

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Final

Tuesday, December 18, 2018

7:00 PM

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

City Planning Commission

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

1 **CALL TO ORDER**

Chairperson Alex Milshteyn called the meeting to order at 7:05 pm.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

Present 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau,
Weatherbee, Ackerman, and Sauve

3 **INTRODUCTIONS**

None

4 **APPROVAL OF AGENDA**

Moved by Commissioner Sarah Mills, seconded by Commissioner Shannan Gibb-Randall, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

5 **MINUTES OF PREVIOUS MEETING**

5-a **[18-2137](#)** City Planning Commission Meeting Minutes of December 4, 2018

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

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

6-a City Council

Councilmember Ackerman reported that City Council at their meeting last night had approved annexations on Platt Road and Stone School Road, they are also moving forward with receiving approximately \$400,000 in grant funding from the State to fill sidewalk gaps through Northside Steam which is part of our Safe Routes to School program. He also reported that the City Administrator provided remarks regarding The Library Lot, 309 South Fifth Avenue, Ann Arbor, subsequent to the passage of Proposal A, it is the City's opinion that we will not be proceeding with closing the sale agreement with Core Spaces.

6-b Planning Manager

Brett Lenart thanked the public for coming to provide their comments with the Commission. He reminded the Commission, that due to no public hearings, the January 2nd Planning Commission meeting will be cancelled.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

[18-2136](#) Various Correspondences to the City Planning Commission

Received and Filed

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

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

None

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

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

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

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

- 9-a** **18-2132** 3935 Research Park Drive Special Exception Use and Site Plan for Planning Commission Approval - A petition to allow medical marijuana growing and processing in the RE (Research) Zoning District as a special exception use. The proposed floor area is 16,940 square feet on this 3.04-acre site. No physical alterations to the building are proposed. 1 Class A and 6 Class B bicycle parking spaces are proposed. Vehicular parking will be reduced from 34 to 32 spaces. Ward 4. Staff Recommendation: Approval with Conditions

PETITIONER PRESENTATION:

Damian Farrell and Kyle Gonzales, from Damian Farrell Design Group, 359 Metty Drive, # 4A, Ann Arbor, provided an overview of the proposed project as well as responding to communications.

STAFF REPORT:

City Planner Chris Cheng provided additional information on the petition application.

Lenart noted that the school as mentioned by the petitioner as having relocated, he was not aware that school at the adjacent site was still ongoing and is operated by Washtenaw Intermediate School District. He explained that the City's website has since been updated to reflect this and the school is more than 1,000 feet from the proposed project location so it does meet the ordinance requirement for distance.

PUBLIC HEARING:

Georg Maerz, representative from Zoller, Inc., 3900 Research Park Drive, Ann Arbor, read a prepared statement, speaking in opposition to this proposed Special Exception Use as it raises safety and security concerns for Zoller and will have a business impact on zoning since this area is zoned RE (Research). He also expressed concern over odors saying, we do not want businesses to leave because they don't want to be located next to a marijuana processing facility, or possibly see a reduction in real estate investment values. Maerz said they are requesting postponement until all points are addressed; or that the application be denied.

Justin Bagdady, Bodman PLC, 201 S. Division Street, Suite 400, Ann Arbor, representing Intech Ventures, requested additional time before action is taken on this project, saying they need more time on behalf of their client because they were just recently made aware of this proposal. He referenced communication from his company provided to the Commission. He said the school, Progress Park School provides services to special needs students, and even if it is located just beyond 1,000 feet from this 17,000-square foot medical marijuana facility, it is still just a stone throw away from some of our most vulnerable population. He expressed opposition to the newly installed masonry and wire fence saying it looks like a prison.

