



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, October 17, 2017

7:00 PM

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

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

Chairperson Ken Clein called the meeting to order at 7:02 p.m.

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 8 - Woods, Briggs, Clein, Mills, Gibb-Randall, Trudeau,
Weatherbee, and Ackerman

Absent 1 - Milshteyn

3 APPROVAL OF AGENDA

Moved by Commissioner Mills, seconded by Commissioner Trudeau, to approve the agenda as presented. On a voice vote the Chair declared the motion passed unanimously.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

[17-1701](#) City Planning Commission Meeting Minutes of August 1, 2017

The minutes were unanimously approved by the Commission and forwarded to City Council.

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

6-a City Council

Councilperson Ackerman reported that City Council at their previous meeting had taken action on Ground mounted solar, a Sister ordinance to Medical marijuana, the DTE Sub Station on South State Street was passed unanimously, and the Library Lot's amendment presented earlier this year, which added a condition that the City's bond counsel issue a binding memo that certified that the City was not violating Build America bonds, and that opinion was provided, backed by professional certification of Dykema, and the Internal Revenue Service audit has been closed.

6-b Planning Manager

No report.

6-c Planning Commission Officers and Committees

No Report.

6-d Written Communications and Petitions

[17-1700](#) 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.)

AUDIENCE PARTICIPATION:

Jeff Hayner, 1807 Pontiac Streetl, Ann Arbor, thanked Commissioner Briggs for her thoughtful remarks about respecting the residents and the Master Plan recommendations. He questioned if traffic studies are being

included in aggregate, because he felt that traffic studies consider aggregate comments, but didn't know if they are cumulative. He asked about the price of development and the measure of costs associated with development and the growth of the City as it relates to cumulative measure.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Lenart noting that the Treeline Master Plan would be coming before the Commission at their next meeting.

9 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.)

- 9-a** **17-1696** The Cottages at Barton Green Site Plan for City Council Approval - A proposal to construct 225 dwelling units ranging from 1 to 6 bedrooms with 716 total bedrooms. 559 parking spaces are proposed, as well as a 9.86-acre park at the western end of the site, located at 2601 Pontiac Trail. The project will also include a clubhouse, pool, maintenance building, volleyball court, basketball court, and tennis court. Primary vehicular access will be from Pontiac Trail. A Wetland Use Permit is also needed. Staff Recommendation: Postponement

City Planner, Jeff Kahan, presented the staff report, explaining that the North Sky development is adjacent to this site.

PUBLIC HEARING:

Deborah Katz, 605 Skydale, Ann Arbor, asked who benefits from this neighborhood since there are no commercial uses and the housing is

mixed. She said the proposed Cottages at Barton Green, are targeted to young people, who are just learning to live away from home. She asked why it makes sense to locate students here, since these students will have to commute for everything, and student residents have little in common with families that surround the site. Katz said this development makes no attempt to provide affordable housing and she urged the Planning Commission to reject this project. Katz continued that she is supportive of development that extends her neighborhood, but not with rental bedrooms.

Laura Stowe, 1327 Broadway Street, Ann Arbor, said the residents near Cottages at Barton Green bought their houses expecting a quiet neighborhood area. The residents expected that development would be happening, but not what is now proposed; an undergraduate atmosphere. Stowe said they are getting the worst of this population, students who choose to live far from campus. She asked that other student housing options be added, along with screening from outdoor areas, and that the Planning Commission should mitigate for impacts.

Tracy Jensen, representing her parents who reside at 2373 Hilldale, said her children walk through this area from school to go to their grandparent's house. She stated she had seen the whole site plan and questioned the lack of diverse housing. As an attorney, She feels strongly about providing more affordable housing for seniors and barrier free housing; she would like to see more than a token few units with low lights switches. She also brought concerns about stormwater and traffic, noting that last year she was involved in Parent Teacher Organization (PTO) where many have worked hard to improve safety, adding that it needs to be watched.

Gray Cichy, 607 Kellogg Street, Ann Arbor, stated she is not a fan of this development. She asked about rental/lease costs per bedroom, adding that other developments are prohibitively expensive. She asked about the bus situation, noting it was confusing to her that this development isn't close to any campus so why put students in with family housing? She asked about plans for diverse housing in this proposed development and if there will be space for students with families or non-student families or the disabled.

Ed Dawson, 473 Skydale Drive, Ann Arbor, explained how for the last several years he's gotten by without a car, and being a University of Michigan retiree, he's lucky to have a bus pass as well, and he's healthy enough to bike or walk to many locations. He expressed concern about

bike safety, since statistically, younger drivers are higher risk drivers; right now, only occasional drivers get close to him, and he's concerned about increased drivers, and if it becomes dangerous, he'll buy a car. Dawson said he'd prefer upper classmen, grad students, and visiting scholars come to the neighborhood.

Maria O'Connell, 2936 Bateson Court, Barton Hills, spoke on behalf of the Bateson Court Association, expressing concern about what type of housing is being proposed in a residential area. She asked for the development type to be changed, because she felt children won't be able to visit the site, as it will likely be off limits. O'Connell said the construction activity is troublesome, and impacts enjoyment of her property; she also expressed concern about the impact on wildlife.

