



City of Ann Arbor

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

Meeting Minutes City Planning Commission

Tuesday, January 15, 2013

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope on the home page.

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).

1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:05 pm.

2 ROLL CALL

Rampson called the roll.

Present 8 - Mahler, Woods, Westphal, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 1 - Bona

3 APPROVAL OF AGENDA

Moved by Adenekan, seconded by Derezinski, that review of the minutes be moved to the end of the agenda to allow for Commissioner Bona, who is arriving late, to participate in the discussion. On a voice vote, the Chair declared the motion carried and the agenda amended.

4 INTRODUCTIONS AND PRESENTATIONS

None.

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 at the previous night's meeting, Council had a joint working session with the Downtown Development Authority, where the Connecting William recommendations were discussed. She said it is up to Council as to whether they will adopt the plan or amend it or develop their own documents.

6-b Planning Manager

Rampson drew the Commission's attention to the various correspondence received from the public and distributed to the Commission, as well as the revised meeting calendar.

Rampson reported that there would be two citizen participation meetings held this week; one related to 312 Glendale Apartments and the other Hampton Inn on Jackson Avenue.

Rampson reported that there would be a meeting on the West Madison Street improvements as well as a meeting with MDOT regarding proposed repairs for the M14/US 23 bridge over Bandemere Park.

Rampson reported that the Ordinance Revisions Committee will meet on January 29 at 5:30 p.m. in the first floor conference room - south, in City Hall.

6-c Planning Commission Officers and Committees

None.

6-d Written Communications and Petitions

[13-0023](#) Various Correspondence to the City Planning Commission

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.)

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**9 UNFINISHED BUSINESS**

9-a [13-0024](#) The Shoppes at 3600 Plymouth Site Plan for City Council Approval - A proposal to divide a 1-acre parcel from the existing hotel site and re-zone it to C-3 (Fringe Commercial). The site plan includes a proposed 9,490 square foot, single-story retail building with one drive-thru and 33 parking spaces. Staff Recommendation: Approval

Cheng presented the staff report.

Bona arrived (7:20 pm).

PUBLIC HEARING:

Ken Hicks, Diverse Development, 1428 Albon Road, Holland, OH, petitioner, said he was back to address some of the items raised by the Commission at the last meeting.

Scott Bowers, architect for the petitioner, reviewed the proposed building materials in the revised elevations. He said the building will have awnings, and they have carried the facade treatment all of the way to the back of the building. He said they produced renderings of the site from Plymouth Road and the US-23 on-ramp, with vegetation shown. He said the roof parapet is 22.5 feet high and is consistent all the way around the building.

Warren Attarian, 3490 Gettesburg Rd, said his objection is the queuing of the cars in the drive next to Plymouth Road. He said he would prefer the queuing to occur next to the freeway ramp. He said there is a large berm along the site frontage that will come out, and the view will be of the drive and the building. He said the alternative plan would look much better. He said the alternative plan gives better pedestrian access from the hotel and gas station. He acknowledges this is a tight spot, but it always has been. He said the parking on the alternate plans is less, but has more landscaping.

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

Moved by Derezinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Shoppes at 3600 Rezoning from R5 (Hotel District) to C3 (Fringe Commercial District).

and further, that

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Shoppes at 3600 Site Plan, subject to completion of the following prior to issuance of any permits for construction of the new building: 1) approval of a land division, 2) approval of an administrative amendment to the parent site plan, 3) recording of an ingress/egress easement along the existing drive from Plymouth Road, and 4) recording of storm water and cross parking easements.

Present 9 - Bona, Mahler, Woods, Westphal, Giannola, Adenekan, Clein, Derezinski, and Briere

[13-0024](#)

The Shoppes at 3600 Plymouth Site Plan for City Council Approval - A proposal to divide a 1-acre parcel from the existing hotel site and re-zone it to C-3 (Fringe Commercial). The site plan includes a proposed 9,490 square foot, single-story retail building with one drive-thru and 33 parking spaces. Staff Recommendation: Approval

COMMISSION DISCUSSION:

Derezinski asked staff of their choice in this matter.

Cheng explained that the alternative compares the same footprint. He said the alternative will make it more difficult to circulate through the drive-thru than the previous layout. He said they asked the petitioners to provide detail about the landscaping in the Right of Way. He said staff is in agreement that the original plan is more feasible than the alternative plan.

Derezinski asked about proposed cosmetic changes.

Cheng said that the building has been revised to provide a face on all four sides.

Briere asked about how deliveries will be made.

Hicks said most of the deliveries will be made on the south side of the building.

Briere asked whether the portion along Plymouth Road is the rear. She asked how that becomes an amenity. She asked why someone would cross Plymouth Road to go there.

Hicks said concerns had been brought that the back of the building would be facing Plymouth, so changes were made to address those concerns and make the building look like a four-sided building, through added awnings to give it a streetscape look.

Briere says that she can't see entrances. She asked about the south elevation.

Bowers reviewed the proposed building elevation plan with the Commission; pointing out the door openings and noting that at the back are required service doors with a required sidewalk for exiting.

Briere asked how many tenant spaces have a drive-thru window.

Hicks clarified only one tenant space.

Giannola asked if the rear elevation has windows.

Bowers said, yes.

Woods thanked the petitioner for coming up with an alternate plan. She said she found this clearer, and the elevations look better than earlier presented. She asked regarding the alternate plan, which indicated that it would create a dead-end for existing hotel parking spaces.

Cheng said there is proposed shared parking with the hotel and showed that the eastern most aisle from the hotel will dead-end at the building. He pointed out the added landscaping to help with screening the drive-thru lane at the perimeter of the site.

Woods asked about the removal of the berm.

