



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes City Planning Commission

Wednesday, August 7, 2013

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

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1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:05 p.m.

2 ROLL CALL

Rampson called the roll.

Present 6 - Bona, Woods, Westphal, Giannola, Briere, and Parekh

Absent 3 - Adenekan, Clein, and Peters

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

Moved by Giannola, seconded by Woods, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

5-a [13-0874](#) City Planning Commission Meeting Minutes of June 18, 2013

Moved by Briere, seconded by Woods, that the minutes be approved by the Commission and forwarded to the City Council. 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**

Briere reported that the Council had not yet met this week. She said many Council members have been trying to attend as many D1 meetings as possible, and that there were 3 members present at the last meeting. She said there have been many focus group discussions and coffees held where it has been informative to learn what the public has to say, adding that she has been very impressed with the efforts so far and looks forward to the consultant's report.

6-b **Planning Manager**

Rampson noted that the EPA report on sustainability had been requested as suggested by Commissioner Woods and there were additional copies available if anyone was interested. She reviewed the revised July/August 2013 Calendar with the Commission.

Rampson noted that next week's regular working session time slot would instead host the Ordinance Revisions Committee to discuss the downtown zoning, followed by the Master Plan Review Committee where they would be discussing the Non-motorized Plan.

Bona asked staff to try to find a meeting date when the Commission could meet to discuss the proposed resolution regarding the former Y Lot resolution to Council.

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

Bona reported the North Main Huron River Vision Task Force attempted to have their last meeting, but due to a lack of a quorum, they will have a meeting next week. She said the Task Force has not delivered the final report to Council yet.

Briere said she will report to Council tomorrow that there will be a one month delay.

Westphal reported on the Environmental Commission, which approved a work program. Some of the items on the work program include are: working on the Climate Action Plan implementation, developing educational material for residential and commercial contractors, sustainability building incentives, implementing HRIMP, completing a Green Streets policy, and developing a construction and demolition waste ordinance.

6-d **Written Communications and Petitions**

[13-0949](#)

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.)**

Mark Merlanti, attorney for owners of 1649 Traver Road, referenced his letter provided to the Commission. He spoke in opposition to the administrative land division of 1643 Traver Street. He said the character of the property does not afford a division and that the State Land Division Act has size, depth and width requirements, and he believes the City's code section also has a section with standards that may be taken into account; such standards as compatibility and topography. He said he had an opportunity to review the standards with staff today, but doesn't know if the proposed size can fit. He said that the character of the Traver Street neighborhood does not promote this type of split, especially to put another house on it. He pointed out the severely sloped lot as his client's reasoning for opposition.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[13-0950](#)

Belle Tire Site Plan for City Council Approval - A proposal to construct a new 9,735 square foot, one-story auto service building with 47 parking spaces on this 0.84 acre vacant site located at 590 West Ellsworth Road. Access will be provided from an existing shared driveway on West Ellsworth Road. (Ward 4)

Honda Testing Facility Expansion Site Plan for City Council Approval - A proposal to construct a two-story, 24,116 square foot addition to the existing vehicle emissions testing and certification facility, located at 3947 Research Park Drive. An underground storm water detention facility will be constructed on the southwest portion of this 2.72 acres site. (Ward 4)

Rayer Annexation & Zoning for City Council Approval - A request to annex this 0.39 acre parcel located at 2640 Miller Avenue, which contains a single family dwelling from Scio Township into the City of Ann Arbor and zone it R1B (Single-Family Dwelling District). (Ward 5)

Chair Westphal read the public hearing notice as published.

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** [13-0952](#) 3325 Packard Road Rezoning for City Council Approval - A request to rezone this 0.27 acre parcel from R1C (Single-Family Dwelling District) to R2A (Two-Family Dwelling District) to allow the construction of a duplex dwelling. Ward 3. Staff Recommendation: Denial

Thacher presented the staff report.

PUBLIC HEARING

Mrs. Adoracion, 3315 Packard Rd, neighbor of empty lot, said that all their neighbor's trees are on the roof of her home, and she would like to have them cut them.

