



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Tuesday, August 18, 2015

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. Persons with disabilities are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

1 CALL TO ORDER

Chair Woods called the meeting to order at 7:10 pm.

2 ROLL CALL

Planning Manager Wendy Rampson called the roll.

Present 5 - Woods, Briere, Mills, Bona, and Milshteyn

Absent 3 - Clein, Peters, and Franciscus

3 APPROVAL OF AGENDA

Moved by Milshteyn, seconded by Mills, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

15-1036 Resolution of Appreciation for Eleanore Adenekan

The Commission thanked Commissioner Adenekan for her service to the City and the community and presented her with a Resolution of Appreciation as follows:

Whereas, Eleanore Adenekan has served on the Ann Arbor City Planning Commission for 4 years, from July 2011 to July 2015, and

Whereas, Eleanore Adenekan has used her wisdom and knowledge of the community to discern appropriate actions of the Commission,

Whereas, Eleanore Adenekan has contributed significant time, energy and personal perspective to improve the quality of development proposals and support the region’s affordable housing efforts,

Whereas, Eleanore Adenekan has provided valuable insights based on her experience as a real estate professional, Human Rights commissioner and expatriate New Yorker,

Whereas, Eleanore Adenekan has ensured, through vigorous and thorough examination, that all voices in the process are heard,

Whereas, Eleanore Adenekan’s direct questioning to get to the bottom of issues and no-nonsense approach to discussion will be missed by the Commission, be it therefore

RESOLVED, that the Ann Arbor City Planning Commission expresses its sincere gratitude and commends Eleanore Adenekan for her dedicated service to planning in the City of Ann Arbor on this 18th day of August, Two Thousand and Fifteen.

- Wendy Woods, Chair*
- Ken Clein, Vice Chair*
- Jeremy Peters, Secretary*
- Bonnie Bona*
- Sabra Briere*
- Sofia Franciscus*
- Sarah Mills*
- Alex Milshteyn*

5 MINUTES OF PREVIOUS MEETING

[15-1032](#) July 21, 2015 City Planning Commission Meeting Minutes

Moved by Milshteyn, seconded by Bona, that the minutes be approved as presented. 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 reported that the previous night's Council meeting was very planning-heavy. She said the Council didn't approve all of the items, but had a lot of discussion. She noted that one member of City Council voted in opposition to the North Main Street project because it is in an R4C district, and he felt it should not be approved because the R4C amendments have not been implemented. She said the three projects along Nixon Road were postponed, and the zoning on the Nixon Farm sites will need a super majority vote to pass. She said that Council did approve the North Main site plan.

Woods asked for clarification about the super majority vote.

Briere explained that a supermajority vote is required if the owners of more than 20% of properties within 100 feet of the property to be rezoned sign protest petitions. She further explained that the Nixon Farm projects were postponed because the developer proposed conditional zoning, and they will be considered that on September 8, for first reading. She said the Woodbury Club project was postponed because there are still unknown aspects of land that may be sold to the City.

6-b Planning Manager

Rampson reported that the following items also went before City Council at their past meeting; 2250 Ann Arbor-Saline Road Annexation, The Rockbridge Hotel and Retail, and the White/State/Henry PUD, were approved at First Reading, and the Ann Arbor Racquet Club sidewalk waiver was approved. She said the 618 South Main project were having some challenges getting their footing drain disconnects in time for occupancy of that building, so they discussed with Public Services an approach. She explained that the City has some 'banked' footing drain disconnects from projects that the City has done in certain neighborhoods, and based on Council approval, the developer will borrow those footing drain disconnects and put funds in escrow equal to twice the cost of doing the footing drain disconnect and as they acquire their own disconnects, in time, that escrow will be returned. She said this will allow them to fully occupy the building, since construction is complete.

Rampson noted that the City had received a Planning & Advisory Service Report which included a feature on including the aging within Planning. She said the report was available to Commissioners interested.

Rampson also noted there would be an Ordinance Revisions Committee meeting next Tuesday to continue the discussion on an ordinance draft for the downtown premiums.

6-c Planning Commission Officers and Committees

Mills announced the Ann Arbor District Library Summer Game code.

6-d Written Communications and Petitions

15-1033 Various Correspondences to the City Planning Commission
Received and Filed

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

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

9 UNFINISHED BUSINESS

Franciscus arrived at 7:30 pm.

