



City of Ann Arbor

Formal Minutes - Draft

City Planning Commission

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

Tuesday, February 7, 2023

7:00 PM

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

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This meeting is accessible in person, via Zoom, or by phone, see agenda for details.

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1. CALL TO ORDER

Chairperson Shannan Gibb-Randall called the meeting to order at 7:00 pm, in Council Chambers at City Hall of Ann Arbor.

2. ROLL CALL

Hank Kelley, Deputy Planning Manager, called the roll.

All Commissioners attended the meeting in-person.

Staff Present: Brett Lenart, Hank Kelley, Derek Delacourt, Alexis DiLeo, and Matt Kowalski

Present 8 - Mills, Gibb-Randall, Sauve, Abrons, Disch, Lee, Clarke, and Wyche

Absent 1 - Hammerschmidt

3. APPROVAL OF AGENDA

Moved by Wonwoo Lee, Seconded by Ellie Abrons, to Approve the Agenda as presented. On a voice vote, the Chair declared the motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING

- 4-a. [23-0205](#) December 6, 2022 City Planning Commission Meeting Minutes

Attachments: 2022-12-6 CPC Approved Meeting Minutes.pdf

Moved by Lisa Disch, Seconded by Sarah Mills, to Approve the December 6, 2022 City Planning Commission meeting minutes and forward to City Council.

On a voice vote, the Chair declared the minutes unanimously approved.

- 4-b. [23-0215](#) January 17, 2023 City Planning Commission Meeting Minutes

Attachments: 2023-1-17 CPC Approved Meeting Minutes.pdf

Moved by Lisa Disch, Seconded by Sarah Mills, to Approve the January 17, 2023 City Planning Commission meeting minutes and forward to City Council.

COMMISSION DISCUSSION:

Commissioner Ellie Abrons requested correction on her misspelled name on Page 3.

On a voice vote, the Chair declared the minutes, as corrected, unanimously approved.

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

- 5-a. City Council

Councilmember Lisa Disch reported on the previous Council meeting: Council voted on the Unified Development Code (UDC) Amendments on Stormwater; The Hayden House Historic Status; First Reading of the Zoning of the Village of Ann Arbor to R4C and subsequent Site Plan and Brownfield Plan; Affected the Rezoning of 530 N. Division Street to PUD.

5-b. Planning Manager

Planning Manager Brett Lenart reported that at the February 14, 2023 Commission Working Session he would be presenting answers to questions raised by the Commission on the proposed Electrification Ordinance.

5-c. Planning Commission Officers and Committees**5-d. Written Communications and Petitions****23-0204 Various Communications to the Planning Commission**

Attachments: Carey.pdf, Creten.pdf, Deckert.pdf, Gorenflo.pdf, Kraker.pdf, Lowe.pdf, Ritter, Carman, Brainard.pdf, Stoll.pdf, Stone.pdf, Zaret.pdf, Barclay.pdf, Boster.pdf, Colvin.pdf, Kieras.pdf, Springgay.pdf, Mirsky w Attachment.pdf, Morehead.pdf, Ransley.pdf, Kahn.pdf, Mates.pdf, Trudeau.pdf, Pentiuk, Couvreur, Kobiljak, P.C.pdf, Brummer.pdf, Mitchell.pdf

Received and Filed**6. PUBLIC COMMENT (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.)**

Tom Stulberg, said he was calling from Lowertown in Ann Arbor. He mentioned public safety, and spoke about being in support of various Planned Unit Developments (PUDs) throughout Ann Arbor, when they provided public amenities and benefits for the wider community.

Ralph Marcus, Marcus Management, Condominium Agent for Earhart Village Homes Association (EVHA) spoke about portions of Earhart Road being resurfaced. Marcus said we met with project managers from the City and have grave concerns about the sidewalk project. We understand the next step is for the Transportation Commission to receive recommendations and we are ready to be heard at that meeting. We have concerns for pedestrian safety. Want this body to be familiar with our objections to sidewalk placement on the eastern side of Earhart Road, where there is a sewer easement, destruction of tree canopy. Issues with easement set aside for sewer access. Think the placement is improper.

Rita Ross, 782 Earhart Drive, Ann Arbor, Earhart Village Homes Association (EVHA) President, spoke about issues with grass and

landscaping of median on Earhart Road; increased traffic with speeding vehicles and the Association's ongoing concern for residents and safety measures. She said in the mid 1980s they had spoken with the City Forester, after which the Association came up with a plan for their Village that called for a greater tree canopy investment. She said while they support protections for pedestrians, they feel the proposed sidewalk will disturb or even eliminate their existing mature trees, which are part of their 50-year plan, and will encroach on their private property. Ross said they don't think the City has authority to build in this location, which will affect their tree canopy. She noted they have worked with the City for several years but it feels like the City isn't listening to their concerns to protect and preserve beneficial landscaping.

