

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Draft

Tuesday, June 18, 2019

7:00 PM

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

City Planning Commission

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; 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

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

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

3 APPROVAL OF AGENDA

Moved by Wendy Woods, seconded by Sarah Mills, to approve the agenda as presented. Without objection the agenda was approved.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

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

6-a City Council

Councilmember Zach Ackerman reported that City Council has set nominees to the Center of the City Commission, which he is excited about; the two City Planning Commissioner's re-appointments were not

approved, so Mayor Taylor has put forth two names for nomination, Ellie Abrons, Associate Professor of Architecture at the University of Michigan, and Sara Hammerschmidt, Senior Director at the Urban Land Institute. He said the City exercised its right on buying a property at 1146 S Maple, adjacent to Hickory Way, an Avalon Affordable Housing project. He said it was exciting for the City to partner with a non-profit housing partner who is making affordable housing strides in Ann Arbor.

Brett Lenart reported that City Council also approved funding for a new software system Energov, that will replace TRAKIT, and provide updated opportunities of sharing information, processing, on-line applications, as well as capabilities to map out project searches either via location or list.

6-b Planning Manager

Brett Lenart informed the audience of the Sign-In Cards available for anyone intending to speak during the meeting, or anyone interested in being notified when a postponed item would be returning before the Planning Commission.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

[19-1232](#) Various Correspondences to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT PLANNING COMMISSION MEETING

9 UNFINISHED BUSINESS

9-a [19-1233](#) FY2020 Work Plan Approval

Brett Lenart provided an overview of the FY2020 Work Plan.

Moved by Lisa Sauve, seconded by Shannan Gibb-Randall, that the

Ann Arbor City Planning Commission hereby adopts the City Planning Commission 2019-2020 Work Program.

COMMISSION DISCUSSION:

Councilmember Ackerman thanked staff for all their hard work in getting so many of the items ready for Planning Commission discussion and review.

**On a voice vote, the Chair declared the motion carried unanimously.
Vote: 9-0**

10 NEW BUSINESS

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

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

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

- 10-a** **19-1234** 2857 Packard Road PUD Site Plan for City Council Approval - A request to rezone this site from R1E (Single-Family Dwelling District) to PUD (Planned Unit Development) to allow for 25 single-family homes and 26 townhouse units. A 15-foot wide conflicting land use buffer around the perimeter of the site is proposed to screen from the adjacent residential units. Staff Recommendation: Approval

PRESENTATION BY THE PETITIONER:

Tom Covert, Midwestern Consulting, provided an overview of the proposed project.

STAFF REPORT:

Chris Cheng, City Planner, added additional information from the staff report.

PUBLIC HEARING:

Karen Wight, 2719 Cranbrook Road, Ann Arbor, stated she has recently been contacted by the property owner, Robert Weber, that he is interested in selling the house on the property for \$40,000. She said if he would have worked with them 2017 they would have been able to historically document the house previously, and we could likely have had plans in place to relocate the historic house. Wight said this PUD is a very slightly modified version of the previous horrific plan. She said she isn't against development and she thinks there will have to be development on this site as it is too important of a site. Wight said the developer did not work with the residents in a meaningful way, and he could have been breaking ground right now, She said he is putting forth an unacceptable plan.

Pam Gibney, 2720 Cranbrook Road, Ann Arbor, said they used to be a subdivision with a name, and they are currently very congested, traffic wise, in their subdivision. At one point traffic was directed through their neighborhood during construction of the intersection at Packard and Platt Roads, which was horrendous. Gibney said this site is very small, and these houses will not have any property; they will be squeezed in together and it will be harder for them to get out onto Packard without any lights. She asked the Commission to reconsider.

Richard Taylor, 2814 Cranbrook Road, Ann Arbor, said the developer got the zoning changed in 2016 from R1C to R1E, based on a not very specific area plan. Taylor said an area plan is an unusual way to get zoning changed, and an approval of the area plan should not be construed as approval of other plans. He said this plan is completely out of line and inconsistent with surrounding property that is still zoned R1C, and attached housing sets a poor precedent for future housing. Taylor said the City sets goals for canopy coverage. He stated the 2018 site plan was denied by City Council, which led to litigation, but the Planning Commission should not be intimidated by that because he feels it is completely unfounded. Taylor said he remembers when this parcel was being rezoned, there was talk about affordable housing; while now with this PUD there is no intention to include affordable housing. He concluded, "There are serious issues with the developer's take on the boundary (as outlined in my email to the Commission) that need to be resolved".

