



City of Ann Arbor

Formal Minutes - Final

City Planning Commission

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Tuesday, March 5, 2019

7:00 PM

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

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1 CALL TO ORDER

Chair Milshteyn called the meeting to order at 7:05 p.m.

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 7 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau,
and Weatherbee

Absent 2 - Ackerman, and Sauve

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

**Moved by Mills, seconded by Trudeau, and approved unanimously
as presented.**

5 MINUTES OF PREVIOUS MEETING

5-a [19-0306](#) City Planning Commission Meeting Minutes of January 15, 2019

Attachments: 1-15-2019 Draft CPC Minutes w Live Links.pdf

Moved by Mills, seconded by Woods, unanimously approved as presented, and forwarded to the City Council.

5-b [19-0398](#) February 5, 2019 City Planning Commission Meeting Minutes

Attachments: 2-5-2019 CPC Draft Minutes w Live Links.pdf

Approved by the Commission and forwarded to the City Council due back on 4/15/2019

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

6-a City Council

6-b Planning Manager

Lenart discussed the City Council directive to explore policies to ensure solar access for future development.

[19-0304](#) Various Correspondences to the City Planning Commission

Attachments: Comm 1.pdf, Comm 2.pdf, Comm 3.pdf

Received and Filed

6-c Planning Commission Officers and Committees

Commissioner Julie Weatherbee explained that the Zoning Board of Appeals did approve the parking variance for 2570 Pontiac Trail.

Commissioner Sarah Mills explained that the ORC met to discuss parking, transit oriented development, and R4C Zoning.

6-d Written Communications and Petitions

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.)

No

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

19-0399 Public Hearings Scheduled for the March 19, 2019 Planning Commission Meeting

Attachments: 3-19-2019 Notice of Public Hearing.pdf

Received and Filed

9 UNFINISHED BUSINESS

9-a **19-0303** Brightdawn Village Apartments Planned Project and Rezoning for City Council Approval - A request to rezone this 8-acre site, located at 2805 Burton Road, from R4B (Multiple-Family Dwelling) to R4D (Multiple-Family Dwelling) and construct four, 4-story multi-family apartment buildings and a clubhouse. 160 new units are proposed with 40 of these units designated as affordable housing. Over 60% of the site will be used as open-space. (Ward 3) Staff Recommendation: Denial

Attachments: Brightdawn Village Site Plan 2 Staff Report w Attachments.pdf

Tom Covert of Midwestern Consulting presented the project and highlighted a few changes:

- 1-3 bedrooms in each unit
- 20 units at 60% AMI for 15 years
- 20 units at 80% AMI for 15 years
- Added full street connection to Eli Road
- Will complete all street improvements
- add 22 trees to provide a highway buffer

City of Ann Arbor City Planner, Chris Cheng, further discussed the staff report.

PUBLIC HEARING:

Brian Smith, 2303 Lillian Road, Ann Arbor, expressed dissatisfaction with the Citizen Participation Meeting and requested that the Planning

Commission deny the project.

Jiliet Pressil, 2625 Lillian Eoad, Ann Arbor, requested that the Planning Commission deny the project. She expressed concern with traffic, pedestrian connections, and sidewalk connections.

Rosemary Bogdan, 3550 Terhune Road, Ann Arbor, requested that the Planning Commission deny the project. She discussed the Master Plan, and expressed concern with safety due to increased traffic.

Jim Pressel, 2625 Lillian Road, Ann Arbor, expressed concern with unintended consequences, traffic, and requested that the Planning Commission deny the project.

Gloria Jones, Forestbrooke Neighborhood, expressed concern with traffic and density. She discussed the Master Plan, and requested that the Planning Commission deny the project.

Peter Avram, 3630 Terhune Road, Ann Arbor, expressed dissatisfaction with the Citizen Participation Meeting and explained that he would be in support of development that meets the R4B requirement.