Cheng said yes, this will be removed for the drive and building.

Woods asked the petitioner about their ideas on how they plan to make the area welcoming and inviting along the right-of-way.

Hicks said there will be landscaping behind the sidewalk with signage, noting that the City trees will stay.

Adenekan asked if there was discussion about traffic leaving the site.

Hicks said they will be adding signage for a right-turn only.

Bona thanked the petitioner for willingness to look at an alternate. She said they

want buildings out by the street, but not the back of buildings. She said the alternate is better if the site is bigger. She said she had counted the number of turns it took to get through the site, which showed to be seven in the original and six for the alternate. She commented that she liked the added windows which assisted with the streetscape experience. She asked about the lower trees along the driveway, noting that the height of conifers might screen the whole building. She said completely screening the building is not the intent. She said that after the building is built, the landlords usually don't pay attention to the back of the building. She asked what assurance do they have that this 'back of the building' which is visible, will be taken care of?

Hicks said they develop properties and plan to hold on to them for a long time, and they believe the only way to do that is to maintain them. He monitors their sites weekly and they hire parking lot sweepers to keep the sites tidy and keep their tenants happy. He said they are using materials that will require less maintenance.

Bona asked about the intent of the landscaping.

Bowers said there are 6-7 foot conifers in the undercover of the other trees.

Bona clarified that street trees are not shown on the illustration board.

Bowers said these are intended to screen the cars in the drive-thru.

Clein said that they would prefer a retail center that fronts along a street, but he recognizes this is a site along a freeway. He asked about the typical delivery vehicles.

Hicks said typically the size of bread trucks.

Clein asked if these would block the parking lot or drive-thrus.

Bowers says they use parking spaces and a hand cart to unload in urban areas. He said this is the same with the retail.

Clein asked how many sites he has.

Hicks said they have developed the site on Carpenter with Starbucks, which he no longer owns. There are four others in Ohio.

Briere said that with Cleary University across the highway, there is hope there would be pedestrian traffic. She asked if there was an intent to add a crosswalk.

Cheng said no.

Westphal asked about pedestrian access from the service drive.

Cheng pointed out the raised connection and bollard.

Hicks said it will be patterned concrete.

Westphal asked if it was raised and flush with the curb on both sides.

Hicks said yes.

Westphal referred to the staff report, where Plymouth and US-23 were mentioned. He

asked which is considered the front.

Cheng said both are considered frontages, but only one needs to be counted. He noted that in the alternate plan they used US-23 for the maximum front setback.

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

Yeas: 9 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

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

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

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

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

- 10-a** [13-0025](#) Kocher Annexation and Zoning for City Council Approval - A request to annex this vacant 0.66 acre single-family residential parcel located at 2925 Devonshire Road from Ann Arbor Township into the City and zone it R1A (Single-Family Dwelling District). Staff Recommendation: Approval

Cheng presented the staff report.

PUBLIC HEARING:

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

Moved by Mahler, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Kocher Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

Giannola asked whether the property to the west of this parcel is landlocked.

Rampson explained that the McMullen Annexation and Zoning is the parcel to the west, which was reviewed by the Commission in December. She said that this property the one that has the access easement to the parcel, as well as a utility easement.

Bona asked staff about township parcels that are divided while still in the township and then annexation into the City, and if there was a possibility to work with the townships on such issues, noting that the township's lot size criteria is very different from the City.

Rampson explained that when the McMullen Annexation came in, she had contacted the Ann Arbor Township zoning official regarding the matter and had asked him to notify the City in the future when he received such requests. She said that the township is under the same State mandate to approve land divisions if they meet the requirements.

Bona suggested the possibility of offering an incentive to future annexation applicants if they did land divisions in the City instead of in the Township.

Westphal said there is an agreement with the Township about the boundaries.

Rampson said yes, that the boundaries are well known and acknowledged between the Township and the City.

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

Yeas: 9 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

10-b [13-0026](#)

624 Church Street Apartments Site Plan for City Council Approval - A proposal to demolish the commercial building at 624 Church Street and construct a 83,807 square foot, 14-story building adjacent to and over the south half of the commercial building at 618 Church Street, to contain 76 apartments with 196 bedrooms on this 0.34 acre site. Required parking will be provided off-site through permits in a downtown public parking structure. Staff Recommendation: Approval
Kowalski presented the staff report.

PUBLIC HEARING:

Dennis Tice, petitioner, said his project has been in the works for many years and they are excited to move forward. He added that they have partnered with the reputable firm, Opus Group.

Mark Bell, Opus Group, said they are a family-run company in Minneapolis, MN, with over 2600 projects to their name, since their establishment in 1953. He said they have professional expertise in development, architecture and engineering as well as construction, and pride themselves in safety and honesty. He said they are proud of the proposed project and hope that the City will also be proud of it.

Brad Moore, J. Bradley Moore and Associates, architect for the project, said that when the Tice family put an addition onto the Pizza House in 2005, Commissioner Bona had recommended that they put in a foundation system that would allow for future development of the building. They took the advice and designed a foundation system that would handle a 17 story building, or 15 stories above the restaurant. He noted that previous zoning for the site allowed for a taller building than what the current zoning allows. He said the building will have an entrance off the east side of

the building, along Church Street, adjacent to the outdoor restaurant seating. He showed on a board that the existing restaurant occupies two thirds of the site, and the proposed first floor of the tower would occupy the southern third of the site. The plaza is proposed to be a multi use flexible space, for possible outdoor seating, outdoor food carts, and the use will vary with the time of the day. He showed the front elevation of the building, which will have a brick pedestal awning that matches the Pizza House building, with pre-cast panels above, composed of insets which will allow for decorative treatments in addition to the polished concrete. He said this was something suggested by the Design Review Board. He described the windows at the west elevation [rear] explaining that if the variance was not granted, the windows would be non-vision windows; they would be filled with spandrel glass and still maintain the appearance of windows as presented.

