



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Tuesday, April 21, 2015

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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1 **CALL TO ORDER**

Secretary Peters called the meeting to order at 7:00 p.m.

2 **ROLL CALL**

Planning Manager Wendy Rampson called the roll.

Present 5 - Briere, Peters, Franciscus, Mills, and Milshteyn

Absent 4 - Woods, Adenekan, Clein, and Bona

3 **INTRODUCTIONS**

4 **MINUTES OF PREVIOUS MEETING**

15-0496 February 3, 2015 City Planning Commission Meeting Minutes

Approved

Moved by Briere, seconded by Milshteyn, that the minutes be approved as presented. On a voice vote, the Secretary declared the motion carried.

5 **APPROVAL OF AGENDA**

Moved by Mills, seconded by Milshteyn, that the agenda be approved. On a voice vote, the Secretary 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 at the previous evening's Council meeting, Council approved a resolution directing staff to follow up on recommendations in the Redevelopment Readiness plan, but not necessarily to pursue certification of the re-development readiness plan. She said the Mayor was directed to appoint members of Council to meet jointly with the Planning Commission to discuss the site plan review process. She further reported that Reimagine Washtenaw had been postponed to the first meeting in June, along with its' associated public hearing.

6-b **Planning Manager**

Rampson reported that the Thurston Pond Restoration project was approved as Council last night.

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

Peters reported that he attended the DDA [Downtown Development Authority] partnership committee meeting earlier this month, where they discussed renewal of the grant for the South University improvement district and the need to continue the process. He said there was also discussion regarding upcoming capital projects in the Capital Improvements Plan [CIP] and how the DDA and merchant associations play into these, for example the resurfacing projects in the Kerrytown area and the possibility of tree planters on Huron. He reported that they are happy with better coordination between the City and the DDA on timing of projects, such as repaving projects.

6-d **Written Communications and Petitions**

15-0498

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.)

None.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

15-0499 Public Hearings Scheduled for the May 6, 2015 City Planning Commission Meeting

Secretary Peters 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 15-0500 715-717 East Huron Street Planned Unit Development Zoning [PUD] - A request to revise the PUD zoning on the site to add residential use to the current allowed uses. The connected buildings on the site currently contain office uses. Four residential units are proposed on this 0.15-acre site. (Ward 1) Staff Recommendation: Postponement

Jill Thacher provided the staff report.

PUBLIC HEARING:

Ermin Gornik, tenant in subject building, said he is speaking on behalf of

the owner, even though owner hadn't asked him to speak on his behalf. He said he is very impressed with how this landlord handles his affairs as well as taking care of his tenants. He said he has already put a lot of money into the building adding that he felt the City can confidently move forward and that a frat house would not be moving next door to Hobbs and Black.

Carl O. Hueter, 1321 Franklin Blvd, Ann Arbor, Architect for the owner, said this effort started in November 2014. He explained that originally this was a Planned Unit Development (PUD) under one ownership, that now has three owners. He said he began the process by meeting with City staff, who recommended moving forward. He said he had a pre-petition conference with the City Planning Commission. He noted that the City code says that a separate parcel under separate ownership can be amended by that owner. Hueter says the benefits of amending the Planned Unit Development [PUD] would be that they are taking a 6-unit office building and making the two houses into 4-unit apartment buildings, which would consist of 717 on the right (a 3-bedroom apartment on each floor) and 715 on the left (a 3-bedroom on the first floor and a 4 to 5-bedroom apartment on the second , third floors) He said they would be drafting supplemental regulations that will restrict the rental to one person per bedroom or a maximum of 14 persons. He said this would be a reduction from the current office use maximum of 42 persons. He noted that the 6 parking spaces would be consistent with the required 1.5 spaces per unit, which would be bringing the parking into conformance. He said they are also hoping to add one residential street parking pass per unit which would total 2.5 spaces per dwelling unit. He said this would allow the City to clean up the zoning and add supplemental regulations to the parcel, since the PUD has changed since it was originally adopted in 1986, and later amended in 1987. He said he wanted to point out that in 1987 there were two development agreements on the properties; one for the Hobbs and Black property and one for 715, 717, 721 East Huron. He said that second development agreement was approved by City Council but there is no record of it, after the fact, and he is still waiting to receive a copy of the development agreements that were approved in 1987. He said the question is whether the zoning changes if an amendment is made to the existing PUD, and tonight he is hearing that it has. He said he was available to answer any questions the Commission might have.