Patrick Delaney, 2804 Cranbrook Road, Ann Arbor, said, "I am concerned about the 15-foot grade offset, which dumps at least 1/3 of the angle back into our yards. There are three large trees behind our garage,

which haven't been taken care of; they could drop a limb and damage my garage and contents. Delaney said the 15-foot offset obscures who is responsible for maintenance of the trees.

Catherine Engstrom, 2618 Easy Street, Ann Arbor, said she is a student with kids. "I'm begging you to reconsider this plan", she said; "We need something -- not single-family housing. Our neighborhood is going to lose affordability if these cookie cutter houses won't do that. We need to think green; this City is good enough for us to make sure we lead with green technology. I think it should be developed, and make sure it's good for everyone -- not only for those that can afford \$ 500,000 houses".

Darcy Guyton Hanna, 2725 Radcliffe Avenue, Ann Arbor, stated, "It's difficult getting out of our neighborhood, onto Platt and Packard Roads, especially during rush hour. I'm dismayed that there is no affordable housing in this, you are removing Bur Oak trees -- you will displace deer from this parcel, and they will be running through our neighborhood, like they already do." Hanna also expressed sadness with a historic home being destroyed. She concluded, "I think this development is too packed, and I don't like the layout at all".

Sue Symington, 2649 Carmel Street, stated, "I agree with everything that has been said here tonight. I've been in southeast Ann Arbor for three decades". Symington said this area used to be considered less desirable, but now it's the place where everyone wants to be. She said, "I feel that this plan is too dense for this location. No one has talked about Packard Road from 7:30 to 9:30 am; school children walking on Packard Road sidewalks would be at risk, with cars flying by at 50-60 miles per hour".

Ron Lev (not signed in), 2645 Easy Street, Ann Arbor, said "This development appears to be very ill-conceived, it is a de facto gentrification relative to the neighborhood, it's out of character with the neighborhood, and it represents a very severe impact to the trees on this site. The houses in the neighborhood are smaller than the houses proposed, the density is higher and have two stories, which will stand out like a sore thumb in the neighborhood". He said, "The tree impact, even with the PUD, they are leaving ¼ of woodland trees, and 1/3 of landmark trees, but only 1/7th of those will not have their critical root zones damaged. I believe that the transition from R1C to R1E was a mistake. The City doesn't owe the property owner a financial stake." He expressed the need to step back and re-zone the property to R1C, and redo everything from the beginning. He said there needs to be a way for the

City to stop the owner from clear cutting the site. He pleaded with the Commission to please postpone making action on this request.

Eileen Kreiner, 2889 Easy Street, Ann Arbor, said, "The new plan saves more trees. I like the density in the center - but don't like the density in general; I'm opposed to landmark trees 57 and 38 being removed. Trees can retain (large volumes of) water in their crowns, so please save the trees. I'm concerned about children's safety and traffic, but mostly, save the damn trees.

Dan Bilich, 2719 Cranbrook Road, Ann Arbor, said, "The house has been there longer than we have, and it should be featured as part of the development, as it's part of our history. I drove for AATA for 18 years, traffic is horrible, kids are going to have to walk across Easy Street at Packard, it's going to be dangerous. A PUD is supposed to be a benefit to the City; I don't see a benefit. I'd like to build a roller derby on my lot, if you just give me a variance you can help me make some money. It shouldn't work that way; if the property can't be developed profitably within the laws of the City, maybe the economic model is off".

James D'Amour, 2771 Maplewood Avenue, Ann Arbor, said he was very familiar with Planning issues, having served on the Planning Commission in the City. De said, "I'm troubled that you have the role of policy makers, and you rely upon professional City staff, and I'm thankful for all the services that they have done, but I don't think that staff should be burdened with making a recommendation. If we're going to go with a Planned Unit Development, the benefit must be extremely high. How green is the project? Lastly, I don't like the notion of the City being blackmailed. I don't recall if this body denied the site plan, and if it was denied on the basis of natural features. You have to go on the merits of this project, and the benefits must be very high."