Susan Mumm, 2416 Arrowwood Trail, Ann Arbor explained how she was instrumental in blocking the Huron Parkway extension, and she came to protest the proposed development, because she feels it's going to adversely impact quality of life for the area, for years to come. Mumm stated students living in this development will not be able to walk to campus, having to rely on a poorly run shuttle service that will decline in service, the occupants will turn to rely on vehicles, which will increase traffic congestion on the roads.

Al Vair, 801 Barton Drive, Ann Arbor, said his children have gone to school in the neighborhood, and he couldn't believe that the proposed development would be for undergraduate students. Vair said these people would bring their boom boxes, creating a tipping point; it would lower property values. He stated this is ridiculous, and he is opposed to it.

Kate Pepin, 376 Larkspur Street, Ann Arbor, said she came to speak about development relative to traffic and the definition and fallacies about the proposed shuttle. As a certified university Planner, she said she was familiar with other Trinitas developments, pointing out that the company is building 559 parking spaces, 100 more than are required. She said residents will self select as to who drives, since there are no services within the community, trips to campus will be by car. Pepin said the developer estimates that only 17% of residents will ride the shuttle; why is shuttle service estimated so low? Pepin reviewed comments from student tenants in other Trinitas development, in Bloomington, Indiana, where they expressed negative feedback about inadequate shuttle service at that location. She expressed the importance of listening to constituents as well as feedback from residents in other developments built by Trinitas.

Seth Anderson, spoke on behalf of his parents at 322 Skydale Drive, Ann Arbor. He said they moved into their home in 1986, and he and his siblings played in the woods across the street, adding that many people have lived in their homes for many years. Anderson expressed concern about partying people, drinking alcohol and bringing crime. He asked about stormwater run-off from the site, and if the proposed park will be open to the public and if it will be kid-friendly. He stated the traffic is already difficult and this [proposed project] is going to make it worse. He's had to stop twice for kids crossing the street. Anderson expressed concern about property values of existing homes.

Rebecca Arends, 2787 Arrowood Trail, Ann Arbor, said she's a longtime resident, and has concerns about the student factor. She'd like to see a coffee shop, or small neighborhood store move into the neighborhood, adding that it would be better to have people investing in their neighborhood, instead of rentals. Arends said they've had domestic violence issue, where it has taken police a long time to arrive. She said nuisance abatement is a huge issue in the City, and with the proposed plan, they won't be able to monitor this development. Arends noted that many neighborhoods are low income, and crossing the street is troublesome; they don't want another Justin Tang.

Tom Stulberg, 1202 Traver Street. Ann Arbor, stated he's lived in the neighborhood for 22 years, and as a landlord and former developer, with rental properties in the neighborhood, he knows the north side has been known for being diverse, and now they're about to get something different - this mono culture that doesn't fit the neighborhood. He said their tenants blend into the neighborhood, but this development will be unique and unexpected to the neighborhood, and it's hard to say how one could possibly welcome this development into the neighborhood. He asked what happens if this type of mono culture doesn't work, or if the shuttle doesn't work or the developer sell the property; how many cars that come and go wouldn't be impacted by a shuttle if the use changes?

Ken Garber, 2387 Hilldale, Ann Arbor, Huron Highlands Homeowners Association, quoted the American Planning Association (APA) policy guide on Smart Growth and said that the project, The Cottages at Barton Green, mocks urban form; all of the existing neighborhoods are diverse, stable, neighborhoods. Garber said they are proposing a partial remedy, referring to Trinitas' recently completed development in Oxford OH., where they've incorporated 22 single family homes, clustered together, in addition to the cottages and townhomes. Garber said they believe

Trinitas should do the same here, and provide a written commitment to market to regular families; the density would be slightly less, but would be greatly improved by adding single family homes, and there would be an entire park to take pressure off the Highland's Park. Garber said they are withdrawing an earlier request for the pool to be moved, but would like additional information on the sound wall. Garber noted there should be no construction access on Skydale Drive, and it should be added to the development agreement, adding, years ago, a proposal was provided, which failed. Garber stated this is a naked money grab, which is destined to be a playground for undergrads.

Ralph Katz, 605 Skydale Ann Arbor, said he has seen his neighborhood evolve, now with more children at the other end of the neighborhood. As a computer systems analyst, he'd like to deal with certainties; however, he thinks this plan has a lot of uncertainties. He asked if AAATA has been involved in the planning activities, noting transportation concerns. He expressed support for the park, adding that the likely use is minimal because of its' proximity to the highway. He was in support of putting in sound abatement, and would like to see an acoustic study that would explain how they would be impacted. Katz asked what recourse neighbors would have if people were to tamper with the proposed gate closure.