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

Moved by Sarah Mills, seconded by Julie 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 (Ann Arbor Unified Development Code), Section 5.29.5 (Special Exception Use) and Section 5.16.3.G (Medical Marijuana Facility), and therefore approves the 3935 Research Park Drive Special Exception Use for a Medical Marijuana Growing and Processing Facility. This approval is based on the following findings:

- 1. The proposed use will be consistent with the RE Research District, which is intended for research facilities to serve the needs of commerce, industry, business, and education. The low intensity district specifies the absence of nuisance factors such as excess noise, heat, or glare, air pollution or waste water production.**

2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Research Park Drive provides 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 medical marijuana facility 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 petition.
3. The petitioner will install all improvements shown on the accompanying site plan before any certificate of occupancy will be issued.
4. The special exception use may occupy no more than 13,234 square feet of the entire building.
5. The petitioner will maintain operating hours within 9:00 am to 9:00 pm Monday thru Sunday.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

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 Ackerman referencing the Citizen Participation meeting, asked about signage.

Gonzales said signage will only say "Information Entropy (spelling?)" and an address, without any reference to marijuana.

Ackerman said this information was helpful since the State regulates medical marijuana facilities in how they can and cannot advertise. He said this property is responsible to regulate to the extent of its own security, but he was open to hear the Commission's input on the matter. Ackerman said issues such as odor are State regulated; he asked the petitioner if they could speak to any odor violations.

Gonzales said he was not aware of any at this time.

Ackerman enquired about the City's nuisance ordinance, which Lenart proceeded to explain to the Commission, pointing out that any odor complaints would be enforceable through the nuisance ordinance, and could result in citations from the Planning Department as well as citations from Community Standards, a division of the Police Department.

Ackerman asked staff about the fence.

Cheng said the fence application was reviewed and approved in June, under the old zoning code, and complies; the fence needed to be at least 10 feet tall in order to have barbed wire. Cheng said under the new Unified Development Code (UDC) the barbed wire has changed and we no longer allow it, but this fence was legally installed at the time.

Farrell said if the Commission wishes, they can remove the barbed wire.

Ackerman summarized that this business needs to comply with State and local laws, and given the signage, no one will know what it is. He said he would rather have someone occupy the building and take care of it than see it empty as currently, and given the medical nature, marijuana is likely going to be around for some time, and processing of such is allowed in a Research zoned district, such as this area. Ackerman said he is having a hard time drawing a line to say only high-tech companies

fit into that category.

Commissioner Briggs requested the petitioner to review the aesthetics with the Commission, and how proposed added landscaping might benefit the neighbors as well. She expressed the provided affidavits from the petitioner, indicated the Citizen Participation Ordinance had been followed for notification of the neighborhood. She wondered if maybe this could be an indication that internal processes might need to be reexamined as they relate to timing of these notifications.

Farrell said they plan on adding seven trees which is above any requirement from the City, and they could add foundation plantings.

Lenart reviewed the City's ordinance requirements on timing of notifications, adding that staff could evaluate if additional measures need to be required.

Commissioner Woods asked whether a postponement would impact the applicant.

The petitioner asked to move forward, since they have followed all of the City's required processes and a postponement would feel like they are being singled out.

Commissioner Woods didn't agree that the petitioner was being singled out.

Commissioner Mills referenced that the City also sent out postcards, and based on response from neighbors, many of them definitely received the notice, based on their response. She commented that the 1,000-foot requirement for notification looks different in this area than it would in the downtown area. Mills explained that this facility could not become many facilities since the City has a spacing requirement between facilities. She asked about deed restrictions within associations.

Lenart responded that the City cannot insert themselves into a public entity governed by an association, the purchasers, or those having platted the land with acknowledgements restricted through a deed; the City cannot enforce such.

Commissioner Gibb-Randall suggested staff look at Denver and other communities to see how they are regulating odor in their grow facilities. She expressed satisfaction that the petitioner followed the protracted site

plan submittal process and adding additional requirements wouldn't help anyone at this time.

AMENDMENT:

Moved by Sarah Mills, seconded by Ackerman, to add Condition 6: that the petitioner remove any barbed wire or razor wire on site.

VOTE ON AMENDMENT:

On a voice vote, the Chair declared the amendment passed.

COMMISSION DISCUSSION:

Commissioner Weatherbee and Briggs expressed appreciation to the petitioner to remove the barbed wire/razor wire.

VOTE ON MAIN MOTION:

On a voice vote, the Chair declared the motion passed. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

- 9-b** [18-2133](#) 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

Commissioner Ackerman disclosed that unrelated to this project he has an indirect and evolving business relationship with the petitioner; he recused himself from taking part in this agenda item and removed himself from the Council Chamber.