Sonntag (not signed in), 2741 Beacon Hill Street, Ann Arbor, said, "I'm concerned about the stormwater. We don't have basements because the water table is so high in our neighborhood, and if that issue were addressed, this can can be a workable situation.

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

MOTION I:

Moved by Shannan Gibb-Randall, seconded by Sarah Mills, that the Ann Arbor City Planning Commission hereby recommends that the

Mayor and City Council approve the Weber Rezoning Petition from R1E (Single-Family Residential) with conditions to PUD (Planned Unit Development) district and Supplemental Regulations, and

MOTION II:

Moved by Shannan Gibb-Randall, seconded by Sarah Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weber PUD Site Plan and Development Agreement conditioned upon submission of an ecological maintenance plan for the natural features be submitted and approved by the City.

COMMISSION DISCUSSION:

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

Councilmember Ackerman thanked the public for coming to express their concerns. He thanked City staff for diligently working on this petition providing thorough analysis. He noted that it's important to note the legal context associated with this project; the developer sued the City and that lawsuit has been stayed and we are now here; he said as a Councilmember he's in an uncomfortable and awkward position. He noted along with the lack of merits on this project, he's heard the following goals:

- 1. Decrease the impact on natural features on the site; he noted the previous plan was denied because it didn't meet our zoning requirements with respect to preserving natural features, namely trees.*
- 2. Improving the stormwater management situation; the flooding situation in the area.*
- 3. Decrease the impact on neighbors; the massing of the buildings, location to neighbors, traffic, demographic changes.*
- 4. The farmhouse*

Ackerman noted that this plan shows they will be decreasing the natural feature impact and saves 37 woodland trees and 5 landmark trees. He asked for clarification on the varying numbers presented in the staff report

and from the developer's presentation. He explained that some of these discussed trees are Bur Oaks, which represent some of the oldest forest fragment that survives in the City, which is good. He asked about landmark tree 57 and 38, as referenced by the public speaker. It was determined the numbers to be overall numbers of trees, and not tree specific (tree numbers have 4 digits).

Covert said by attaching the housing units, they were able to create the west open space and the southeastern open space, allowing them to save trees as well as with the 15-foot buffer area trees are being preserved. Covert said the chart Ackerman referenced compares the proposed PUD to the denied site plan, while the numbers they referenced in their presentation compares the approved Area Plan to the proposed PUD, which explains the number differences. He said the chart the Commission is looking at includes all the trees that were surveyed, not necessarily all the trees that meet the requirements for the City or they could possibly be on a nearby property, close to the property lines. Covert said their tree mapping looks at the trees that meet the requirements by category; a woodland tree, a landmark tree.

Ackerman noted that the tree comparisons were not comparing the same issue. Ackerman said there are neighbors that face flooding, especially on Cranbrook to the northeast and running through to streets like Beacon Hills. He requested the petitioner to review the stormwater plan.

Covert explained that currently they are providing a stormwater system that meets the requirements of the County stormwater management policies and guidelines, and includes infiltration of stormwater; three detention basins, two of which are along Packard Road and one in the northeast corner of the project site. The basins all have stormwater infiltration and they also have an opportunity to provide piped outlets to Packard Road stormwater management system, which has capacity to address the stormwater from the proposed development. Covert said the existing conditions at the site are that from the west to the east, slightly northwest, there is water that comes from the (homes) lots on Carmel Street and Easy Street, because they were developed at a different time when it wasn't necessarily required to pick up stormwater and convey it to a stormwater system. He said the rain water hits the surface, flows through their lots, through this site, and to what has been described to us as a pond, or ponding that exists, to a number of lots (maybe 4 or 5 lots) on Cranbrook Road. He said they can bypass that stormwater system or take that stormwater and deal with it in a project. Covert said they plan on taking that stormwater (roughly 1.3-acres along Easy Street and

1.26-acres kind of along Carmel Street and the north property adjacent to this site, roughly 2.6-acres) collecting it into their stormwater system through pipes, ditches, and swales, and detain it and release it into the groundwater through infiltration or onto Packard Road, depending on the rain event. He said he had confidence ... because their basins would become the lowest point when compared to the neighboring properties.