Patrick Bigelow, 320 Larkspur Street, Ann Arbor, said until recently, he had been a long term academic at Michigan State University (MSU) which gave him insight into a wide variety of living experiences. He encouraged the Commission to visit other apartment complexes in Ann Arbor to see what's being proposed. He said the shuttle is always at capacity, because it runs infrequently, and every major shopping center within a mile has cars parked in it, along with nearby neighborhoods; while vehicular traffic is restricted, he believes it will be a pathway for students to park in the neighborhood. Bigelow said the cost of these apartment units will indicate people with cars.

Karen Johnson, 333 Skydale, Ann Arbor, asked where all the extra cars are going to park; on our street, in front of our houses? Johnson said with only 50 feet between her house and the adjacent duplex, she is worried about noise and partying. She cautioned for extra costs to have cars towed, as well as noise complaints. Johnson explained that the retaining pond locations had to be moved, and now they are being asked to drain 40 acres of land into one creek. She asked about the cost to the City, and if sump pumps will be necessary.

Jane Pollock, 549 Skydale, Ann Arbor, stated that her property is

approximately 50 feet from the proposed Cottages of Barton Green project, noting that her neighbors and her have been contributing to our community, raising children, single people, all living here because it is quiet, away from the bustling downtown, and now we are building in areas without infrastructure to support it; the traffic during rush hour is already a safety issue. She said this project is morally indefensible, and I think you would feel the same way if 763 students were going to move into your neighborhood. She asked the Commission to please have Trinitas reconsider.

Erin Bigelow, 320 Larkspur, Ann Arbor, expressed concern with the targeted student population for this development, concern for kids playing, and less than stellar drivers. She said the developer is proposing that 2 percent of the population will walk to school, which is about 2 miles. Bigelow noted in previous developments the developer has built single-family houses, which would be nice to include in this development. She said living near the end of Larkspur, it is already very wet, even in mild rainstorms, and she expressed concern if stormwater from North Sky would be routed to Barton Green, to the creek. She stated the WCWRC regulates the water flow, which is a big concern for her.

Joseph Kastely, 431 Skydale, Ann Arbor, said he was going to read an angry letter, but he couldn't improve on the eloquent comments from his neighbors. He said this is the wrong project for the location.

Arnt Danielsen, 540 Manor Drive, Ypsilanti, said he was proud of his neighborhood and when he looks at crime reports he sees there has been one incident, and now you want to bring in students. He said, please try to change this!

Noemi Barabas, 527 Barton Drive, Ann Arbor, said kids go to STEAM School, and she is worried about every point that was brought up by previous speakers, adding, this is a no brainer; there is nothing but bad predictions, and she thinks they all will come true. Barabas said students already have more than enough opportunities, and even if they don't, this is not the place for that kind of development - certainties will include crime, accidents, danger to children will be increased, property values will go down, and noise will go up. She asked about the benefits of this project, requesting recruitment of a development that provides benefits.

Ann Broderick, 396 Cloverdale, Ann Arbor, asked if the Planning Commission is planning for the residents or the students of the University. She said the neighborhood is a jewel, diverse, with intense

traffic, which she challenged them to experience. Broderick said her neighbors live at the bottom of the berm, and are concerned about water. She said she was wondering if she should get out now, or will the Planning Commission do the right thing?

Justin Munter, 308 Skydale, Ann Arbor, said his biggest concern is safety, adding that they fell in love with the north side of Ann Arbor to raise their children. He said if there had been a development as proposed, there isn't a chance they'd have moved there. Munter said from the park to the bottom of the hill, there are 8 kids under the age of seven; the risk of an accident is way too high. He explained that their first meeting with the developer promised no construction activity off Skydale, which he believes they lied about as he witnessed.

Janet Mayotte, 403 Skydale, Ann Arbor, said that this proposed development project would abut her property. She reiterated her neighbor's comment about wildlife, pointing out that recently there was an injured coyote in their neighborhood. She said there used to be a diversity of wildlife, including birds of prey, deer, coyotes, and once a cougar; however the construction on Nixon and Dhu Varren are forcing animals displacement. Mayotte said that she thought the City valued the environment, while she is concerned about destroying it.

Nancy Witter, 235 Brookside Drive, Ann Arbor, explained that she was concerned about the deer cull and a major concern of the City is to limit the accidents between cars and deer to less than 40. She said then we allow a development with all these parking spaces, and all the students will be driving down Pontiac Trail. Witter said in the past she has seen deer crossing Pontiac Trail to get to Black Pond Woods, and she thinks it is ironic that the City is going to increase the cull, but allow development to come in.

Patrick O'Connell, 311 Manor, Ann Arbor said the City is a wonderful place to live, and he feels fortunate to live here. He said there is one group of individuals that is being discriminated, the working poor; we are quietly exiting those with meager means. He thinks it falls to the Planning Commission to do something to this injustice; he encourage them to make affordable housing a requirement of development. He thanked them for not being silent.

