



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)

Tuesday, May 17, 2016

7:00 PM

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

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1 CALL TO ORDER

Vice Chair Clein called the meeting to order at 7:00 p.m.

2 ROLL CALL

Planning Manager Ben Carlisle called the roll.

Present 8 - Clein, Briere, Peters, Franciscus, Mills, Bona, Milshteyn,
and Gibb-Randall

Absent 1 - Woods

3 APPROVAL OF AGENDA

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

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

- 5-a [16-0763](#) March 15, 2016 City Planning Commission Minutes with Live Links

The minutes were unanimously postponed to the next meeting.

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

6-a City Council

Councilmember Briere reported that the previous night City Council amended and passed the budget. She stated that the most significant thing that the amendments addressed was to set aside \$15,000 to consider whether to redraw the boundaries of the Old West Side. She explained that members of the Council are very concerned about the City's property at 415 W. Washington, which is within the historic district, but would like to see the property demolished; however, permission to demolish requires approval from the Historic District Commission (HDC). Briere said the next step is for the City to take the request for demolition to the HDC; if the HDC determines that it is not in the best interest of the historic district, then the Mayor has the ability to appoint a study committee to determine if the boundaries of the Old West Side should be redrawn to exclude this property. If the study committee makes that recommendation, she explained, then the Council will be the ultimate deciding voice, as it is on all zoning decisions. Briere further reported that the Council voted to approve an increase in the contract with Carlisle/Wortman so that the Interim Planning Manager, Ben Carlisle, and related contractors can stay on for a while longer. She added that the Council approved an annexation on Geddes Street from Ann Arbor Township.

6-b Planning Manager

Ben Carlisle reported that at the City Council working session the previous night they considered the Planning Commission recommendation regarding accessory dwelling units (ADUs). He stated that there was a rich discussion with many questions; most of the discussion centered on the issue of whether or not to require parking spaces for these units, as well as what the family size definition will be. He said that Council has asked planning staff to come back to them with additional clarification on the language; however, on the most part they seemed receptive to the language as drafted by the Planning Commission. Carlisle reported that it is the Planning Department's intention to bring these changes back to City Council for their

consideration sometime in June. He thanked the Planning Commission for their hard work on that language. Carlisle further reported that there has been discussion within City Council of holding a joint working session with the Planning Session with regards to the downtown premium amendments. He reported that the tentative date is June 13th. He reminded the Commission that the Ordinance Review Commission (ORC) meeting has been cancelled for next week. Lastly, he noted that the Planning Commission has scheduled their annual public hearing for discussion of the Master Plan for this evening. He encouraged those who were unable to attend the public hearing in person to review the Master Plan documents on the City's website and to submit comments to the Planning Department via the City's website before the next Planning Commission meeting on June 7th.

6-c Planning Commission Officers and Committees

Jeremy Peters reported that he got engaged over the weekend.

Vice Chair Ken Clein reported that the Planning Commission retreat, which is open to the public, is typically held around this time of year but will be postponed until the late summer or early fall when a new Planning Manager is hired.

6-d Written Communications and Petitions

[16-0764](#) 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 BUSINESS MEETING

9 UNFINISHED BUSINESS

9-a [16-0765](#) Kingsley Condominiums (221 Felch St) Planned Project Site Plan for City Council Approval - A proposal to redevelop the site by demolishing all existing structures except for the building at 214 W. Kingsley and constructing a 51-unit, 5-story building with covered and surface parking,

along with a request to rezone the property from M1 (Limited Industrial) to R4D (Multiple-Family Dwelling District) With Conditions. Planned project modifications are requested to reduce the west side setback. The site is 89,480 sq ft and is in a 100-year floodplain. (Ward 1) Staff Recommendation: Approval

Alexis DiLeo provided the staff report.

The Vice Chair read the public hearing notice as published.

PUBLIC HEARING:

Vince Caruso, Allen Creek Watershed Group, said his organization does not support the development. He cited two recent reports: "Implications of Precipitation Changes in Southeast Michigan" and "Options for Response: A Guide for Municipalities" that recommend adding a 5-20 percent safety factor to storm water management requirements, and regulating for a 500 year flood, not just a 100 year flood event. He gave statistics demonstrating the increased likelihood of major storm events due to climate change. He said total precipitation increased 44 percent in Ann Arbor since 1950. He said the federal government does not give funding for any structures in the 100 year floodplain. Caruso advised against this project because the location would be better suited for the greenway park which would help mitigate the effects of flooding; parking associated with the development would make the effects of flooding worse, causing expense and distress. He cited the expenses of major weather events in the area. He said we need to exercise caution because FEMA's maps are not the most up to date and maps by consultants have shown that floodplains are typically larger.

Ethel Potts, 1014 Elder Boulevard, Ann Arbor, said here we go again in this neighborhood—downtown-sized buildings being placed in the neighborhood. She said D2 zoning was sold to the public as a buffer between big downtown buildings and houses and neighborhoods; in this case D2 is in the neighborhood, not a buffer. She stated that by the time this misplaced zoning is amended it will be too late; the land will be developed. Potts expressed disappointment and frustration that big buildings such as this will be built in the Allen Creek floodplain, adding impervious parking surface to prevent the infiltration of stormwater. She said there will probably be pillars and cars underneath the building which will collect trash as the flood waters flow. She stated that this project is sure to cause problems in this time of climate change. Potts added that the Allen's Creek is also involved in the 1,4-dioxane pollution that is spreading from the west side of the state and that this development would

worsen the issue.

Eric Lipson, 1318 Rosewood Street, Ann Arbor, expressed concerns about the project due to its location in the floodplain. He said he understands that the current building on the site impedes the flow of floodwaters, but the idea that cars and parking can be put there and not affect the floodplain is a mistake. He stated that they have already had a flood event which destroyed hundreds of cars on Ashley Street due to the construction of the first large building there. He asked whether the practice will be to have owners warn people that in the event of flooding they may lose their car and who will insure all those cars. He said he is concerned that by building in the floodplain, all you are doing is expanding the floodplain, as water is backed up into other neighborhoods. Lipson said FEMA has asked for people not to build in the floodplain; it affects insurance rates for everyone. He said if you are to allow this building to be built, you should not allow parking.

Fred Beal, petitioner, thanked the Commission and staff for their careful review. He introduced Brad Moore, the architect and Kathy Keinath from Perimeter Engineering. He explained that his team is very, very cognizant of the issues related to building in the floodplain and in fact, the very design of their project is designed to mitigate existing problems with flooding on the site. He said currently there is 28,000 square feet of on-grade building sitting 95 percent in the floodplain, which is directly above the Allen Creek Drain for several hundred feet; they are completely tearing down this building and moving to the opposite side of the site. Beal admitted that their proposed design does sit partially on the fringes of the floodplain and that the deepest flooding that would occur in the event of the 100 year flood is only one foot. He added that they had not seen this area flood in the time they had been owners of the site. Beal explained that as required, they have two exit structures from the building outside of the floodplain and they have elevated the building the full height of the parking structure. Comparing the proposal to the current site, he said, they are vastly reducing the impediments to flow-through and increasing the green space on the site. He said the site as it exists now is untenable—it is contaminated, it is in the floodplain, and it has never been site planned. This last point means that for any modifications they would make to the site, they would have to go through a development review process. He stated that they are looking at a cost of 6 million dollars to mitigate the contamination in the soil and deal with stormwater adequately; this justifies the large scale of the project so that they can recoup that cost. Beal explained that the site as it exists currently was built out of debris; when they put in the drain initially they used soil from

the Allen Creek Greenway that was already contaminated with heavy metals. He said their project will reduce the amount of contamination that moves through the soil because they are making such a big cleanup effort.

Kathy Keinath, Perimeter Engineering, member of project team, said she was available to answer any questions.

Alan Haber, 531 Third Street, Ann Arbor, stated that he is the human face on the other side of development. He said his shop has been at 221 Felch for the last 20 years or so. He stated that the information that he has received is that it is not a good idea to build in the floodplain. In terms of what is good for the City of Ann Arbor, he said, this neighborhood is one of the last enclaves where independent artists, craftspeople, and small business owners survive. Haber said that when the Tech Center was removed for the building of the new YMCA that displaced a whole community of artists and other creative people. He stated that keeping a place available for artists and small business people is important for the City. He added that the Beals have been great to him all these years but he would not like to be the product of a demolition.