William Long, 6161 Windmill Court, Saline, owner, said the staff report was very thorough, and he wanted to add the 'why' to the request. He said his wife and he bought the property in December 2012, and it was their first investment property in Ann Arbor. He said the building is not ideally

suited to office use, particularly due to the limited parking, and it has been tough finding tenants. He said part of the building is leased through 2017, with the other side; the suite having been vacant for a year. He said he got the idea of converting the building to residential when his son became a student at the University of Michigan and needed a place to live. He said after his son graduates, his wife and he have considered possibly moving in when they become empty nesters. He said the units would be well equipped and the intention is not for the property to become a crash pad or even worse a frat house. He said they have heard interest in returning the building to residential use and hope to find a solution.

Jerry Lax, 24 Frank Lloyd Wright Drive, Ann Arbor, Attorney for petitioner, stated there is nothing inappropriate with what is being proposed. He said he had spoken with the City Attorney and suggested ways in which this matter could be approved. Lax said he did not think this was a change in zoning, but a modification of the Planned Unit Development [PUD], and some of the concerns about changing the zoning are therefore not applicable, such as the protest provisions mentioned in Dahlman's letter, and are only related to how many people vote for it at City Council. He said when one is considering a change in a Planned Unit Development, everyone who owns interest in the property subject to the original Planned Unit Development has to approve of what is going on, for example in this situation the larger lot, and if they would have a veto power, which he did not believe to be the case in this unique situation. He said given the property divisions over the years, one could consider this as three separate PUDs, with the middle property belonging to Mr. Long, as being the only one with changes. He said let's assume this is a single development, with the code saying the process applicable to an original PUD approval applied, and he would assume the process includes Planning Commission review and City Council review but doesn't include, under the ordinance, an original all owners have to approve. He said there are ways that would allow for one parcel to be changed without allowing one property owner to have veto power over the other properties. He said they are happy to work it out with Mr. Dahlman but they do not believe he has a veto.

Noting no further speakers, the Secretary declared the public hearing closed unless the item is postponed.

Moved by Briere, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 715-717 E Huron Revised Planned Unit Development zoning to allow up to four residential units in addition to the previously approved uses in this district.

COMMISSION DISCUSSION:

Briere said Mr. Hueter made reference to 42 occupants; she asked where the consideration came from and if the parcel would have been R4.

Hueter said this consideration would be under the Michigan Building Code, for a commercial office use the building can hold up to 42 occupants.

Briere asked about multiple owners in a PUD and how the City treats condominiums with PUD zoning.

Rampson said the City would require the condo association to sign off.

Milshteyn asked why this was a PUD originally.

Thacher said she wasn't sure, but believed since Hobbs and Black occupied multiple buildings on this site, they wanted to establish a mini office park to share parking and trash pick-up.

Rampson explained that after Grace Bible Church moved out, the property languished and was vacant for a number of years and there was a fear that it would need to be torn down. A developer came forward with a PUD plan to turn it into a restaurant, which never came into fruition. She said the parcels were then assembled to make the office complex for Hobbs and Black with the public benefit being the historic preservation of the church building, and the City felt that if someone was going to take care of the church the City would be fine with rezoning these other properties as it would all be part of that public benefit. She said the buildings had been residential use prior to that.

Franciscus asked if Hobbs and Black is the only party that is against this from happening.

Mills said she trusts staff to sort out legal issues and asked if bicycle parking will work out in the basement.

Hueter said at the base of the stairway, they would mount racks that would be easily accessible by all four tenants.

Franciscus said given the fluctuation in use, what other alternatives uses are there for this structure.

Thacher said since we have not yet figured out how to add new uses, as a technical matter, staff is recommending postponement. She said the proposed uses seem reasonable, and the Historic District Commission is generally in favor of the proposed changes, but we have to find a mechanism to get there.

Peters asked if anyone knew why the original use only required office use.

Thacher said staff has not found any rationale for the office only use.

Moved by Mills, seconded by Franciscus, that the item be postponed until staff can come up with legal solution. On a voice vote, the Secretary declared the motion carried.

Yeas: 5 - Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 4 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Bonnie Bona

10-b [15-0501](#)

Davis Row Site Plan for City Council Approval - A proposal to demolish single-family dwellings at 303 and 307 West Davis, combine the two R4C-zoned parcels and construct a four-unit residential condominium building on the 0.23-acre site. Two tandem parking spaces will be provided for each unit in garages at grade level. The two existing driveways are proposed to be shifted to access the garage spaces. A new public sidewalk is proposed along the site frontage. (Ward 5) Staff Recommendation: Postponement

Matt Kowalski presented the staff report.