ROLLCALL

Present 8 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, and Sauve

Absent 1 - Ackerman

- [18-2133](#) 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

PETITIONER PRESENTATION:

Tom Covert, Midwestern Consulting, LLC, 3815 Plaza Drive, Ann Arbor, representing the project, together with the Schwartz family of GloryCrest, Burton Road Incorporated, 2750 Carpenter Road, Suite 4, Ann Arbor, introduced his team and provided an overview of the project and was available to respond to enquiries of the Commission.

Bob Overhiser, Architects Design Group, Architect for the project was also available to respond to enquiries of the Commission.

City Planner Chris Cheng provided the staff report.

PUBLIC HEARING:

Brian Smith, 2803 Lillian Road, Ann Arbor, representative for Forestbrooke Neighborhood Association spoke against the proposed rezoning and corrected an inaccuracy in the staff report related to a neighboring parcel. Smith said in 2007 the property was aggregated by a developer, and the zoning request was ultimately approved; the neighborhood asked City Council to reduce the zoning to R4B since the change was more consistent with staff opinion. He said Council committed that Eli Road would not be opened. Smith said rezoning to R4D is inconsistent with the City's master plan, and all the neighbors oppose this rezoning. He said the rezoning request will increase the density 140%, which doesn't fit the existing single-family neighborhood. Smith said we believe the proposed rezoning should be denied. He said the vacant parcel behind their neighborhood (as incorrectly characterized in the staff report) is beneficially owned by his neighborhood and is undevelopable by permanent deed. He requested the rezoning be denied.

Peter Avram, 3630 Turhune Road, Ann Arbor, said my request is to deny the application, the affordable housing payment, if you assume about \$850 per unit, the petitioner has since cited a higher rent number, it's a façade, it's not real affordable housing. Avram said the developer has stated that they planned to sell the development. He said the development is inconsistent with the neighboring community and does

little to preserve natural features, or help address water issues. Avram said neighbors should expect privacy and I have zero faith in this project coming to fruition -- please deny this application.

Juliet Pressel, 2625 Lillian Road, Ann Arbor, said I want to speak against the petition on three point: I disagree with why the previous project Burton Commons failed, it was due to the recession; the Eli/Burton Road connection is the 'elephant' in the living room and has been of concern for some time, adding that the neighbors and City have discussed this connection since the 1970s. Pressel explained that in order to avoid the property becoming a through way, neighbors contributed money to purchase property, as was previously explained by Smith. She said I don't see how a pedestrian walkway can be maintained with 40 more units. Pressel said the proposed 4-stories is too high, it's outlandish!

Jim Pressel, 2625 Lillian Road, Ann Arbor, said I'm opposed to this project, and the number of units. He said I think that there is insufficient traffic study and that the property doesn't abut Carpenter Road. He explained there is a high level of traffic noise, and the previous applicant was instructed to put up sound walls -- I don't think the project should be approved without a noise study. Pressel said there is also a lot of air pollution from the highway, and noise and pollution should be studied. He said when the cars come out in the morning, there will be 160 cars coming from 160 units and I think that they would want to open Eli Road, which I don't think they can, but it would change the character of the neighborhood.

Gloria Jones, 2011 Lillian Road, Ann Arbor, said I agree with my neighbors, and as a mother of three preschoolers, with an active pool, with over 130 child members, ours is the kind of neighborhood that Ann Arbor brags about. Jones said we're not opposed to development, but this development is much too dense, and I oppose the opening of Eli Road to Burton Road. She said, I hope you value these kinds of neighborhoods and I fear this type of dense development, and the traffic would change the character of our neighborhood.

Angie Smith, 2803 Lillian Road, Ann Arbor, spoke as an advocate of affordable housing in the City, saying this plan offers inadequate compromise to the existing neighborhoods; our neighborhood already has a niche, a feeling, something to preserve. Smith said staff discussed the sustainability of traffic; when we talk about increasing the level, it could mean up to 576 cars, Burton Road is a dirt road, which would not support a bus, or even half of that traffic. She said you want to open Eli

Road, which is a joke, noting the petitioner's traffic study includes both opening Eli Road and closing Eli Road. Smith said affordable housing is a critical goal and a lot of questions have come up.