Brad Moore, architect for the petitioner, reminded the Commission that at the last meeting a neighbor indicated they had collected signatures from immediate neighbors in support of the project and that was in their packet. He explained that at the very limit of the floodplain, the depth of the water is less than a foot; they have designed the building in such a way that two of the three exits allow people to exit the building without entering a floodplain during a flood.

Noting no further public speakers, the Vice Chair closed the public hearing unless the item is postponed.

Moved by Peters, seconded by Franciscus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Kingsley Condominium rezoning from M1 (Limited Industrial) to R4D With Conditions (Multiple-Family Dwelling) and Conditional Zoning Statement of Conditions, and

to approve the resolution to recommend that the Mayor and City Council approve the Kingsley Condominiums Planned Project Site Plan, a planned project and development agreement with an arrangement of buildings that provides a public benefit, subject to 51% minimum open space, 1 foot minimum additional front setback, and combining the lots prior to issuance of any permits.

COMMISSION DISCUSSION:

Chair Bona asked how the existing building on Kingsley that will remain on the site fits in to the R4D zoning district.

Alexis DiLeo, staff, responded that the building meets the setback requirements of R4D and that for use it would need to be residential or an accessory use to the proposed residential development that will be built. She explained that the proposal calls for too many dwelling units for the existing building on Kingsley to be used as a dwelling unit, following the requirements of dwelling units per acre in the zoning district.

Bona asked whether using the building as an office would be permitted as an accessory use in the R4D zone.

DiLeo explained that the office would have to be for a public entity which are exempt from zoning, but it could not be for a private company as those are not permitted in residential districts.

Bona said then it seems that the petitioner's idea to have the building function as an office for the Allen Creek Greenway would not be possible.

DiLeo responded that a public entity such as a greenway conservancy or the City of Ann Arbor Parks Department would be able to use the building as an office.

Bona said she had not thought the Allen Creek Greenway Conservancy was a nonprofit.

DiLeo replied that they are not, but the petitioner has proposed the idea of having the Parks Department host an interpretive center for the Greenway if they choose. She said her understanding is that if this does not happen, then the building could be used for a club house or another type of accessory use for the condominium complex.

Bona said she feels that the R4D zoning is like spot zoning in this case as it is not typically used so close to downtown. She expressed concern that the neighborhood is losing a mixed use component to this site, as Mr. Haber expressed. She stated that whenever we get residential projects, the opportunity to incorporate retail is a rare opportunity; as this site already contains retail in its present state to remove that would be a loss. She said she finds the R4D classification inappropriate for the site

and the conditions not valuable; she is not interested in reducing the number of bedrooms or units. Bona cited the petitioner's argument for R4D described in the packet and said it was an argument for rezoning the property, not a good argument for rezoning to R4D specifically. She agreed that the property needs to be rezoned, as manufacturing is not appropriate for the site, but believes R4D is too limiting, as it limits the number of uses on the site. She said she thinks D2 would be far more appropriate in this case.

Briere said she had reviewed the conditions for approving a planned project but had several questions. She expressed concern that as close as this development is to the river, underground storage may not be desirable. She asked how the developer is addressing stormwater mitigation, how much water will be able to be stored.

DiLeo responded that the stormwater will be held underground on one of the only spots on the site that is outside of the floodway and the flood fringe and not on top of the drain. She explained that the developer is proposing to address the 100 year storm volume, but they are providing 120 percent of the 100 year storm volume because it is not desirable to do infiltration, as per the County's Water Resources Commissioner's requirements.

Briere asked how they are releasing the detained water.

DiLeo explained that they are releasing the detained water into the drain but at a slower, prescribed rate. She said she would have to defer to the petitioner or the engineer of the petitioner to determine the exact volume.

Keinath said they are not releasing into the Allen Creek drain directly, but into the storm sewer that is on the street which then connects to the Allen Creek drain. She explained that they are proposing to put in back flow prevention, which is like a check valve put in the line so the Allen Creek drain cannot backup into the underground detention system before our water makes it in to be stored. She said that in addition to the underground detention they are proposing seven rain gardens and porous pavements. She reiterated that the underground storage is outside of the floodplain and includes a baffle, a controlled release, and an emergency overflow.

Briere said that Kingsley Street commonly floods at the other end of the property and Felch Street floods just at the corner with Ashley. She asked the developer how this project will impact existing flooding that occurs.

Keinath responded that hopefully what they propose for this development will help mitigate some of the existing flooding that occurs. She explained that currently there is no detention on the site and it is completely impervious; they are adding detention and removing imperviousness in the floodplain. She said she is aware of the flooding that currently occurs, much of it comes from Miller Street and First Street. Keinath noted that they are adding pervious pavers on the slope which will help some of the floodwater soak into the ground.

Briere asked whether that sloped section was in the flood fringe.

Moore added that two new projects upstream are adding detention which will help reduce some of the sheet flow which contributes to flooding in the area.

Keinath noted that much of the sheet flow will now go through the City's rain garden and not onto First Street. She indicated on a drawing where the floodplain line is, and showed that the structure will be partially located in the floodplain, but not in the floodway.

Briere said she is working her way through the reasons for approving a planned project and asked how this project will be energy conserving or solar-oriented.

Moore said the building will be solar ready so it will have the structural capability of withstanding both the gravity and wind loading from future installation of solar panels. He explained that there will be conduits running from the roof to the main electrical room of the building so there will be no disturbance inside the building if the condo association decides to add solar panels to the roof.

Peters directed a question to the civil engineer on the project about the 1,4-dioxane plume and the soil borings on the site and whether they know how far down the plume is and how it would affect the site.

Keinath said she may not be the best person to answer the question. She said they hired environmental studies to work through the brownfield process; she is personally not aware that they found 1.4-dioxane on the site.

Peters asked what the deepest depth on the site would be for the 500 year storm event.

Keinath said it is a little deceiving when talking about the 100 year storm event versus the 500 year storm event as the latter is not five times as intense because it is referring to a frequency and not a rate. She said her understanding is that the 500 year storm flood depth is only about a foot or two higher than the 100 year storm flood depth, which would be two to three feet.

Peters thanked her and said that according to the math he had done with regards to some of the requirements that had been discussed, increasing detention for the 100 year flood event by 20 percent would be about 2.4 inches, or a total depth of 1 foot and 2.4 inches.

Sofia Franciscus asked where the current contaminated fill will be taken from the site.

Moore responded that the contaminated soil will be transported to a licensed landfill as any hazardous waste would.

Keinath added that there will be a due care plan in place due to the Brownfield requirements, so there will be restrictions on how they dig they soil out, where it can go, who can be exposed to it, etc.

Moore added that all of this information has been submitted and is available in the public domain.

Alex Milshteyn asked why the developer went with R4D for the rezoning instead of D2.

Moore responded that it was in part a discussion with his client and the neighbors and general public...

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Milshteyn referenced the building at First and Kingsley and said as he understands half of it will be given to the City to use as they wish, potentially as an interpretive center for the Allen Creek Greenway and asked what the other half will be used for.

Moore responded that the other half will be used as a community center for residents of condominium association, a gathering space for larger events.

Milshteyn asked how large the building is.

Beal replied, 2,000 square feet.

Milshteyn asked who will be responsible for building out the building, allowing the city to have half and the association to have half.

Beal said that as they have arranged it in the proposal, the developer would provide build out services for the space if it were accepted by the community; the assumption is that it would function as some sort of Allen Creek interpretive center...

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Moore said they had a meeting with the Michigan Department of Environmental Quality (MDEQ) in Jackson, Michigan and they went over how that should be designed. He said there will be grilled openings in the wall, with security grills, and water will be free to flow through those grills and then flow out from those grills. The idea is that the water has to be able to flow in and flow out unimpeded, he said, so there is a series of openings that go from grade up to seven feet along that part of the building.