Bill Hueter, 2601 Lillian Road, Ann Arbor, discussed traffic, safety, road condition, and requested that the Planning Commission deny the project.

Joshua Tishhouse, 2816 Yost Boulevard, Ann Arbor, discussed walkability, and transit as it relates to the development. He also discussed parking.

Celia Alcumbracle McDaniel, 2721 Lillian Road, Ann Arbor, expressed concern with density, project type, and with the request to deviate from the Master Plan.

Jason Martinez, 2448 Yost, Ann Arbor, expressed opposition for the project, expressed concerns with parking, impacts to the neighborhood, the Master Plan, and requested that the Planning Commission deny the project.

Lilly (Last Name Unknown), 2818 Lillian Road, Ann Arbor, requested that the Planning Commission deny the project.

Carol Makielski, 2905 Brandywine, Ann Arbor, expressed agreement with previous speakers and requested that the Planning Commission deny

the project.

Mike Bogdan, 3550 Terhune Road, Ann Arbor, expressed concern for pedestrian safety, traffic, and requested that the Planning Commission deny the project.

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

Motion 1

Moved by Trudeau, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Brightdawn Village Apartments Conditional Rezoning from R4B (Multiple-Family Dwelling District) to R4D (Multiple-Family Dwelling District).

Motion 2

Moved by Trudeau, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Brightdawn Village Apartments Site Plan and Development Agreement, subject to providing a minimum of 63% open space.

Motion 3

Moved by Trudeau, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Brightdawn Village development.

Motion 4

Moved by Trudeau, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Brightdawn Village development.

COMMISSION DISCUSSION:

Commissioner Scott Trudeau inquired about enforcing affordability.

Cheng stated that the affordability would be written into the development agreement.

Weatherbee inquired about the size and accessibility of the units and about how affordability will be managed.

Bob Overhiser, Architect, explained the barrier free aspects of the development that one bedrooms are approximately 650 square feet, two bedroom units are approximately 850 square feet, and three bedroom units are approximately 1,100 square feet.

Covert explained that the county will receive reports from the development regarding affordability.

Commissioner Mills discussed some of the factors that led to postponement and the changes reflected. She discussed that affordability, the master plan, and expressed that she does not support the project.

Weatherbee explained that rental rates in the area of the development are generally lower than what's proposed for this development. She explained that for a deviation from the master plan, the Planning Commission would look to other provisions of the master plan.

Commissioner Gibb-Randall inquired about the past history of rezoning.

Commissioner Woods expressed appreciation for all of the thoughtful discussion by commissioners and neighbors. She explained that adding more people to a neighborhood can change the character, and that she will not be supporting the petition.

Chair Milshiteyn expressed opposition to the project due to the 15 year affordable housing limit being too little.

Commissioner Erica Briggs expressed opposition.

Commissioner Trudeau indicated that he doesn't intend to support the project.

Commissioner Briggs also pointed out that this property already allows a level of density which already has some degree of impact, and that the proposed density would be more intense.

On a roll call vote, the vote was as follows with the Chair declaring Motions 1, 2, 3, and 4 denied.

Yeas: 0

Nays: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Absent: 2 - Zachary Ackerman, and Elizabeth Sauve

- 9-b** [19-0307](#) 202 Miller Avenue Special Exception Use and Site Plan for City Planning Commission Approval - A request to allow the existing space at 202 Miller Avenue to be used as a Medical Marijuana Provisioning Center by issuance of a Special Exception Use Permit, with an accompanying site plan that demonstrates no physical development change, in accordance with City requirements. The 0.07-acre site is zoned D2 (Downtown Interface). (Ward 1) Staff Recommendation: Approval with Conditions

Attachments: 202 Miller SEU MMJ-Staff Report w Att.pdf

PRESENTATION BY PETITIONER:

Damien Farrell, and Kyle Gonzalez, Damien Farrell Design Group, presented the proposed project highlighting:

- *Close the drive on Miller Avenue*
- *Implement curb planters and street trees*
- *Vapor mitigation system and location*
- *Soil Remediation*