Ken Clark, 497 Larkspur Street, Ann Arbor, explained that he biked to the meeting, and he biked to work today. He said this is not a particularly walkable community, but a very bike-able community, adding, we are

dealing with a very outdated ordinance, because Class A bike parking is not as valuable as we thought it was, and Class C is pretty much for retail or commercial. He said Class B parking is what is appropriate for this area, and he thinks we need an ordinance that encourages it the right way. He said the shuttle is a great idea, but he doesn't think it will work here; however, the AAATA service is excellent; a 30 minute service. He thinks the complex will eventually learn that bus passes are better, and they should be proposing a good bus pull out.

Scott Betzoldt, Civil Engineer with Midwestern Consulting Inc. said Trinitas was present to answer any questions, whether about culture of the site or functionality, noting that they asked to be on the agenda to listen to comments from the Planning Commission. He explained that owner and developer Damian Van Matre with Trinitas Ventures had flown in and met with the neighbors, but he also wanted to talk about the site. Betzoldt said the City had approved the previous site plan, adding that this parcel is the last property in the area. He said the plan meets the City's Master Plan, which specifies 7-10 units per acre and encourage parkland, which they are proposing. He explained that he has briefed many people on this site; however, the location is valuable, and he encouraged the Planning Commission to consider the merits of the proposal carefully, as something else will come if this plan is not approved. He said the footprint and stature of these units are consistent with the surrounding area, and this does have some benefits. He pointed out the public access to the park, that is being donated, the pedestrian sidewalk connections down to Skydale Drive, and the crosswalks and new bus stops. In conclusion, he said there will be more traffic, but a student housing development will be better than other proposals.

Sharon Barnes, stated she lives in Milford on 5 acres, and was flabbergasted; as an investor and real estate agent, she has three single-family rentals near Eastern University, and students are up to 2 or 3 a.m. She said these people are looking to you for hope; as a real estate agent, she guarantees that property values will go down. She said she loves animals, and she lives in the country, where she has chickens, four dogs, and ducks. She said the Commission represents the public, and she was asking them to listen to what the public want.

Mary Ann Bock, 601 Skydale Drive, Ann Arbor, said her house is the first house on Skydale Drive and she's watched the traffic on Pontiac Trail grow since 1994. She said she was surprised when her estimates came out higher than what was in the traffic study, noting that she thinks there is a need to perform an independent traffic study. Bock said when kids are

killed you can't just say build single-family homes, you have to review and perform analysis. She said her father was a mechanical engineer working on many buildings at the University of Michigan, back in the 1950 and 1960s and he told her, back then the architects were designing buildings that were being approved with the thought that they would solve the traffic issues later, and he thought that had changed. She said the City has a good Planning Commission and things have changed, and she hoped they would listen to the residents living in the area.

Seeing no further public speakers, the Chair closed the public hearing.

At 8:50 p.m. the Commission took a 10 minute break.

The meeting reconvened at 9:03 p.m.

Chair Clein explained that staff had recommended that the agenda item be postponed, allowing the developer to hear feedback from the Commission.

Ackerman said he had heard some very passionate public comments and wanted to clarify what jurisdictions could and couldn't do, according to State law; he said State law does not allow the City to control rent (set a limit on rental costs) or to use inclusionary zoning (force developments to set aside a specific number of affordable housing units within new construction).

Ackerman explained that per law, the developer is also not allowed to discriminate against protected classes; everyone must be welcomed. He said that's not to say that they can't target their potential clients and that is something the public can continue to express their thoughts and concerns about. In regard to crime and public safety, he said as a City Council member representing the largest student population ward in the City, he can agree that the City receives a high number of alcohol and noise related complaints; however, such complaints as armed robbery, car theft, and more serious crimes, students are typically almost always the victims.

Ackerman said he had questions on the concept of the development, why the developer decided to choose this type of development for this specific site, because it wasn't intuitive.

Moved by Mills, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Cottages at Barton Green Site Plan and

Development Agreement, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Cottages at Barton Green Wetland Use Permit to allow filling and mitigation of 2,200 square feet of wetland and on-site mitigation.

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]

Damien Van Matre representing Trintas, said they have found this type of development successful in that this product is typically geared towards professionals, upper classmen, medical professionals, and is not marketed directly to students.

Clein asked for the percentage of students occupying their Ohio development.

Van Matre said he would have to get back to the Commission on that number.

Ackerman agreed it would be helpful to have that number when they returned before the Commission. He asked about the breakdown of unit sizes.

Betzoldt responded there are 3 single units, 38 units being 3-bedroom duplexes, 30 units being 5-bedroom duplexes, 24 units being 6-bedroom duplexes, 36 quads (4 units built together), 30 townhome style 1-bedrooms, and 60 townhome style 2-bedrooms.

Ackerman asked about Trintas' Oxford, Ohio development, how far from the City center it is located.

Van Matre said one mile.

Ackerman commented that he felt it would be difficult to find 5 or 6 unrelated people to live in the same unit, in this area. He asked about parking.

Van Matre said coming to the right mix of necessary parking is more of an art than a science, adding that they are more than willing to reevaluate

their proposed parking, once the traffic study numbers are received. He said they are trying to limit their non-pervious surface as much as possible.