Shannan Gibb-Randall said it looks like they are not going down to grade, it looks like they are up above.

Moore responded that some are just intended to allow the free passage of air and sunlight, and every other or every third go down to grade.

Gibb-Randall asked if there was a certain porosity requirement they had to achieve in terms of how much water flow is allowed through there. She asked why not allow anything under a foot to flow through, because debris will get stuck in the grates. She asked if DEQ allows anyone to build in the floodplain as long as a certain porosity is met.

Moore said a certain portion of a wall that is built in the floodplain needs to be transparent to water, letting it go in and go out. He said it was a decision they made to provide secure parking.

Sarah Mills followed up on the questions asked by Gibb-Randall and asked what the plan was for cleaning out the grates.

Moore responded that cleaning out the grates would be part of the

maintenance regimen for the rest of the condo association; the maintenance man would be removing trash from the grounds, including the grates.

Mills noted that the developer described the site as a walker's and biker's paradise in their memo and said she appreciates that they have added sufficient covered bicycle parking.

Moore said that in addition to adding one bicycle parking space for each car parking space there is the ability to add a second rack at the purchaser's desire.

Mills said she appreciates that. She asked the developer to speak on the conversations he has had with staff about the possibility for a future Allen Creek Greenway easement.

Keinath said she missed the last meeting where that topic was discussed heavily but has spoken with Connie Pulcifer, Systems Planner, City of Ann Arbor, who is leading the study, who informed her that they are in the initial phase of the study, taking inventory. She said the alignment that they are currently looking at is to follow the railroad, generally. She noted that the railroad on site is a railroad spur, not the main railroad. Keinath said Pulcifer reported that a key issue is the embankment, as the railroad is a lot higher than some of the surrounding area, so they are not yet sure where the greenway will go. She indicated several properties on the diagram that will also need to be integrated. She reported that Pulcifer told her the path would be 14 feet wide, whatever the route ends up being.

Thus, the developer dedicated 14 feet along the property line that can be used as an easement for the future greenway. Keinath said that Pulcifer indicated that the greenway would not just be a path, and would require landscaping and the planting of trees. However, Keinath indicated that they would not be able to plant trees on top of this dedication because that is where the underground detention area is and it can't be moved because it is the only place outside of the floodplain. She said the deal they reached for now is to provide a connection with a woodchip path and allow for the 14 foot easement which would be available to the City if they chose to use it.

Mills asked if they had discussed routing the greenway along the east side of the property.

Keinath responded that yes, she had brought up that idea to Pulcifer because the Allen drain originally was located on Ashley Street but has since been moved. She said that by moving the pathway to the east puts it closer to neighbors' backyards which wasn't completely desirable and there is also the issue of the County's easement over the drain that takes up a lot of space; so that is how they ended up with the current location.

Mills said it looks like you have put some stripping across the street just east of the turn that is not currently there and asked if that was a requirement of the City.

Keinath said they were required to add that crosswalk because right now there is a ramp that goes to nowhere on the other side so it was determined that the safer location for someone to cross because of that intersection is just to the east of it.

Moore added that it gives a driver plenty of sight distance for the turn.

Mills asked why the pathway jogs to make its way up to the existing building that may be used for the interpretive center.

Keinath said they could look at changing that. She said the location of the crosswalk was selected prior to the conversations about using the existing building for a public purpose, so they could very easily make the pathway connection.

Moore said the building would need to be remodeled to accommodate the interpretive center use so they could potentially construct a second entrance that is better positioned to the pathway.

Mills said it seems like it winds, and people won't walk around, so it would make sense to connect it.

Keinath responded that the building is elevated so there would be some reconfiguring that would have to happen but they could do it.

Mills asked them to clarify whether there were stairs on the sidewalk if you were to continue the path.

Keinath responded yes, it has been diligently graded to be ADA accessible.

Clein asked whether the existing building will be ADA accessible.

Beal said yes, if you go to the west parking lot, the parking spaces adjacent to the drive, there is an accessible entrance at the northwest corner of the building.

Clein said okay, so one would enter at grade. He then asked whether the northwest side of the site is one of the highest portions of the site.

Keinath responded in the affirmative.

Clein asked how water gets to the high portion of the site from the lower portion.

Keinath explained that from the lower portions of the site it drains through the parking lot into grates that will drain into rain gardens. She stated that in each one of the rain gardens there is an overflow into underground piping that is connected in a complete loop around the building, and then rain water would drain into a gravity outlet to the sewer out in the street.

Clein asked what the elevation difference is between the lowest portion of the site in the rain garden to the inlet into the sewer system.

Keinath responded that she has worked on this project for hundreds of hours trying to make the grading plan work because there is the stormwater issue and the issue of not wanting to put fill into the floodplain; they want to take things out of the floodplain with their development. She said they have been very meticulous about the grading. She indicated a portion of the map and stated that it was two or three feet lower than where the pipe is underground, so it is not draining from the surface; and in another portion of the site the pipe has about four or five feet of coverage. Keinath said it is a delicate balance between keeping it low enough and high enough and still getting the gravity outlet to work for what we think is the elevation out in the street.

Clein said right, if it is too low you are not pumping it out in the street. He asked whether they are routing the pipes around the building or underneath.

Keinath said they are all connected as per insistence by the Drain Commissioners Office in order to have two ways for the water to route around the building in case there ever was an obstruction.

Clein thanked her for explaining the physics of the stormwater detention

system.

Keinath said it is one of the most complex hydraulic sites she has ever worked with because of the grade and the stormwater plan.

Clein asked what percentage of the proposal is impervious.

Keinath said about 35 percent pervious and 65 percent impervious, a reduction from almost 100 percent impervious currently.

Clein stated that it sounds like they are reducing perviousness by about 35 to 40 percent. He then asked how long the building will be.

Moore responded that the building will be 260 feet long.

Clein asked whether the residents will get storage spaces.

Moore stated that residents will have the option to have a hydraulic storage box over the hood of their parking space, but there will be no garage or dedicated storage space for each resident.

Clein clarified that there will be no chain link partitions for storage in the garage, so any storage will be up at the ceiling level. He then asked if they had already applied for approval with MDEQ or whether the meeting they referenced was informational.

Moore responded that they had had a pre-application meeting.

Clein said, so even if we give you approval you will still have to get their approval.

Moore said that is correct.

Clein asked how high the retaining wall on the east side is above the adjacent properties.

Keinath said the wall varies from three to four feet and is in the same location as where the existing building walls are now. She said that came about from conversations with the neighbors, who love having the privacy provided by the building wall. She said they don't want to do a lot of grading over here because of the drain, so putting the retaining wall there is the best solution. Keinath added that there will be a privacy fence that is about six feet tall on top of the retaining wall.

Moore said the retaining wall is made out of modular blocks stabilized with geo fabric.

Clein asked about lighting on the site.

Keinath said they are not proposing streetlights and most of the lighting will be around the building and the garage and parking areas.

Clein said he had not seen the photometric plan but assumes there are no issues as he sees no comments from staff. He then asked staff about the conditions proposed for the rezoning and how they are recorded for posterity.

DiLeo said there is a conditional zoning statement of conditions, a document that formalizes the conditions that gets recorded in several places; it goes with the deed, the county, and in every planning file.

Clein said it is not a covenant on the land but it goes with the zoning.

DiLeo said yes and there is a copy in the packet of the conditional zoning statement of conditions.

Clein said if they were to sell the property, the zoning would go with the property.

DiLeo responded yes, the zoning runs with the land, unless a future owner petitioned to change the zoning or the city initiated it.

Bona said someone in the audience mentioned the inaccuracy of FEMA mapping. She asked how the edges of the floodway and the floodplain got demarcated versus what is on the FEMA map.

DiLeo said she is not the best source to answer that question and would defer to Jerry Hancock, the Stormwater and Floodplain Programs Coordinator for the City, who has been going over this plan with a fine-toothed comb along with the County's Water Resources Commissioner because of their interest both in the Allen Creek drain as well as the stormwater management system. She stated that they would know the location of the floodplain and floodway best, or perhaps Keinath with the developer; she could certainly follow up to get the exact specifications if necessary. She noted that she had followed up with Hancock after each time this project has gone through Planning

Commission and each time he said the elevations shown on the maps are correct.