Pam Vangas, (unknown address) said she doesn't live in Forestbrook. She commented what doesn't show on the map is that all the people heading to US 23 won't take three lefts to get onto US 23, they will take three rights, past the pool and down Yost, and up to Washtenaw. Vangas said my grown children went through swimming at the pool, it is right by Pittsfield School, which means that the district school lines will be displaced due to new kids; she asked about kids that will get bumped. Vangas said our neighborhood already has a lot affordable housing.

JJ Martinez, 2248 Yost (?), Ann Arbor, said they have lived on Yost Boulevard for 11 years; following up on traffic on Yost he said my 7 year old was almost hit by a car, even with traffic calming measures in place. He said I'm very involved at the pool, we have over 85 kids who walk and bike to the pool from the existing neighborhood and opening up Eli Road would put our children in the neighborhood at risk. Martinez said I read the Master Plan seeks to reduce the goal of traffic on existing streets.

Kevin Jones 2811 Lillian Road, Ann Arbor, said on a clear day I can make eye contact with walkers on Burton Road, so the residents of this proposed 4-story development will definitely be able to look into our homes and will also invade any feeling of privacy that we have.

Megan Avram, 3630 Terhune Road, Ann Arbor, expressed concern with additional noise, saying I sleep with a white-noise machine and fan on and the noise from US 23 will get worse when trees are cut down to make way for this project, along with the layout of the property. Avram said a noise study is warranted and I oppose this project.

Celia Alumbrack McDaniel, 2721 Lillian Road Ann Arbor, said I'm not opposed to development, but I am mostly concerned about safety and little children, and with no bussing that close, and we'll have elementary aged children accessing school without busses and I think it is a severe safety issue. McDonald said the density of the project with 247 parking spots being provided for 160 units and no criteria for how many people can live in the units. She said it's not a great place to cross Washtenaw Avenue, unless you go all the way around the neighborhood; I'm worried about residents not having enough parking in this development and they will park in other areas, because there isn't enough parking.

Jim Hall, 2703 Lillian Road, Ann Arbor, expressed concern about the environmental impact, as there is a lot of wildlife living in the area. Hall said even if there is a service-only drive to Eli Road, if we realistically think about how people will use it, unless it is blocked, it will be used.

Pat Hueter, 2601 Lillian Road, Ann Arbor, commented there are three homes that keep bees in the neighborhood, along with chickens, and while I curse deer that eat my hostas in the spring, there is nothing as beautiful as watching the majestic herds come looking for handouts and it's not going to be the same with new development being built. She said the petitioners have left some open space, but it is not wildlife habitat, and the bees won't have the open fields of wildflowers anymore so she isn't sure they will survive.

Carol Makielski, 2905 Brandywine, Ann Arbor, said she lives at the corner of Brandywine and Terhune. She expressed concern that the diagram of the deciduous trees doesn't account for half of the year they won't provide any privacy or screening, evergreens might be better.

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

Moved by Mills, seconded by Sauve, 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), and

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, and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Brightdawn Village development, and

The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Brightdawn Village development.

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 Mills expressed support for affordable housing, noting there is a shortage of such in the City. She said generally she is in favor of higher density, while not being in favor of coddling various zonings together. Mills said the thing that gives me pause upon reading the letter from Jennifer Hall, and following the evolution of the previous development, is that federal funding was difficult to achieve due to the noise. She asked if the noise from the highway was a reason the petitioner wasn't planning on seeking federal funding for this project.

Petitioner Covert responded that while he wasn't involved with the previous project, his understanding on when they get federal funding a sound wall between the project and the freeway was a requirement and with the number of units, that was cost prohibitive. He said with this project federal funding would not be needed, because they would be able to achieve the goals that they are looking at from a rent perspective.

Bob Overhiser, Architects Design Group, explained they do a lot of hospitality and hotels that use specifications to reduce noise levels, since hotels are usually always built up against freeways, in order to achieve a high Sound Transmission Class (STC) rating for noise level. He said with the building's orientation being east-west with stair towers on the ends, little glass is oriented toward the highway in order to minimize the impact, and where glass was oriented towards the highway they would use triple glazing.