Ackerman replied that they would find the Commission more in favor of less parking, trying to incentivize less single-use vehicles and more bike and public transit oriented usage. He asked if parking would be included with the rent and not an additional charge.

Van Matre said it would be included with the rent.

Ackerman asked about cost per bedroom in a 6-bedroom unit, with the all inclusive parking.

Van Matre said the range would be around \$400.00 for a 1-bedroom up to \$850.00 on the high range for a 1-bedroom.

Ackerman asked staff if other approved projects in the area were included in the traffic study.

Kahan responded that it was his understanding that when Midwestern Consulting conducted the traffic study for this project they did include the NorthSky proposed development as well as current counts.

Betzoldt, noting that he is not a traffic engineer, verified that NorthSky traffic calculations were included in their traffic study, since it is adjacent to this site, however, Nixon Farm projects were not, given their location on Nixon Road. He added he believes the traffic study is a work in progress.

The third party, hired by the City, to conduct an independent traffic study, was present, reported the traffic study conducted by Midwestern Consulting, did include the NorthSky development, but not the developments on Dhu Varren and Nixon.

Ackerman asked about a proposed center-left turn lane onto Pontiac Trail, and how that would be accomplished without eliminating the bike lanes.

Kahan said they are asking the developer to widen Pontiac Trail that would allow safe access to the [Cottages at] Barton Green as well as NorthSky, and then allow bike lanes on both sides.

Ackerman asked if there was an opportunity to partner with AAATA about

a bus pull off (bump-out) that would allow traffic to flow more freely as well as provide riders a safer way to ride the bus.

Betzoldt said he didn't know why it wouldn't be possible, unless there were right-of-way constraints making it unachievable or natural feature issues.

Ackerman asked if the developer if they were open to conversations with staff and AAATA.

Van Matre said yes, definitely.

Ackerman asked about Pontiac Trail and Dhu Varren intersection improvements.

Kahan commented that when traffic studies for projects, such as this one, one of the things they are looking for is issues of safety as well as issues of congestion, and with the proposed postponement [of this agenda item] the City wants to give the developer the opportunity to work with staff on intersection improvements along with contributions to make them happen.

Betzoldt explained they are in the process of doing a warrant on the intersection improvements on Pontiac Trail and Dhu Varren and Pontiac Trail and Barton.

Ackerman expressed value for a proposed 10-acre parkland donation, particularly connected to existing developments in the area, along with proposed assistance during a 3-year mediation process to bring the area back to its' natural state.

Kahan explained how an earlier owner, a decade ago, when the parcel was still in the township, had begun clearing the naturally forested area, with the result of invasive species taking over the area exposed to sunlight. Kahan said the proposal is for the invasive species to be removed and for plantings of natural origin to replace it.

Ackerman asked about the 242 gallons per minute and what it means in regards to the City's water and sewer supply.

Kahan said for more than a decade the City has been asking developers to mitigate more effluent onto the system through payment of footing drain disconnects (maybe up to \$2,500 per unit) to try to get fresh rain water out of the sanitary system. He said that worked quite well for fifteen

years and now we're at a point where we are providing opportunities for developers to pay a fee to help offset that impact elsewhere in the system.

Betzoldt added that the reason the City went solely from disconnecting footing drains was because they ran out of footing drains; there is no good reason perfectly clean water should go into the sanitary sewer and through the waste water treatment plant, so the City is looking at a zero net gain ultimately, whether that be through drain tiles to divert stormwater or other City approved remediation.

Ackerman asked about Trinitas' development portfolio, if the petitioner indicated 'past projects' to be projects they have sold.

Van Matre said yes.

Ackerman asked if they have plans on flipping this one as well.

Van Matre said they do not.

Gibb-Randall asked about stormwater, flow-through, as well as how they plan on responding to the giant swale going through the site, noting that she did not receive a grading or utility plan of the project.

Betzoldt said the site has radical topography, with 70 feet of fall from NorthSky down to Skydale, with a ridge going through, close to Regis Way, with water flow going to the northeast quite steeply as well as to the southwest as well, reaching the low point right around the clubhouse area, being one of the only flat areas of the site. He explained that two-thirds of the NorthSky site drains onto this site. Betzoldt said this development is picking up their stormwater, metered discharge no greater than the run-off of the undeveloped site into a singular pipe that is discharged into a storm sewer down by Skydale, while any stormwater from this site goes into any of the three detention ponds on this site. He explained they have very good sandy soils and will be able to infiltrate a great deal of the run-off, and the remaining will be multi-treated through a discharge structure and be released at a rate no greater than the existing undeveloped rate of discharge, which will also go into the storm system down in Skydale. He concluded that, just today, they received the approval on the design from the Washtenaw County Water Resources Commissioner.

Briggs asked about integration of this development with surrounding

neighborhoods, longevity of renters in their other developments, and confirmation that they would be rented by the bedroom.