Bona said she has seen the maps at the city which use a broad stroke approach, and asked the petitioner how they had located the floodplain and the floodway from those maps when they were in the field.

Keinath said the FEMA maps have gross inaccuracies, not just in Ann Arbor, but everywhere; it is a difficult job to map the floodplain on every street in America. She said through working with the City and County on the floodplain, they mapped it specifically to the site. She stated that they were able to use the cross-section given by FEMA to determine the elevation of floodwaters on the site. She explained that a cross-section is a specific location where FEMA will map various flood scenarios and then they generalize for the area in between cross-sections. Keinath said they took the two cross-sections on the site that FEMA had hard data for and remapped it so the elevations were site specific. She explained that they have to submit cross-sections throughout the site to the DEQ to show that they are not putting any net fill into the floodplain. She said they have gone through the County, the City, and the DEQ to ensure that the location of the floodplain is accurate.

Bona said they have done a survey to get accurate information.

Moore said yes, they have had surveying done by a licensed surveyor and received a certificate of elevation.

Bona thanked the audience members that came to speak about the floodplain and stated that she felt appreciative of the knowledge in the room that can help the Commission make their decisions. However, she said that site plan review is not the time for those interested in changing the requirements for floodplains to try to affect change. She referenced a draft flood mitigation plan that was written several years ago that City Council never pushed forward; she encouraged audience members to speak with City Council about the Master Plan to change those requirements. Bona said the process to change those requirements would be long, requiring lots of public input, staffing, and funding, but was preferred to voicing concern at an ad hoc basis during site plan review at Commission meetings.

Clein shared the concerns of fellow commissioners about the R4D rezoning. He said the project does have some public benefits such as improving the flooding on site and removing contamination; however, he

feels R4D is sort of like a D2 zoning without the mixed use. He would rather have the potential for mixed use on the site. He said the building at 260 feet and five stories is basically the same size as the City Hall complex, which feels too big for a single family neighborhood. Clein stated that the last time the petitioner came before the Commission he had asked them to break up the massing up the building aesthetically and they have not done so. He said he is reluctant to support this project because of its impact on the neighborhood, but it is not clear cut.

Briere said from her perspective, this is a D2 residential only building. She stated that she has spent her time looking through the guidelines for a planned project; it is a D2 building with an R4 zoning with conditions. She said she is not fond of planned unit developments; she said at least establishing a planned unit development in the downtown we understand the rules and know they have the opportunity to establish civic and community benefits. Briere stated that she appreciates the access to the potential Allen Creek Greenway, the attention paid to alternative transportation, and the care given to mitigating flooding on the site, but she still feels the project is more suitable for the D2 district. She said from her understanding the reason they are not asking for a rezoning to D2 is so as to not expand the downtown boundary, which would be difficult politically, but she does not agree with R4D in a neighborhood that is primarily residential without the possibility of mixed uses.

Clein echoed the sentiments of Briere. He stated that approving this project could set a precedent that could be dangerous.

Briere affirmed that she understands the position of those who say anything would be better than what currently sits on the site and stated that they are right; this project is better for stormwater mitigation, for residential use, for enlivening an area of time, but thinks the use is too intensive, and not varied enough. She said she would have been happier seeing a live-work situation, space for shops, or something that fed into the feel of the reclaimed building across the street on Felch.

Franciscus agreed with Briere and said she believes replacing small businesses with all residential feels like something is missing. She said it makes the neighborhood feel out of balance. She stated that the building is larger than one would expect based on the scale of the surrounding area but she is okay with that; the thing that bothers her is how it is just one thing, it feels disturbing to the area around it. She asked if one were to prescribe a zoning district that is more fitting what would that be.

Clein responded that Briere had mentioned a PUD, or another option is R4C, which allows greater density but less height.

DiLeo explained that they had gone through other potential zoning districts in previous staff reports, comparing the current M1 to R4C, R4D, and D2. She stated that in the area there is office, which allows residential; there is also C1, which allows residential. She said the C1 district is 100 percent FAR; this proposed development is at 101 percent FAR.

Carlisle stated that the first thing that is done when considering a rezoning is to look at the Master Plan; the Master Plan calls for industrial on this site but we can all agree that that is not appropriate. He said they had a lot of internal dialogue with staff and the applicant to determine possibilities for this rezoning and they came up with three options: R4C, R4D, PUD, and D2. Carlisle said they relayed all of the pros and cons for these options. He noted that the applicant decided to pursue R4D after having conversations with staff and understanding existing staff concerns.

Bona said she appreciated that those on the Commission who are uncomfortable with the project are uncomfortable for different reasons. She said from her perspective, the density does not concern her, one of the reasons being that if this will be a greenway, we will need eyes on it, whether it is R4D with conditions or D2, density is fine. She noted that in the Master Plan when they talk about not expanding downtown, they talk about replacing residential for downtown uses, which is not the case here. She cited the Central Area Plan, which has been around since the 1980s, which says not to expand downtown into the residential districts. Bona said she is absolutely opposed to rezoning residential property to D1 or D2, but that is not the case here.

Clein thanked Bona for the history and her institutional knowledge.

Gibb-Randall said she is confused about why it is not a PUD, as it is asking for so many special things bundled into it. She stated that it may be easier for the Commission to get behind a PUD in terms of precedent.

Moore said in their talks with staff, they learned that one of the key principles of the PUD is to accommodate a use that is not otherwise accommodated by the zoning code; their project can be accommodated by the zoning code. He said this project does not meet that condition.

Gibb-Randall asked if that is because of the industrial use on the site.

Moore responded no that they are proposing a development that can already be accommodated by an existing district.

Gibb-Randall said, yes but there are so many conditions attached to it. She asked DiLeo to explain why a PUD would not fit.

DiLeo explained that a PUD is a very powerful tool, it is a customizable zoning district where the uses as well as the area, height, and placement, landscaping, and off-street parking requirements can be customized, but in exchange for great flexibility of customized zoning, one must demonstrate a significant public benefit. She stated that that is a high threshold to achieve. She added that in addition, when one is proposing to build above what is recommended in the Master Plan, one has to provide affordable housing. DiLeo said that conditional zoning is another great tool most effective and only used when you would be limiting the zoning parameters. A PUD is for going beyond the baseline with something unique and original that cannot be done within the existing zoning districts, she explained; conditional zoning is for when you want to limit or reduce the possibilities. She added that the applicant has stated as a planning philosophy that they should not have to do a PUD when they are proposing something so typical, a residential development. She explained that from the applicant's perspective, the zoning code is not ideal, so they are proposing R4D, purely residential, and they are limiting it to alleviate staff concerns about extra height, et cetera.

**On a voice vote, the Vice Chair declared the motion denied. VOTE:
5-3**

Yeas: 5 - Jeremy Peters, Sofia Franciscus, Sarah Mills, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 3 - Kenneth Clein, Sabra Briere, and Bonnie Bona

Absent: 1 - Wendy Woods

9-b [16-0766](#)

615 South Main Street Planned Project Site Plan for City Council Approval - A proposal to construct a 6-story, 229 unit apartment building to include 588 bedrooms, 174 parking spaces (11 at grade and 163 below grade) and 6,200 square feet of retail space. The 19th century brick building at the southwest corner of the site is proposed to be preserved and provide retail space. The petitioners are proposing a planned project to address requirements related to height and front setbacks along South Main Street. (Ward 4) Staff Recommendation: Approval

Jeffrey Kahan provided the staff report.

The Vice Chair read the public hearing notice as published.

