



City of Ann Arbor

Meeting Minutes - Final

City Planning Commission

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Tuesday, July 21, 2020

7:00 PM

Electronic Meeting

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

To speak at public comment call: 877 853 5247 (Toll Free) or 888 788 0099
Meeting ID: 995 2327 1957

1 **CALL TO ORDER**

Vice Chair Shannan Gibb-Randall called the meeting to order at 7:02 p.m. with the following statement:

Welcome to the Tuesday, July 21, 2020 electronic meeting of the Ann Arbor Planning Commission. This meeting is in accordance with executive orders from the Governor to effect social distancing and mitigate the spread of the COVID-19 virus. We intend to conduct this meeting similarly to an in-person meeting. However, please be patient if there are technical issues. Public comment will be via telephone only. To speak during any of the public comment opportunities please call 877-853-5247 and enter Meeting ID number 995 2327 1957. This information is also available on the published agenda, in the public notices section of the city website, and on the broadcast of this meeting on CTN channel 16, AT&T channel 99, and online at www.a2gov.org/watchctn.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

Present 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, Abrons, and Hammerschmidt

3 **INTRODUCTIONS**

Gibb-Randall introduced herself as the newly voted in Vice Chair of the City Planning Commission, and explained while Sarah Mills is the new Chair of the City Planning Commission, she finds herself in a spotty wifi location; therefore, Gibb-Randall covered the chairing for this meeting.

4 APPROVAL OF AGENDA

Moved by Erica Briggs, seconded by Sarah Mills, to Approve the Agenda as presented. On a voice vote, the Vice Chair declared the motion carried unanimously.

5 MINUTES OF PREVIOUS MEETING**6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS****6-a City Council**

Councilmember Zach Ackerman reported on the previous Council meeting; the City and Recycle Ann Arbor have reached a 10-year agreement for the renovation and opening of our Recovering Materials Facility (recycling/sorting facility MURF) He explained the facility was damaged during a fire in 2015 and due to safety reasons have been unable to reopen it. During the renovation Recycle Ann Arbor will still be responsible for transporting recyclables outside the community. He reported that Council took action on the redevelopment of 3611-3621 Plymouth Road (previous Red Roof Inn with former Big Boy restaurant), with the developer voluntarily offering conditions to be placed on the zoning request which limit future types of uses possible on the specific site, as well as a \$75,000 voluntary contribution to the City's affordable housing fund, which is above and beyond any requirement for this project. He explained the modifications brought the project back to 1st Reading at Council, which they passed. Ackerman further explained Council approved at 1st Reading the two hotels at 2800 Jackson Road, with gratitude to the Commission for added screening and facade changes. He said Council also passed at 1st Reading, amendments to the City's rental housing code as it relates to short-term rentals. Ackerman noted ballot language for two City millages for the November elections were approved: the renewal millage has been on the books since 1988 and is all about maintenance and care of the City's streets, bridges, and sidewalks, is requesting a 2.215 millage. Another smaller millage is to fund the City's sidewalks in a way that socializes the costs between the adjacent property owners as well as every homeowner. And finally a 1.0 millage to fund permanent affordable housing in Ann Arbor was reviewed and rescheduled for a special session of City Council on July 27th, which will be open to the public and will be the last opportunity

to take action on this item in order to get it on the ballot.

6-b Planning Manager

Planning Manager Brett Lenart reported that the Ordinance Revisions Committee will meet again on July 28th with continued discussion on Site Plan requirements as well as the two campus oriented zoning districts.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

20-1098 Various Communication to the City Planning Commission

Received and Filed

7 AUDIENCE/PUBLIC 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.)

No speakers.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

20-1099 Public Hearings Scheduled for the August 5, 2020 Planning Commission Meeting

Brett Lenart reported on upcoming agenda items for the next business meeting.

Received by the Commission and Filed.

9 UNFINISHED BUSINESS – Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item

9-a 20-1100 Valhalla Ann Arbor Site Plan, Annexation, and Rezoning for City Council Approval - Proposed multiple-family residential project containing 454 units and townhomes with parking located under the buildings and along the private drives. Project includes annexation of parcels from Pittsfield Township and petitioner is requesting a conditional R4E multiple-family zoning designation of this 9.8-acre site, located at 31-163 Valhalla Drive and 2065, 2099 South Main Street.

PROJECT PRESENTATION:

Brad Moore, Bradley J Moore and Associates, AIA, representing the petitioner provided the proposed project since last discussed.

STAFF REPORT:

Matt Kowalski, City Planner, provided the staff report.

