



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Tuesday, November 15, 2016

7:00 PM

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

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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](mailto: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 Ken Clein called the meeting to order at 7:10 p.m.*

#### **2 ROLL CALL**

*Planning Manager Brett Lenart called the roll.*

**Present** 8 - Briggs, Clein, Briere, Mills, Milshteyn, Gibb-Randall,  
Trudeau, and Weatherbee

**Absent** 1 - Woods

#### **3 APPROVAL OF AGENDA**

**Moved by Briere, seconded by Milshteyn, to approve the agenda as presented. The agenda was unanimously approved.**

#### **4 INTRODUCTIONS**

*Chair Clein presented a Certificate of Appreciation to Sabra Briere for her service to the Planning Commission. Commissioners expressed their thanks to Councilmember Briere for her expertise and wisdom.*

*Briere commented that her time on the Planning Commission had been*

*most fascinating to her and a learning experience as well.*

**5 MINUTES OF PREVIOUS MEETING**

**5-a [16-1412](#)** September 7, 2016 City Planning Commission Meeting Minutes

**Moved by Milshteyn, seconded by Weatherbee, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.**

**5-b [16-1413](#)** September 20, 2016 City Planning Commission Meeting Minutes

**Moved by Milshteyn, seconded by Weatherbee, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.**

**5-c [16-1603](#)** October 5, 2016 City Planning Commission Meeting Minutes

**Moved by Milshteyn, seconded by Weatherbee, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.**

**5-d [16-1604](#)** October 18, 2016 City Planning Commission Meeting Minutes

**Moved by Milshteyn, seconded by Weatherbee, that the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.**

**5-e [16-1605](#)** November 1, 2016 City Planning Commission Meeting Minutes

**Moved by Milshteyn, seconded by Weatherbee, that the Minutes be Approved by the Commission and forwarded to the 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**

*Councilmember Briere updated the Commission on two potential new*

*commission appointments; Erica Briggs has been nominated and is scheduled to be appointed to the Planning Commission on November 21st.*

*Briere reviewed pending issues in front of Council; one postponed item includes whether Council will decide to sell the Library Lot Development Rights. She said if the Council makes that decision the developer will sometime in the future provide a public participation meeting followed by a full site plan review process. She reminded the Commission of the need to update the Master Plan, since there is no need to rely upon 30-year old conclusions. She believed that the D1 and D2 premiums would not be ready to return to Council until after her departure.*

**6-b Planning Manager**

*Planning Manager Lenart reported that he is hoping to have the Premiums on the December 5th Council agenda. He explained that a couple of re-zoning requests are now being converted to Conditional Zonings; 2250 Ann Arbor-Saline Road and 2857 Packard Road. In addition to a heavy workload, the review of ZORO is beginning.*

**6-c Planning Commission Officers and Committees**

**6-d Written Communications and Petitions**

**16-1606** 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.)**

*Ethel Potts, 1014 Elder Boulevard, Ann Arbor, said 'Hello' to new Commissioners and 'Goodbye' to Sabra Briere. She said Briere has been really important to the City and knows the Citizen Participation Ordinance and has been here week after week. She encouraged Commissioners to visit the sites being considered as well as familiarize themselves with the ordinances and other Boards and Commissions of the City, adding that this is a serious role and she encouraged the Commission to learn from Sabra.*

**8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

*Chair Clein reviewed the public hearing items as published.*

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

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

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

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

- 9-a 16-1607 Hillside Memory Care for City Council Approval - A proposed 16,743 square foot single-story convalescent and memory care facility on this 2.64-acre site zoned R4B (Multiple-Family Dwelling District) located at 312 Glendale Drive. The facility will have 24 individual single bedrooms with 21 new parking spaces. The two existing houses on the site will remain. (Ward 5) Staff Recommendation: Approval**

*Matt Kowalski presented the staff report, including zoning map, aerial photographs, and an overview of the proposed project. He explained that 120% of the stormwater has to be detained on site and the Washtenaw County Water Resources Commissioner has issued preliminary approval for the development. Kowalski summarized natural features and mitigation measures for the site; he highlighted the proposed five-foot wide sidewalk along Glendale Avenue and cross property access easement at the end of the site. He noted the building is proposed to be 20-feet high and single-story. The remaining items include access and utility easements on the site, and three footing-drain disconnects. Staff is recommending approval.*

**PUBLIC HEARING:**

*Diane Robbins, 1914 Old Orchard Court, Ann Arbor, spoke about*

concerns with the development. She said they previously thwarted proposed condominium development and they expect adverse impact from this development, noting storm drains are inadequate, and the development will compromise the quality of their neighborhood. She said they surveyed neighborhood with a response rate greater than 50%. Citing survey responses and showing map of impacted properties, she urged recalculation of stormwater.