PUBLIC HEARING:

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by Mills, seconded by Weatherbee, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Unified Development Code), Section 5.29.5 (Special Exceptions) and Section 5.16.3G (Regulations Concerning Medical Use of Marijuana), and therefore approves the 202 Miller Avenue Special Exception Use for a medical marijuana Provisioning Center. This approval is based on the following findings:

- 1. The proposed use will be consistent with the D2 (Downtown Interface) District, which provides for commercial and retail activities as well as office and residential uses.**

2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Both Miller Ave. and N. Ashley Street provides adequate access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.

3. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the provisioning center will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining both a State of Michigan Medical Marijuana License and a City of Ann Arbor Medical Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.

2. The petitioner operating a medical marijuana business at this address within three years of the City Planning Commission approval date of this 3. The petitioner will close the Miller Ave. curb cut, reduce the N. Ashley Curb cut and stripe parking spaces and install bumper blocks as shown on sheet c1.0. The closed curb cuts and parking spaces must be installed by October 31, 2019.

4. The petitioner will maintain the operating hours of 10:00 am to 8:00 pm Monday thru Saturday and 11:00 am to 6:00 p.m Sunday.

5. Occupancy of the building shall be conditional on installation of a vapor mitigation system with indoor air sampling demonstrating no unacceptable exposure to occupants conducted by a qualified environmental consultant.

6. The petitioner shall remove impacted soil in accordance with the letter dated January 8, 2019 by the DEQ.

7. The driveway shall be evaluated for site distance due to the possible conversion to two-way traffic on Ashley Street. And that

the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards.

Commissioner Mills asked about order of operations for for eventual opening of a provisioning center.

Gonzalez explained that the environmental items will be first, followed by permits for the improvements.

Commissioner Gibb-Randall inquired about environmental testing. She also discussed the parking configuration of the site.

Keith Gadway, Quantum Environmental, explained that the the goal is to remove as much contamination as possible and that there may be limits without jeopardizing structures.

Gonzalez explained that there are two spaces at the site, and that there is a parking structure directly across the street.

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

Yeas: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 2 - Zachary Ackerman, and Elizabeth Sauve

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

(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 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** **19-0397** 327 East Hoover Avenue Site Plan for City Council Approval - A proposal to develop a 4-story condominium building consisting of 6 units and 885 square feet of retail space on the first floor. Nine garage parking spaces are proposed under the dwelling units. Zoned C2B (Business Service) 0.26-acre parcel. (Ward 4) Staff Recommendation: Approval

Attachments: 327 E. Hoover Staff Report-3-5-2019.pdf

PRESENTATION BY PETITIONER:

John Myefski, Myefski Architects, 400 N. Michigan Avenue, Chicago, Illinois and Kathy Keinath, Macon Engineering presented the proposed project highlighting the following items.

- *Connectivity of the university to neighborhoods*
- *Retail space*
- *Not targeted to students, proposed as larger three bedroom units*
- *Solar panels to produce electricity for 12-14% of the building*
- *Noise mitigation*
- *Exterior materials*

Cheng presented the Staff Report.

PUBLIC HEARING:

Gary Dolce, 323 E. Hoover, owner of the neighboring dance and movement studio. He explained that it is in heavy use most evening and weekends. He explained that the development is a good idea, and that he is happy to have more neighbors. He discussed parking at the site,

explaining that the on street parking will be removed in the area. He also expressed concern with the accessible parking in the rear of his property, and the possibly of that being impacted during construction.

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

Moved by Mills, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 327 E. Hoover Avenue Site Plan.

COMMISSION DISCUSSION:

Commissioner Weatherbee explained that she works and lives in the area, and expressed concern with vibration from the train. She explained that she thinks the amount of parking in the area is an issue, perhaps not for the proposed building. She expressed appreciation for the design and residential aspects of the building.