PUBLIC HEARING:

Jean Holland, 111 Golfview Lane, Ann Arbor, said just because the Commission didn't hear from the public earlier didn't mean they were in agreement of the project, adding they didn't hear about the earlier July 7th meeting. Holland said the members of the neighborhood never implied they did not want any development at the Valhalla site, they just wanted a smaller project, less dense, and making something greener, carbon neutral does not make it right. She expressed dismay that the proposed structures 'looks like something from the mid 60s in Lithuania', asking if it makes it right 'that this monstrosity will be the first think one sees when turning north into Ann Arbor, especially when our visitors are looking for the stadium or the beautiful golf course'. She asked if it is right that 800 or 900 individuals will be turning north to exit on a daily basis and probably using Pioneer High School as a U-Turn facility. She asked who will be paying for the expensive solar solution as proposed by the builder, and will they be required to build it as such or will it be one of those 'well we tried'; she asked if this specification was only in the proposal in order to get approved tonight. She asked what has happened to common sense, with this monstrosity protruding from a prime location that is more suited to a more modest and attractive development. She asked the Commission to delay the project expressing they have only listened to the one side and not investigated or heard about the down side to this project - this project is not appropriate for that particular location.

Resident at 301 Golfview Lane, Ann Arbor, a resident since 1955 said Ann Arbor has changed so much since she moved here, noting that there could be a development that houses 450-500 residents in such a monstrosity as proposed and the traffic situation on Main Street, Scio Church Road, and Valhalla Drive, is simply not conducive to having that many cars. She suggested the project not be approved but that there be more discussion about it.

Michael O'Keefe, 105 Golfview Lane, Ann Arbor, expressed dismay for the size, height, and density of the proposed project, saying it was out of line with the City's Master plan for this area. He questioned the traffic study that notes no concern, saying if you live in this area and know the situation with traffic, you will realize this is a missed opportunity and poor planning to fix the problem that already exists at this location. He said he does not have an issue with development in this area but added the area is under served and needs improvement and feels the density and size of this project is not suitable for this location. He hoped the Commission would postpone the project because he felt the developer is putting forth weak concessions and really not addressing the overall condition of what is here.

Michelle Mead, 1521 Glenlevin Drive, Ann Arbor, said she is a mother and has a 6-year old daughter. She said she has concern for what this development will do to the traffic as well as the services available. Mead said unless there is a significant investment in the utilities, the roads, and the transportation in this area, I'm afraid we will all suffer. I work with individuals with disabilities and I'm concerned with safety of them going to University of Michigan businesses and offices in the area, while using wheelchairs, I'm concerned with another blackout, with the utilities being further strained, and the sewer and roads once again take another hit. She asked that the Commission not approve the project this time, ask for a lower density project, while allowing more public comment.

Carolyn & Dean Smith, 1614 Covington, Ann Arbor, said they 'have lived here since 1965 and have seen a lot of growth, which has been all pretty much good; however, if you have driven down Valhalla and come back out and want to access Scio Church Road or Ann Arbor Saline Road going south, you will have no choice, and with 500 units with their cars, exiting, going north, and using the Pioneer (HS) parking lot as a turn around, it sounds like a very appalling idea to me'. Smith said, 'that corner is not the best right now, and without any other means of ingress or egress provided by UM, it will make it difficult, along with other issues mentioned by other public speakers, she requested the Commission to postpone taking action and talk about a lesser density, noting that she is not against multi-family housing, adding that she supports it - just lesser density.

Sandra Deline, 1801 Coronada Drive, Ann Arbor, called to agree with the other public speakers, adding that she was very opposed to the project with three major intersections nearby (Stadium Boulevard, Ann-Arbor Saline Road, and Main Street).

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

Moved by Wendy Woods, Seconded by Erica Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the annexation and the Valhalla Ann Arbor Rezoning Petition to R4E (Multiple-Family District) based on the proposed zoning and accept these conditions:

- **The maximum density not to exceed 50 units per acre.**
- **The maximum height of any building will be 74 feet.**
- **The inclusion of fifteen affordable housing units as described in Statement of Conditions.**
- **The entire project will be serviced only by electricity and not connected to natural gas services.**

The approval is subject to executing a Conditional Zoning Statement of Conditions.

and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Valhalla Site Plan and Development Agreement.

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 Wendy Woods, following up on public comments made, enquired about public notice and notifications through the City's website.

Brett Lenart explained whenever a previously postponed item is postponed to a (future City Planning Commission meeting) date certain, specified at the time of postponement, additional public hearing notices are not sent out to the neighborhood, while agenda are made available on the City's website as well as emailed to Registered Neighborhood Associations and approximately 1,200 - 1,300 other individuals whom have requested to be notified about planning petitions.

Commissioner Sarah Mills asked for clarification on additional Electric

Charging (EV) stations.

City Planner Matt Kowalski responded that if EV stations are shown on the site plan they must be installed and built as such or they would be in violation of their approved site plan, and would have to go through the site plan review process again.

Moore commented that the additional EV charging stations had been added to the revised Development Agreement (DA) that was submitted to the Legal Department a few days ago.

Lenart agreed that the EV charging stations will be included in the final Development Agreement, which is the appropriate place for these types of items to be recorded. He explained that the Legal Department are working out some issues, and upon review and approval by City Council, development agreements are memorialized.