Laurence Deitch, Bodman PLC, 1901 St. Antoine Street, Detroit, representing owners of Zaragon Place, located at 619 East University Avenue, said they have presented objections to the site plan. He said they request tabling until the Commission can assure that the site plan complies with applicable law. He pointed out site plan standards, stating they assert that standards a and c have not been met. He said the architect and builder of Zaragon Place said that no crane system exists that can install pre-cast panels on a zero setback property line without swinging the panels onto the neighboring property, and that the fall zone is at least 10 feet. He quoted MIOSHA sections and added that they assert that this project should provide a setback of 10 feet.

Eleanor Linn, resident of Forest Court, said that after living through a year and a half of noise and dirt from construction of the Landmark, she is not happy thinking that she will have to go through that again with this project. She said the A2D2 guidelines allow for a 14-story high building, but the proposed building will block afternoon sunlight to her house. She stated that the effects of light deprivation and sunlight aren't considered important in the health and wellbeing clause of the law. She said the pre-fab exterior of the building will be unattractive, and the builders chose not to listen to the neighbors objections to its looks and neither did they re-consider the used of porous pavers. She said the municipal parking system is allowing a number of parking spaces for this project so they don't have to build any parking, despite the fact that the nearby structure is filled by mid morning, whenever the University is in session. She said if this project is built residents will have to become more inventive in finding parking, and she will be calling the City's parking enforcement more frequently so they ticket and remove illegally parked cars. She noted that because of the configuration of the building it will be rented to students whose families can afford the rent. Few people will be concerned about separation of affluent students from their less affluent peers. She said that as the building is proposed, it does not appear to be breaking any planning ordinances, but she fears that it is taking Ann Arbor in the wrong direction. She urged the Commission to think more clearly about long term issues that are raised by this building and others like it.

Scott Reid, City resident and student, said this project is a great idea and brings density to the South University area, which is sorely needed. He said people might be afraid because there is no parking proposed in this building, but since residents can live in the area they can walk to where they want to go and don't need parking, adding that parking concerns are misplaced, since the more parking you build, the more you use. He felt that building dense housing is the solution to the needs in the area and he hopes that this project moves forward as quickly as possible.

Jim Ceasar, Opus Group, said that they have 250 design engineering and design professionals standing behind them when they say safety is their number one and first priority. He said that Opus Group has one of the best safety experience

modification ratios in the industry and have been awarded numerous safety awards from the builders association of Chicago, Minneapolis, Denver, and the like. He said he thinks the neighbors don't fully understand the detailing of the west elevation, adding that they will be building in tolerances for the crane system that they plan on using, which is a luffing crane. He said their insurance carrier as well as safety specialist have been to the site, and multiple crane erectors from the local area, and it is very feasible to do the proposed work, noting that they currently are doing it in three projects; in Minneapolis and Denver. He said they do not see this project as being controversial and would like to educate the neighbors and anyone interested, in the safety plan that has been put in place for this project. He said he is available to answer any questions.

Scott Bonney, Designer for Zaragon, and Zaragon II, stated that he is very supportive of this project and this type of density, adding that it is a fantastic addition for Ann Arbor. He asked the Commission to consider a few things. He said when they designed their building, they were careful to setback the building from the property line so they could build it without endangering their neighbors. He said if they had to go on the neighbor's side they obtained an easement, of which he said, the petitioner has done neither. He said they set back the building so they would have windows without requiring a Building Board of Appeals variance and maintain privacy of residents, and light, air and green space. He said he believes they could easily setback their building 10 feet, and make it wider in the north-south direction, so it isn't so close to their building, with windows directly across from their project.

Peter Allen, 2224 Applewood Ct, said he was engaged by Dennis Tice to find a good partner for their project. He said he looked at Opus' work, and came away very impressed, adding they have great Midwestern ethics, great quality and great professionals. He said they will build a great project in Ann Arbor that we will be proud of.

Ethel Potts, 1014 Elder Boulevard, said she has two concerns. She said there are no off street parking spaces available, and the Forest parking structure is already quite full. She said the zero setback requirement in D1 is a surprise. She said there is a three foot setback for a garage, and this is difficult for painting or maintaining. She said a zero setback is asking the impossible and she didn't believe construction could be possible without trespassing, and objected to that part of the ordinance that would allow construction with trespassing.

Scott Munzel, 603 West Huron Street, appearing for Opus Group, said that this project is consistent with the currently adopted Downtown Plan, which calls for dense land uses. He said it is consistent with the Character District, and Sustainability Goals, and went through the Design Review Board process and the Citizen Participation meeting. He said the project is also consistent with the County Master Plan. He said from a Planning Commission standpoint, it is consistent with these Plans and complies with applicable codes. He said there may be more conflicts as the City grows, but the west wall construction will not be a safety issue. He noted examples of zero setback development. He noted that City Council passed a policy allowing for a contribution in lieu of parking, and the Downtown Development Authority has confirmed that there is sufficient capacity for the parking. He reminded them that there is a 25% premium to the charge that will be year-round. He hoped that the Commission would recommend approval of the project.

Peter Nagourney, Chair of the North Burns Park Neighborhood Association and member of the Downtown Design Guidelines Citizens Review group. He said he was very pleased that the project went through the Design Review Board process successfully. He said he is concerned about parking, because the Forest parking

structure is very full and taking 42 spaces away may force people to look for parking in the North Burns Park neighborhood, which would be unfortunate and create problems, since they have permit parking.