Mills asked why a sound wall wasn't part of this project and if there was any consideration of seeking federal funding for this project.

Covert responded because they weren't seeking federal funding for assistance, a wall wasn't a requirement.

Commissioner Milshteyn said being close to a highway is always an issue when people are looking to rent or buy; \$950 to \$1,450 a month isn't really considered 'affordable housing' he said, thinking they are so close to the highway.

Lenart reviewed general affordable housing standards throughout the County and explained how such standards are measured.

Commissioner Briggs explained it is a challenge, as a community, to

reach our community goals, especially related to density. She said we hear “We love it, just not here”, so often that we realize, no one really wants it anywhere, so it becomes challenging looking at ways we are going to reach our goals. She said on this project she concurs with the staff recommendation.

Briggs thanked the public for coming out to the meeting this evening. She encouraged residents who spoke about how dangerous Yost Avenue is, to email Raymond Hess, the City’s new Transportation Manager, to let the City know there is an existing problem that hasn’t been solved, and together there are way the City and possibly other community organizations can get creative to try and solve these problems.

Commissioner Weatherbee, noted if this project moves forward, any affordable housing units in this project would need to be guaranteed as such for a specific length of time. She enquired about infrastructure improvements, so which the petitioner confirmed that a sidewalk would be constructed on one side of the road, all the way to Packard Road. She expressed concern about the connection to Eli Road, saying she thinks it should go through in order to connect neighborhoods, and allow school busses. Weatherbee explained that in most neighborhoods they have gotten rid of old stubs by connecting neighborhoods, which have enhanced neighborhoods and not made them worse. She said none of us want to make neighborhood worse; while I understand the perception, generally I feel that connected neighborhoods are better than isolated neighborhoods.

Commissioner Trudeau reiterated Commissioner Briggs point for residents to reach out to the Transportation Manager for help on the traffic calming issues as well as work with the Safe Routes to Schools program, no matter what happens with this project. He enquired how affordable housing units would be established and for how long, because he agreed with Commissioner Weatherbee on the need for such. Trudeau said this is a great neighborhood and many people are looking to find a place in this part of town. He felt the proposed height was not an issue. He raised some concern that the nearest bus route on Packard Road is a quarter of a mile away. He concluded that some of these issues, along with the density, left him on the fence, on this project.

Covert responded that the Schwartz Family is open to discussion on the timeframe.

Lenart responded that affordable housing units could be established through a covenant or an affordability agreement.

Commissioner Sauve expressed that the pool connection would be really good, and have the parks contribution go to connections would be great to get the kids off the streets and onto safe sidewalks. She said getting to a 60% Area Medium Income (AMI) as per the Master Plan, for the 40 affordable units for 99 years would be better and maybe if the remaining 120 units were 80% AMI then it would really feel like we're getting something. She said the proposed sectional variation in height, even with the four stories isn't that high to me, and I don't have issues with it. Sauve questioned if a middle ground density for this parcel will ever be found; will 120 units ever be an option again or will it revert back to 20 units and single-family? She asked the developer if the 3-foot retaining wall and the 5-foot boulder wall might be combined and increased to achieve the 10 feet height to assist with acoustics.

Covert indicated that making them higher could be challenging, and they hadn't contemplated a taller structure but could look into it further.

Commissioner Gibb-Randall agreed there is a lot of variables on this project that feel like they are nearly getting there. She agreed with Commissioner Sauve that it should be 60% AMI instead of 80% AMI, and would appreciate a higher year amount. She said I appreciate staff's contextualization of the history and how many times incrementally this should be increased. Gibb-Randall expressed the desire to be equitable and consistent in how they approach standards, noting there was no concern for a sounds wall on the Maple Avenue project that backed up to the freeway. She agreed that neighborhoods work better when they are connected. In conclusion she expressed being conflicted about the proposal.

Commissioner Woods questioned the petitioner about Burton Road improvements, to which Covert responded there would be a standard public two-way paved street, sidewalks, curb and gutter, and stormwater. She asked if there would be any way for a school bus to come onto the petitioner's property to pick up any children that might a ride.