Mills said one of the key benefits with this development is the solar and very sustainability buildings, so the key element of this rezoning, to her, is that the City needs to be confident that they are getting the solar and other elements which are part of the City's Master Plan. She noted that the Commission has come to expect the unexpected, especially in the past few months, and while she hopes the project gets built, she knows there can be unexpected matters that arise, and without the solar benefit being specifically tied to the rezoning, she is concerned about that aspect of having the parcels rezoned, but not getting a solar development tied to it.

Mills asked about potentially deferred parking requirements and what would happen with that excavated underground garage space.

Moore said that garage space would just not be excavated or constructed.

Mills was appreciative that the additional EV parking had been brought up to 5 percent. In response to public comments made about the traffic issue, she wanted to clarify that she did not bring the topic to the table, since the Commission spent a large part of their previous meeting discussing traffic as it relates to this development.

Commissioner Zach Ackerman asked if the petitioner would consider volunteering conditions to the rezoning related to the solar.

Alan Greene, said he hopes the project gets built because of all the time

and money invested in it to date; but if this project doesn't get financing and in five years someone came back with a different project, maybe a smaller project, they would be obligated to comply with the conditions of the zoning on the parcel. Greene said it makes it very difficult, if not almost impossible, to develop the parcel, given the conditions of the rezoning. He explained that the specific amount of electricity (KWH/hr) to be generated by the solar panels ties them or anyone to this specific site plan.

Moore commented that they could say the development would need to get 15 percent from on-site renewable energy sources would satisfy ownership and would not adversely impact the City's sustainability goals.

Lenart commented that setting a percent would make it immeasurable from the City's perspective and requires knowing the long-term electrical usage of the site; he suggested something more finite and measurable at the time of Certificate of Occupancy, possibly a ratio between KWH to square footage or something along those lines, that will not create complications for the City as well as the petitioner for on-going documentation from the site. He offered to take the Commission's request/direction and work with the petitioner in coming to the resolution.

Gibb-Randall asked Eric Doyle if such a report could be generated.

Eric Doyle said it's a very difficult question to answer, noting they have done a lot of modeling based on the solar panels and they felt comfortable providing the specific KWH they could produce. He said they could likely link the KWH to the amount of units, but he couldn't address the matter at this time.

Moore said in meeting the goals of the Planning Commission and having the methodology arrived at before getting to City Council on this phased project needs to be established.

Commissioner Sauve asked if the adopted code ends up having a higher EV requirement which standard would the developer need to follow; what was written in their DA or the code. She said she was okay with staff figuring out the details of how the solar requirements should be established.

Lenart said he believed they would need to follow the code.

Brad McFarlane, representing the owners, said they are okay with tying

the EV stations to the conditional zoning.

Mills commented that her concern with this phased project is that the largest solar array is on the last phased building to be built, and what happens if that building doesn't get built. She expressed concern with voting on the rezoning without specifications included.

Lenart explained that the solar component would be built into the DA so that the first buildings built would benefit from the solar as much as the last buildings so a ratio component would be the fairest way on a phased project.

Moore suggested offering a condition that at the completion of all phases they are to have 500,000 KWH of renewable energy generation.

Lenart said in preparing for the worst scenario, he suggested that the Commission would direct staff and the developer to develop language that establishes a multiplier or ratio on a phase to phase basis, that any development that happens on the site, has to satisfy the solar KWH ratio; this way if one house is built there, it will need to satisfy that ratio or if all buildings are built it will be satisfied.

Greene said they are prepared to include a proportioned amount of KWH per building if it would be acceptable to the City.

Commissioner Wendy Woods called for a point of order for the Chair to call upon speakers.

AMENDMENT I:

Moved by Sarah Mills, Seconded by Zach Ackerman, that subject to staff working with the Petitioner to include a condition that includes a required ratio of onsite renewable energy generation and a required ratio of Electric Vehicle (EV) parking infrastructure as shown in the site plan.

COMMISSION DISCUSSION ON AMENDMENT I:

None

VOTE ON AMENDMENT TO THE MOTION I:

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

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

CONTINUED DISCUSSION ON MAIN MOTION:

Commissioner Erica Briggs thanked the development team for going through the process to make the project better from a community perspective. She referred the public to their previous meeting where they had a lengthy discussion about traffic as it relates to this project. Briggs said in regards to the density issue it is a topic that the Commission wrestles with often; however, for a project to come before the Commission three times, it has allowed them to weigh the benefits of the numerous sustainability elements of this project and justifies the density. Additionally, in looking at the surrounding area and what already exists, a grocery store, a school, public transportation, she is excited about the project knowing that it will provide housing closer to work.

Commissioner Alex Milshteyn thanked Briggs for pointing out the positive aspects of the project, while he pointed out his valid concerns about the density and traffic, that they are both too high. He noted the original staff report recommended denial, which was based on the City's Master Plan. Milshteyn said he has driven down Main Street and South Main Street, and behind the office building on the corner, pointing out that he considers that street to be a drive, along with the possibility of traffic using Pioneer High School as a turn-around area, knowing all the new drivers from the school. He said these are the reasons why he cannot support this project and he will be voting no.