Commissioner Mills explained that due to the Treeline Masterplan, the proposed eliminated parking will likely not come back. She inquired about the retail space. Mills also inquired about sustainability. She inquired about construction impacts to neighbors.

Myefski explained that there is no tenant identified yet. He explained that it is the intention to get very close to a Leadership in Energy and Environmental Design (LEED) silver certification, that the solar panels would provide electricity for shared spaces. He further explained that there have been steps taken in the design to mitigate vibration of the building. Myefski answered that if needed, the wall could be built from the owner's side of the property.

Commissioner Woods encouraged communication with neighboring properties to accommodate the parking during construction.

Commissioner Trudeau expressed appreciation for the project design and intentions. He praised the sustainability efforts.

Commissioner Gibb-Randall discussed parking at the site as well as soil and water related issues.

Commissioner Briggs inquired about windows on southwest façade the building. She also inquired about the relationship with the neighboring

railroad property.

Myefski answered that due the the fire code no windows are permitted.

Martin Valud, property owner, explained that he is making an attempt to lease the neighboring property to implement parking and landscaping.

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

Yeas: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 2 - Zachary Ackerman, and Elizabeth Sauve

- 10-b** [19-0396](#) 841 Broadway Street PUD Zoning and Conceptual Plan for City Council Approval - A Planned Unit Development (PUD) Concept Plan proposal to rezone the 13.81-acre site from M1 (Light Industrial) to PUD and construct a mixed use development. The Concept Plan proposes 104 residential units, parking garage, restaurant, and a hotel. Public open space is proposed, including recreational amenities: canoe launch, outdoor pavilion, open space and river access. (Ward 1) Staff Recommendation: Approval

Attachments: 841 Broadway Staff Report UPDATE memo.pdf, 841 Broadway Area Plan SR w Attachments.pdf

PRESENTATION BY PETITIONER

David DiRita, Roxbury Group, presented the project highlighting the following:

- *Small scale retail to the base of the buildings*
- *Sustainability*
- *Conservancy managed public space*
- *100 units in four buildings*
- *Building design and material selection*

City Planner, Matt Kowalski, presented the Staff Report.

PUBLIC HEARING:

Phil Stoll, 1314 Broadway, Ann Arbor, expressed support for the proposed residential portion of the project, and inquired about the height of the proposed buildings, expressed opposition for the hotel portion of

the project.

(Last Name Unknown) 635 Swift Street, Ann Arbor, explained her family's history of living in the area, and expressed concern with the proposed hotel portion of the plan. She also expressed concern with density and traffic in the area.

Karen Hawly Isley, 635 Swift, Ann Arbor, explained her family's history of living in Ann Arbor, expresses concern with delivery based traffic, contamination at the site, and impacts to and from the canoe livery.

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

Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 841 Broadway Street PUD (Planned Unit Development District) Zoning and Area Plan subject to approval of the Traffic Impact Analysis by City Staff prior to City Council approval.

COMMISSION DISCUSSION:

Trudeau inquired about the parking structure requirement. He also inquired about floodplain map changes.

Kowalski explained that the parking structure is intended to be used as a public benefit item, to provide parking to the livery as well as other areas. The intention is also to prevent excess impervious surface. He also explained that the potential floodplain map changes do not have an impact to other floodplain items in the area.

Lenart added that by proposing the impervious surface cap and the parking requirement, allows for an opportunity to prevent excess impervious surface.

Mills discussed parking at the proposed site and the impervious surface at the site.

DiRita answered that the percentage of impervious surface at the site is 57%.

Mills inquired about why the project is coming the the Planning Commission at this time, given that there are still many unknowns regarding the ability to develop certain parts of the site.

DiRita explained that the developer has invested in over one million dollars into the project at this time, and is confident in the process and is interested in continuing to progress at an appropriate rate.

Mills explained her reservations with the project proposal.

Gibb-Randall discussed reworking the circulation area as a result of the sharp slope decline. She also inquired about contamination.