Covert said, yes, if the largest ladder truck can access the site, a school bus could also.

Moved by Commissioner Woods, seconded by Commissioner Sauve, to postpone agenda item to allow additional information.

DISCUSSION ON POSTPONEMENT:

The Commission encouraged the neighborhood to continue having dialogue with the petitioner on issues they would like to see regarding this project.

They requested the following items:

- *revisiting the number of units to what AMI, targeting both the 60% as well potentially as a wider band of units across the whole development;*
- *clarification on accessibility of the site with and without the Eli Road connection,*
- *exploration of potential sound wall or other features to address sound issues on this site.*
- *potential traffic safety and calming measures off site within the neighborhood.*
- *have the petitioner look at various option; would they be willing to go to a smaller scale, presuming the 60% of AMI*

The motion to postpone carried unanimously. Vote: 8-0

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Elizabeth Sauve

Nays: 0

Absent: 1 - Zachary Ackerman

Commission break at 9:51 pm.

Meeting resumed at 10:06 pm.

ROLLCALL

Present 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

- 9-c** [18-2134](#) 830 Henry Street Site Plan for City Council Approval - A proposal to demolish 3 structures and combine 4 lots at the southwest corner of Henry Street and South Industrial Highway and construct an 11-unit townhouse development with 18 parking spaces on this 0.58-acre site, located off Henry Street. Ward 4. Staff Recommendation: Approval

Disclosure – Commissioner Milshteyn disclosed a previous business relationship with this petitioner, but the relationship is finished, and he has no ongoing financial interest in the proposal. He enquired the

Commission if anyone felt he should recuse himself from this agenda item, which no one did.

PETITIONER PRESENTATION:

Heidi Mitchell, Prentice Partners Ann Arbor, LLC, PO BOX 70, Port Costa, CA, said I and my wife are from southeastern Michigan and we are here every other week, having 13 properties in town. She said we acquire, renovate, and hold properties; we enjoy this neighborhood, and are excited about this project. Mitchell explained they have formed a neighborhood association, and hope to explore ride-share neighborhood wide.

Rob Burroughs, OX Studios Inc., 302 S State, Ann Arbor, Architect for the project, reviewed the elevation plans as well as the layout of the units with the Commission, pointing out it was a great opportunity to develop on the corner of Henry Street and South Industrial Highway. He noted they averaged front yard setbacks on both fronts, and the southern property lines need a 15-foot conflicted land use buffer along the adjacent residential property. He said the whole site will be heavily landscaped; the zoning is R4C, and the building will be a plinth structure with parking mostly below grade and in the middle of the two rows of units are mews, a dedicated alleyway to provide a secondary, more private access. They are proposing 11 units in total and there will be electrical vehicle charging stations available.

City Planner Chris Cheng provided additional information from the staff report.

PUBLIC HEARING:

Cynthia Akah – 810 Henry Street # 1, Ann Arbor, said she is an owner occupant having resided in her home for 26 years, and she loves her neighborhood and understands that change is inevitable. She expressed her appreciation to the Prentice Group for open communication about the project. Akah stated the proposed development meets the requirements, but I'm concerned about the level of parking that could occur based on the number of units; 11 units each with 6-bedrooms means there could be 66 residents vying for 18 onsite parking spaces and the rest would be on-street parking. She said my understanding is that the petitioner is seeking to use car share and other methods. Akah said when it comes to on-street residential permits from the City she has found out her unique situation is not applicable; she said as an existing homeowner, it appears

that I'm being marginalized as an existing owner, and on-street parking for her tenants and herself could become inexistent.

Nancy and Todd Leff, 1512 Montclair Place, Ann Arbor, representing Lower Burns Park Homeowner Association said we don't object to high density development, but do object as the infrastructure doesn't support the student housing development, specifically parking; it's going to bring a lot of traffic to this short street. Leff said the original neighborhood wasn't constructed with driveways or garages so street parking is really essential, and on-site parking for new developments is critical. She noted that Prentice Partners own many properties in their neighborhood, and are well maintained and attractive, and they have never encountered any issues with their housing units. Leff said our neighborhood association intends to petition for residential permit parking on Henry Street, but realize this won't solve the parking issue in their neighborhood; she asked for single-family owners to be guaranteed one or two on-street parking spaces, noting that long term residents of these inner City neighborhoods are no longer able to find on-street parking due to increased multi-family dwelling units which is a problem that needs a solution. Leff asked if any proposed units are being planned to operate as Airbnb, as she has heard. In conclusion she stated that this site is located in their Lower Burns Park Neighborhood Association, and enquired if the Rose White association is registered with the City as a neighborhood association.