Van Matre confirmed that they will be rented by the bedroom. He said typical longevity for student renters is 1 to 3 year and young professionals have stayed in for multiple years. Van Matre said originally, the type of layout they originally had was more of the cottages; however, given the challenging site topography, they added more townhomes. He said they aren't opposed to adding more cottages, but wanted to reach the correct density.

Briggs said the look of the development seems to be respectful of the surrounding neighborhoods; she asked about the layout, integration into neighborhood, noting that it didn't look like it was connecting to the existing neighborhood streets.

Van Matre, reiterating the difficult topography, explained they had to start their layout with the low point, working their way backwards from that, along with the 10 acre parkland donation to the west, the detention ponds, leaving the migration to the northeast corner. He said they have been working with staff over the past several months, bringing multiple revisions, to get to the current site plan.

Briggs asked about the parkland location, why it's not more centrally located, and why this particular development plan didn't pick up on neighborhood recommendations for more diversity in housing types.

Van Matre said the large park is essentially already created, exceeding the open space requirements by 10 percent.

Briggs asked if they would consider more diversity of housing that won't be rented by the bedroom.

Van Matre said while their targeted baseline is to rent out by the bedroom, but they do have strategic lease options to accommodate lots of different tenants.

Briggs expressed concern that the proposed development won't be adding anything to the already existing diverse, neighborhood, in terms of improving a healthy community for all.

Mills talked about the density that the City's Master Plan supports for this site, which is 7 to 10 units per acre, which, in part, is to support transit in

this area. She pointed out that there is a good bus line here and more transit means more people will not need to drive. She thinks this development would be great for grad students, but not as well for undergraduates, being 2.5 miles from central campus. She doesn't believe it will succeed for undergrads, and wants to make sure the plan is flexible enough for reuse. She said she supports the density and scale, and she appreciates the mix of units provided to meet the density while being sensitive to scale. Mills said the traffic issues will continue, regardless of the development type; she agreed with the bus pull out, adding they should be planning for it. She expressed the need for more rational bike parking - moving it closer to the front or back door.

Weatherbee concurred with comments made by other Commissioners. She asked who will get to use the mentioned amenities on site, such as the volleyball court.

Van Matre explained it would be primarily for this development's use, and since this won't be a gated, closed off community, they will be open for anyone who wants to use it, adding they monitor all of their amenities with cameras.

Weatherbee, noting the portfolio, said she'd like to see more of the smaller units, as 5 and 6 bedroom units are less flexible as to their potential type of housing use. She said if the rents end of being as quoted, it would be an enticement to get people to live there; however, she expressed concern with the development being marketed for a certain population and not so much fitting into the neighborhood. She said the shuttle signifies a problem and is not an amenity; it acknowledges there is a problem with this development not fitting in here in this location, instead of using the public infrastructure that is already there. She commended the neighbors who are calling for affordable housing and accessible housing. She said she liked the look of the housing, and asked if potential staging areas for construction can be addressed in a development agreement.

Woods joined the other Commissioners in thanking the public whom came to talk to the Commission noting they had been heard. She said, assuming the agenda item would be postponed, she'd like to see the traffic study include the Nixon - Dhu Varren intersection. She asked to see renderings showing a section of the site with streets, given the topography. She said she'd like to hear from the petitioner, what feedback they've heard from the residents this evening, especially relating to the sense of community, and if they have any suggestions to improve the site

plan, what kind of solutions can they propose.

Van Matre said Trinitas will look at density and project mixes, depending on if there is some flexibility with the density ratio, as determined by staff and the Commission. He said noise is a concern and they hired a sound-scape consultant that analyzed the sound impact of the wall, to help with noise reduction as well as line of sight. He said they considered fencing the site, but didn't want to exclude themselves from the neighborhood.

Betzoldt reiterated that the traffic study is still in review and under revision, and having heard many comments provided at the meeting, they will need to take some time to respond to the comments.

Woods said she was glad to hear the developer was willing to take their comments into consideration. She said renderings of the site would be helpful. Woods expressed appreciation for the wildlife, adding that the Planning Commission can't really do much about the issue. She said it is important to continue the communication, making sure we listen to each other, and that the development is one that can be embraced by those that will live there as well as residents in the neighborhood.

Clein expressed agreement with many comments, clarifying he didn't hear anyone mention reducing the density, but more so the number of bedrooms per acre could be reduced, with little change to units per acre. He agreed with changing the 5 and 6-bedroom units with smaller, more adaptable units to a more diversified population, would be more successful. Clein said regarding the traffic analysis, they should consider the proposed 1140 Broadway proposal into the total traffic count coming over the bridge. He said he felt the current site plan is over parked, and they should consider more bike parking instead.

Trudeau agreed with what had been said around the table. He said the form and density seems great, but the target market doesn't feel right; going for a different market would be better and the neighborhood would be happier. He explained how his family recently moved back to Ann Arbor, and how painful their search was for something affordable to buy or rent in this area. He commented that the Master Plan calls for a 7 to 10 density over a broad area, and this is part of a larger area.