Ray Detter, Chair of Downtown Area Citizens Advisory Council and member of the Downtown Design Guidelines Citizens Review group, [an independent group representing the 8 downtown/near downtown neighborhood associations] said they support approval of 624 Church site plan and development agreement, subject to addressing issues with the Systems Planning Unit and legal concerns, as noted in the staff report. He said it is interesting that we are looking at this proposal on the same night as the 413 E Huron project, and the public looked at them at the Design Review Board and Citizen Participation Meeting on the same nights. He said they have had a chance to compare the two projects and support the 624 Church Street project because it basically complies with the Design Guidelines Standards, and the Design Review Board's only criticism was that it looks a lot like other projects that have recently been built in the downtown. He said the Citizen Participation Ordinance meeting raised few issues and the bedroom layout mix will allow for other users, such as mature students and adults. He said this is a major local commitment from the Tice family to be building this over the very successful Pizza House restaurant. He said the designers and architects have considered the South University character area, streetscape and neighborhood context and they believe it will not have a negative impact upon its neighbors, subject to addressing concerns brought by its neighbor. He said they support the project because it has come to an agreement with the Downtown Development Authority to supply, along with the DDA, parking for a high-rise through a contribution in lieu of parking, adding that they support the DDA transportation program for future demands. He stated that the Downtown Area Citizens Advisory Council will be opposing the 413 E Huron project for failure to comply to the approval standards as outlined.

Sandra Sorini Elser, attorney with Bodman, said they have been given safety assurances from Opus, and they would like to receive proof that the health and safety of the neighbors will be taken care of. She said to distinguish from Zaragon, which was built with brick, this project is proposing to use heavy pre-cast panels.

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

Moved by Adenekan, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 624 Church Street Site Plan and Development Agreement, subject to addressing Systems Planning comments prior to City Council consideration.

COMMISSION DISCUSSION:

Bona asked about the easement for the loading zone, whether this is a shared drive.

Moore said the current driveway serves the existing house, that will be demolished, and the south side of the curb cut is 28 feet further south, which is in front of the neighbor, and traffic from the Pizza House and the neighbor's property traverses that space.

Bona asked if there is an easement agreement.

Moore said they are still searching for the recorded deed, but haven't found an agreement yet; however the use of the space has been the same for as long as the Tice family can remember.

Bona said she is concerned about the zero lot line. She said she believes it would be

in the City's best interest to have this easement for maintenance of the building. She said she is not concerned about the specifics of the zero lot line, but they need to make sure they have access to that side of the building, regardless what it is for.

Moore said that Opus has experts that have determined that they can build this.

Caesar said pre-cast panels can last a thousand years, and require no maintenance or sealers. Joints must be caulked every 20-22 years, and can be done from the inside, if needed.

Bona said, as a community, we would be negligent if we did not take the cautious side. She said one of the attractive elements of this project is that half of the Pizza House building is not being built on, which will give some air and space and the parcel is not being built out from lot line to lot line. She suggested consideration of a planned project to make project better and not allow the height limitation to restrict them.

Woods asked about the maintenance if there are windows on that side and how will they keep them clean.

Bell said the intent is not to get into the details; however, they want to make it very clear that they carefully designed this project with many talented professionals to maintain this building with the construction materials being used so they can service it and maintain it from the inside out. He said they also firmly believe that they have existing easement that allows them to maintain the building on the exterior western wall.

Woods asked staff about the zero setback, and if they have had a chance to review the issue.

Kowalski said they have reviewed the submitted plans for planning and zoning issues at this stage and most of these details are construction details that will be reviewed at the building review stage, adding that it will obviously be up to the two parties to work out and resolve their issues.

Woods said it is important to understand the Planning Commission's purview.

Derezinski asked about the Pizza House approval date and the Zaragon I and II approval dates. He pointed out that the neighbors would have known, that when the Pizza House was approved and then built, it was with foundations being laid for a potentially much taller building to be built here in the future. He asked if Zaragon I and II were by-right projects, as this project is.

Kowalski said he believes they were both by-right projects [as is this project] and that the addition to the Pizza House was constructed in 2005, and Zaragon I and II after that.

Derezinski asked if we were requiring Zaragon I and Zaragon II to show proof that the construction, in any way, would be conforming with certain standards.

Kowalski said that is not something that staff typically goes into at the site plan review phase.

Rampson commented that Zaragon I pre-dated the requirement to have windows in every bedroom so when the Zaragon I residential premiums were applied, there were bedrooms without windows. She said this was discussed at great length by the

Planning Commission and finally approved.

Derezinski asked if staff still stands behind the statement that the site plan meets all applicable requirements for site plan review.

Kowalski responded yes, contingent upon staff review comments being addressed, as noted in staff report.

Rampson added that staff had had an opportunity to run the Zaragon owner's concerns by the City Attorney. She said the issues being raised are construction related, and we do not have standards in site plan regulations for constructability. While the Commission might like to address the practical issues, the constructability is something that is handled through building permits.

Derezinski noted that the project as presented is a by-right project and meets the site plan standards, and the Design Review Board agreed that the project responded positively to design guidelines.

Briere asked about zero setback wall pending Zoning Board of Appeals approval.

Kowalski said this would be a variance request from the Building Board of Appeals.

Briere asked if windows were not approved by the BBA, would they combine rooms into larger bedroom.

Kowalski said yes.

Moore clarified the floor plan.

Briere said she looked for information given by the petitioners and searched for aspects of the Citizen Participation Report. She said she did not find out how many notices were sent by mail or copies of information presented by the petitioner to public in the packet. She was concerned about the summary of questions and answers, and wanted to be sure that the required Citizen Participation Report material was being verified by staff when submitted. She noted that she found the information from the staff but was looking for the material provided by the petitioner as required.