Noting no further public speakers, the Chair closed the audience/public comment portion.

7. PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

- 7-a.** **23-0203** Public Hearings Scheduled for Tuesday, February 23, 2023 Planning Commission Meeting

Attachments: 2-23-2023 Notice of Public Hearing.pdf

Brett Lenart reported on upcoming public hearings for the next business meeting.

Received by the Commission and Filed.

8. REGULAR BUSINESS – Project Presentation, Staff Report, Public Hearing, and Commission Discussion of Each Item

- 8-a.** **23-0198** 415 West Washington Planned Unit Development (PUD) Rezoning - A petition to rezone the 2.5-acre parcel from PL(Public Land) to PUD (Planned Unit Development). The Concept Plan shows 157 residential units in a building constructed above the floodplain elevation, surface and understructure parking. Public open space is proposed, including construction of a segment of the Treeline trail through the site.

Attachments: 415 W Washington Area Plan Staff Report .pdf, 415 W Washington St Zoning Map.pdf, 415 W Washington St Aerial Map Zoom.pdf, 415 W Washington PUD Supp Regs Jan2023 .pdf, 415-Washington- Concept Plan_v1 (2).pdf, City Council Resolution and Authorization.pdf, 415 W Washington 9-23-21 Webinar - Q and A Report-REV

(1).pdf, May 2020 Citizen Participation.pdf, 415 W. Washington St. Rezoning FLOOD Review (1).pdf, 415 W. Washington_2023_Tt.pdf

PROJECT PRESENTATION:

Derek Delacourt, City of Ann Arbor Community Services Unit Manager, provided a concise presentation on the Planned Unit Development (PUD) rezoning and concept plan for the 2.5-acre parcel.

Patti McCall, Tetratex, 710 Avis Drive, Ste 100, Ann Arbor, reviewed the environmental history of the site, along with a slide presentation.

Michael Johnson, SmithGroup, 201 Depot Street, Ann Arbor, reviewed project intent overview from City Council and the Downtown Development Authority (DDA), as well as project engagement summary, and project schedule, framework, and key considerations. He also reviewed the draft Supplemental Regulations and Conceptual Area Plan overview with the Commission.

Brett Lenart, Planning Manager, added further information, noting the City has been asked to evaluate difficult sites like this which struggle to balance every goal the City has. We are a built out City. There are a lot of expectations to meet with each site; sometimes projects buckle under the weight of these expectations. This is a City owned site. It's valid to say perhaps we should do more to address floodplain issues than in another site, but we don't have a mechanism yet without the Brownfield Tax Increment Financing (TIF). Lenart said he wanted to frame this challenge the City is in, adding that we don't typically see a divergence of staff opinion - but this is a challenging site.

Jennifer Hall, Ann Arbor Housing Commission Executive Director, 727 Miller Avenue, Ann Arbor, was available to respond to the Commission's enquiries.

PUBLIC HEARING:

Kitty Kahn, Fifth Ward, read part of Mr. Hancock's statement referencing, ...'The zoning of 415 W. Washington is proposed to be changed from PL (Public Land) to PUD (Planned Unit Development). The PUD standards per the Unified Development Code, Section 5.29.11.F.4 4. state that "the use or uses proposed shall be consistent with the master plan and policies adopted by the City or the Applicant shall provide adequate justification for departures from the approved plans and policies ... to sell this City owned parcel works at cross purposes to the City's floodplain mitigation efforts...Additionally, the concept plan to develop the site in a

more intense way than its past and current state is inconsistent with the floodplain mitigation direction the City has established. The majority of the 415 W. Washington St. site is in the floodplain of Allen Creek. The floodway portion of the site is being recommended for open space and the future Treeline – Allen Creek Urban Trail. That is an ideal use of the floodway in this urban area. The remainder of the site is in the flood fringe portion of the floodplain. While codes do allow residential uses in the flood fringe, residential structures in the flood fringe increase the responsibility and cost of City emergency services in responding to flood events, create risk of occupants being injured in a flood, and floodplain construction is more costly. The United States Department of Housing and Urban Development prohibits spending federal money for residential uses in the floodplain for these reasons, as such federal money will not be available for this proposal. The current proposal to rezone the land from PL to PUD, sell the property, develop it more intensely than the existing condition, and to facilitate a large residential structure is inconsistent with the established floodplain mitigation policies of the City...." Kahn asked the Commission to please listen to Mr. Hancock and not go forward with this plan.