Moved by Ackerman, seconded by Woods, that decision on The Cottages at Barton Green Site Plan and Wetland Use Permit for City Council Approval be postponed to a future meeting. Vote: 8-0

Yeas: 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 1 - Alex Milshteyn

- 9-b** [17-1697](#) Proposed Amendments to Chapter 55 Zoning, Section 5:50.1 Regulations Concerning Medical Use of Marijuana, for City Council Approval, and other affected parts of Chapter 55, to bring the ordinance into alignment with State of Michigan legislation on medical marijuana, as passed in 2016. Staff Recommendation: Approval
City Planner, Jill Thacher, presented the staff report.

PUBLIC HEARING:

Brian Fenech, stated he is a local Attorney, and was on the Advisory Committee that assisted in drafting the City's permitting ordinance. He spoke to existing businesses that opened under the current ordinance, that is still valid, noting there was no moratorium when a lot of those businesses opened, nor any distancing requirement; they relied on that ordinance, so he felt it would be prudent to consider the existing businesses and perhaps limiting the spacing (distancing) consideration only to new businesses. He said he felt putting a spacing requirement onto existing businesses would be unfair.

Craig Arnanoff, 520 N. Main, Royal Oak, Cannabis Legal Group, said he represents a building owner and expressly appreciated the inclusion of a grower/processor facility in a Research (RE) Zoning. He encouraged the Commission to ensure co-location in the RE zoning district, as well as the Limited Industrial (M1) districts, and discuss the character of the uses and area, in order to allow co-location for maximum use of parcels. He recommended that the spacing requirement should not be one size fits all throughout the City; he said they should consider reducing the spacing, particularly in the Downtown Core (D1) and Downtown Interface (D2) districts, while being open to different spacing in other districts.

Drew Hutton, 330 E Liberty, Fourth Floor, said he grew up in Ann Arbor, and runs a technology company here. He noted that he had written the Planning Board asking them to permit co-location in the RE zoning district, that there is serious research on the subject, pointing to Israel as a good example. Hutton said he thinks it fits in the RE district more than in the manufacturing district. He cautioned the Planning Board that it

wasn't their responsibility to artificially set the price of medicine, through adding spacing requirements, which drives up the cost for patients. He said if the City gives preference to an existing provisioning center, on the base of already operating, then you're giving them a preference for operating illegal facilities.

Jonah Copi, said he is the Chair of the Ann Arbor Ordinance Review Committee, and he has enjoyed doing his part in helping out as much as possible with the review process. He expressed being nervous over the lack of caps, saying he agrees there should be a conservative approach. Copi said the method for approaching a cap could be done by proximity requirements; however the only separation that should be required is for the retail operations, not the other types of licenses, such as growing facilities. He explained there was a time crunch on getting all the necessary paperwork submitted and he hoped the City will be ready with permit processing when that time comes. He reiterated a separation requirement of 1,000 feet would be appropriate between provisioning centers.

Dennis Hayes, 120 N Fourth Avenue, Ann Arbor, Attorney thanked staff for drafting the amendments to the medical marijuana ordinance. He said he has been advising on the topic for over 40 years. Hayes said the problem with the current draft ordinance is that Special Exception Use (SEU) permit applications will involve the Commission into time commitments, of which they don't have the expertise. He said SEU applications will create a burden that will overwhelm the Commission and he asked them to reconsider spending their time reviewing potential applications over the coming year. Hayes stated there is no good reason to add to the Commission's regulatory burden, when the State is already substantially regulating facilities. He felt a requirement of a 500-foot separation is fine for any type of facility.

Ben Joffe, said he is an Attorney, as well as owns a house in the fifth ward. He spoke to the 1,000-foot distance between provisioning centers, saying if we move down to 500-feet, he thinks, roughly, we could fit 13 facilities along W. Stadium Boulevard/Maple, between Ann-Arbor-Dexter Road and Pauline Avenue Joffe said he doesn't think we need 13 facilities along this stretch, and the Commission should consider what the possibilities are for future facilities. He said the distance between growing and processing facilities, should be considered, since it is a job, which he expressed fits in well with manufacturing and industrial zoning districts, and would thereby not take over entire districts being used in that regard. He explained that if you had a grower that wanted to add a provisioning

center, they would need a separate permit from the State.

Alison Iveton, 117 N. First Street, Attorney in Ann Arbor, echoed comments of other speakers, saying many provisioning centers made decisions based on the previous ordinance, and she hopes that existing providers can be given variance or exception. She agreed that Special Exception Uses seem unnecessary and would overwhelm the Commission, saying they would have 30 or 40 people asking for provisioning centers alone, not to mention the other types of facilities. Iveton encouraged the City to allow existing facilities to exist, if they were in the correct zoning and already had a certificate of occupancy for their location. She said the ordinance is a two-step process, when they have a certificate of occupancy from the City they can apply for a State license, and when they get the State license the City could look to see if they need anything further. She suggested this multi-step process would allow the Commission not to get stuck in hearings.