Rampson noted that the Citizen Participation Ordinance does not have a specific template for the report, so that might be something the Commission, as a part of the Citizen Participation Ordinance evaluation, might want to review and suggest changes.

Briere said she was looking for the form, as noted, from Planning staff.

Clein asked about premium for LEED silver and what happens if they don't obtain it.

Kowalski said they are fined.

Rampson said per the zoning code, the developer has six months from the date of Certificate of Occupancy to obtain the certificate for LEED silver, with a fine based on a calculation outlined in the zoning code.

Clein asked the architect about materials and colors, and if there will be any operable windows in the building or if they will all be fixed.

Moore and Caesar said they are looking at fixed sashes.

Clein asked about assurances that what they are seeing on the screen will be built as shown.

Moore said that is incorporated into the development agreement with the City, noting that Opus has been through several cost accounting rounds and they don't anticipate any significant changes.

Clein asked if specific materials are mentioned in the development agreement.

Kowalski said there is a general statement about elevations, with no specific materials noted.

Clein said, as an architect, he knows that you can make almost any building look like these elevation plans but when it comes down to the construction there is a lot of pressure put on for cost saving measures, and he wanted to get assurances that this proposed building would be built as shown.

Clein asked if there are fans in each room.

Moore said there will be heat pumps, and the original exterior grills were eliminated.

Clein asked about trash and recycling.

Moore said there is a room on the first floor for trash, and each floor is served by chutes, with compactors at the bottom of the chutes.

Westphal asked staff if what was shown on the elevation plans, as labeled, would be expected to stay and be built.

Kowalski said, correct.

Mahler said there are a number of positive aspects, including improved student housing and LEED silver construction. Had said that the Planning Commission had held robust discussions as part of the A2D2 process on what to zone this area several years ago, before they decided on D1 for this core area. He said they need to get used to that, although he is sensitive to concerns of citizens. He noted that the easement is outside of the Commission's purview, but hopes that the two parties can work things out. He asked about the storm water management on site.

Moore said the site is already 100% impervious, and water run off will go to underground tanks in driveway, with infiltration.

Todd Pascoe, PE, Atwell, LLC, 2 Towne Square, Ste 700, Southfield, MI, said there is an existing underground chamber that holds the first flush, and they have proposed to modify the chamber to handle the bankfull. He explained that the chamber is bottomless, and if it overflows it goes to the existing storm sewer located in Church Street.

Giannola asked about outdoor space and if it will be open to the public.

Moore said it is open and there will be no fences, since it is not intended to be secured space. He said they have not programmed the space.

Giannola asked about the roof top deck.

Moore said there will be a pergola and open space, intended for the residents' use, adding that it is not intended for 'active recreation', but rather such activities as reading, picnicking and sunbathing.

Woods asked about the fire command center.

Moore said this is a code requirement and is a place where the fire department can review the system and assess the location of the fire.

Clein asked about logistics for move-in and move-out.

Moore said that the maximum number of bedrooms possible is 196, and they plan to lease the apartments fully furnished, so that minimizes the impact. He said they would reserve spaces on street during those periods.

Bell said they have hired a property management firm, Campus Advantage, that will be handling the logistics of move-ins. He said they will be bringing in additional staff during the first two weeks of the move-in season.

Briere asked about premium options, stating that she couldn't find reference to Park contributions as benefit or requirement.

Kowalski said the park contribution is a requested contribution, and not tied to the premiums. He said in the downtown there is no minimum open space requirement, and the park contribution for this project will mostly be used for Forest Plaza.

Bona noted the contribution was less than requested, and asked the petitioner to reconsider, since the downtown needs parks and greenspace the most. She asked them to think about park connections, street improvements and greenways.

Bona expressed concern about the plaza space not being activated, since in other projects empty space has been filled up with buildings. She asked about bike parking, noting that storage rooms don't get used, since the students seem to prefer hoops and they have to go through the outside to get there. She suggested putting bike hoops in the plaza to activate it.

Bona said one recommendation was to consider a green roof.

Moore said they were considering a green roof for LEED points.

Bona said it looks like once they have the mechanical equipment in place, there seems to be lots of space left. She reiterated the benefit of a green roof, stressing that it would help the over-taxed storm system in the downtown.

Bona said there is a structure around the mechanical units, which screens them. She pointed out that the Landmark building does not have screening, and the mechanical equipment can be seen from all over town.

Moore said there is a pergola around the roof-top deck and screening around the mechanical equipment, to make it look like it is all apart of the roof-top deck.

Bona asked about student preferences for bedroom arrangements, and how did they come up with the mix.

Bell said it amounted to location of development relative to competitors. He said in

similar products in the area there are several units with 4-6 bedrooms, and their research, plus citizen participation feedback, convinced them to move to one and two bedroom units. He explained that they have carefully designed their project to attract a certain tenant demographic.

Bona noted that there are no studio apartments.

Bell said they have followed their national experience and found that the square footage on one-bedrooms work well.

Bona said she is having a hard time with the parking in lieu issue and added that the retail associations should consider what is most appropriate in those parking structures. She said to have cars stored, instead of being used for hourly parking, may not be the most appropriate use of parking space.

Westphal said he appreciated the public coming out. Most of his concerns have been addressed through Commission discussion. He commented that the project is a by-right project, and knows that developers will take comments into consideration. Regarding parking causing neighborhood disruptions, he suggested that members of the public pursue such issues with City staff.