Ackerman said he will be supporting the project as he feels it has been a good, collaborative effort over three different meetings. He said when neighbors complained about massing the petitioner reduced the building, closest to the neighbors, by one story, which showed they listened and took action where it had the most impact on neighbors. Ackerman said the buildings are still hundreds of feet away from the closest neighbor and the setting is one of the most serene, manmade locations in Ann Arbor. He noted that another resident had suggested they electrify the whole development, which is what they did; this will be the first development of its' size not to have a gas hook-up. He said this is a momentous change and is the future direction we need to be headed, when we can transition residents off the gas grid onto a renewable electric energy source. Ackerman further noted that Commissioners pushed for more affordable

housing in the City and now we'll get that through this project, which tipped him in favor of the project. He thanked the public for their input, and the developer for going beyond. Ackerman said this is going to reduce congestion in the City; it's going to reduce carbon emissions.

Commissioner Ellie Abrons stated, I too, share reservations about the density and try to balance the density with all of the positive attributes of the project that have been outlined by Briggs and Ackerman. She said she's reviewed the rezoning as it relates to density; rezoning to R4E has a maximum density of 75 dwelling units per acre, while the next level of down zoning, R4D has a density of 25 dwelling units per acre, which is a huge gap. She said, I feel this is the correct zoning designation for this site or collection of sites and maybe as a sign of the petitioner's sensitivity to density they are asking for 50 dwelling units per acre, which is half way between 25 and 75. Abrons said she felt the project seems out of scale with the current development in the area, maybe because it's surrounded by a golf course, but it's not out of scale with the City and the larger scale of amenities around the site it occupies and is adjacent to, which rather anticipates a future development in the area. Abrons reiterated that Ann Arbor really has a critical housing shortage and she anticipates voting in favor of the project while she remains disappointed in the very small number of affordable housing units (out of 454 units, there are less than 20 affordable units).

Commissioner Sara Hammerschmidt expressed support for the project and that this location is perfect for this type of project for all the right reasons. She asked about the public comment about power outages in the area and if Detroit Edison Energy (DTE) needs to make any upgrades to the network as a result of this large development.

Moore said DTE has just spent a lot of funds on upgrading their sub-station on that side of town to provide the additional power for future development on the south side of town. He said in formal discussions with DTE they have the confidence that DTE has the power to supply them. Moore said DTE has indicated that most of the individual power outages to homeowners is as a result of trees falling onto lines.

Abrons explained to the public, that the City Planning Commission does not have the agency to regulate what buildings look like, much to their chagrin oft times. She explained the Ann Arbor ordinances aren't written to allow them to mandate appearances, so the Commission will offer suggestions and recommendations about materials; however, unfortunately, that is not something the Planning Commission can

address.

Vice Chair Shannan Gibb-Randall said she will also be supporting this project for all the right reasons already mentioned, as well as the developer taking great care to work around existing landmark trees to the extent of moving buildings around them. She noted there are very, very, few developments that use existing trees as a starting point, and she really appreciates that. Gibb-Randall said it really helps having tall, mature trees, next to tall buildings to help scale them back.

VOTE ON MAIN MOTION AS AMENDED:

**On a roll call vote, the Vice Chair declared the motion carried. Vote:
8 - 1**

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 1 - Alex Milshteyn

10 REGULAR BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item

- 10-a** [20-1101](#) Broadway Park West Planned Unit Development (PUD) Site Plan for City Council Approval - A mixed-use development consistent with the proposed PUD Zoning District and Supplemental Regulations of this 13.8 acre site located at 841 Broadway Street, including 96 residential units, two-story parking garage, 148 room hotel, 13,800 square feet of retail/restaurant space, public open space with recreational amenities such as watercraft launch, outdoor pavilion, open space and river access. Staff Recommendation: Approval

PROJECT PRESENTATION:

David Di Rita and Callen Vanhermert, Roxbury Group, representing the petitioner provided the proposed project.

STAFF REPORT:

Matt Kowalski, City Planner, provided the staff report.

PUBLIC HEARING:

Noting no public speakers, the Vice Chair closed the public hearing.

Moved by Sarah Mills, Seconded by Zach Ackerman, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve 841 Broadway Planned Unit Development (PUD) Site Plan, and Development Agreement conditioned upon sanitary mitigation and tree mitigation calculations being resolved prior to scheduling for City Council.

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 Zach Ackerman shared his excitement over this project, and the similarity of the site plan with the original area plan of the project. He asked about additional parking spaces (20 spaces) shown on the site plan.

Cheryl Zuellig, Smith Group, clarified that the project included 475 parking spaces, which was verified by Kowalski, noting his staff report stated 38 but should be 20. She said they moved public parking around to make sure they had enough parking down by the pavilion area.

Ackerman said he was okay with the additional parking, given the needs of this type of a project. He shared appreciation for the step back scale of the hotel in order to incorporate the pedestrian friendliness on the River Street side. He asked what made the developer choose the river side versus the street side, since they both have a pedestrian element.

Di Rita said you can see the setback from both sides, but more so from the river side. He explained they wanted to create a more urban feel along River Street, and engagement at the river side, and most of the neighbors were concerned with the river side, not wanting to see that building loom over the river, so he's very proud of overachieving on the setback by 9 feet.

