1884 Miller Avenue, a .9 acre parcel, which is proposed to be divided into 4 sections and zoned R1D.*

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

*Clein noted that at a recent Ordinance Revision Committee meeting transit oriented development was discussed.*

**6-d      Written Communications and Petitions**

**17-1569**      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.)**

*(Name and Address Unknown), discussed the issues of homelessness and opioid usage relating to residents in Ann Arbor. He discussed the Delonis Center and Avalon Housing Center.*

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

*Kowalski listed the following items as public hearings for the next planning commission meeting, Midas Muffler at 3180 Washtenaw*

*Avenue Site Plan for City Council Approval, The Cottages at Barton Green Site Plan for City Council Approval, Ordinance Change for City Council Approval relating to Medical Marijuana, and Annexation and Zoning for a Single family home at 2410 Newport Road .*

- 8-a      [17-1571](#)    Public Hearings Scheduled for the October 17, 2017 City Planning Commission Meeting  
  
                 **Received and Filed**

**9            UNFINISHED BUSINESS**

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

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

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

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

- 10-a      [17-1572](#)    Rainbow Child Care Center Special Exception Use for Planning Commission Approval and Site Plan for City Council Approval - A proposal to demolish the existing church building located at 2600 Nixon Road and construct a 10,782 square foot childcare building with 41 vehicular parking spaces. A Special Exception Use is also required for a childcare center in a residential zone. Staff Recommendation: Approval  
  
*Kowalski presented the staff report. He described the location, existing conditions, and the plans for the childcare facility. He stated that staff is recommending approval.*

***PUBLIC HEARING:***

*Jeremy Kennedy, 2175 Steeplechase Drive, Ann Arbor, explained that*

*he was present on behalf of the Nadia Court Homeowner's Association. He explained that nine members of the association have signed a petition that expresses concern regarding the proposal of the childcare center. He shared that the homeowners are concerned with the amount of children that the center will be licensed for, traffic increasing, noise, and privacy. They are also opposed to the size of the proposed building as well as the lack of greenspace being preserved. The homeowners in the association are requesting that the proposal be modified to accommodate their concerns or denied.*

*James Moon, 2611 Nadia Court, Ann Arbor, described that he moved to Nadia Court because it is quiet and beautifully landscaped. He compared the proposed building to the existing church and described his concerns for the size and environmental impacts. He also opposed the removal of a landmark mulberry tree that is on the property. He explained that the tree is nearly 40 feet high. He also expressed concern for traffic in the morning and in the afternoon during drop of and pick up times for the child care center.*

*(Name and Address Unknown), explained that she is concerned about the safety of students at the nearby school if there is an increase of traffic in the area and requested that the commission deny the site plan for the childcare center.*

*Theresa Visintainer, 2813 Renfrew Street, Ann Arbor, inquired about procedure for the community to be involved in the planning process for new development. She expressed concern about traffic and noise, and she explained that her neighbor's daughter was hit by a car recently in the area.*

*Reid Fenton, with 814 Development, explained that Rainbow Childcare is his family's company and that it is based in Troy, MI and has been operating for over 35 years. He shared that a community meeting was held in May 2017. He responded to comments regarding traffic by stating that according to the traffic study that was completed, the implementation of the childcare center will have a minimal impact on the surrounding areas. He added that 90% of the customers will be coming from two or fewer miles from the center. He explained that the building they are proposing is their standard building, he also stated that although neighboring centers currently have around 50 children enrolled, they are licensed for over 100 children. He explained that the highest capacity for operation would be around 90 students. He explained that the playgrounds are as small as possible, and the building is designed for*

safety. He explained the height of the building, stating that the utility room has to be in the attic for safety reasons.