PUBLIC HEARING:

Sivana Heller & Dan Boyk, 1549 Marion, Ann Arbor, said they are moving back to 128 W. Hoover Avenue, where they have lived 18 years. She said there are a number of serious concerns, particularly with the Citizen Participation [CPO] meeting. She said they did not receive any notice and the notice is supposed to include a written proposal and the site plan, which this notice did not, resulting in the citizens put at a disadvantage because they couldn't see a site plan in advance. She said citizen comments were not represented in the CPO report. Heller said because two parcels are being combined, the project will dominate the neighborhood, adding that the survey submitted shows two lots while there

are actually three lots. She said her lot at 128 W. Hoover is only 39 feet wide, and all other houses on the block are only one and two stories tall making the proposed project inconsistent with height, width and character of the neighborhood. She said it is not consistent with the recommended R4C to R4A zoning and threatens property values.

David Steinhoff, 6182 Riverwood Street, Superior Township, said he moved out of the Old West Side of Ann Arbor in 2011, where he had lived for 34 years. He said his wife and he are looking to move back downtown, but it is difficult to find housing that is high quality and without a lot of yard maintenance. He said they have invested a lot in the Ann Arbor downtown and this project will allow them to continue to participate in the downtown. He said it is an unusual opportunity, with good quality housing and while he understands that the neighbors do not like to see change, from his perspective he does not believe this project will have the impact as previously mentioned by a public speaker. He said he is in favor of the project and hopes the City Council moves forward with the project.

Everett Roe, 124 W. Hoover, said his property is the one most directly affected by the proposed development. He said in walking through the old west side he has noticed that all infill projects always take the form in the largest possible in sustenance and character, which gives him concern. He said at the public meeting they gave the impression that the project was a done deal and nothing can be negotiated. He said when he discovered that this building pushes the boundaries as to what is permitted he became rather annoyed, rather than simply dismayed. He said in the drawings, context perspectives show distances from neighbors, which is very misleading as well as the 3-foot retaining wall which will actually be 8 feet tall. He said he had difficulty aligning the site plan with reality on site. He said if a buffer is put at the bottom, it will be 20 years before it becomes effective screening. He said he needs to know how the property line issue, shown as part of the site plan parcel, but has been his property de facto, will be resolved both physically and legally.

Jerry Fishman, 1205 Harbrooke, Ann Arbor, said he owns two properties, which will be sold to the developer. He said he built and lived in one of the residences, and he could not understand the previous speaker's comments about the buffer, since they are intending to put in a boulder wall. He said he personally likes the plans, enough to have an option to buy one of the units once they are built. He feels it is an attractive development, and there is no question that it is pretty big, but it meets all of the codes except for the tandem parking and curb cut. He said the curb cuts are already there now, just different locations, and he has a great

feeling about this project, even though he had a hard time considering selling one of his properties because he lived there. He said it is a nice and attractive project.

Noting no future speakers, the Secretary declared the public hearing closed, unless the item is proposed.

Moved by Briere, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Davis Row Site Plan, subject to variances for tandem parking and curb cut alignment being granted by the Zoning Board of Appeals and subject to the combination of parcels before issuance of building permits.

COMMISSION DISCUSSION:

Briere asked if there is currently a maximum lot size in the R4C district.

Kowalski said no.

Briere noted that there is a house with a solar roof on Hoover and hopes that has been taken into consideration with the proposed neighboring project.

Mills noted the total height of 26.6 feet in the chart. She asked where it is measured from.

Kowalski said one reason staff is asking for postponement is because they are not sure how the petitioner measured the height. He explained that height in a general way is measured on an angled roof to the midpoint of roof or the highest part of a flat roof. He said there were numbers provided on the plan that seem to indicate the average height would be 30 feet.

Mills asked about the citizen participation public meeting process, and if it is standard for the petitioner to provide a write-up since in this situation there seemed to be discrepancies between the petitioner's write up and the public comments from citizens who attended.

Kowalski said he had asked the petitioner to provide more information to staff on the follow-up of their meeting; however, the project size did not require them to hold a meeting, but only to mail out a postcard notification.

Mills asked if the City received a copy of the postcard and if it contained the information as required by code.

Kowalski said staff will look into the matter.

Mills said she had some questions for the petitioner, but they were not present.

Milshteyn asked if it is common for petitioners not to attend Commission meetings.

Kowalski said the petitioner was notified and there must have been a misunderstanding, since the petitioner was aware that their project was being postponed.

Peters asked about staff comments about concerns with respect to the zoning and the Central Area Plan.