Ackerman asked how permitting is going with State and County agencies on the stormwater and floodplain.

Di Rita said he was glad they have worked through the imponderables and the project is moving forward. He said they are investing funds to make sure the Argo Dam doesn't break, but in the event that both Barton Dam and Argo Dam should break their emergency scenario report

showed they would have ample time to evacuate and first floor residences.

Commissioner Alex Milshteyn asked about private conservancy of The Arc as well as construction plans. He asked if the 96 residential units would be for sale or lease.

Di Rita explained that the park portions of the site, as depicted in the plan, will ultimately be conveyed to a conservancy, which they are forming now, The Lower Town Front Conservancy, which will take title of the property and will ultimately be responsible for the development and maintenance of the public space. He said they committed, in the Supplemental Regulations, funds for that park and identified a minimum level of funding at the outset. He said they are currently engaging with a number of foundations and funding sources who are quite interested in funding the conservancy. One such leading foundation is the DTE Foundation. Di Rita said they plan to have the entire site under construction at the same time, with the public space and residential as a phase 1 but they plan to build the entire project at once.

Matt Kowalski commented the construction of the project is scheduled to run concurrently.

Di Rita said the condominium units would be for sale, adding before the pandemic they estimated the average price of the units is in the range of mid - \$400,000 per square foot, being consistent with the market for this type of residential, multi-family style, that we've seen in the downtown. He noted that they've added time to this project in order to get it right; they had planned to come before the Commission 4 months ago, and if the project is successful moving forward they would like to break ground end of 2020 or early 2021.

Milshteyn concurred that market rates in the Ann Arbor have held up well during the pandemic and with current interest rates he believed they would do well. He asked about the proposed traffic light at Broadway and how it will work with the existing light at Swift during peak hour traffic.

Luke Liu, City's Traffic Engineer, said they are asking for the proposed light to only be functioning when there is demand with traffic from the project site, explaining that this type of mode has worked well in their traffic models.

Milshteyn asked if the traffic report took into consideration Uber, Lyft, and

other delivery vehicles to and from the site.

Liu said the report counts the total trips generated by the specific use, so he would believe it calculates all types of traffic.

Milshteyn said he is really excited about this project, ever since he learned about it two years ago. He said his colleagues and he had doubts that the developer would be able to create a site plan that matched the Area Plan, but they have, and he thanked them for continuing the good fight to get to where they are currently at and beyond.

Commissioner Erica Briggs asked about the pedestrian/bicycle bridge when coming on Division going to Broadway, saying there seems to be a fatal flaw with the design since there is no easy access to get onto the bridge.

Liu said the existing bridge is not part of this project and they have asked that the integrity of the bridge remain in tact to the minimum pedestrian walkway will remain at least at the current width. He said as to the junction where Division turns to Broadway is the target area where Lower Town comes in, is being addressed and studied. He said they will likely see much discussion about it as to what type of improvement would be the best.

Commissioner Sarah Mills concurred with Milshteyn on being concerned that the site plan would not match the Area Plan, but she is very glad to see they do. She said, having lived on Beakes Street, right at the bridge, she believes it's the guard rail leading to the bridge, that hinders bicyclists from getting onto the bridge. She thanked the developer for working so hard to make the Area Plan a reality and incorporating the retail space as well as the two dining experiences and the ice ribbon (similar to ice rink but not oval). She asked what was on top of the parking structure. She asked if it could be built tomorrow, because this is just what we need during a pandemic.

Di Rita responded it is an open top level parking structure.

Commissioner Ellie Abrons said she wasn't on the Commission when the Area Plan came before them. She expressed feeling behind on the whole process from when this project began to where it is now. She asked if it was appropriate for her to abstain from voting.

Planning Manager Brett Lenart provided a brief history, review of the site,

Brownfield and remediation, as well as the project, and how it relates to constraints in the area. Lenart explained that if she did not have a conflict of interest with the project then it was not appropriate for her to abstain, rather if she felt she had enough information to vote, she should vote yes, if she felt she did not have enough information, she should vote no.

Di Rita gave insight into the history of the site from a remediation and redevelopment aspect. He said the remediation and Brownfield plan has been approved per State, County, and local agencies, and the site will be fully remediated to that extent.

Abrons asked about building in a floodplain.

Di Rita said they've done a lot of development and some of that has been in the context of floodplain, adding they have been very careful with both the floodplain as well as the floodway, and they have used the rules from the State in proposing certain builds in the floodplain along with necessary mediation. He said during this lengthy planning and review process they have benefited greatly from the help and input of their neighbors, City staff, and the public, and while the majority of this proposed project in the floodplain will be given over to public use, it has been designed in a way it can still produce an economic benefit which were important factors weighing on the project.

Abrons noted the project will be phased, and asked staff if it could be possible that only Phase 1 could be constructed. She also asked about community outreach about the project along with meeting minutes from the required public participation meeting.