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

Yeas: 9 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

10-c [13-0027](#)

413 East Huron Site Plan for City Council Approval - A proposal to demolish two single-story commercial buildings and a residential building on this 0.92 acre site and construct a 14-story, 271,855 square foot mixed use building containing 216 apartments with 537 bedrooms, and ground-level retail and lobby space. 139 parking spaces will be provided in two underground levels, to be accessed from East Huron Street. 10 surface parking spaces will be provided at the rear of the building, to be accessed from a driveway on North Division Street. Staff Recommendation: Postponement

DiLeo presented the staff report.

PUBLIC HEARING:

Conor McNally, Chief Developer of Carter, representing the owners, said several members of the development team were present to answer any questions from the Commission. He said this project will add to the downtown Ann Arbor core, and the project was designed to meet the requirements. He said they made sure to acquire the corner parcels so the building could be brought to the corner and a side setback of 25 feet and 35 feet in the rear could be created. McNally said they have gone through the Design Review process, which included thoughtful discussion, and they have since met with neighbors and made substantial changes. Some of those changes include a signature architectural element with a two-story retail feature, pulling the first floor retail facade back from Huron Street, moving the service area back along Division Street, breaking up the facade of the structure along with material changes, in order to help make the structure not feel so large in massing. He said

they continue to work with staff and unfortunately, have not received comments back from the MDOT review. He requested that the Commission recommend the project for approval with the condition that the MDOT review comments come in.

Norm Tyler, 126 N. Division, Downtown Design Guidelines Citizen Review Committee, said this is a massive project. He presented an image of the building compared to his house, stating that this is a massive student warehouse. He said this is 100,000 square feet larger than the Varsity project, which is being built across the street. He went over a handout [401-413 East Huron Street Proposal; Comments of the Design Guidelines Citizens Review Committee, 3 January, 2013] that outlined the Downtown Design Guidelines and how this project failed to meet them. He presented an image of his own shading analysis that showed the three neighboring houses, one being his house, will be in shade most of year. Their number one concern is massing.

Norman Hyman, 300 East Long Lake Road, Ste 200, Bloomfield Hills, attorney representing Sloan Plaza, said his letter in the Commission packet covers many issues. He stated that density is only one of the factors to consider and another is impact on surrounding area. He said they asked for a shading study and were told by the developer that they weren't required to do one. He asked that they consider the traffic impact of the project; the location of curb cuts in proximity to the intersection and the location of curb cuts in proximity to other properties on E. Huron. He said they don't see where this information has been provided by the developer. He said mitigation is in order, but he doesn't see any proposed, adding that it would be premature in terms of approval. He made a point of the fire issue, stating that this is a massive building on a constricted site and with 517 bedrooms and 216 apartments he felt it inconceivable that there should not be adequate access from the exterior to the interior site and adequate circulation within the site. He stated that we have a serious fire safety hazard both with respect to the residents of this building as well as the Sloan Plaza property. He said there is a setback issue, since the mentioned 25 feet is not a real setback because there will be a ramp on the east side leading to the underground garage. He said it isn't appropriate that the building should go right up to Sloan Plaza property line and doesn't take into account the Design Review Standards. He said he hasn't seen the development agreement and would like to see it to make sure it covers the necessary concerns of the residents. He said they are concerned about the streetscape and that the building juts out.

Christine Crockett, president of Old Fourth Ward Association, which she noted also includes the Ann Street historic block and the Division Street historic district. She handed out pages from the Downtown Plan and said this building is not consistent with the D1 zoning, and did not take into consideration the character areas in which it is located. She said the developers looked across the street and at City Hall and decided that was going to be their area, but failed to take into consideration the historic parcels and districts as well as the setback of the Campus Inn. She said the design does not respect anything in the character area and looms and lumbers over some important historic districts that this City has chosen to protect. She referred to Page 33 of the Downtown Plan, noting that it says to create special overlay areas and incorporate design guidelines. She said the petitioners ignored the context, and the behemoth building does not belong there. She said this is a Lego building, with different colors, but still Lego. She said this is the first time the Historic District Commission has taken a position against new development. She stressed the tree disturbances that will occur, adding that there is lots of information available on the MSU site about what is required to make trees grow and thrive. She said they have several signature landmark burr oaks that are threatened by this development. She said regarding the buffer zone that they are required to put in, she doesn't know of any trees that can grow in shallow soil and without light.

Ellen Ramsburgh, 1503 Cambridge Road, said in December 2012 the Historic District Commission passed a resolution regarding their grave concern on the impact of the proposal on the adjacent Old Fourth Ward Historic District. She read the resolution to the Commission noting that the changes made will be irreversible and have a permanent damaging effect on the Old Fourth Ward district.

Doug Kelbaugh, who lives across the street in the Armory, said he is a professor in the Architecture and Urban Planning College and has a concern about the streetscape at the eye level on Huron Street. He said the new building will be hard on the sidewalk along Huron and as high as Campus Inn. He said going east on Huron, the building will jut out even further, because the street happens to narrow there by 10 feet. He said going east from City Hall you will be looking into a wall 14 stories tall. He said looking south on Division, the building will stick out 30 feet. He noted that this is permissible per code, but he believed they will come to regret it as a sore thumb.

Eleanor Pollack, 515 Detroit Street, said she was a member of the original Ann Street Historic District study committee. She said what pulled her out of her house was the matter of noise and sound. She said that they had to deal with the sound of mechanical equipment from Zingerrmans. She said in this situation, Ray Detter and others will be right next door and forced to listen to the sounds. She asked that they require the developer to buffer the sound, noting that it can be done and should be required. She said in 1988, the first Downtown Master Plan came out, and anytime development encroached on a residential neighborhood, it was spoken to be in character and to respect that neighborhood. She said in 2004, the DDA did a Huron-Division-Fifth study where, once again, they said when new development comes in, it needs to respect the character of the historic district. She asked for that to be kept in mind.