Vince Curuso, 536 Glendale Avenue, Ann Arbor, Allen's Creek Watershed Group, spoke of concerns he had on the development. He said he didn't understand why this project doesn't require the entire Hillside Terrace site to be brought into compliance. He asked if workers will go back and forth between Hillside Terrace and this facility. He said the City did inappropriate development in our backyard which cost the City half a million in correction. He said they think the Orchard should be a stormwater detention park. He suggested using Greenbelt millage funds to purchase this property. He pointed to recent studies by Huron River Watershed Council that recommends planning for a 500-year flood event, since there will be major flooding issues downstream.

Kathy Boris, 1726 Charlton, Ann Arbor, Orchard on which property is being proposed is the most important up-stream stormwater storage site in the area and also provides storage to existing Hillside Terrace site. She said they should be required to upgrade their stormwater system; Zion Church and Maple Village are examples of recent sites where stormwater was improved.

Adam Booth, 1804 Abbott Avenue, Ann Arbor, said the site plan states 24 individual beds. He felt there should be an investigation on how they will secure licenses to serve such patients, noting that licensing is through the State. He also stated that the Dioxane Plume is under this site or at least shown on maps as an area of high concentration and contamination might need to be investigated.

Ethel Potts, 1014 Elder Blvd, Ann Arbor, stated this is a difficult site to development. She said the site plan that is in your packet is not the same one that is located on the table outside the Planning offices, as required in Chapter 57 of your ordinance. She said the plans in the lobby show swales which aren't included on the plan provided here. She said the Commission needs to decide which plans they are reviewing for the public good.

Lynn Borset, 322 Virginia Avenue, Ann Arbor, Virginia Park

*Neighborhood Association, reviewed portions of the staff report, noting the northern side of the building is on top of the steep slopes. She asked how this building can be constructed without impact to steep slopes and if sufficient downstream capacity exists; capacity for wet weather. She said the report fails to reference recent project that identifies several recommendations to improve stormwater capacity, noting there is no stormwater management on the site currently and that Orchard Terrace absorbs runoff. She stated the site plan is not ready for approval; she urged the Commission to deny or postpone taking action.*

*Ian Hubert, 1916 Old Orchard Court, Ann Arbor, said he lives northwest of this development where he is raising three children and there is a threat to flooding in his house. He said in the UK they have a concept called Town and Country Planning where houses are only built if they are similar to surrounding houses, adding that the size of this development is out of scale with the neighborhood. He said there is a massive concern with water given the way the building is constructed; the roof run-off will cause flooding in his basement with Dioxin.*

*Priscilla Parker, 1706 Charlton, Ann Arbor, said the proposed development does not meet Goal A. She asked the Commission to make sure that development is done in way that doesn't destroy natural systems. She agreed that stormwater and sewage overflows will increase and plants will be destroyed. She suggested the City should purchase this property and the Commission should deny this project.*

*Jack Newness, 1712 Charlton, Ann Arbor, Ann Arbor, said a small rain in the area causes significant flooding noting that they were told 3 of their 4 foundation walls had been replaced in the area because flooding causes such building integrity issues.*

*Emily Chilson, 403 Glendale, Ann Arbor, noted that children play along Glendale Avenue, and access off Glendale would be problematic. She asked about construction vehicle access to the site, and if there are future phases for development being proposed. She asked if a developer has been chosen and if they are credible or viable.*

*John Ramsburgh, 1804 Orchard Street, Ann Arbor, shared concerns of others that spoke, adding that when Orangeburg was replaced near his house, somehow a City sewer system manhole ended up in the middle of his driveway, and when it floods a catch basin grate on his property needs to be cleaned out.*

*Scott Bowers, Bowers & Associates, Inc., 2400 S Huron Parkway, Ann Arbor, petitioner explained that this building is slightly smaller than what was originally proposed. He said this Memory Care project is on a separate piece of land, owned by a different entity, but it will be run in a tenant form by Hillside Terrace, as a third party, but not owned by them. He said they have cross access agreements to come in off the property. He said regarding the stormwater, they have met with Washtenaw County Water Resources several times, and they have met their current new standards, which is up 20% from the 100-year storm and will now be handling 120% of the stormwater capacity, with no storage of water above grade. He said there is no infiltration based on soil investigation so all the water will be retained. He further explained that the building is between the steep slopes and meets underground retention requirements. He said the parking has been moved from the Glendale side to the Hillside Terrace side and hidden behind the building. Bowers noted that the facility has to be licensed by the State before it can be constructed under State standards. He also explained that the two existing houses on the site will be fixed up and will remain on the site and presumably rented out.*

*Melissa Whitney, 1808 Charlton Street, Ann Arbor, said this proposed project doesn't seem aesthetically pleasing, and given that no one knows yet what is going on with the dioxin plume she felt development should wait. She said there is a reason this parcel hasn't been developed given the prime value of property; and it is being used for stormwater run-off from another development. She said she cannot see how this parcel can be developed suggesting putting 4 houses on it with carports. She asked how the asphalt on this site compares to the previous condominium development.*