PUBLIC HEARING:

Vince Caruso, Allen Creek Watershed Group, said if individuals would like to look at more details on the information that he presented earlier, they can visit his organization's website at acwg.org. He stated that his organization does not support this planned project on several grounds. He said it was indicated at one of the public meetings that three of the businesses have experienced flooding on this site, which could create a flooding hazard for cars parked below ground. He cited examples of flooding in northern Ohio where three people lost their lives as they were trying to move their cars from parking areas located in floodplains. Caruso referenced conversations he had with the floodplain manager for the City about the accuracy of the floodplain maps. He gave several examples of floodplain issues currently being experienced in the City: the City's floodplain manager considers the floodplain maps to be loosely calibrated; a homeless shelter was almost built in the floodway illegally and considerable money and time was lost redesigning it because of the City's negligence; the City allowed development in his neighborhood very close to the floodplain and shortly thereafter they had to come in and bulldoze a woodland, remove several landmark trees, and lastly, the North Main Avalon project was given the green light but after analysis it was revealed that it was in the floodway and had to be abandoned. He said he believes 32 affordable housing units had to be demolished due to that. He stated that he believes this building is out of scale with the neighborhood, it will create a vortex of wind along with the building across the street. Caruso reminded the Commission of their duty to protect the public health, safety, and wealth fare of the public, and he believes flooding is a public safety hazard and they need to help to deter its effects. He said that they tried to get City Council to create a floodplain overlay zone but they denied it and didn't take it up during the budget discussions. He said it is not as though they only make these fights at site plan review; they have led the charge on the Green Streets initiative that the City has taken up, rain gardens and rain barrels.

Ethel Potts, 1014 Elder Boulevard, Ann Arbor, said this is a case we have been dealing with lately—planned projects. She said the setback from the front of Main Street will be a true public benefit, but the D2 zoning is inappropriate for the neighborhood. She echoed the concerns of Caruso regarding climate change and building at the edge of the floodplain. Potts said this is a very bad place to introduce new traffic; any turn in and out of

this location will be very difficult. She said she waits a very long time to turn right to get to South Main Market and can't imagine turning left; she waits a very long time at the lights at Hill and at Madison. She said she understands that the back alleyway will be used to exit but has been in the alley and doesn't think people will be able to drive through it easily. She asked whether the alley will be public or privately owned. She said there are problems that cannot be solved with this development and does not recommend approval.

Ray Detter, Chair of Downtown Citizens Advisory Council, said his group has been involved with various meetings over the course of the project's history to try and make the outcome more favorable. He said they are not taking an official stance on the project because the citizens are making their opinions heard. He stated that he was asked by Rita Mitchell, 621 Fifth Avenue, Ann Arbor, to read portions of her statement to raise concerns she has. He read that she hoped the Commission would deny the project's planned project application because the tradeoffs for additional height are not worth the benefits provided; she is concerned about traffic and the way pedestrians, bicyclists, and motorists will interact due to this development, in addition to safety issues related to traffic and sight distance.

Chris Crockett, President of Old Fourth Ward Association and member of Ann Arbor Preservation Alliance, said she wanted to discuss the petitioner's request to get credit for historic preservation. She cited Chapter 55 of the City's zoning code, reading a portion related to overlay zoning districts: "The intent of this district is for infill development that preserves historic buildings' assets, supports downtown activities, and provides non-motorized connections through preservation of a system of public and common open spaces. New development along the Allen Creek Floodplain should be sited to provide green space on site, and be located in such a way that it will be connected with the green spaces of abutting properties." Crockett stated that this project meets none of these requirements. First, she said, they are calling historic preservation the retention of two walls; second, no common public green space is provided and the green space that is provided for residents is mostly occupied by a swimming pool. She said the swimming pool is a folly as Michigan has at best three months in which swimming is possible outdoors. Crockett recommended pulling the building further back from the sidewalk to create more publically accessible green space. She stated that this would also prevent a steep cliff-like wall from being created along Main Street by this development and its neighbor across the street. She added that doing so would create a better sense of pedestrian wellbeing and promote

better opportunities for retail. Crockett urged the Commission to postpone the vote and send the developer back to work to make improvements: providing real historic preservation, more integrated commercial options, and removing the swimming pool.

Alan Haber, 531 Third Street, Ann Arbor, expressed concern about having sufficient parking for the proposed development. He said in the ideal world for which we all hope, the automobile will be secondary in people's mobility, but currently it is still primary. He stated that one level of underground parking is not sufficient; it sends people out to park in the neighborhoods, which are becoming congested. He also voiced concern over increased traffic due to the development; stating that traffic is already bad in this location. Haber echoed previous comments that the development should accommodate more retail in a location so close to downtown. He also commented on the floodwaters that can occur in his neighborhood, relating to the 221 Felch project, citing a huge geyser that he has seen. Haber said climate change is something that cannot be ignored.

Brandt Stiles, Collegiate Housing Partners, Saint Louis, Missouri, thanked everyone on the Planning Commission, staff, and in the audience for their time and input. He stated that he appreciated the feedback they received at their last development review and said they have been working diligently to address concerns. He said their application qualifies as a planned project for two reasons; the first is for setbacks and the second is for height. He stated that they are trying to increase their setback from the maximum allowed to provide a public benefit. With regards to height, Stiles explained that the site is an irregular shape and restricts the way they can structure the building, so additional density is needed. He stated that the primary public benefit they are offering with their development is first floor retail; they are offering the same square footage of retail as currently exists on the site. He said he is happy that a beloved retailer currently on site will be able to have space in the new development. He added that rebuilding the historic buggy factory, providing 10 feet of additional setbacks off of Main Street, additional parking above the minimum required, a community-wide car share hub, a community-wide bike share hub, increased sustainable design elements, providing a public access easement along the east side of the property for the future Allen Creek Greenway if it occurs, and snowplowing on Main Street are other public benefits provided by the development. He said they could not be more excited about the project and is happy to answer any questions.

Brad Moore, architect, said he has representatives with him tonight from Midwestern Consulting who can answer questions about the traffic impact analysis. He said he wanted to point out a few changes that had been made to the design since the last time the project appeared before Commission. He pointed to additional landscape they have provided along the east alleyway. He noted that they have located their shared parking spots outside of their garage, so any shared vehicle service member can access them. He explained that they lost parking spaces due to the shared vehicle spaces counting for four spaces when they were inside their parking garage. Moore noted that because the shared vehicle spaces will be along Main Street, the DDA informed them that they will need to repave that section of the street and maintain the snow plowing during the winter months; they have agreed to do so. He indicated the location of the shared bicycle parking spaces in a rendering of the development and noted the additional landscaping that will be done near the townhouse units along Main Street. He held up an additional rendering of the interior courtyard for the building. Moore expressed confidence that their pool will be well used as the pool at the development across the street gets plenty of use. He then displayed a graphic showing the floodway and floodplain in relation to the site; showing that their property lays completely outside of the floodplain.

Noting no further public speakers, the Vice Chair closed the public hearing unless the item is postponed.

Moved by Briere, seconded by Peters, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve 615 South Main Planned Project Site Plan and Development Agreement subject to Public Services approval of the traffic impact study.

COMMISSION DISCUSSION:

Briere said she didn't understand how the traffic count at peak hour in the evening is an issue; she would think peak hour in the morning would be the problem. She asked for clarification from staff.

Kahan responded that during the evening there will be extensive outbound or southbound trips, those heading south to the freeway that work downtown, creating congestion backing up from Stadium for quite a few blocks. He said it is true that the inverse will also be congested, northbound trips in the morning.

Mike Cool, Midwestern Consulting, said although you might get more

people leaving the site in the morning, there are more people headed southbound in the evening, which causes more delays for people trying to turn left out of the site.

Briere asked whether the traffic impact study only looks at left turn delays.

Cool responded that left turns drive the longer delays.

Briere said that in the morning, when many cars are coming into Ann Arbor, if a driver is attempting to leave Mosley by turning South, they would have to cross the heavy incoming traffic.

Cool said yes, but there are less cars traveling southbound in the morning, so the calculations show the delay is less in the morning than in the evening for that scenario.

Briere said it would have been helpful to include peak hour morning and evening left and right turns in the staff report, as the traffic impact analysis report is very dense.