Rita Mitchell, 621 Fifth Street, Ann Arbor, spoke about the need for us all to be looking out for each other's health and welfare as described by Mr. Hancock's message. She said climate change will be increasing intensity of flood conditions, with more rain. She expressed concern about what the effect of remediation will be in this flood prone area. She said she would like for us to be more prudent in this situation, adding we do not have to build everywhere, even if it is proposed. She felt the City should take the fact that this site is in the floodway, under serious consideration, and not build there, but rather look at other things that could be done on that site.

Technically difficulties with Zoom feed.

Commission break at 8:22 pm.

Commission returned at 8:32 pm.

Tom Stulberg, said he is familiar with this site. He spoke about being a former Historic District Commissioner, and remembers when there was a presentation that came before the Commission, where they were asking to demolish the existing structures. He said he would've voted yes on demolition, if he would've had the opportunity, but he was no longer on the Commission when the vote came before them. He read from the Unified Development Code (UDC) Article 4, saying, "This prohibits building in floodplains in certain zoning districts. You can do a Planned

Unit Development (PUD) but we shouldn't we using a PUD to mitigate any aspects of what is forbidden in our code". Stulberg said he didn't believe a PUD could be used based on a sketchy plan; rather needs to be thoroughly considered before moving forward with that. He added the Historic District Commission (HDC) does have purview over height and massing, and for those issues this will have to go to the HDC. He said they might turn it down, likely.

Adam Jaskiewicz, 1430 Las Vegas Drive, Ann Arbor, said he wants to see this site cleaned up. "I don't want to see this drag on for a decade or two. This plan is acceptable. Actually I don't think the use is intense enough." He liked that the City is considering Chimney Swift's habitat and flooding concerns. He said this is appropriate for the neighborhood and he looks forward to it being built; he also enjoyed the discussion about Brownfield Tax Increment Financing (TIFs) which was super educational.

Sarah Nesbitt, 37 W Huron Street, Ann Arbor, said she would like to thank callers talking about appropriateness of developing in a flood plain. We have to take that seriously given our changing climate. As a resident, I think a reasonable plan for a City owned lot, should consider affordable housing and commercial development. We need a higher rate of affordability here. A lot of people who grow up here can't afford to live here anymore. We want this to be redeveloped like traditional areas of downtown: commercial on bottom, residential up top. This would allow more live/work options, that could possibly allow many more folks that grew up here in Ann Arbor, that helped it become this great place that it is today, to also live here, even if they aren't affluent.

Luis Vasquez, from upper Lowertown, said he supports this plan. I want to say that the prospect of having more than 150 units of housing built, plus Brownfield remediation...this is exciting to me. I echo Adam Jaskiewicz...I want to see even more housing built. If a developer proposes to build taller, I would be in favor. Not developing this site via PUD or other means may be problematic in terms of contamination spreading. What if there's a 100 year flood. The site needs to be remediated. It will be really costly for the city to do that without the proposed incentives. This discussion reminds me of the need for Ann Arbor and CPC and CC to really get going on the reforms to our Comprehensive Land Use plan. We really need drastic changes. We are in a housing crisis.

Linda Brouwer, 421 Third Street, said she is calling in support of Council directive to pursue all sites for affordable housing. This site isn't appropriate. There are challenges. It has been acknowledged by staff for

over 3 years. Low income housing can't be used for this site because of prohibitions of building in flood plains. Other funds are similarly prohibited. A developer making the numbers work without these funding streams is a fiction. We'd have to lower the purchase amount and would impact other options for the housing commission. Density alone does assist us in climate goals. It reduces emissions. It is not the only strategy. Why does dense housing trump everything else in some people's minds? We need to collect rainwater, build with clean energy, we need multiple strategies.

Kathy Boritz, Charton Street, Ann Arbor, a previous caller read part of Jerry Hancock's memo. He's the City expert on floodplains. I encourage the City Planning Commission to take his cautions about building residential units very seriously. 415 Washington isn't a good site for residential development. Perhaps it's good for another kind of development. Make this Public Land Zoning (PL) instead of Planned Unit Development (PUD). She asked the Commission to please listen to Mr. Hancock.

Julia Colvin, said she is a neighbor of the proposed development, noting the City has the option to do something different with this site, we don't need another luxury highrise - maybe a farmers market, a coop, or something else. Thank you for your patience.

Unnamed Caller, stated that the floodplain map being used is old, and she's not sure why we don't have a newer map. She said this is an important development. In the early stages of public engagement several years ago, there was a survey asking the community to rate their objectives for the property. The first ranking out of 11 was remediating any potential environmental contamination. The second highest ranked was maximizing affordable housing units for 60 percent households on site. On the lowest ranking (11 out of 11) the last on the list, was selling the property and using the proceeds for affordable housing on another City owned property. She said with that community input, I feel like staff went ahead with their own priority option to create a development scenario. This priority option; however, was not what those who attending the meeting chose. They chose a much smaller version. She said on the Option 2 - affordable housing we've now learn that this property can't be used for it because of the prohibition on building in floodplains, because it's not good to have housing in floodplains. We can't use our local affordable housing millage either. There is also a conflict with the Rail Road tracks. So we won't be getting any affordable housing on this project and you want to use credits toward other properties. We didn't rank that option very highly. I don't think the community has been listened to. The

overall picture is overall, not what the community wants. This is like a bait and switch.