ROLL CALL

Present 6 - Woods, Briere, Franciscus, Mills, Bona, and Milshteyn

Absent 2 - Clein, and Peters

9-a 15-1034 Davis Row Site Plan for City Council Approval - A proposal to demolish single-family dwellings at 303 and 307 West Davis, combine the two R4C-zoned parcels and construct a four-unit residential condominium building on the 0.23-acre site. Two tandem parking spaces will be provided for each unit in garages at grade level. The two existing driveways are proposed to be shifted to access the garage spaces. A new public sidewalk is proposed along the site frontage. (Ward 5)
 Recommendation: Approval

Matthew Kowalski presented the staff report.

PUBLIC HEARING:

Sivanna Heller, 128 W. Hoover, Ann Arbor, said much of what she has to say is in written correspondence in the packet. She noted that there is a city report that recommends that the zoning of the neighborhood be changed, and she hopes this will happen. She said this project is built to the maximum allowed, and it is out of scale with the rest of the neighborhood. She noted that most of the houses are 1,100 - 1,200 square feet. She said increasing density is desirable, but not pushing development to the max.

Dan Williams, 2493 Oak Valley Drive, Ann Arbor, petitioner, said he was available to answer questions, as was the project architect and engineer.

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

Moved by Franciscus, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Davis Row Site Plan, subject to variances for tandem parking and curb cut alignment being granted by the Zoning Board of Appeals and subject to the combination of parcels before issuance of building permits.

COMMISSION DISCUSSION:

Bona noted that Mr. Williams has brought forward other projects in R4C zoning districts. She asked him whether the impacts of the R4C requirements, including the minimum lot size of 8,500 square feet, had forced him to combine the lots to meet code and whether he would have been able to develop the project as 2 two-unit buildings.

Williams said yes and no, adding there are a lot of conflicting zoning codes, for instance the requirement for a conflicting land use buffer. He suggested that moving forward it would be helpful to clear up these contradictions. He noted that different departments have different standards.

Bona said one of the major objections to the R4C requirements is that, by requiring a minimum of 4 units on a site, the buildings become out of scale with the neighborhood. She noted if the required minimum lot size was reduced, you could do two units. She asked if the petitioner could

have gotten two such, smaller units on one site.

Williams reiterated that there are a lot of contradictions in the code and this makes it difficult with smaller projects. He said on a high rise building there are smaller parking requirements.

Bona asked if he would provide parking if he didn't have to.

Williams said yes, because it pulls parking off the street. He said that parking underneath the building keeps headlights off the neighbors' property to the rear, and tandem parking also saves space. He noted that many places in the neighborhood have only one-car garages.

Bona asked about the size of units and number of bedrooms.

Williams said each unit is about 2000 square feet with 2 bedrooms and a den and optional attic space.

Bona noted that this size unit is below the average for an American house.

Williams said this may be bigger than some houses in the neighborhood, but down the street there is a single-family house with a large addition and there are apartment buildings across the street. He said there is a blend of housing stock in the neighborhood.

Bona said she appreciates the neighbor's concern, but this is how the district is zoned. She noted this building is not a box, like the other buildings produced by the R4C zoning.

Briere noted there was concern about the amount of greenery between the wall and the adjacent property. She asked the petitioner to explain the plan for the retaining wall and whether there was an opportunity to improve the foliage in this area.

William said he has offered to plant on the neighbors' property, similar to what he did on the 544 Detroit Street property. He said he has been talking to property owners to the south.

Briere commended the architect's efforts to disguise the garage as much as possible. She said that the big block buildings Commissioner Bona mentioned have turned backyards into parking lots. She asked the petitioner how much private space would be available for each unit.

Williams said all units will have a front porch, and active open space decks in the rear. He said there are many options for materials.

Briere asked if decisions about materials will be made by each property owner.

Williams said this would be determined in the master deed.

Franciscus asked about the width of the garage.

Williams said the garages are 10 feet for each side.

Franciscus asked about the 96 gallon notation on the plan.

Williams said this indicates where trash and recycling will be stored.

Mills asked about the comparison chart and whether it indicates a setback variance will be required.

Kowalski clarified the asterisk notations at the bottom on the chart and said that no rear setback variance is needed.

Mills asked about the R4C recommendations related to maximum lot size and rezoning.

Kowalski said there were recommendations from the R4C study that echoed the earlier Central Area Plan recommendation to rezone this area from R4C to R2A. He said this is not currently an active proposal.

Milshteyn asked if one footing drain disconnect would be needed.