Mills said she was the one with lots of traffic questions last time, but has less this time, as the report addressed many of them. She said she believes as this development will be market rate, many of the residents will be associated with the university, and as such, won't need to rely on cars to get there because it is two blocks away, so she is not as worried about traffic. She expressed concern over the east driveway and how people will be using it and whether parking will be necessary there. Mills said it would be a far better benefit if it were entirely pedestrian focused, especially given its proximity to the Allen Creek Greenway.

Moore said they are envisioning the alleyway more as a shared pavement; the amount of vehicle trips will be minimal as only eleven vehicles will be assigned to this space. He said they received considerable feedback from neighbors about having enough parking for the development on site so that it doesn't spill over into the rest of the neighborhood, and the use of the alleyway for parking is a response to that. Moore stated that the pathway is marked with brick pavers, so it will be perceived as more of a pedestrian, non-motorized walkway, and it will be landscaped on both sides.

Stiles said in regards to enforcement of the restrictions on vehicles in the pathway, from an operational perspective, the spots will be leased so as to monitor who uses the pathway. He added that the easement agreement

with the gas station only allows the egress of tenants, which is another reason to restrict access via a gate.

Mills asked if the easement allows public pedestrian access.

Stiles responded that the easement agreement with the gas station does not speak specifically to pedestrian access, but as they are allowing the developer to install a six feet paved walkway through their property, they are allowing pedestrian egress through their site. He added that they are allowing public access through their portion of the pathway.

Moore added that they are clearly delineating the space for pedestrians versus the space for cars with color stamped pavers.

Mills said she is on the Citizens Advisory Committee for the Allen Creek Greenway project and has walked through that area and finds it very difficult to navigate as a pedestrian. She said the idea of paving that to demarcate it for pedestrians makes sense and appreciates that effort. She expressed appreciation for the developer taking the time to listen to concerns and by providing additional parking. She stated that they are still above the parking requirement even without the eleven spaces in the pathway. Mills asked if there was any other reason to allow vehicular access in that pathway because she would prefer to see it as a non-motorized pathway. She stated that to her, the community benefit would be greater if it were more of a green space than just an alley, and thus, the project would be more appropriate for the planned project approval.

Stiles said that is a difficult question because they want to provide a pedestrian thoroughfare adjacent to the Allen Creek drain. He stated that the vehicular traffic from those eleven leased spots will be next to nothing.

Moore said the pathway they have designed is the compromise they are most comfortable with.

Mills asked what they feel the compromise is that they are making.

Moore said they are meeting the additional need for parking expressed by neighborhoods while providing a pedestrian pathway.

Mills stated that she appreciates that effort but does not feel the eleven parking spaces will make much of a difference. She said having a completely pedestrian pathway, and a pervious one, given the location,

might be a better use of the space.

Clein said Mills make a strong point. He added that the pathway does not connect to anything and it sounds as though there is not actually a public access easement going all of the way to Madison, which is what he thought was the case the last time this project appeared before the Commission.

Peters asked whether the petitioner could address their response, or lack of response, to the comments received from the Design Review Board (DRB). He stated that the DRB had asked about opening up the courtyard to the public and breaking up the massing of the building. He also asked about the courtyard and whether it will be located on top of a parking structure, at street level, and the possibility of having more space for retail.

Moore responded that the site slopes downwards as you move away from Madison, so you are almost five feet above grade at the corner of the site toward Madison, and inches from grade near Mosley. He said you drive in at the first floor level and descend into the basement level. He stated that the courtyard is elevated. Moore explained that the building is designed to sort of cocoon the courtyard from the noise of traffic on Main and the noise from the industrial and railroad uses on the other side.

Peters said he liked the comments given by the DRB about breaking up the massing on Main Street and allowing for more retail frontage to make the pedestrian experience better, but understands why the developer had to design the building the way they did.

Franciscus said she likes what is being proposed for this site far more than what is currently on the site. She expressed the desire to have the old buggy factory better preserved but is glad it is being retained at all. She said she can appreciate the DRB's concerns but now understands the desire to create a sort of oasis for residents with the courtyard; she believes this will be of great value to them. Franciscus said she is pleased that there will be abundant retail space on site. Overall she finds the proposal improved from last time.

Milshteyn asked how much of the buggy factory is being preserved.

Moore stated that they are preserving the two-story façade section that faces Mosley; there will be a new structure built about ten feet back from that plane so it is not just a stage set type of preservation. He said on the

Main Street, they are keeping the original façade without the aluminum addition that was added when the site was a car dealership, and restoring certain features that were removed through the years. He stated that on the Main Street side the new building will be set about seven feet back from the original façade. Moore added that there will be space for outdoor seating on both sides.

Milshiteyn asked whether the interior will be preserved at all.

Moore responded no, because the interior is structurally dubious.

Milshiteyn asked about entrance and egress from the site through the gated alleyway and whether only those who were assigned parking spaces there.

Moore responded in the affirmative.

Milshiteyn asked whether that alleyway is also the pedestrian walkway.

Moore explained that the one way drive is a shared pedestrian-vehicular pathway. The pavers will be on the one-way drive, showing where people will walk versus where the cars will park.

Milshiteyn asked whether there will also be a gate at the end.

Moore responded in the affirmative.

Milshiteyn asked how many parking spaces will be located in the alleyway.

Moore said there will be eleven spaces.

Milshiteyn echoed the comments of Mills, he wonders how safe the shared pathway will be, and how comfortable pedestrians will be walking right next to cars.

Bona said she was not present the first time this development went before Commission and apologizes for any redundant questions she has pertaining to the requirements for a planned project. She referred to the staff report and cited the usable open space requirement. She said she shared concerns that the private interior courtyard does not qualify as open space as a public benefit; she said that open space is required for an apartment complex anyway. Bona also said she is skeptical about the desirability of the courtyard as it is enclosed and will not receive as much

sunlight as a courtyard open on one side would. She asked staff whether a planned project has exceptions for setbacks as well as height.

Kahan said yes.

Bona said it seems like they are asking for an additional setback as a planned project deviation, but then also citing that as a public benefit, which is illogical. She stated that in the D2 district, they don't like big setbacks because they want an urban environment, so giving additional setback is not necessarily a benefit; strategically locating a setback she might be able to accept. With regards to the natural feature preservation, she asked whether they are doing something for stormwater preservation in excess of what the City is asking for; she said all projects that come before them are already required to improve stormwater management, but a planned project should be going beyond that.

Moore said they are offering improvements by decreasing perviousness on site and doing stormwater retention for their impervious area.

Bona said yes, but you are not going beyond what you would be required to do on this site without the planned project status.

Moore said they are having more open space and therefore having more infiltration.

Bona said yes, they are improving stormwater management on site, but not to the level necessary for conferring planned project status, in her opinion. As for preservation of architectural features, she stated that she found the ten foot setback on the buggy factory lame, and not quite enough to constitute preservation. She said she does not know what they mean by solar orientation and readiness; having a flat roof and putting a few mechanical units on the building makes any building solar oriented and ready. Bona stated that she would like to see more specification on how the building will be solar ready, the kilowatts of those mechanical units and how that relates to energy usage, for example. She stated that their intention to be 15 percent better than the ASHRAE standards of 2007 is not impressive as there are many communities in this country that are under the ASHRAE standards of 2013 as their base minimum in code. She urged them to reconsider that number or consider meeting the 2013 standard, which would be progressive for the State of Michigan. She said she is trying to find a public benefit that justifies the height and added setbacks. Bona stated that pedestrian-oriented design is a given on this site due to its proximity to downtown and is not an added benefit.

She asked what percentage of the building's total footprint will be devoted to retail. She said the shared vehicles are a very good thing. She asked whether they are providing any EV charging stations.

Moore said yes.

Bona said you might want to consider adding more conduits so that number can be increased. She echoed Mills' desire for the back alley to be pedestrian only. She asked staff whether there is residential permitted parking in the neighborhood surrounding this site.

Kahan responded that the City has a residential parking permit program in the Old West Side.

Bona said there is no parking issue in this neighborhood then relative to this development, as you can't get a permit in those neighborhoods.

Moore said he takes the concerns voiced by those neighbors at face value. However, he said he will make a note to see if the eleven parking spaces in the pathway can be deferred so they would not be installed unless needed.