#### **MOTION I**

**Moved by Briggs, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Rainbow Child Care Site Plan.**

#### *DISCUSSION ON MOTION I:*

*Ackerman inquired about the maximum height of the proposed building as it related to the nearby houses and about the discussed traffic studies using projections from Nixon Farms.*

*Kowalski answered that the nearby houses are at least 20 feet in height and that the study should include the new data.*

*Ackerman inquired about the number of enrolled students relating to the number students that the center is licensed for and about the need for childcare in the area.*

*Fenton answered that the center will never be running at full enrolled capacity because some students are part time and some are full time, and that due to being near a school, and other centers operating at or near capacity, there is need in the area for childcare for working families. He also explained that the busiest time for the center will be ranging from 6:30 a.m. to 9:00 a.m.*

*Commissioner Julie Weatherbee inquired about the the possibility of a privacy style fence. She also inquired about bicycle parking.*

*Fenton explained that the proposed fence is five feet tall, chain link, almost completely transparent, and covered in a black rubberized material. He added that the chain link fence provides a more enjoyable environment for kids because they feel less restricted and more like they are in the outdoors. Fenton stated that the required amount of bicycle parking is being provided but he is willing to provide more.*

*Kowalski added, four bicycle parking spaces being provided.*

*Weatherbee discussed a potential need for additional parking spaces. She also explained that a daycare in a neighborhood could be*

*something positive in a community, and something that potential buyers in the neighborhood would see as a benefit.*

*Commissioner Alex Milshteyn inquired about zoning districts where child care facilities are permitted.*

*Kowalski answered business, office, and all residential districts with a special exception use.*

*Milshteyn expressed concern regarding the intention of the code and the current state of childcare facilities.*

*Commissioner Erica Briggs agreed with the desire for additional bike parking, and inquired about the removal of landmark trees.*

*Kowalski answered that a large mulberry tree being removed is not a landmark tree.*

*Briggs inquired about the possibility of the mulberry tree not being removed on the proposed playground area.*

*Fenton answered that allowing a tree or a bike rack is a possibility.*

*Briggs inquired about the time that the children will spend outdoors*

*Fenton answered that there will be children outdoors from 10 a.m. to 2 p.m.*

*Chair Clein inquired the ages of children at the proposed childcare center.*

*Fenton answered, six weeks to five years old. He added that at this time there are no plans for an after school program.*

*Chair Clein inquired about the traffic impacts of the childcare center as it relates to the school nearby.*

*Kowalski explained that due to the fixed start time of the school and the pickup and drop off times of the child care center there will not be a significant negative impact on the surrounding areas.*

*Chair Clein inquired about infiltration at the site.*

*Kowalski answered that detention is what will occur at the site*

*Briggs commented that she is sympathetic to the neighbor's concerns regarding traffic.*

**MOTION II:**

**Moved by Briggs, seconded by Gibb-Randall that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and, therefore, approves the Rainbow Child Care Special Exception Use for a maximum of 130 children.**

*DISCUSSION MOTION II:*

*None.*

**On a voice vote, the vote was as following with the chair declaring Motion I and Motion II approved. Vote 6-0.**

**Yeas:** 6 - Erica Briggs, Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Julie Weatherbee, and Zachary Ackerman

**Nays:** 0

**Absent:** 3 - Wendy Woods, Sarah Mills, and Scott Trudeau

- 10-b**      [17-1573](#)      Flannery Annexation and Zoning (2883 Stone School) for City Council Approval - A proposal to annexation this 0.76-acre parcel located at 2883 Stone School Road from Pittsfield Township into the City and zone it R1D (Single-Family Dwelling) for the purpose of connecting to City utilities. Staff Recommendation: Approval

*COMMISSION DISCUSSION:*

*Gibb-Randall inquired about the current township of the parcel*

*Kowalski answered, Pittsfield.*

*Ackerman commented that the fee schedule was changed to encourage more single family development.*

**Moved by Briggs, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City**

**Council approve the Flannery Annexation and R1D (Single-Family Dwelling District) Zoning.**

**On a voice vote, the vote was as following with the chair declaring the motion approved. Vote 6-0.**

**Yeas:** 6 - Erica Briggs, Kenneth Clein, Alex Milshteyn, Shannan Gibb-Randall, Julie Weatherbee, and Zachary Ackerman

**Nays:** 0

**Absent:** 3 - Wendy Woods, Sarah Mills, and Scott Trudeau

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

**12 COMMISSION PROPOSED BUSINESS**

**13 ADJOURNMENT**

**The Chair declared the meeting unanimously adjourned at 8:15 p.m.**

Ken Clein, Chair  
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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 ([www.a2gov.org](http://www.a2gov.org)).

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