Kowalski responded that as long as the developer has met the requirements outlined in their Development Agreement up until that point, in order to receive their certificates of occupancy, it could be possible. He explained that the public participation meeting minutes (record) could be found in the project file through eTrakit.

Di Rita explained that along with the one statutory public engagement meeting required by the City, they held forty or more public engagement meetings which included 300 or more members of the public, across the community. He said most of the concerns were about a taller, bigger hotel, closer to the river, which has now diminished in height, massing and proximity to the river. He believes

Commissioner Sara Hammerschmidt expressed appreciation for the

discussion. She asked about ownership of the property and floodplain mediation.

Di Rita said it will be privately owned public space, owned by the conservancy, similar to the Detroit River Front. He noted the conservancy model is becoming more common across the country, in bringing public benefits beyond what a parks department can provide. Di Rita said it was important for them as well as the City not to create this project and then give it to the City's Parks Department as their 'problem'. He said it will not be the tax payers responsibility to fund and manage; instead, it will be financed and operated by the conservancy.

Mark Lodewyk, Smith Group, reviewed the State requirements for mediation of building in the floodplain; lowering certain areas in order to provide the same amount of flood storage. He also explained the letter of map provision which was written based on existing conditions.

Di Rita added that this project has become a poster child for some not-yet codified municipal codes. He said this project will meet the Dark Skies Initiative for lighting as well as getting all of the buildings within the 500-year flood plain, instead of the City's 100-year flood plain requirement. He gave credit to Lodewyk for being able to meet the 500-year floodplain.

Hammerschmidt suggested that as the building design moved forward and the possibility of the pandemic continuing, she would like the development team to think about how they can make the staircase more prominent and how they can design less smaller public spaces.

Commissioner Erica Briggs said she feels much more comfortable seeing in the renderings how the hotel is sitting with the surroundings, respecting the proximity to the river, and less looming. She suggested as the video moves on to the next phase of reviews, it would be helpful if they could include more views from the site, possibly the views from the bridge or near the hotel. She felt the project has come a long way and thanked the developer.

Commissioner Wendy Woods said this project is the most complex project the Commission has seen in a long time; she thanked the developer and staff for all the work that has gone into the many issues involved with this project. She said she hopes the buildings will look like they do in the elevation drawings, because they look very pretty.

Di Rita said they wanted to create a beautiful landmark project that residents can be proud of.

Abrons asked about the density of the project noting it wasn't very dense.

Di Rita responded they knew the site had to balance public and private uses and to raise the density would have meant taking on additional concerns about parking, utilities, and traffic.

Abrons also enquired if the emergency evacuation plan in case of a dam break.

Kowalski explained that while it wasn't a requirement, the City's Floodplain manager, Jerry Hancock had strongly encouraged the petitioner to have a plan in place. He said the City's Emergency Manager is currently reviewing the plan and will have it completed before the project moves on to City Council.

Commissioner Shannan Gibb-Randall noting that the pavilion is in the floodplain, she asked how the developer anticipates it to function. She also asked for an update on the Brownfield.

Betsy Williams and the development team explained that they are at a raised elevation in that area; the raised pavilion will be constructed on structural piers, and a heavy foundation, that will float. She said the pavilion will have skirting around it, but will allow water to run through it.

Di Rita responded that the Brownfield reimbursement has been approved by all necessary agencies at approximately a \$ 17,000,000 plan, which he believes is the largest in the history of Washtenaw County. He said the funds have to be used against a pledged funding source which in this project could be private or publicly financed. Di Rita said this funding is part of their overall financing.

Gibb-Randall said it's great knowing that the City will be getting the pedestrian bridge, the dam improvements, and the clean-up.

Brett Lenart said the pedestrian bridge will require a permit to be approved before construction could begin.

Gibb-Randall asked if the site would accommodate those who have their own kayaks.

Di Rita said yes, as a public benefit, they have provided three points for embarkation into the water; their goal is to get people to the top of the cascades if they just want to do the river and not go through the cascades. He said the main entry point is being referred to as Huron Steps (large staircase descending into the water near the pavilion). He said another huge public benefit will be the pedestrian bridge across Broadway Avenue.

Gibb-Randall referenced the landscape plan said she was surprised at the amount of native trees on the site and given their genetic heritage she would like to make sure that in areas, like along the railroad and river, that they have a chance to regenerate themselves because they will not be able to do that in lawn areas. She said she really appreciates to see that the petitioner proposes to remove almost all of the invasive species from the site. She noted this site is a very important corridor for wildlife and she hopes the Conservancy can carefully manage the site so invasive species don't overrun the site.

Abrons asked about solar panels, electrified buildings, and Electric Vehicles (EV) parking for the project.

Di Rita explained they have them all, per the Supplemental Regulations for this project. He said they have worked with DTE to tie all electric utilization on this project, through DTE's solar and wind program, which is off-site. This will assure that all electricity being generated on this project is being generated by solar or wind. He said they will have natural gas appliances in this project in order to have marketable units.

Mills explained the DTE program to the Commission.

Hammerschmidt provided information on various building certifications.