Bona said that would be a good solution and something she would consider to be a public benefit on this project.

Moore said three percent of the development will be devoted to retail.

Bona stated that she was extremely disappointed in such a low number. She said there was a real opportunity to provide more retail than already existed on site with this development.

Gibb-Randall said car access was smartly designed with regards to the floodplain. She asked how much higher the drive is compared to the flood fringe.

Moore said four feet.

Gibb-Randall said the building is a bit fortress-like being completely enclosed. She said there is a section of the building along the Mosley side, to the east of the driveway, where they could open up the building. She said it would provide solar access to the courtyard and would feel more porous to the community. She also clarified that the project across the street, 618 South Main, was approved for 85 feet but was built at 75

feet. She said the reasoning the petitioner gave in their comments was incorrect; their open space was actually put on the other side not to keep it away from Main Street but to ease the transition into the Old West Side. Gibb-Randall said she knows what this project is facing on Mosley Street is backyards, but it is still residential; she asked them to consider those same issues with regards to open space.

Briere said as a planned project, this development fits into the restrictions of D2; but several members of the Commission clearly have an issue with the building, whether it is the lack of openness, the irregular setbacks, or the lack of pedestrian amenities. She said she wanted to give an additional rationale for opening the courtyard; the part of the building that bothers her most is that it is a capsule, not open to the broader community, except for the small corner retail spot. She said that ideally when adding residential within D2 zoning the goal is to enhance the residential neighborhood experience. Briere said that she wants those from the Old West Side walking past the building to enjoy it and feel good about it. She said that this area is not the central downtown; it is a neighborhood with parks and schools. She stated that the design of this building intentionally protects residents from experiencing the neighborhood and becoming integrated into the Ann Arbor community. She added that she also takes issue with the unvarying height; she would prefer to see the building shorter along Main Street and taller near the railroad tracks. Briere said the unvarying height creates a monolith. She stated that she would prefer to see a better use of a planned project.

Bona asked if they could ask the petitioner if they would be interested in taking more time to revise the project.

Clein said yes, but he wanted to make a comment first. He echoed the sentiment of Briere that the Commission hopes to have every building they approve enhance the quality of life in Ann Arbor. He said the discussion that has taken place tonight is not searching to find a reason to shoot the project down but trying to identify what benefits the project will bring to the community. Clein said other than the eleven deferred parking spaces, he does not see an overwhelmingly huge benefit that justifies this planned project and the added height it is asking for. He stated that the treatment of the buggy factory is not ideal and it is possible that depending on how they build, they might not be able to save those two walls. He asked the petitioner if they have interest in having more time to respond to comments.

Moore said they have contractual obligations that do not permit them to

delay further. He stated that they are willing to make that eastern pathway more pedestrian-focused.

Mills said she does not have a sense of whether we should postpone or not. She stated that the deferment of eleven parking spaces does not give her confidence that this alleyway will be a community benefit for posterity and as such does not meet the criteria for a planned project in her opinion.

Moore said the gates would not be installed if the parking were deferred.

Stiles asked where Mills needed clarification still.

Mills said her concern is that if it is built as if there is a possibility for future vehicular access then it will look different than if it were designed for pedestrian use only.

Stiles responded that the design will be determined by whether there is a vehicular easement on the gas station site to the north or not. He agreed that from a public benefit perspective it makes more sense to have a pedestrian only alleyway. He explained that they were attempting to appease multiple parties by putting more parking onsite and there is a financial loss by eliminating those parking spaces, but he would be open to removing them permanently.

Clein said commissioners will have to decide if that concession warrants a sufficient public benefit for planned project approval.

Peters asked if someone would be able to calculate how much this pedestrian only pathway would increase the perviousness on site.

Mills said about 2,750 square feet of additional perviousness.

Gibb-Randall said if it became a pedestrian walkway there would be additional landscaping as well.

Moore clarified that by removing the parking spaces there would be 6,000 square feet less imperviousness on site.

Briere asked whether the eastern façade could be changed due to this green walkway, because she finds it uninspiring. She asked if there is a rendering showing the vegetation currently planned.

Moore replied that he did not.

Briere said she would not find this pedestrian walkway to be a sufficient amenity unless it were also attractive and felt more like a place people wanted to be than an alleyway behind a building. She acknowledged the petitioners concessions to take care of the snow removal on Mosley and to move the shared vehicles outside of the parking garage so they are accessible to the larger community, but stated that if the eastern façade is not improved she still does not see sufficient public benefit to grant approval of their planned project.

Stiles said there is landscaping proposed against the building. He said by removing the parking spaces they would add more landscaping. He stated that the intent is for it to be a very attractive thoroughfare.

Briere stated that she hopes the gates would be removed.

Stiles responded that without cars the gates would be removed.

Clein said the question before them is whether this pedestrian walkway is a sufficient public benefit for them to approve the planned project status.

Gibb-Randall asked to see the aerial to get a sense of how the site connects with other streets in the neighborhood. She said as a biker she finds it uncomfortable to bike down Main Street, so she can envision biking to Mosley then taking the pathway and continuing onto Fourth from Madison. She stated that she does not feel that it is part of a future greenway, but it does provide utility.

Clein stated that if the greenway does develop there, this alleyway would be an enhancement, but without the greenway, this pathway feels a bit isolated. He said on his list as a public benefit is the preservation of the buggy factory in a more significant way, but he doubts whether the petitioner would be willing to so dramatically alter their design.

Briere added that doing so would add the varied height along Main Street that she is looking for.

Clein wondered if they will look back and think wow, it's great that we constructed this pathway, or will it be like Ashley Mews, a little traversed public space.

Mills asked if staff can explain further how the Allen Creek Greenway

could link with this pathway.

Kahan said it would be premature for him to say how this pathway would link with the greenway. He stated that the Allen Creek Greenway planning process is in its initial stages. He explained that the closest thing they have to a determination of the location for the greenway is in the City's non-motorized plan which shows a thin line along the railroad right of way that is identified as the future site of the Allen Creek Greenway. He stated that if this pathway had permanent pedestrian access that would be a plus. Kahan reminded the Commission that the gas station has a role to play as well, it sounds like they are willing to give a 20 foot vehicular access easement and potentially a pedestrian easement for residents.

Stiles clarified that if there were no vehicular access along the pathway, the easement with the gas station would be eliminated.

Clein said the implication of that statement is that there would be no pedestrian access easement along the gas station site.

Stiles responded yes. He said they wanted to be fully transparent about this.

Clein thanked Stiles but said that information diminishes the public benefit of the alleyway as it will not connect to Madison.

Moore noted that the Drain Commission have an easement across the gas station property to maintain the Allen Creek Drain, so there already is a public access easement of sorts over that section of the path.

Bona said she is thinking very hard about how the pathway can satisfy the benefit for this project. She said she cautions the Commission to be shortsighted about the lack of connectivity, twenty or thirty years from now things may be different and if we don't set up this pathway we will have missed an opportunity. She said she believes this may get connected sooner than that given the energy behind the Allen Creek Greenway project. She explained that even if the greenway ends up being on the other side of the tracks, this pathway could provide a pedestrian connection for the people living in the Old West Side. Bona said she would have liked to see a landscaped plan, but suggested that in the memo to City Council the Commission should stress that Council should look carefully into landscaping.

Clein echoed the statements of Bona and advised the petitioner to

present a landscaped plan to Council as well as consider how they might vary the height of the building, preserve more of the buggy factory, and let more light into the courtyard by opening up the building.

Mills proposed to amend the motion as read “and subject to redesign of the eastern drive as a pedestrian amenity and to eliminate vehicular access.”

Moved by Briere, seconded by Milshteyn, to amend the motion as read “and subject to redesign of the eastern drive as a pedestrian amenity and to eliminate vehicular access.”

COMMISSION DISCUSSION OF AMENDMENT:

Briere said this pathway could be characterized as an amenity, but the question remains whether it is a sufficient amenity to warrant approval of the planned project. She stated that creating a positive pedestrian experience for tenants is a positive opportunity and is happy the petitioner is taking it.