Nathan (not signed in) stated he agreed with some of the previous speakers, that 1,000 feet is excessive, particularly in the business center, which is downtown. He felt if existing businesses had been good neighbors, and followed the rules, they should be allowed to stay.

Seeing no further public speakers, the Chair closed the public hearing.

Moved by Ackerman, seconded by Mills to extend meeting until 11:33 p.m. On a voice vote, the Chair declared the motion carried unanimously.

Moved by Ackerman, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 (Zoning), Section 5:50.1 (Regulations concerning medical use of marijuana), and Use Regulation Sections 5:10.14 through 5:10.19, 5:10.21, and 5.10.23 through 5:10.27 related to medical marijuana permitted uses and special exception uses.

AMENDMENT I

Moved by Ackerman, seconded by Mills to amend Chapter 55 (Zoning), Section 5:50.1 Regulations concerning medical use of marijuana, Subsection (3) to maintain the 1000 foot distance requirement between provisioning centers, but to eliminate the 1000 foot distance requirement from other medical marijuana related facilities such as growers or processors.

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]

Clein said the distancing seemed to be a big issue that came up many times during the public comment, asking if there was a golden distance.

Thacher responded that there was, since all of the legally existing provisioning centers, those registered with the City, had at least a 1,000-foot separation between each other. As for newly opened businesses, Thacher said she couldn't comment on them, or their distances.

Clein said that factor seemed like a compelling reason for the 1,000-foot separation, which he expressed seemed appropriate for provisioning centers.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 8-0

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]

AMENDMENT II

Moved by Ackerman, seconded by Briggs, to add Growers and Processers as permitted uses in Limited Industrial (M1) Limited Light Industrial (M1A) and Heavy Industrial (M2) Zoning Districts.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 8-0

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]

AMENDMENT III

Moved by Ackerman, seconded by Trudeau, to allow Growers and

Processors as Special Exception Use (SEU) in Office/Research/Limited Industrial (ORL) Zoning District.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 8-0

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]

AMENDMENT IV

Moved by Mills, seconded by Trudeau, to add exception for no more than 2 of the same type licenses to co-locate per parcel in Research (RE) and Office/Research/Limited Industrial (ORL) Zoning Districts.

On a voice vote, the Chair declaring the motion carried unanimously. Vote: 8-0

VOTE ON MAIN MOTION:

On a voice vote, the vote was as following with the Chair declaring the amended motion carried unanimously. Vote: 8-0

Yeas: 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 1 - Alex Milshteyn

At 11:13 p.m. the Commission took a 5 minute break.

The meeting reconvened at 11:17 p.m.

Moved by Ackerman, seconded by Mills to extend the meeting to 11:45 p.m. On a voice vote, the Chair declaring the motion carried unanimously.

- 9-c** [17-1698](#) Midas Muffler (3180 Washtenaw Ave) Site Plan for City Council - The petitioner proposes to demolish an existing 1-story building and construct a single story, 8 bay, 5,796 square foot Midas Muffler shop with 29 parking spaces. Storm water detention will be provided under the parking lot. Access will be provided to Washtenaw Avenue. Staff Recommendation: Approval

PUBLIC HEARING:

Mike Sharp, representing the Midas Auto Center, 4426 E. Berry Road, Pleasant Lake, explained that Midas has been operating at the existing site through a lease, spanning over 47 years; the owner now thinks they can sell the parcel for more than what the Midas owners can afford. They are a full auto care center and have been meeting with City staff for the past 14 months. They asked that the plan be approved.

Seeing no further public speakers, the Chair closed the public hearing.

Moved by Mills, seconded by Woods that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Midas Site Plan.

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]

Commissioner Briggs asked if the City could seek for sidewalk approval, noting that it would be good to have it done.

Sharp said he believed the opening onto Washtenaw Avenue would be used by other tenants.

On a voice vote, the vote was as follows with the Chair declaring the motion approved. Vote: 8-0

Yeas: 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 1 - Alex Milshteyn

- 9-d** [17-1699](#) 2410 Newport Rd - Malooley-Gordon Annexation & Zoning for City Council Approval - A proposal to annex this 1.05-acre parcel into the City from Ann Arbor Township and zone it R1A (Single-Family Dwelling. Owners will be demolishing existing house on parcel and construct a new single-family house. Staff Recommendation: Approval

City Planner Jeff Kahan provided the staff report.

PUBLIC HEARING:

Seeing no public speakers, the Chair closed the public hearing.

Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Malooley-Gordon Annexation and R1A (Single-Family Dwelling District) Zoning.

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

On a voice vote, the vote was as follows with the Chair declaring the motion passed. Vote: 8-0

Yeas: 8 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 1 - Alex Milshteyn

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

None

11 COMMISSION PROPOSED BUSINESS

Commissioner Trudeau suggested taking the bicycle parking ordinance to the Transportation Commission. He noted they would be holding a meeting the following day.

12 ADJOURNMENT

Moved by Weatherbee, seconded by Trudeau, that the meeting be adjourned at 11:38 p.m. Unanimously Approved.

Ken Clein, Chair
mg

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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.