Kowalski said yes.

Milshteyn asked if the houses' footing drains are currently connected.

Williams said City staff made a site visit to determine this.

Bona noted there was an earlier reference to "active open space" and provided some background on the requirement, which was added to the code several years ago.

Bona asked about whether the rezoning recommendation would be

implemented site by site.

Kowalski said it would not typically be done that way. He said the rezoning would cover the recommended area, similar to the approach taken a number of years ago along Golden Avenue.

Bona wanted to make clear that now that the Commission have a petition before them, it is not the time to rezone. She said to rezone the entire neighborhood takes more than just a resolution from the Commission. She said if the R4C requirements get redefined, they might end up being more appropriate for the neighborhood.

Franciscus said she was impressed with the floor plan and functionality of the units. She noted that many houses in Ann Arbor are small and don't have a good internal flow.

Woods said she remembered a discussion at the earlier meeting about rain gardens and asked if these are still part of the plan.

Kathy Keineth, project engineer, said that they would be creating swales on both sides of the property, which would drain to inlets to the infiltration system in the front.

On a roll call, the vote was as follows with the Chair declaring the motion carried. Approved 6-0

Yeas: 6 - Wendy Woods, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 2 - Kenneth Clein, and Jeremy Peters

Briere asked if the petition would come back to the Commission if the Zoning Board of Appeals chooses not to approve the variances requested.

Kowalski said the plan would have to be redesigned and return to the Planning Commission for review.

9-b [15-1035](#)

410 First Site Plan for City Council Approval - A proposal to demolish two residential buildings and construct a four-story, 25-unit, 47,140-square foot residential building on a 0.44 acre site located at 408-412 North First Street. Parking for 36 vehicles will be provided in a lower-level parking garage, as will access to 5 parking spaces on the property to the south.

The proposed building is to be elevated above the 100-year floodplain, which covers the site. (Ward 1) Staff Recommendation: Approval
Kowalski presented the staff report.

PUBLIC HEARING:

Tom Fitzsimmons, Huron Development Associates, LLC, 408 N. First Street, Ann Arbor, petitioner, introduced his team. He explained that they have spent the last few months designing an oversized storm detention system and re-evaluating open spaces. He said they initially planned to have common space on Level 2, but looked at providing roof access to residents. They also engaged a consultant to determine what would be necessary to make the roof solar ready.

Marc Rueter, project architect, said when the project was first proposed, the building was 5 feet under the height limit. He said with the addition of roof access, they needed to pop up a stair tower 5 feet. He said the planted materials on the roof will be similar to those on the City Hall and Big George's green roofs. He said the remaining area on the roof will be available for solar.

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

Moved by Franciscus, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 410 First Site Plan, subject to obtaining a floodplain permit from the Michigan Department of Environmental Quality and combining the parcels prior to the issuance of any grading or construction permits.

COMMISSION DISCUSSION:

Franciscus asked about interior height of the units.

Rueter said most of the areas will be 10 feet from floor to ceiling.

Mills said she understands that a green roof requires additional weight. She asked if the roof could accommodate the weight if they decide in the future to do solar on the entire roof.

Rueter said the building will have more than adequate capacity for either.

Woods asked whether there will be a need for signage on the roof about

occupancy.

Rueter said the building code requirement for assembly calls for 100 lb/square foot, which is equivalent to that required for a dance floor.

Woods said she recalls hearing about an overloaded deck collapsing in Chicago.

Rueter said when this happens, the cause is usually poor maintenance or construction.

Bona asked for clarification about the location of the floodplain and floodway.

Kowalski pointed out the locations on the map. He said the residential floors are elevated, and there will be no portion of the building in the floodway. He said that property owners can build in a floodplain if the residential floors are over the flood elevation.

Bona said, in looking at the development agreement, she didn't see anything specific about the roof changes. She asked if the paragraph about compliance with the site plan covers these improvements.

Kowalski said that if an improvement is shown on the site plan, they would have to construct it. He said the solar-ready installation is not mentioned on the site plan, so there is nothing specific that would hold them to doing it.

Bona asked the petitioner if he would be willing to commit to this improvement.

Fitzsimmons said he has not seen the development agreement yet. He said that having staff add language to the effect that they agree to putting electrical conduit from their electrical room, up to the roof at suitable locations for future solar was not an issue to him.

Bona said she believes solar readiness is a site plan issue, not a building code issue, similar to requirements for lights on the outside of buildings. She said she would like to push for solar-readiness to become a site plan requirement.