Victoria Green, 803 Sycamore Place, Ann Arbor, said she lives two blocks away. She asked for clarification on comments made by City Council that they would like to see a variety of housing types; she asked if there is something we don't like about six-bedroom units, and if we don't like them, do we not like them everywhere, because she would like to see consistency on the matter. Green said it's nice that the park contribution will be \$7,000, but there is going to be 11 leases on this development, so why isn't the contribution \$42,000; she said it doesn't seem fair because it should be based on the number of people and kitchens. She said she would love to have Zip car, available at this site, and would like to know if all 18 on-site parking spaces would be for Ride-Share vehicles and suggested ZipCar as the choice since the University uses them, and it should be made available to anyone in the neighborhood and not just those who can afford to live in this new development. She said another development that the Prentice Partners built, is all Airbnb, so is this proposed development going to be 11 units or a 66-bedroom hotel, adding, I don't think we have laws regarding Airbnbs. Green stated that transit oriented development is great and she thinks both the City and the developer should be doing more. She said the bus stop right by this site,

has a sidewalk gap for the past ten years, so you will be standing in the mud; she encouraged this sidewalk gap to be put in immediately by the City. Green stated that the intersection at South Industrial and Stadium is unsafe and nobody wants to bike down Stadium, past the old Krogers (Lucky Market) to get to Trader Joes because it is a nightmare, so I would urge the City to fix the intersection. She suggested the petitioner add some BIRD scooters and motorcycle parking that would be appreciated by their tenants.

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

Moved by Weatherbee, seconded by Ackerman, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 830 Henry Street Site Plan.

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 Ackerman appreciated the design of the product, interfacing with neighborhood with stoops and front doors on every direction, and the materials look good. He asked the developer about their intended target market.

Mitchell said it is not AirBnB, and not undergrad students, but is young professional housing and ridesharing will be one of the transportations, along with an electric van, and a shuttle service, and they will do everything they can to bring young professionals into that neighborhood, because they believe it's a great fit for that neighborhood.

Commissioner Ackerman asked if units would be rented in total or by bedroom, to which Mitchell responded, by unit. Ackerman said in his circle of friends in his age group (age 25) he has not known anyone who could find 5 friends to rent with, adding, I'm nervous about this many units, but you're conforming to the zoning He asked if the ridesharing would be available to the neighborhood, to which Mitchell responded, Definitely!

Mitchell said this project is very organic and our idea, has been proved in bigger cities, like San Fransisco; it costs \$500 a month to own a car, but if there is a rideshare available, the tenants will have \$500 more of disposable income. She said instead of maintain the status quo I believe

we can make an improvement.

Commissioner Briggs asked about parking allocation to rideshare, and what solution would she be able to offer the neighborhood's concerns with potential parking issues.

Mitchell said, if we use 10 spaces for rideshare, 5 to the units, it's not going to make an appreciable difference, but we're hoping to go all in on the rideshare because that's where you're going to make the biggest difference, and we should be able to come up with 66 people who appreciate that. She said the shuttle bus is going to make a huge difference. Mitchell said the City already has a solution to potential on-street parking problems, it's called Permit Parking. She said I will make the parking my problem, it won't be the neighborhood problem or anyone else's problem, that's my definition of being a good neighbor.

Commissioner Trudeau expressed appreciation for the parking design structured into the building, the architectural design, the relationship with the street, adding the solar to the building. The question raised by the public speaker regarding not liking six bedroom units, he explained it's more the Commission's concern than a public concern; it comes down to them not being as adaptable as other units, so they are harder to change to different housing conformations, and we risk underserving many other households at the same time. He said oftentimes these larger units, are stacked and not ADA accessible, and that's what I don't appreciate about this approach. Trudeau said I'm not as worried about the parking, because he lives in a neighborhood with many students where some have their own cars, while many students don't have cars, so I don't think that there will be 66 cars here. He said he felt the project met the City's codes.