Susan Friedlaender, attorney representing the petitioner, said the question before the Commission tonight is whether the project meets the requirements and standards of your zoning ordinance and planning document. She said it does, and staff has said it meets the minimum and maximum requirements and the infrastructure is adequate, and the City's Traffic Engineer agreed with the petitioner's traffic report. She said the Fire Department wrote a letter, provided in the packets, that they stand behind their original comments and requirements. She said the city worked long and hard on the A2D2 zoning process, and all these issues involving the E. Huron area and it being close to the historic district were brought up, but the City made the decision to zone it D1. She said the project meets those requirements and it's hard to understand why there is a recommendation for postponement, adding that it is not the petitioner's fault that MDOT has not responded yet. She said if the review comments come back from MDOT and they recommend mitigation off site, it wouldn't affect the project. She said it is unfair to delay the project from moving forward when it can be recommended for approval contingent on the response from MDOT.

Alison Stupka, 225 Buena Vista, Old West Side neighborhood association, said that there have been four projects in their neighborhood; the YMCA, Liberty Lofts, 618 S Main, and the First & Washington apartment building, that they have reviewed and supported because the developer was sensitive to neighbors. She said she doesn't see this developer being sensitive to the neighbors with this project that is being put before them. She said for the 618 S. Main project, the developer scraped the whole plan and started over. She said she finds it inconceivable that no shade study has been done for this project.

Hugh Sonk, 505 E. Huron, agrees with comments about massing and setback. He said the proposed project is roughly 50% larger than The Varsity being constructed,

and it created quite an overwhelming presence on that block. He said several of the neighbors have offered suggestions on ways that would lessen the impacts on the neighbors, but the development team don't seem interested and seem to be on a tight schedule. He said they will have to live with the results of the project for 100 years so he doesn't feel it unreasonable for the planning process to take a few months longer, if necessary. He said he would like to see modifications to the project so it has less negative impact on the neighbors and more of a positive impact in the community.

Ilene Tyler, 126 N. Division Street, Ann Arbor Preservation Alliance, met with developers three times. She said they listened, but did not offer modifications that responded to their concerns. She said the developers don't care about our important landmarks or the impact this project will have on the historic district. She said the opinions summarized in the packet from public input session do not accurately represent comments. She said there were 50 people at the meeting and all that spoke at the meeting, spoke against the project. The comment in the report does not address the issue of alignment of building's line of sight. She had stated that the building should be reviewed in the round, with the space around it. She read from the code that outlines the purpose of overlay districts. She also read from a prepared statement why she believed the project did not comply. She said she didn't understand why premiums are by-right and would like that explained. Tyler felt that housing designed for students alone wasn't flexible design, affordable or diverse and shouldn't be counted as an incentive to give developers extra building height, adding that it hurts and ghettoizes their neighborhood. She said surface drainage and run-off are a serious threat to their property. She stressed that access to sunlight is a human need, and she is very concerned with the loss of sunlight and the reverberating sound that will come unto their property will be horrendous living conditions. She said they have just completed a refurbishing on their house and she is crushed to think that their property value will diminish. She said they depend on the sunlight for solar heating in their house and is an inherent green feature in an historic house. She asked why that should count less than LEED certification at the silver level for the proposed building, adding that she feels that her solar gain is just as important as is her property value and needs protection. She asked the Commission to give that consideration tonight.

Scott Reid, 721 E Kingsley, said he has lived in different places in Ann Arbor for five years and stated that this project is desperately needed in this area. He said he walks past this lot every single day and the current lot is pedestrian hostile. He said if we had a large mixed use building, we would have a lot more density and vibrancy, with people walking around. He said the developer had informed him that this building is not just for students, but for anyone. He said this area needs this project, and with Google located just one block away, there are people that will benefit from living and working so close. He said referring to this as a student warehouse is a gross mis-characterization of this property. He said in terms of historic district objections, he felt there were a lot of misleading fears and doubts being sown in these types of developments; NIMBY-ism, where people don't want to see this in my back yard. He said we need to look at the benefits of this project to the entire City and not just the ones living nearby, adding that we need to look at the intrinsic benefit to the entire city.

Don Buchette, resident of Sloan Plaza, said he and his wife moved to the downtown because they liked the urban experience. He said this project will be massive. As one drives up Huron Street, you will see 150 feet of darkness that will dominate the City. He said it will be the most massive building in Ann Arbor and it will be ugly and it will be dangerous. He said there will be The Varsity building and the churches that will use the one lane for parking on Sundays, and students will jaywalk across the street

heading for campus, creating dangerous congested conditions. He said Ann Arbor has a tradition of intergenerational living and if the project was aimed at the boomer generation, like him, they would want to move downtown, but they don't need this mass. He said it would be folly for the City to approve this, and we will regret this. He said it will be a nuisance and he hopes that they can stop the project and vote it down, because it isn't good for us or our City.

Peter Nagourney, Co-Chair of the North Burns Park Association, read a quote from Huxtable, and asked if their response in viewing the new building will be delight and dignity, and will it improve their experience or will it be revulsion as an eyesore for decades that will make citizens wonder what went wrong with the Ann Arbor's planning and design review process. He said Ann Arbor's architecture represents its appeal and identity and is its most public art. He said this proposed structure violates this art's appeal in too many ways. He said it provides no graduated step downs to the neighboring 2-story houses, but leaves them in a permanent winter shade. He said this is a wrong building for this important corner and in no way satisfies Ann Arbor's future planning and design needs.