Ackerman's microphone was off. He asked about the proposed screening that the developer proposes to plant between the development and the neighboring properties.

Tina Fix, Midwestern Consulting, Landscape Architect, reviewed the proposed tree species with the Commission, noting they would be a mix of deciduous and evergreen trees. She pointed out that due to Detroit Edison utilities along the parcel edge they have picked trees appropriately.

Commissioner Shannan Gibb-Randall expressed the proposed buffer seemed to be dense. She asked about basement sump pumps.

Covert said upon soil borings they plan to connect basement sump pumps to their stormwater system as opposed to surface water flow. He noted that sandy soils infiltrate very well along the northwestern portion.

Ackerman asked about traffic studies conducted, noting that any added traffic will impact the neighbors. He asked about any restricted movements when exiting onto Packard.

Engineer, Midwestern Consulting, said they did the traffic study in 2016 and with the slightly different housing model it dropped the densification, so the amount of traffic trips went down to where they didn't need to redo the study. He said as stated by the public speakers, it's difficult to get out on Packard, and that would be the case for this driveway as well, but insignificant impact on other intersections. He said full movement was allowed when exiting onto Packard, with the left-turn movement being the most difficult.

Ackerman asked when affordable housing is included in a PUD.

Planning Manager Brett Lenart explained it is required when proposed density exceeds the number of units allowed by the base zoning.

Ackerman said he wants hard facts on the tree issue, since it's really hard

to weigh anything else in question at this time. He said the new design is better than the previous one, but on balance, it's not clear.

Commissioner Wendy Woods asked about the trees in the buffer zone, as mentioned by a previous public speaker, and whose responsibility it would be to maintain those trees.

Brett Lenart said one of the benefits of such a buffer is the memorializing the requirement to plant and maintain those trees for site plan compliance. He said that's a distinction from those trees being located on individual lots without pertinent restriction in that regard; there are no restrictions for removal of vegetation be it landmark or woodlands or anything else. Lenart said in a condominium arrangement of some sort, there's probably going to be a condominium association associated with it; that association would be determine the specific burden of maintenance of trees in those areas, but to an extent from the City's lens, it does memorialize those trees on the site plan. Lenart noted that this type of plan provides more assurance that those trees will be maintained.

Covert verified that there will be a homeowner association as this project will be a 'site condominium' and the property owners would be the first ones responsible, and after them, the association would have the opportunity to replant trees. He said if he was a neighbor and had issues over trees, he would contact both the neighbor owner directly as well as the homeowner's association.

Woods asked who will be responsible for their stormwater system.

Covert explained that their system would be a private stormwater system that connects to the public system on Packard Road; the private system would have a drainage district associated with it, and it would be the responsibility of the homeowner association and then the County through the drainage district, would take care of anything that didn't get resolved.

Woods commented that it would seem that future homeowners would be the ones who end up paying for this PUD as opposed to the developer.

Jim Haeussler, Peter's Building Company, petitioner, added that part of the agreement is the County would be reviewing the stormwater system annually to make sure it is up to par with what was approved.

Covert stated, "I think your statement was are the people who buy this PUD going to be responsible for maintaining this system... Through the

home owner association, that is correct; maintenance, sidewalks, storm plowing, those kind of things.”

Haeussler commented that the \$500,000 figure for selling price is totally erroneous; he said he thinks they will sell for \$350-450,000 per unit.

Commissioner Scott Trudeau asked about the maintenance plan, as mentioned in the memo from the Natural Area Preservation Department and the City’s Park Department. He said some of these impressive trees on site are native to the region, and as Commissioner Gibb-Randall had enquired at the working session, will there be a plan to protect those trees and allow those to regenerate long-term, which would be a real benefit above and beyond just counting trees and thinking about what species they are. Trudeau said a PUD gives the City the benefit of setting specific parameters; and the only thing we’re really getting with this PUD is the ability to attach units to each other. He said he believes there needs to be a balance in terms of what the public benefit is , but if we get a long-term commitment to protect this forest fragment and not letting degenerate over time, and we’re confident it will be realized, that will be giving me some confidence that it’s worth doing, but I need to have that confidence.

