



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes Planning Commission, City

Thursday, February 20, 2014

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

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. Persons with disabilities are encouraged to participate. 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 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 red envelope on the home page.

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1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:15 p.m.

2 ROLL CALL

Rampson called the roll.

Present 6 - Bona, Westphal, Giannola, Adenekan, Briere, and Peters

Absent 3 - Woods, Clein, and Parekh

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

Moved by Adenekan, seconded by Peters, that the agenda be approved as presented. On a voice vote, the chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

COMMISSION DISCUSSION:

Briere said the Council is beginning to hear concerns that the minutes of many Boards and Commissions are late in getting to Council. She encouraged the minutes to be provided in a more timely fashion.

- 5-a [14-0264](#) November 19, 2013, City Planning Commission Meeting Minutes

Moved by Giannola, seconded by Peters, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.
- 5-b [14-0265](#) December 3, 2013, City Planning Commission Meeting Minutes

Moved by Giannola, seconded by Peters, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.
- 5-c [14-0266](#) January 14, 2014, City Planning Commission Special Meeting Minutes

Moved by Giannola, seconded by Peters, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

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

6-a City Council

Briere said there were no planning issues raised at the most recent Council meeting. She reported that City Council will hold a special meeting to make a decision about the Edwards Brothers site.

6-b Planning Manager

Rampson said the department has just recently received two citizen participation meeting notifications. She said Burton Commons Apartments is a residential project off Packard Road along US-23 that is proposing to build a sound wall along the highway. She said another project in the works is a developer proposing to build indoor/outdoor tennis courts in the Research Park area, who will hold their citizen participation meeting in two weeks.

6-c Planning Commission Officers and Committees

Bona reported that the Ordinance Revisions Committee [ORC] is meeting after today's Planning Commission meeting to discuss the Downtown Zoning amendments.

Westphal reported that the Environmental Commission is spearheading funding for neighborhood mini-grants, which has been successfully done in other communities. He said the mini-grants will be targeted to any groups who want to take on a goal in the Sustainability Framework. He noted this project is currently in the planning stages.

Westphal noted that he has distributed a copy of a resolution recently passed by the Energy Commission. He said it will be reviewed by the Executive Committee next week.

6-d Written Communications and Petitions

[14-0271](#) 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.)

Sahr Yazdani, a student in Skyline High School Communications, Media and Public Policy (CMPP) magnet program, spoke about the importance of the work of the Huron River Watershed Council.

Daniel Schorin, a student in Skyline High School Communications, Media and Public Policy (CMPP) magnet program, spoke about the Huron River Watershed Council's "River Up" program.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[14-0267](#) Public Hearings Scheduled for the March 4, 2014, City Planning Commission Meeting
Chair Westphal read the public hearing notice as published.

9 UNFINISHED BUSINESS

10 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

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

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

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

10-a [14-0268](#) Stapp Nature Area Addition Rezoning for City Council Approval - A request to rezone this 2.02 acres parcel located at 3301 Traverwood Drive from R4D (Multiple-Family Dwelling District) to PL (Public Land District). The parcel was recently donated to the City of Ann Arbor for an expansion of Stapp Nature Area. Ward 1. Staff Recommendation:

Approval

Katy Ryan provided the staff report.

PUBLIC HEARING:

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

Moved by Peters, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Stapp Nature Area Addition rezoning from R4D (Multiple-Family Dwelling District) to PL (Public Land District).

COMMISSION DISCUSSION

Peters said he had no issues with the proposed rezoning request, and applauded the petitioner for donating land in the best interest of the City. He said he hopes that petitioners in the future can be as community minded.

Bona asked when the PROS plan would be updated to include this parcel, and if staff felt that the Park Land [PL] zoning might be cause for alarm to some or if the wording of the motion would clear any concern that the land could be used for other purposes.

Rampson said Parks and Recreation will start the plan update process within the next year, as the State of Michigan requires updates every five years to be eligible for funding. She explained that the donation language was quite clear that the land was for parkland use only.

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

Yeas: 6 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, and Jeremy Peters

Nays: 0

Absent: 3 - Wendy Woods, Kenneth Clein, and Paras Parekh

10-b [14-0270](#)

Bylaw Amendments

Rampson provided the staff report.