Scott Betzoldt, representative for petitioner, said he would circulate photos. Betzoldt said there was a house on the site that burned down and could not be rebuilt and that the reality of the situation is that a busy road is not an attractive area for a single-family home and that the reality of finances is that building a new home would not bring in enough rent to justify rebuilding. He said they looked at several options and noted there are duplexes in the area that are grandfathered in. He pointed out a duplex two doors down. He said during the citizen participation meeting neighbors told them there were several others in the neighborhood. He reiterated that the location is not warm and inviting for a single family. He said a new structure would be an asset to the area versus sitting vacant. He thinks the area has changed over time and that towards Platt Avenue, several of the homes have been converted to office and retail, and across the street are R4A and C3 zoning districts. He said the proposed zoning would not be out of character for the neighborhood and the proposed duplex looks like a large house, pointing out that they used a proposed footprint of a stacked duplex, attached and detached garage.

Steve Weaver, owner, said he grew up in Ann Arbor. He said this particular lot with a single-family home on it will not be purchased because of the five lane road in front. He stated that the proposed duplex will look like a standard home and will be the cornerstone, keeping other property owners from buying up lots and converting them to commercial, when coming from the west and moving eastward.

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

Moved by Bona, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 3325 Packard rezoning from R1C (Single-Family Dwelling District) to R2A (Two-Family Dwelling District).

COMMISSION DISCUSSION:

Bona said the Master Plan says single-family for this district and there is no discussion about change. She said she is concerned about spot zoning, and while she empathizes with the challenge, she would like to offer some suggestions. She asked staff about the process for changing the master plan for properties along Packard Road.

Thacher said the City Planning Commission could put together a study committee, collect public comment and hold public hearings and make a recommendation to City Council.

Bona said if the Master Plan changed, that would open up opportunity to change the zoning. She said she understood that single-family is not a growing use on Packard, and asked the petitioner to think about what would be appropriate for that area. She said she does not feel a strong connection between the houses on Packard and neighborhood behind them, adding that she could not say what is appropriate for this site; since it could be office, commercial or multiple family, given the current zoning. She commented that this site could act as a buffer but she was not sure what would be appropriate. She said she does not see a study of this small area in the very near future, since there are currently so many ongoing work programs for the Planning Commission. She said based on the Master Plan, she can not approve a zoning that is different.

Parekh asked the petitioner for clarification why the site would not be attractive to single-family uses.

Weaver said the distinction is that in building a single-family home, you will have the owner family living there and raising their family, while a duplex is a rental unit where tenants come and go. He said they originally thought multi-family would be the best use of the site, but staff said that would not be supported. He said in keeping with the City's desire to keep it residential, they decided the duplex.

Parekh asked if it is less experiential rather than economic.

Weaver responded that it is trying to meet a compromise, and given the opinion of what should be looked at along the corridor as appropriate.

Briere said she had the same problem with the issue of spot zoning, and that while this proposal may ease the pressure for other lots to convert to commercial, it may increase the pressure to convert them to duplex, which doesn't fit the current Master Plan. She said as areas change, the City updates the Master Plan, which is done on a regular basis.

Weaver said he feels that his project is a thumb in the dike to keep them from going commercial, and it will increase the tax base.

Woods said she is concerned about spot zoning as well, and while she understands the petitioner's dilemma, she takes issue with comments that the houses along Packard are not neighborhood, adding that one has to be sensitive to the neighborhood. She said she understands the economic arguments, but that is not the Commission's purview; rather, to follow the Master Plan. She said she is not convinced she has heard anything that would support changing the zoning at this site and agrees that the petitioner is between a rock and a hard place.

Giannola asked about the Citizen Participation summary and question about splitting

the lot.

Thacher said the lot would not meet the minimum R1C standards, and it would need to be rezoned to R1D, but that zoning would also not be consistent with the neighborhood.

Westphal agreed with Commission comments. He applauded the owner and petitioner for coming and bringing forward the request, noting that he appreciates when issues are brought to their attention. He said they are under an obligation to uphold the Master Plan and he finds it difficult to support a rezoning of a single parcel. He asked staff if there are other examples where neighborhoods initiated an up-zoning.

Thacher said that recently there was a Council initiated re-zoning.