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

Moved by Sarah Mills, Seconded by Lisa Disch, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 415 West Washington PUD (Planned Unit Development District) Zoning with Supplemental Regulations.

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 Disch expressed that we can't expect every project to meet every priority. There's toxic sludge onsite that is moving. The urgent priority for this site is remediation. The public wants that too. This site has to pay for itself. The City doesn't have the money. Whatever goes on this site, has to generate tax capture through the TIF plan to clean it up and do some of the truly forward looking and desirable things that people wanted in this project. She asked about flood concerns, noting we're being more stringent than private development..

Lenart responded, 'we are meeting our requirements. You adopted a floodplain overlay district. This is consistent with that. When/if we have a site plan, those additional details will be addressed. Right now, there's a building in the floodplain. Removing the building will enhance that. It's consistent with regulations. If we want max fidelity to floodplain management, we would remove the building and not replace it. But we're balancing other things; affordability, preservation, the Treeline Trail. We need a financially viable manner to achieve those.

Not only will any development be consistent with regulations, that has never happened in the past. The current conditions do not meet regulations or standards. There will be a commitment to ethics, driven by City Council for the future site. We don't have detailed engineering at our fingertips right now. But, moving the current structure will be an improvement.'

Michael Johnson explained we are going above and beyond 500 year flood event...we will be 12 feet out of the air. From a flood concern, we want to move water out and to move toward the river. There are some measures to assist with infiltration, if we can balance with remediation concerns. Some concerns we can address through the PUD zoning.

AMENDMENT I:

Friendly Amendment offered by Sarah Mills, Seconded by Lisa Sauv , To allow a 10-foot minimum (setback) versus maximum (setback) along Liberty Street.

VOTE ON AMENDMENT I:

On a roll call vote, the Chair declaring the amendment carried.

VOTE ON MAIN MOTION AS AMENDED:

On a roll call vote, the vote was as follows with Chair declared the amended motion carried unanimously. **Vote: 8 - 0**

Yeas: 8 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 1 - Sara Hammerschmidt

9. OTHER BUSINESS

- 9-a.** [23-0199](#) Downtown Zoning - Review and Discussion of Downtown Zoning Outcomes/Premiums

Attachments: Report - Planning Commission Memo Feb 2, 2023.pdf

PRESENTATION:

Planning Manager Brett Lenart introduced the Agenda item, noting data and analysis will be presented to encourage additional building downtown.

Ben Carlisle and Megan Masson-Minock, Carlisle/Wortman Associates, Inc., 117 North First Street, Suite 70, Ann Arbor, provided their Review and Analysis of Downtown Zoning Outcomes.

City Planner, Alexis DiLeo, provided answers to the Commission's enquiries.

COMMISSION DISCUSSION:

The Commission took into consideration the review and discussed the

matter. [For a complete record of the discussion, please see available video format]

Received and Filed

- 9-b.** 23-0200 2195 East Ellsworth - Pre-PUD Application Conference - Proposed amendment to existing PUD to reduce front yard setback.

Attachments: Letter to Ann Arbor Planning Department - 1-31-2023.pdf,
Lockwood of AA ALTA.pdf

PRESENTATION:

Due to the incompatibility of the approved site plan and approved PUD ordinance with a recent ALTA survey, the pre-petitioner requests an amendment to the text of their previously approved PUD, ORD-20-36 located at the address of 2195 East Ellsworth.

COMMISSION DISCUSSION:

None

Received and Filed

10. PUBLIC COMMENT (Persons may speak for three minutes on any item.)

11. COMMISSION PROPOSED BUSINESS

12. ADJOURNMENT

Moved by Lisa Sauv , Seconded by Lisa Disch, to adjourn the meeting at 11:00 pm. Without objection the meeting was adjourned.

Shannan Gibb-Randall, Chairperson

/mia gale

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<http://a2gov.legistar.com/Calendar.aspx>

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(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

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City Hall is mask-friendly to all guests at all times.

Masks will be required for all meeting participants and guests when the local CDC Community Level in Washtenaw County is high. Check the current level for Washtenaw County through the CDC's website [here](#).

Please do not attend if you are sick for any reason, including having symptoms or a diagnosis of COVID-19, or have recently been in close contact with someone with COVID-19. Several other attendance options are available when you are sick or in quarantine, or simply for your convenience.