Kowalski said adding this language to the development agreement would work. He said staff can bring this up to future petitioners.

Briere asked about the interaction of the building at the street and whether the petitioner had access to the streetscape plan recently produced by the Downtown Development Authority [DDA].

Fitzsimmons said they haven't seen the plan, but they had lots of discussion with the DDA and the Solid Waste Department about curbside solid-waste issues. He said they have provided the additional setback on top of floor 3, and the building will provide a nice anchor to the corner.

Briere recommended looking at the Streetscape Framework, which will hopefully be incorporated into the city's Orange Book standards.

Briere asked what the estimated average unit price would be.

Fitzsimmons said this is a condominium development, and they will offer a variety of unit sizes, with many units from 1,100 square feet and lower. He said the starting price is targeted at \$325,000.

Mills asked about the timing of the Downtown Street Manual recommendations in relationship to this project.

Rampson said the manual was not quite finished when the petitioner submitted plans, but the DDA staff reviewed this project with the manual's guidelines in mind.

Milshteyn asked about the parking on the property to the south.

Fitzsimmons said the house and parking lot are owned by a single entity.

Milshteyn asked if plans have changed with the upcoming project to the northeast, which will be close to this property and take up most of the lot.

Fitzsimmons said they had already planned to provide a setback along the north to allow for windows. He said about two thirds of the north property line overlaps with the park, and there is only a small area that would impact their windows. He said they don't have balconies in this area, and the rooftop space is not close to the other development, so there will be no practical impact.

On a roll call, the vote was as follows with the Chair declaring the motion carried. Approved 6-0

Yeas: 6 - Wendy Woods, Sabra Briere, Sofia Franciscus, Sarah Mills, Bonnie Bona, and Alex Milshteyn

Nays: 0

Absent: 2 - Kenneth Clein, and Jeremy Peters

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.)

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

12 COMMISSION PROPOSED BUSINESS

Bona said she couldn't believe that this was Wendy Ramspson's last meeting.

Rampson said when she started in the Building Department in 1984, who knew that she would still be at the City for 31 years, 2 maternity leaves, a Master's degree, and 400+ Planning Commission meetings. She said she is now looking back on a career full of fascinating and sometimes frustrating debates and sharing time with a dedicated and intelligent and an insightful community, which is what makes Ann Arbor so special. She thanked the Commission for being a part of that and for helping her think globally and act locally and being able to do that day after day has been a great privilege.

Franciscus said she couldn't imagine these Planning Commission meetings without Wendy and she didn't want to.

Bona said she moved to Ann Arbor in 1984 and began working for an architect doing business with the City so she has been 'working' with Wendy the whole time. She said in following Wendy throughout her career with the City it seemed that her path through the City was a perfect path to her present situation and she hoped in her future paths. She said she too couldn't imagine the Commission without Wendy, nor the City without her. She requested her not to be a stranger in the future and for her to add her community input.

Rampson said her career has had several interesting side paths and even included assisting all of the former residents of the Y to move into their new housing.

Mills thanked Rampson for teaching the Commission and helping them understand that no question is silly to ask. She said with the constant turnover on the Commission Rampson has done a great job and their loss is the Michigan Association of Planning's gain as she moves on to train all local Michigan jurisdictions throughout the State of Michigan. She thanked her for making their service a great experience for them all.

Milshteyn wished her all the best and said in the past whenever he had concerns and situations to deal with, he could always rely on Wendy helping him out, whether it was a Building Board of Appeals or Zoning Board of Appeals question. He asked her to keep in touch through letters, emails, or blogging.

Woods thanks Rampson for her voice of reason and always making each Commissioner feel that their voice was worthy of being heard. She said Rampson's professionalism is extra ordinary and she appreciated that. She said she had learned a lot from Rampson and she was glad that she would be staying in the community.

Rampson said it had been her pleasure and it has been a wonderful career for her.

Kowalski said Wendy had been a wonderful mentor, teacher and encourager in the 15 years he had been with the City. He said while her shoes will be hard to fill, staff would do their best to carry on and be there for the Commission. He thanked Rampson on behalf of all Planning staff.

13 ADJOURNMENT

Moved by Milshteyn, seconded by Franciscus to adjourn the

meeting at 8:35 pm. On a voice vote, the vote was as follows with the Chair declaring the motion carried.

Wendy Woods, Chair
mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

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