*Iva Corbett, 124 Grandview, Ann Arbor, agreeing with previous speakers on the flooding concerns asked about ownership of this site.*

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

**Moved by Briere, Seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hillside Memory Care Site Plan, subject to obtaining off-site water main easements prior to the issuance of any permits.**

**COMMISSION DISCUSSION:**

*Briere asked about the setbacks.*

*Kowalski responded that the building is setback at the maximum 40 feet per the zoning requirement.*

*Briere asked about Ms. Potts comments on site plan reiterations.*

*Kowalski explained that when site plans are submitted, the original plan is placed out in the lobby of City Hall and is stamped with a notice to see Planning Staff for any revised site plans. He said it isn't rare to have site plans go through 6-8 reiterations before coming to the City Planning Commission.*

*Lennart added that all site plans are also available through the City's permitting/project website etrakit and can be accessed on-line.*

*Gibb-Randall asked about the underground system upstream from a pretty large retaining wall along the sidewalk.*

*Bowers provided a detailed response.*

*Briere commented that the stormwater in the area needs improvement. She expressed the need for other strategies to make the facade from Glendale "softened", possibly by additional landscaping , or vines on the walls in addition to scrubs and trees, since more could be done to improve the facade.*

*Milshteyn added that the area is well known for having water in basements, and development on this site may make the problem worse; he suggested the City could perhaps evaluate the possibility of a regional detention basin in this area.*

*Milshteyn also suggested the developer test for Dioxane on this site since recent finds from shallow samples in various locations in the City.*

*Mills requested 3D renderings from the street view, noting that the plans were missing a view of the retaining wall and fence, She said she would like to see the view of the entrance showing the fence.*

**Moved by Briere, seconded by Mills to postpone taking action until the next Planning Commission meeting, December 6, 2016.**

**COMMISSION DISCUSSION ON POSTPONEMENT:**

*The Commission listed the following enquiries:*

- *Possibility for regional stormwater system*
- *Flow through calculation*
- *Basement and sewage overflows – are they connected?*
- *Can building be pulled from the property line*

**On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote:7-0**

**Item Postponed**

**Yeas:** 8 - Erica Briggs, Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

**Nays:** 0

**Absent:** 1 - Wendy Woods

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

*Vince Caruso, Allen Creek Watershed Group, 536 Glendale Drive, Ann Arbor, said this building will be in a residential neighborhood and he didn't think it appropriate for the City to impose this development in this neighborhood. He said it will be ugly, modern and out of place, adding that the City needs to think about their existing tax base. He said whether or not this property is owned by Hillside Terrace, he doesn't understand how they do not have to bring the site up to standard, adding this is a public safety and welfare issue. He urged the Commission to get more answers on the ownership questions.*

*Lynn Borset, 322 Virginia Avenue, Ann Arbor, said she understands that there is poor infiltration on the site. She urged the Commission to ask more questions about the trunkline sewer and how it works with run off.*

*John Johnson, 1807 Charlton, Ann Arbor, said this project will be tweaked and tweaked until the project is approved. He asked if there a plan B to address how to remediate flooding if it happens in the future.*

*Ian Hubert, 1916 Old Orchard Court, Ann Arbor, said he has the video if anyone wants it, adding that he can confirm that no water runs off the site. He said one person owns both sites.*

*Ethel Potts, 1014 Elder Blvd, Ann Arbor, said the City is requiring sidewalks which will remove many trees on the site, that are helping to keep stormwater coming off the site; she urged a redesign to protect the*

*natural feature.*

*Melissa Whitney, 1808 Charlton, Ann Arbor, reiterated that while she is not an architect, but if she were, she would say that this site should be a park, and if it is developed, there should be 4 more houses clustered on the site.*

*John Ramsburg, 1408 Orchard Court, Ann Arbor, thanked the Commission for their insightful questions and considerations, recognizing the difficulty in balancing laws and public input. He said he understands parks are a tough sell. He said he has aesthetic concerns, noting that residents use the site as a cut through. He said, "You're in a tough spot and I appreciate your questions about how the development is going to be experienced by the neighborhoods".*

*Susan Cybulski, 112 Kenwood Avenue, Ann Arbor said she lives 2 blocks east of this property and she felt that the Commission doesn't completely understand how this development will impact them. She said the developer is not providing information of the project impact, and why doesn't the City protect existing homeowners. She asked why homeowners should have to incur the cost to fix inadequate infrastructure. She said, please hold the developer to some accountability.*

**11**      **COMMISSION PROPOSED BUSINESS**

**12**      **ADJOURNMENT**

**Moved by Gibb-Randall, seconded by Trudeau to adjourn the meeting at 9:17 p.m. The motion was unanimously Approved.**

Ken Klein, Chair  
mg

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