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

Yeas: 8 - Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, Bonnie Bona, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 0

Absent: 1 - Wendy Woods

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** **16-0767** Windy Crest Partnership Annexation and Zoning for City Council Approval -
A request to annex this 8.48-acre single-family parcel from Ann Arbor
Township, located at 305 Meadow Creek Drive, and zone it R1A
(Single-Family Dwelling District). (Ward 2) Staff Recommendation:
Approval

Ben Carlisle provided the staff report.

Vice Chair Clein read the public hearing notice as published.

PUBLIC HEARING:

Kevin Malley, 310 Meadow Creek Drive, Ann Arbor Charter Township, said he wanted the Commission to be aware that there would be safety and traffic issues in putting any kind of home on this site; they would need to be addressed with a holistic plan. He said Geddes Road is narrow with no shoulders, no dedicated bike lane, and those who live there have to drive. He stated that coming from Windy Crest to Geddes is dangerous as a pedestrian and driver because there is limited sight distance. Malley reiterated the environmental and storm water impact of building in the floodplain and fringe. He stated that his primary concern is pedestrian safety and traffic. He noted that the speed limit is 40 miles per hour on Geddes while it is only 35 miles per hour heading south on Huron Parkway.

Paul Morel, 703 Berkshire Road, Ann Arbor, President of the Windy Crest Partnership, said this company owns the 22 acres surrounding the site and the 8.4 acres is what remains. He echoed the concerns of Malley about the speed concerns of Geddes. He stated that he lived on Windy Crest for 15 or 20 years. He said the parcel contains perhaps 1.5 acres that can be developed from the 8.4 acres, or one house. He stated that

due to the lot lines, the house could access the utilities of the City and be developed, but not in the township. He noted that the other side of the road is parkland. Morel explained that they bought the land in 1986 to protect the area, making it one acre plus lots, and has been a nice community. He expressed his support for the annexation to finalize this development.

Joe Huczek, Main Street Homes, future builder and representative of the potential buyer of the property, said he just completed a home on Windy Crest this past year and agrees that its intersection with Geddes is a bit scary, because you are right on the edge of the s turn. However, he said, the driveway of the potential home will be about 500 to 600 feet west of where Windy Crest intersects with Geddes, which makes a huge difference in terms of sight line distance. He added that the driveway for this residence will be directly across the street from the Gallup Park entrance, which means cars will be slowing at this point along the road. He said the potential home will be constructed completely outside of the floodway and floodplain. Huczek said they had their surveyors do their testing from a specific point a neighbor indicated was the highest he had seen floodwaters reach during his time living there. He said the home will be elevated at least two feet above any potential flooding. He stated that the only way to enter this property would be to have a driveway on Geddes.

Noting no further public speakers, the Vice Chair closed the public hearing unless the item is postponed.

A motion was made by Gibb-Randall, seconded by Mills, that The City of Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Windy Crest annexation and R1A (Single-Family Dwelling District) zoning.

COMMISSION DISCUSSION:

Gibb-Randall said she looked at the County's floodplain and wetland maps in GIS and the only buildable area on the property was a tiny portion on the east side. She stated that she is having a hard time understanding how you would get a driveway paralleling Geddes Road coming out.

Huczek said the buildable area is actually on the west side. He referred to an image showing that they would build the house high on a hill. He said there are small areas where the driveway that goes through the floodplain, but not through the floodway.

Gibb-Randall said to keep in mind that a couple of years ago the creek rerouted itself.

Clein said this discussion should not center on the design of the future home but on the annexation and zoning of the property.

Gibb-Randall wondered why they would annex a site where building is untenable.

Clein said that was not their concern, they are only agreeing to provide the site with services should anything be built there in the future.

Huczek said they used Atwell Firm, a reputable firm, and have invested significant time and money into the feasibility of building on the site and they are confident that they would in fact be able to build a house here.

Carlisle reiterated the Clein's statement that this is an issue of an annexation and zoning and not a single family site plan at this point. He explained that if it is annexed by the city and zoned R1A, they will still have to go through all of the necessary requirements in terms of building, engineering, stormwater and access review.

Gibb-Randall said there are no stormwater requirements for a single family home.

Carlisle said they have to meet the flood requirements and building code requirements.

Huczek said they have met with all the departments in the City.

Bona asked whether there is a house on this property currently.

Carlisle said no.

Bona asked what this well they are hearing about is.

Carlisle responded that there is a temporary well on site until the City were to extend utilities.

Bona said at this many acres in theory it could be subdivided into multiple lots, but would be subject to approval.

Carlisle said yes but given present conditions on the site, subdividing it further is unlikely.

Peters thanked everyone for their comments on pedestrian and bicycling safety and said while he does not think they will be able to address them at this meeting he is glad they are in the public record.

Milshteyn asked why they need to be annexed into the City.

Clein said for a more favorable zoning designation.

Carlisle said it is a policy to do annexation in order to receive City utilities.

Milshteyn asked if they need City utilities.

Huczek said City sewer is available and due to the site specifications, they would be unable to install a septic system; thus accessing City utilities is necessary to build on this site.

Carlisle explained that they do not extend City services to property outside of the city.

Milshteyn asked about the plan for water.

Carlisle said there are plans to connect water at a future time.

Mills agreed with the lack of safety in traveling along Geddes by bike or on foot. She asked Briere if it is accurate that the City is planning to take care of some washout there.

Briere said yes.

Mills responded that she is surprised that there would be plans to take care of washout without adding additional space for pedestrians and cyclists, because it is such a dangerous stretch.

Briere responded that she agrees completely. She said that the majority of parcels in this area including the road are not in the City. She said it is the City's policy to annex as many parcels that are within the freeway ring as possible. She stated that as they begin to annex properties in this area they can begin to address issues such as the sidewalks and slope of Geddes, pedestrian amenities such as safe lighting, and more. Briere

said many people would like to be able to walk or bike to campus from this area, but it does not feel safe. She explained that terrain and the interface between Township and City are the biggest obstacles to safety in this area. She stated that these concerns are the same as the ones expressed the last time the South Pond Village project came before the Commission.

On a roll call, the vote was as follows with the Vice Chair declaring the motion carried. Vote: 8-0

Yeas: 8 - Kenneth Clein, Sabra Briere, Jeremy Peters, Sofia Franciscus, Sarah Mills, Bonnie Bona, Alex Milshteyn, and Shannan Gibb-Randall

Nays: 0

Absent: 1 - Wendy Woods

10-b [16-0768](#)

Master Plan Review - Once a year, the Ann Arbor City Planning Commission and Planning & Development Services Unit review the City Master Plan. The City Master Plan is a collection of plans, or “elements,” that work together to describe a vision for the City’s future and guide decisions about its land use, transportation, infrastructure, environment, housing, and public facilities. The adopted plan elements can be found on the City’s website at www.a2gov.org/masterplan <<http://www.a2gov.org/masterplan>>. As part of its annual review, the Planning Commission is seeking comments about the City Master Plan, including elements that should be studied for possible change or new elements that should be added to the master plan. This information is important to the Planning Commission in setting its work program for the upcoming fiscal year. Staff Recommendation: Postponement

Clein noted that as the hour was now past eleven they would need to vote to continue the meeting.

A motion was made by Briere, seconded by Mills, to continue the meeting. On a voice vote, the Vice Chair declared the motion carried.

COMMISSION DISCUSSION:

Briere noted that there was no one left in the audience to address the Commission on the very important issue of the Master Plan Review. She proposed postponing the public hearing for the Master Plan Review.

A motion was made by Briere, second by Peters to postpone the public hearing to the next meeting. On a voice vote, the Vice Chair declared the motion carried.

11 **AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)****12** **COMMISSION PROPOSED BUSINESS**

Bona said it is possible that she will no longer be serving on the Planning Commission by the time the downtown premiums come before the Commission again. She stated that she recently attended a conference where stretch code for municipal governments was proposed. She said it is in its draft form but she will try to get a copy to the Commission for consideration.

13 **ADJOURNMENT**

A motion was made by Peters, second by Milshteyn to adjourn. The meeting was unanimously adjourned at 11:08 p.m.

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).

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