Commissioner Mills agreed with Commissioner Trudeau, asked about status of discussions with ridesharing operators, to which Mitchell responded, We're going to buy the cars and make the investment, we are real estate developers, and seek to add the level of service needed to retain tenants. Mills expressed appreciation for the vision, and would encourage the placement/operation to truly be open to the neighborhood so it's obvious and present to the neighborhood. Mills said she appreciates how the bicycle parking exceeds our bike parking standards.

Commissioner Gibb-Randall said her experience is that rideshares need to be visible to be successful; she hopes that whatever solution they end up with that it more importantly serves the area; people seek the visibility.

Regarding the unit sizes, she said it meets the code.

Gibb-Randall moved to extend the meeting to 11:30 pm, seconded by Mills, and the motion carried unanimously.

CONTINUED COMMISSION DISCUSSION:

Matt Bush, Atwell, LLC, 311 N Main Street, Ann Arbor, Engineer for the project said there will be three new street trees planted.

Commissioner Woods said she appreciated the proposed project with landscaping as well as the curbcuts that would be closed.

Commissioner Weatherbee expressed appreciation for the openness with the neighborhood, and both front entrances on both sides. She asked if each bedroom will have their own bathroom, to which Mitchell responded Yes! Weathbee said she has changed her mind on these larger units, after having experienced really good neighbors from a neighbor house with five bedrooms. She suggested a slightly larger roof overhang over the front door, given the elements of the weather. She said I'm not normally concerned about parking in a neighborhood, but given the configuration of this neighborhood without any other place to park than on the street parking is a concern. She enquired if there was options available if less than 60% of the neighborhood agreed with permit parking. She agreed on the park contribution comments.

Commissioner commented that the demographics of the location would possibly be advantageous to athletic students.

Commissioner Sauve said with each unit being 2,400 square feet, down the road, these could turn into 11 townhouses, as the market evolves, which is okay with her. She expressed a desire to see bike hoops on the north and south entrances as well as the western entrance. Sauve enquires about construction noise and staging areas.

Mitchell said they will have a construction web-site as with their current project, providing timelines and plans, noting they are very sympathetic to people in the neighborhood and will continue to make themselves available to the neighbors.

Commissioner Milshteyn asked about proposed material to which Burroughs indicated most will be a variety of wood materials: hardi-plank horizontal siding, hardi-plank panels on the fully functional bays, and real

stained cedar wood over the front entrances. He asked about the HVAC system as well, to which the Architect responded it would be a traditional HVAC split-systems will be applied. Milshteyn thanked the Petitioner for not making the building brown, saying the proposed building is very attractive and will make a great additional to this block and neighborhood. He said the neighborhood is walkable and he appreciates the ridesharing and really hopes the ridesharing works, because if it does, it will change the way we look at our projects.

Friendly amendment made by Milshteyn, approved by Weatherbee and Ackerman, to add the following to the motion: ‘...and Development Agreement’.

On a voice vote, the Chair declared the motion passed. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

- 9-d** **18-2135** 245 Orchard Hills Annexation & Zoning for City Council Approval - A proposal to annex this 0.48-acre parcel from Ann Arbor Township into the City and zone it R1B (Single-Family Residential). Ward 2. Staff Recommendation: Approval

City Planner Chris Cheng provided the staff report.

PUBLIC HEARING:

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

Moved by Mills, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Payne Annexation and R1B (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

None

On a voice vote, the Chair declared the motion carried. Vote: 9-0

Yeas: 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

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

None

11 COMMISSION PROPOSED BUSINESS

- *Review timeline on postcard mailings;*
- *Discuss R4C/R2A parking requirements by bedroom/unit, (referencing tonight's meeting date)*
- *Discuss park contribution by bedroom/unit.*
- *Review CPC/Staff Work Program.*

12 ADJOURNMENT

Moved by Julie Weatherbee, seconded by Lisa Sauve, to adjourn the meeting at 11:24 pm. The motion passed unanimously.

Alex Milshteyn, Chair
/mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

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