Deb Axelrod Architect, discussed the steep slope in the dog park area.

DiRita explained that the park area will be remedied to the MDEQ standard.

Kowalski explained that due to the contamination at the site, that the Washtenaw County Water Resources Commission is waiving the infiltration requirement.

Gibb-Randall encouraged creative ways to manage storm water, even if they aren't required. She provided an example of green roofs.

Proposed Changes

- *Area Plan vs. Site Plan*
- *Proposed amenities are required, not permitted*
- *Reconsider parking standards;*
- *Concerned about not achieving mixed use; condition of secondary access*
- *Technical aspects of understanding slope for truck; Could have an impact on the layout of trail system*
- *Consideration of a more innovative and creative stormwater approach, that exceeds the standards as a public benefit*
- *Conservancy model explanation; Revenue commitments long term, what if analysis*
- *Presented a budget, baseline level of funding condition as a public benefit*
- *Form Regulations – More closely tie to the concept plan*
- *Hotel pad*
- *Hesitant to tie them to this pattern*

Woods appreciated the opportunity to review at early stages. She explained that there were a lot of familiar names at Citizen Participation

meeting. She discussed secondary means of access to the project site. Commissioner Briggs inquired about the site plan process for the site, she shared concerns about the hotel scale at the location presented. She also inquired about the funding for the park area.

Kowalski explained that there would be ultimate approval needed by City Council, and that the proposed plans would be much more detailed in all areas.

DiRita explained that residential and hospitality fit together well, along with the proximity to retail. He explained the aspects of the site that are friendly to a hospital located at the site. He also explained details of the conservancy budget.

Trudeau supported Gibb-Randall's encouragement to be creative with sustainability.

Weatherbee expressed apprehension for approving the rezoning.

Lenart explained that the approval of the zoning district would yield the results of the stipulations of the zoning district. He explained that there are some areas where requirements can be made to protect the intentions of the Planning Commission.

DiRita further emphasized the commitment to the project, and that there is considerable work being done, and he is comfortable with conditions being places for approval.

Woods discussed postponement, inquiring about the area plan process.

Lenart explained that with a rezoning, either a site plan or area plan must be presented with the rezoning. The intention is to demonstrate with could or would be realized with the proposed rezoning.

Trudeau discussed the area plan, emergency access, and other aspects of the project.

Mills discussed postponing the item to allow more time for clarity.

Briggs discussed requiring more information on the security of the funding for the park area.

Woods discussed the relationship with the project and the Parks

Department.

Lenart summarized the items of interest or hesitation by the commission, explaining that they are items that they would like to see more clarity on the items the next time that the project goes to the commission:

- *Possibility to have proposed amenities be required, not permitted*
- *Reconsider parking standards*
- *Concerned about not achieving mixed use*
- *Adding a condition of secondary access*
- *Technical aspects of understanding slope for fire access and the impact on the layout of trail system*
- *Consider a more innovative and creative stormwater approach, that exceeds the standards as a public benefit*
- *Conservancy model explanation; Revenue commitments long term, what if analysis*
- *Requesting a budget, baseline level of funding condition as a public benefit*
- *Form Regulations – More closely tie to the concept plan*

Gibb-Randall discussed the impacts to parking.

Moved by Mills, seconded by Trudeau, to continue the meeting until 11:25 p.m.

Approved Unanimously.

On a roll call vote, the vote was as follows with the Chair declaring the motion to postpone approved.

Yeas: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 2 - Zachary Ackerman, and Elizabeth Sauve

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

No speakers.

12 **COMMISSION PROPOSED BUSINESS**

Mills discussed adding electrification and area plan requirements to the list of modifications to be looked at by the Ordinance Revisions Committee and City Planning Commission.

13 **ADJOURNMENT**

Moved by Briggs, seconded by Weatherbee, to adjourn the meeting at 11:33 p.m.

Adjourned Unanimously

Alex Milshteyn, Chairperson
/mg

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