Rampson said there was the Golden Avenue and Lower Burn's Park neighborhood that had requested a rezoning, which was a down-zoning. She said that staff had advised the petitioner of the possibility of moving forward as a neighborhood rezoning request.

Briere asked if adjacent property owners were rezoned to R2, would they be allowed to continue their current uses and not be obligated to convert to duplexes.

Thacher, said yes.

Westphal asked if a rezoning could occur that would change the Master Plan.

Rampson said changes can be made to the Zoning Map before changes are made to the Master Plan, while staff advises that such changes be made in sync.

Bona asked about duplexes in the neighborhood and if the existing ones would be grandfathered ones.

Thacher said yes.

Bona said that she didn't believe the creeping commercial theory will happen, because the Planning Commission is not supportive of changing the zoning. She encouraged the owner and petitioner to talk to their neighbors and it might be helpful to get neighbors together to discuss the issue.

On a roll call, the vote was as follows, with the Chair declaring the motion failed and the recommendation to Council for denial.

Yeas: 0

Nays: 6 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Sabra Briere, and Paras Parekh

Absent: 3 - Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

10-b [13-0953](#)

3875 East Huron River Drive Rezoning for City Council Approval - A request to rezone this 2.0 acre parcel, which is owned by the City of Ann Arbor, to PL (Public Land) District) to reflect its use as public parkland. The parcel contains a former residential building. Ward 2.
Staff Recommendation: Approval

Rampson presented the staff report.

PUBLIC HEARING

The resident at 4021 Thornoaks asked what happens if this parcel becomes public parkland, stating that he has nothing against the parcel becoming parkland. He asked if they intend to make it a place to rent canoes or make it a camping site, because that will increase traffic and they will need more parking spaces. He said in thinking about this, the bike trail is poorly done and will need to be better marked and a trail would help.

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

Moved by Briere, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 3875 E. Huron River Drive from R1A (Single-Family Dwelling District) to PL (Public Land District) Zoning.

COMMISSION DISCUSSION:

Briere said she supports the rezoning, adding that she knows how much the property owners of this parcel wanted it to come into the city. She agreed with the public speaker, that the use of the land is unknown because it is currently unplanned, and that the best thing that residents can do is to work with the Parks staff as to which improvements need to be made in the area.

Westphal asked staff what happens with the parcel once it leaves the Commission, and what is the best way for neighbors to keep track of what happens.

Rampson explained that it will be the Park Advisory Commission that will be working with staff on the best uses of the parcel. She suggested that neighboring residents leave their email address for Park's staff to follow-up with them on upcoming public engagement on park improvements. She also suggested that neighbors contact the registered neighborhood group, Thorn Oaks, which would communicate issues on their behalf.

Parekh asked if the Park Advisory Commission has made any recommendations yet.

Rampson said, not to date, but once the Commission makes their recommendation and the item moves forward she believes they will begin planning.

Westphal asked for an explanation of what the term 'life estate' means.

Rampson said that this is typically not what they see in Ann Arbor, since the City usually purchases vacant parkland. She noted that in this situation the owners are long-time park supporters and users and felt strongly that this parcel should go to the City's Park's system.

On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Sabra Briere, and Paras Parekh

Nays: 0

Absent: 3 - Eleanore Adenekan, Kenneth Clein, and Jeremy Peters

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

12 **COMMISSION PROPOSED BUSINESS**

Bona said she would like more clarification on the proposed land division that is included in the Commission's packet and how the City interprets the build-ability of a lot with step slopes.

Rampson said the State statute says fairly clearly that just by dividing a parcel does not mean it is buildable. She said when the State law was revised a number of years ago it removed most local government's discretion on land divisions. She said they can look at depth/width ratio and making sure it meets the zoning minimums and has access to a street and utilities. She said if the land division meets those standards the City is obligated to approve it.

Bona asked if staff has already reviewed this proposed land division.

Rampson responded that City staff is currently in the review process and waiting for all the reviews to be completed; she noted that the proposed land division has been reviewed for City zoning and it does meet the City standards.

13 **ADJOURNMENT**

Moved by Briere, seconded by Bona, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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