Gibb-Randall suggested they consider the 2030 Plan and for the developer to have as many green initiatives as possible, given their visibility in Ann Arbor. She said the City Planning Commission is on the front line when it comes to getting the City towards meeting its' sustainability goals. She said if they don't ask for these 'above and beyond' green initiatives from developers, the City doesn't get them. She mentioned they might consider to be solar ready for future connection since this high quality project will be around for a long time.

Gibb-Randall asked if there will be bicycle parking available for the public to use.

Zuelig responded that bicycle parking is spread throughout the site for the public as well as residents.

Commissioner Erica Briggs reiterated that consumers might appreciate a developer who has pushed hard to find 'green' alternatives to gas appliances, because she believes it won't be long before people in Ann Arbor are looking for greener places to live.

Di Rita said the conversation has led him to have a conversation with DTE where consumers of his project could have options on how they would like to live.

Abrons explained she was most appreciative to the developer and staff for patiently responding to all their questions and explaining the project and she believes the project has a great potential of becoming a great project, and while she supports the project fully, she felt she didn't have enough background information on this complex project and would be voting no.

Woods suggested that Abrons forward her questions to Councilmember Ackerman or Council for follow-up before the project gets to City Council, so any unanswered questions can be clarified.

**On a roll call vote, the Vice Chair declared the motion carried. Vote:
8 - 1**

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, and Sara Hammerschmidt

Nays: 1 - Ellie Abrons

Moved by Sarah Mills, Seconded by Ellie Abrons, to extend the meeting past 11:30 pm. Unanimously Approved.

The Commission unanimously approved taking a 5 minute break.

- 10-b** [20-1102](#) Argo Livery Public Project - A proposal that includes expansion of an existing restroom, paving an existing gravel parking lot, replacing sidewalk, along with boat and fishing docks, adding an accessible kayak launch, a rain garden, bike racks, benches and way finding signs in this City park located at 1055 Long Shore Drive. Staff recommendation: Approval

Hillary Hanzel, City Landscape Architect, together with Jill Thacher, City Planner, provided the Project Presentation.

Doug Schultz, Rowe Professional Services Co. 540 S. Saginaw St., Suite 200, Flint, also provided technical information on the project.

PUBLIC HEARING:

Seeing no speakers, the Vice Chair closed the Public Hearing.

Moved by Sarah Mills, Seconded by Ellie Abrons:

WHEREAS, the City Administrator is directed to obtain comments and suggestions from the appropriate City departments with regard to certain City projects meeting private development regulations prior to recommending that City Council approve funding for them; and

WHEREAS, such projects are to be reviewed by the City Planning Commission prior to City Council approval;

WHEREAS, the City Administrator shall indicate which private development regulations are not being met for such projects;

RESOLVED, that the Ann Arbor City Planning Commission finds the City of Ann Arbor Argo Park Livery Project adheres to City private development standards notwithstanding the following:

- **Public sidewalks are not provided along the project frontage.**
- **The existing drive approach off Longshore Drive is undefined from the public road pavement requiring a reduction in width and radii.**
- **Required storm water requirements do not meet city code.**
- **Planning Commission approval would be required to authorize activity in the natural features open space.**

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 Erica Briggs asked about the proposed additional impervious surface.

Hillary Hanzel explained that early on in the project she had worked with Jerry Hancock, the City's Floodplain Coordinator, whom had suggested paving with asphalt and adding a rain garden, given the proximity to the high water table in this location. She said the main issue, whenever the City experience big rain events, is that the gravel parking lot of this site creates a lot of unfiltered sedimentation straining directly to the river. The benefit of having impervious surface along with capture and added raingarden, will take care of the run-off issue.

Commissioner Sarah Mills said she is excited about this project, while she does not like that we aren't holding ourselves to the same standards as private developers as it relates to sidewalks; however, there is a sidewalk in the park along that same stretch. She asked if the City had considered installing conduit in the parking area to be Electric Vehicle (EV) ready.

Hanzel said they could look into the possibility.

Commissioner Sara Hammerschmidt commented that it would be a good idea to consider the layout plan of the restrooms with the current Covid-19 pandemic in mind; having smaller individual restrooms would also be helpful in offering gender neutral facilities. She mentioned placing park benches at least 6 feet apart as well in order to help with the spread of the virus.

Hanzel explained that their design started before the pandemic, and given the subsequent slowdown construction would not begin this fall as intended, allowing them to re-think the layouts with the pandemic in mind.

Commissioner Shannan Gibb-Randall said she walks through this site daily; she expressed concern with the walking/biking trail where it intersects with other park users. She asked if the trail could be made wider in these areas and if the new and exiting walking paths could be made wider to facilitate mixed use. Gibb-Randall also suggested a separate path bypassing the facility which would allow bicyclists to zip past the congested areas. She asked about water flow and design near the raingardens. She expressed support for the improvements.

Schultz explained the design.

Brett Lenart noted Commission action was advisory.