Kowalski said the parcel is zoned R4C, and the Central Area Plan makes recommendations for combing lots in a context sensitive manner, with mention to an area for potential down-zoning to R2A. He said the context sensitive design is a concern with respect to the surrounding neighborhood in that the size, massing and scale fit in.

Peters asked which house on the plan is older.

Kowalski said 303.

Mills said she has not been down this stretch of Davis, but was familiar with the apartments across the street, noting that the project didn't seem out of character with them, but given what is on either side she felt the project seems out of character, since it would be significantly taller and bigger than what else is on Davis.

Franciscus said this would make more housing available in the area and the density would satisfy the vision and the intention of how we see things in the future. She agreed with Mills in finding a way to make the project harmonize with the neighborhood.

Rampson commented on the request for tandem parking.

Briere said she has seen tandem parking in a variety of built projects and she has heard complaints from residents, especially if tenants are

roommates, rather than partners. She said she is more intrigued that one side of the parking garages is so much deeper on one side than the other. She said since there was no clear scale it was un sure to know if one side was just visually larger. She said she would like a better image for their next packet.

Mills asked how big each unit would be, requesting to see floor plans showing total number of bedrooms which would assist the Commission in determining possible tenants, and whether they might be roommates versus empty nesters.

Peters said he would like to see elevations with landscaping which would show how the project fits in with buffering from neighbor properties.

Moved by Briere, seconded by Franciscus, to postpone this item until the details have been worked out. On a voice vote, the Secretary declared the motion carried.

Yeas: 5 - Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 4 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Bonnie Bona

10-c [15-0502](#)

Resolution Supporting Community Energy Resourcing

Rampson provided a staff report.

Moved by Milshteyn, seconded by Mills, that the Ann Arbor City Planning Commission hereby approves the “Resolution Supporting Community Energy Resourcing” dated April 20, 2015.

COMMISSION DISCUSSION:

Mills thanked staff for clarifying the resolution noting that the Resolved clause is strong and clear. She reiterated that plans without implementation are just words on paper, and that the Commission needs to take action to see where they are in meeting their goals, and if they are not where they want to be, then putting resources in place to making the plan a reality. She said she whole heartedly supports it.

Franciscus said she would like to see specific goals and more areas of consideration, since Ann Arbor is more of a residential community. She said it is also well known that the commercial uses have a larger impact

on energy and resource consumption. She noted that building energy management systems will reduce energy input that buildings require for heating and cooling and other sources by up to 40 percent. She said she would like for the focus to be on the areas where there is low-hanging fruit, and also not an invasion of privacy, as has been raised with energy management systems. She said she would love to see more in terms of goals and quantifications on how it will be measured

Rampson said the Climate Action Plan contains specific goals and she would loop back with the new Commissioners to help him become familiar with the Plan.

Franciscus said she had concerns about residents having their hands tied, in terms of having reasonable options available to them, such as woodstoves.

Rampson said the measures are very straight forward and focus on such measures as caulking, and other similar ways, to increase energy consumption.

Peters said he is happy to see this resolution, adding that a lot of work at the Commission's table makes Ann Arbor a more energy-efficient community. He said furthering these statements to Council to support this can assist with forwarding transit oriented design and walkable communities, which he is very happy to see.

Moved by Franciscus, seconded by Mills, to postpone the item until the next meeting to allow Commissioners to review the Climate Action Plan.

COMMISSION DISCUSSION ON POSTPONEMENT:

Mills said Council is taking up the budget soon and she wanted to make sure a postponement would not interfere with budget needs.

Briere said Council received the budget at the previous night's meeting and at the next Council meeting they will hold a public hearing on the fee structure. She said on May 18th, they will consider amendments and vote on the final budget. She said if the item was postponing to May 5th, they can forward it to the City Council.

Mills confirmed that the resolution will require 5 votes.

Rampson said yes.

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

Yeas: 5 - Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 4 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Bonnie Bona

10-d [15-0503](#) July 2015 - June 2016 City Planning Commission Meeting Schedule

Moved by Milshteyn, seconded by Mills, to approve the July 2015-June 2016 City Planning Commission Schedule as presented.

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

Yeas: 5 - Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, and Alex Milshteyn

Nays: 0

Absent: 4 - Wendy Woods, Eleanore Adenekan, Kenneth Clein, and Bonnie Bona

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

None

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

The meeting was adjourned at 9:05 pm.

Moved by Briere, seconded by Mills, that the meeting be adjourned at 9:05 p.m. On a voice vote, the Secretary declared the motion carried.

Wendy Woods, Chair
mg

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

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