Fix said the maintenance plan lays out the responsible parties and when they become responsible; she reviewed the various sections, noting it’s a mix of giving you what we can do short-term as well as establishing a way to move forward in a long-term manner. She explained that they intend to mow the area with invasive species because they want to keep the canopy trees. Fix said such mowing would be 2-3 times a year only.

Shannan-Gibb-Randall asked about the mowing of invasive species; she mentioned that the City’s Natural Area Preservation folks have a wealth of knowledge and expertise on targeting these types of area and being successful in working with regenerating these amazing old trees, that we know won’t last forever. She said to be able to provide the continuation of their genetic legacy over time, so people in Ann Arbor, 200 years from now, have a chance to see what those Burr Oaks are like. Gibb-Randall said it would be a tragedy, for her, to see all these trees cut down and mitigated for, instead of the ability to proliferate over the long haul. She cautioned getting too close to the 10% invasive species threshold.

Commissioner Sarah Mills agreed and asked about enforcement if the maintenance plan isn’t followed.

Chris Cheng said they would be able to make sure they are in

compliance before certificate of occupancies are issued allowing homeowners to move in. He explained staff has the option of writing tickets, but hope they get cooperation and compliance before it reaches that point.

Lenart commented there might be some possibility of building in some potential ongoing reporting on the points, and the Commission could offer advise if there would be a term to such.

Mills said I can't vote affirmatively for this tonight, without having something in place, that gives her assurance that this is the primary benefit, and that it's enforceable, and that the petitioner is on board. Mills said she feels the City could ask for an affordable housing contribution or to dedicate five of the units as affordable housing. She said she's like to see a PUD that is entirely solar ready, at least right from the beginning you can show you can tick that box. Mills added units could be built so they could easily be converted to all-electric (water heaters, etc). Mills noted outstanding issues, referencing a memo from the City's Senior Engineer.

Trudeau said he would like to see some monetary fine linked violations. He said the City can't stop development and redevelopment in the City; where they have identified it should happen, in terms of character, otherwise we'll be digging ourselves in deeper. He expressed support for attached houses, explaining it's best with a mix of housing so not to get income-based neighborhoods. Trudeau said we are at a low on adding housing stock, and one way of decreasing traffic on the roads is to build housing closer together. He said people chose to live along Packard so they can ride their bikes, which is a good thing. He supported a postponement to see what the public benefit of the project is.

Woods agreed, adding she would like to know more about the old farmhouse on the site when the item returns.

Commissioner Erica Briggs asked about the old farmhouse and if the petitioner has plans to purchase the house.

Haeussler commented the house isn't part of this project and never was.

Cheng said he could enquire about the issue.

Briggs said she felt there could be a whole lot more benefits added to the PUD that the Commission could support; she supported a postponement

as well.

Commissioner Lisa Sauve said there could be a larger sustainability impact put into the plan by how the roofs on the houses are designed, to be solar ready, and she would like to see more thought put into the sustainability factor if the item is postponed.

Commissioner Julie Weatherbee agreed with the discussion, noting long-term is important, both for now as well as the future. She said it's important to reflect on how things affect us as well as the next generation. Weatherbee said what this neighborhood has going for it is that you have great neighbors that are concerned about what happens in their neighborhood.

Haeussler said he'll take suggestions and recommendations from the Commission but he won't redesign his project that he's already spent so much on. He concluded, ..."give me a vote".

Moved by Zach Ackerman, seconded by Sarah Mills, to postpone taking action to a future meeting. On a voice vote, the Chair declared the motion carried unanimously. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

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

12 COMMISSION PROPOSED BUSINESS

Commissioner Weatherbee and Trudeau reflected on their time on the Commission.

The Commission expressed their sincere appreciation for the service of Weatherbee and Trudeau, voicing their sadness of their departure.

13 ADJOURNMENT

Moved by Sarah Mills, seconded by Scott Trudeau, to adjourn the meeting at 9:56 pm. Without objection the meeting was adjourned.

Alex Milshteyn, Chairperson
mg

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