On a voice (and show of hands) vote, the Vice Chair declared the motion carried. Vote: 9 - 0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

- 10-c** [20-1103](#) An Amendment to Chapter 55 Unified Development Code, section 5.25 Lighting for City Council Approval - Amendment to replace the existing exterior lighting standards with new standards that minimize adverse impacts of lighting on the built and natural environment, promote energy efficiency, and support/enhance commerce and lawful nighttime activities. Staff recommendation: Approval

Moved by Lisa Sauve, Seconded by Alex Milshteyn to take up Agenda items 10-c and 10-d for the purpose of holding the public hearings only, past 11:00 pm.

Brett Lenart provided an introduction on the amendment.

PUBLIC HEARING:

Heidi Trudeau, ...Safe Passage Organization, said she was super excited that this amendment is being brought up and she is in support of the ordinance for the sake of all wildlife and civilization.

Bea Friedlander, representing The Bird Center of Washtenaw County, 926 Mary Street, Ann Arbor, thanked the Commission for their diligent work on this amendment. She said it relies on the Dark Skies Initiative which is the gold standard and they support the amendment. Friedlander explained that light pollution is the main reason migratory birds are injured at night and their center sees a doubling of injuries in the fall.

Sally Oey, Michigan Dark Skies representative, thanked the City, the Commission, Brett Lenart and Staff for working on making this ordinance a true leader for sustainability.

Ryan Farber, 540 Thompson Street, Ann Arbor, gave his support for the ordinance, adding that it will be great having the night sky as a continued heritage.

Seeing no further speakers, the Vice Chair closed the Public Hearing.

Moved by Alex Milshteyn, seconded by Sarah Mills, to postpone the amendments to Chapter 55 Unified Development Code: replace Section 5.25 Outdoor Lighting; add Section 5.33.6 Nonconforming Lighting Installations; and add thirteen definitions to 5.37.2 Specific Terms; in order to more effectively regulate outdoor lighting throughout the City, until the August 18th, 2020 Planning Commission meeting.

COMMISSION DISCUSSION ON POSTPONEMENT:

Commissioner Sarah Mills thanked the public speakers for their support and for staying up past midnight to provide their public comments.

All Commissioners agreed.

On a voice (and show of hands) vote, the Vice Chair declared the motion carried. Vote: 9 - 0 Postponed until August 18, 2020.

- 10-d** **20-1104** Proposed Amendments to Chapter 55 Unified Development Code for City Council Approval - An ordinance for several amendments to Chapter 55, Unified Development Code: 1) amendments to Table 5.15.-2 Permitted Accessory Use Table and Section 5.16.6 Accessory Uses and Structures to allow accessory dwelling units in the R2A district; 2) amendment to Section 5.28.8 Security for Completion of Improvements to allow security to be posted for all required site improvements prior to issuance of a certificate of occupancy; 3) amendment to Section 5.17.6.C Building Design Requirements on Primary and Secondary Streets to prohibit fiber cement products as façade material; 4) amendment to Section 5.17.4 Mixed Use Zoning Districts to allow area dedicated as right-of-way for new or widened public sidewalks to be considered as part of lot area; 5) amendment to correct fence graphic label in Section 5.26 Fences; 6) amendment to correct footnote D reference in Table 5.17-4 Mixed Use Zoning District Dimensions; 7) amendment to correct marijuana-infused product processor as permitted use in M1, M1A, and M2 districts in Table 5.15-1 Permitted Primary Use Table; 8) amendment to reformat Tables 5.17-1 through 5 to landscape orientation and incorporate more footnotes into the table body for simplification. Staff recommendation: Postponement
Brett Lenart provided an introduction on the amendment.

PUBLIC HEARING:

Seeing no speakers, the Vice Chair closed the Public Hearing.

Moved by Sarah Mills, Seconded by Ellie Abrons, to postpone the amendments to Chapter 55 Unified Development Code, Sections 5.16.6.D, 5.28.8, 5.17.6.C, 5.17.4, and 5.26.2.A, including Tables 5.15-1, 5.15-2, 5.17-1, 5.17-2, 5.17-3, 5.17-4 and 5.17-5 to allow accessory dwelling units in the R2A district, expand security for the completion of improvements, regulate fiber cement boards, provide right-of-way for sidewalks in FAR determination, correct a fence graphic, correct marijuana processor use permission, and correct dimensional standards tables, until the August 18th, 2020 Planning Commission meeting.

On a voice (and show of hands) vote, the Vice Chair declared the motion carried. Vote: 9 - 0 Postponed until August 18, 2020.

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

No speakers

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

Moved by Sarah Mills, Seconded by Alex Milshteyn, to adjourn the meeting at 12:07 pm. Without objection the meeting was adjourned.

Sarah Mills, Chairperson
/mg

eComments for the Commission may be left via our Legistar calendar page (column to the very right)
<http://a2gov.legistar.com/Calendar.aspx>

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 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>). 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.

(If an agenda item is postponed, it will most likely be rescheduled to a future date. If you would like to be notified when a postponed agenda item will appear on a future agenda please contact Planning staff. 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. 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.)

These meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn> . The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150