Dr. Phyllis Boniface, said she owns a commercial unit facing the proposed project and would be the closest unit to the foundation of the new building. She said the noise level will impact her psychiatric practice as well as three other practicing psychiatrists in the building, noting that they require a reasonable quiet environment. She said the foundation will be on the lot line, which is where her window is. She said there are many elderly residents living in Sloan Plaza and the construction will impact their health.

Steve Kaplan, 418 E. Washington, landlord, stated that his observation while listening to the arguments in favor of the building are density with a capital D – yet very general. He said comments are very specific about how they are trying to achieve this density. He said he is hearing that this project does not achieve the density that allows people to live in their houses the way they are used to, and that needs to be considered. He said a building with over 519 beds will be student housing from his experience.

Ellen Thackeray, National Trust for Historic Preservation, Michigan Historic Preservation Network, stated that she came to request that the Commission reject this proposal, as it stands. She said it is not because historic preservationists are against density or new development. She said the organizations she represents accept that really good complementary development can happen on the edges of historic districts and they can enhance the quality of life and add to the neighborhood. She said the scale and mass of this project is not going to add anything, noting that there is no step back in the design and they request that they reject the proposal in its current state.

Eleanor Linn, Forest Court, said she is opposed to the construction of the monolithic building proposed for 413 E. Huron Street. She said it makes sham of historic district designation. She said she walks to Kerrytown several times a week and there are many routes she can take to get there and she usually chooses to go past the many lovely historic homes on Division Street and Ann Street. She said the property owners take on costs of maintaining their houses and we enjoy them without cost. She said the least we can do it to allow them fresh air and sunlight. She noted that when the Landmark building was built they needed to pull the building away from the lot line and provide a green buffer. She urged the Commission to vote against the project and have developers rethink the north face.

Ben Bushkuhl, 3186 Bolgos Circle, and Historic District Commissioner, said his

experience on the HDC has shown petitioners that come with a project and after receiving the review and feedback from the Commission, they have stated that they ended up with a much better project in the end. He recommended that the project be postponed to give the applicant time to improve the project. He commented that they should take it as a compliment that they paid large sums to assemble parcels.

Marcelle Pasquelle, 602 E Ann Street, moved from a suburban area to Ann Arbor a decade ago. She said the concern is the quality of life that such a project can affect. She asked what will happen to this neighborhood when people in the historic district decide this is not where they want to live or continue maintaining their homes. She said they can move out.

Ray Detter, 120 N. Division, Downtown Area Citizens Advisory Council, said they are very opposed to the project because it fails to give consideration to design guidelines and the character area. He said the Design Review Board comments were ignored as was the opposition from the public. He said they proposed a planned project, but the developer did not want to consider that. He said the Design Review Board has watched the commitment to good architecture through the Connecting William Plan. He said the best art that the City has is in pedestrian friendly streetscapes, and 413 E. Huron is not good architecture. He hopes that the Commission's review of the Design Review Board can extend the commitment to assist in putting teeth into the design guidelines. He said architecture that has a negative impact on its context can never be good architecture. He referenced the unprecedented comments from the Historic District Commission and asked the Commission to postpone the project indefinitely or to let them come back and negotiate a planned project.

Noting no further speakers, the Chair closed the public hearing, noting that if this item was postponed, the public hearing would be continued and there would be an opportunity to speak when this item came back before the Commission.

Moved by Briere, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street Site Plan and Development Agreement,

and further,

that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street alternative natural features mitigation for off site planting or cash contribution equivalent to six caliper inches of required tree replacement.

COMMISSION DISCUSSION:

Mahler asked if the bylaws allow for an agenda item to be discussed after 11:00 pm without a vote from the Commission to continue.

Rampson read from the bylaws, noting that it would be up to the Commission how they wanted to proceed, since the agenda item had been taken up before 11:00 pm.

Derezinski said that while there is ambiguity surrounding the agenda item, it would make sense to postpone taking action in order to allow time to receive comments from MDOT and others, as outlined in the staff report.

Bona said typically the Commission wants to get concerns on the table so at the following meeting they are not starting over; however she was not sure there was any harm in postponing.

Clein said his concern is that discussion may take an hour or more.

Mahler said if they postpone the item, they will have another public comment period.

Bona asked about possible agenda items for upcoming meetings.

Rampson responded that the next meeting would be February 5th, and there was currently one agenda item scheduled.

Westphal said another option for the Commission is to email requests for specific information to staff, or postpone the item for a limited amount of time.

Moved by Derezinski, seconded by Woods, to postpone this item. On a roll call, the vote was as follows, the Chair declaring the motion carried and the item postponed.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 1 - Kirk Westphal

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

None.

12 COMMISSION PROPOSED BUSINESS

5 MINUTES OF PREVIOUS MEETING

[13-0022](#)

City Planning Commission Meeting Minutes of December 4, 2012

COMMISSION DISCUSSION:

Bona said that on Page 6, the original intent of her comments regarding buffering should read: 'Bona said the original intent was for required beffering from R1 and R2 districts, resulting in buffering between R4 districts. When asked to approve, the City Council decided to wait for the R2A/R4C recommendations.'

Woods said minutes should accurately reflect the discussion. She said there is a danger if we change what was said.

Rampson commented that there is a tape of each meeting, and minutes are not verbatim, rather a summary of discussion compiled by Mia Gale.

Bona said it was compressed and she doesn't want to make it sound like Council did something they didn't.

Giannola said that under her remarks on Page 10, there is a verb missing.

Moved by Derezinski, seconded by Bona, that the minutes be approved as amended and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

13 ADJOURNMENT

Moved by Mahler, seconded by Adenekan, that the meeting be adjourned at 11:30 pm. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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