PUBLIC HEARING:

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

Moved by Adenekan, seconded by Giannola, that the Ann Arbor City Planning Commission hereby adopts amendments to Article VIII, Public Hearings, of the Planning Commission Bylaws, subject to Council review and approval.

COMMISSION DISCUSSION

Bona said she struggled with limiting the speaking time for public hearings, but she now sees the need to create consistency. She said she likes that the bylaws state that the Planning Commission can waive the speaking time limit. She said she has come around to seeing this as clarifying the procedures.

Peters said the idea behind the changes is to provide a clearer methodology and match City Council's practice. He said if the Commission decides this is not in their interest, he wanted them to know he was not trying to force the amendments through;

rather he is aiming for clarity.

Briere read the staff report as a goal statement, noting that they will allow people to speak, but said she had difficulty reconciling the wording in Section 5 against the goal statement.

Peters said the last sentence in Section 3 allows for the Commission by a simple majority vote to waive the time limitations within a public hearing. He said Section 5 was intended to clarify when a public hearing begins and ends. He said he felt the last sentence in Section 3 was the key to explain the continuance when a public hearing spans over 2 meetings.

Westphal said that Section 5 seems to undo Section 3.

Moved by Peters, seconded by Bona, to amend to Section 3 by taking the last sentence of Section 3, and moving it to a new Section 6, and changing "Section" to "Article", to read:

Section 6. The Commission may, by majority vote, modify or waive the limitations made within this article.

Friendly Amendment that the words 'Sections 3 and 5' be added to read:

Section 6. The Commission may, by majority vote, modify or waive the limitations made within Sections 3 and 5 of Article 8.

On a voice vote, the Chair declared the motion carried and the amendment revised.

Westphal asked if the amendments would still be subject to a review by the City Attorney.

Rampson said yes.

Westphal said the Commission would not set forth any changes to Sections 1 and 2. He also noted that the Commission needs to be mindful to remind speakers of the requirements.

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

Yeas: 6 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, and Jeremy Peters

Nays: 0

Absent: 3 - Wendy Woods, Kenneth Clein, and Paras Parekh

Moved by Giannola, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby adopts an amendment to Article V, Ethics and Conflict of Interest, of the Planning Commission Bylaws, subject to Council review and approval.

COMMISSION DISCUSSION:

Peters said it is in the best interest of Council members to manage their own conflict of interests, adding that he agrees with the proposed change.

Briere said she had thought about whether this would present a problem, but has not

been able to think of any. She said she was trying to anticipate unintended consequences of the proposed change. She commented that she has no recollection of any such situations that have occurred during her time of service where a Council member would come as a developer and represent him/herself as a petitioner before the Planning Commission.

Westphal said he had heard Council member Briere bring back concerns about whether a Council member could speak in support or opposition to a rezoning of their property. He asked if the Commission felt it would be appropriate to add the option of exclusion by majority vote.

Giannola said that Historic District Commission members cannot bring an application [for example to remodel their house] before the HDC while serving on the Historic District Commission, so a Council member would not be able to bring an item as long as they are serving on Council.

Briere said that her understanding is that your spouse, lawyer or representative could speak on your behalf before the Commission. She said she could imagine a future where a developer could be elected to Council and would be represented by a legal team or by someone else. She said an individual coming before the Planning Commission would be the last unintended consequence. She asked Rampson if she recalled any Council person coming before the Commission as a developer.

Rampson said she couldn't recollect any.

Peters added that while the concern exists, even with the possibility for that person to be represented by someone else, he felt this would prevent any perceived conflict of interest, even if it wasn't in the bylaws.

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

Yeas: 6 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, and Jeremy Peters

Nays: 0

Absent: 3 - Wendy Woods, Kenneth Clein, and Paras Parekh

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

Skyline High School students were in attendance.

12 COMMISSION PROPOSED BUSINESS

Briere said she has spoken to several people with concerns about North Main and the Huron River, as well as hearing public comments at this evening's meeting. Acknowledging the current workload, she gave the Commission a reminder about the North Main task force and asked when the zoning along North Main will be looked at.

Rampson commented that the North Main project is on the Commission's Work Plan.

Westphal called attention to the resolution handout from the Energy Commission.

13 ADJOURNMENT

The meeting was unanimously adjourned at 8:05 p.m.

Kirk Westphal, Chair
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- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideOnDemand.aspx*
- *Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.*

The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.