



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
March 23, 2011**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, March 23, 2011 at 6:00 p.m. in the CTN Building, 2805 South Industrial Hwy., A2, MI. The meeting was called to order at 6:02 p.m. by Chairperson Carol Kuhnke.

ROLL CALL

Members Present: (5) C. Briere, J. Boggs, C. Kuhnke, W. Carman, A. Milshteyn, D. Gregorka & E. Briggs (both arr. @ 6:05 p.m.)

Members Absent: (2) S. Briere & 1 Vacancy

Staff Present: (1) W. Rampson

A – APPROVAL OF AGENDA

A-1 - The Agenda was approved as presented.

B - APPROVAL OF MINUTES -

B-1 Draft Minutes of the 2011-02-23 Regular Session

MOTION

Moved by A. Milshteyn, Seconded by S. Briere, **“To Approve the February 23, 2011 Regular Session Minutes as Presented.”**

On a Voice Vote – MOTION TO APPROVE – PASSED - Unanimous

C - APPEALS & ACTION

C-1 ZBA11-003 – 2502 – 2568 Packard

Harbor Georgetown LLC, is requesting six variances from **Chapter 47 (Streets), Section 4:20:**

1. A variance in order to permit three street openings, 2 street openings are the maximum allowed.
2. A variance of 10 feet in order to permit 3 driveway turning radii of 25 feet, 15 feet is required.
3. A variance of 15 feet in order to permit a driveway turning radius of 30 feet, 15 feet is required.
4. A variance of 28 feet in order to permit a curb cut width of 88 feet, 60 feet is required.
5. A variance of 17 feet in order to permit a curb cut width of 77 feet, 60 feet is required.
6. A variance of 2 feet in order to permit a driveway width of 32 feet, 30 feet is required.

Description and Discussion

The site is currently occupied by the vacant Georgetown Mall and has frontage on two roads, Packard and Page Avenue. The applicant currently has a site plan under review for a new

52 358,636 square foot building which would contain 230 apartments, 23,790 square feet of retail
53 and 454 parking spaces. All existing structures on the site would be removed.

54 The site is currently served by three curb cuts, two on Packard and one on Page. The
55 petitioner would like to maintain the same number of curb cuts; however the locations will be
56 adjusted in order to provide required buffers from the adjacent properties. City code requires
57 greater than 800 lineal feet of frontage for three curb cuts; the existing site has 693 lineal feet
58 of frontage. The fire department also supports three access points to this development.

59
60 The variances requested for driveway width and radii are being requested as a result of the
61 City's traffic engineer and the petitioner's engineer agreeing on a solution that would be the
62 safest and most efficient design for the site. Due to the large size of the site, the mixture of
63 uses, and potential for significant vehicular traffic to and from the site, City Project
64 Management staff support all of the variances being requested. The petition was
65 recommended for approval by the City Planning Commission on March 15, 2011.

66
67 All of the variances requested will be in harmony with the purpose and intent of
68 Chapter 47. As indicated above, given the scale of the project and mixture of uses on the site,
69 all of the requested variances are reasonable. The variances as proposed will allow for safer
70 traffic to and from the site and will provide multiple access points for emergency and delivery
71 vehicles as well as resident and customer traffic. The petitioner's engineer worked with the
72 City's Traffic Engineer to provide a solution that addresses circulation and safety issues, while
73 minimizing any impact to the surrounding neighborhood or general public.

74
75 **Questions to Staff by the Board**

76
77 *General discussion by the Board regarding the request including possible traffic calming*
78 *measures, public comment and curb cut issues eventually being the scope of the Engineering*
79 *staff and not a ZBA issue (part of the ongoing "ZORO" Plan).*

80
81 **Presentation by the Petitioner**

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83 The petitioner was present and offered to answer any questions that the Board might have and
84 stated that they were more than willing to work with the public and the city on any issues that
85 may arise.

86
87 **Questions to the Petitioner by the Board**

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89 C. Kuhnke – Asked why the Page Avenue exit was necessary. The petitioner replied that part
90 of that was a need for Fire Department access and was a part of the traffic study as well as
91 easier access to the underground parking.

92
93 **Public Comment** - None.

94
95 **Discussion by the Board**

96
97 A. Mishteyn – Asked if the Board could include three speed bumps in correlation with that
98 particular curb cut to discourage 'pass through' by vehicles. D. Gregorka was in
99 agreement, and stated this would be better than just eliminating the curb cut.

100
101 *Additional dialogue regarding restrictions on traffic pass-through.*

102
103

104 **MOTION**

105

106 Moved by W. Carman,, Seconded by A. Milshteyn, “In the case of ZBA11-003, 2502-2568
 107 Packard, the Zoning Board of Appeals hereby grants Six Variances from Chapter 47
 108 (Streets)with the following contingencies: PER SUBMITTED PLANS, but subject to
 109 installing traffic calming features between Packard and Page satisfactory to City Staff:
 110

111

112 **1. A variance in order to permit 3 street openings; when a maximum of 2 is allowed**

113 **2. 3 variances of 10’ in order to permit 3 driveway turning radii of 25’, when a maximum**
 114 **of 15’ is allowed**

115 **3. A variance of 15’ in order to permit a driveway turning radius of 30 feet, when 15’ is**
 116 **allowed**

117 **4. A variance of 28’ in order to permit a curb cut width of 88’, when a maximum of 60’ is**
 118 **allowed**

119 **5. A variance of 17’ in order to permit a curb cut width of 77’; when a maximum of 60’ is**
 120 **allowed**

121 **6. A variance of 2’ in order to permit a driveway width of 32’; when a maximum of 30’ is**
 122 **allowed**

123

124 **Given the following findings of fact**

125

126 **1. There is practical difficulty in providing safe and efficient ingress and egress to**
 127 **this large mixed use site without providing access points on both Packard and**
 128 **Page allowing for emergency and delivery vehicles as well as resident and**
 129 **customer traffic and not impede traffic on Packard.**

130

131 **2. The variances being granted are in harmony with general purpose and intent of**
 132 **Chapter 47 and will result in substantial justice being done considering the public**
 133 **benefits intended to be secured in that:**

134

135 **a. The 3 street openings are distributed between 2 streets with**
 136 **i. Sufficient frontage on Packard (456’) to support the 2 curb cuts onto**
 137 **Packard as allowed by code**
 138 **ii. And**
 139 **iii. Sufficient frontage on Page (236’) to support the 3rd curb cut.**

140

141 **b. The street openings have been shifted from their present location to allow**
 142 **provision of the required buffers.**

143

144 **c. And in that in order to accommodate delivery trucks and emergency**
 145 **vehicles such as fire trucks –**

146 **i. the widths of the two curb cuts onto Packard will be allowed to be**
 147 **larger than the 60’ code allows that is 77’ at the north-east access**
 148 **point and 88’ft at the South-east access point AND**

149 **ii. both turning radii for the North-east access onto Packard will be**
 150 **allowed at 25’ and the turning radii at the south access onto Packard**
 151 **will be 30 and 25**

152

153 **d. AND the width of the South-east driveway onto Packard will be allowed to**
 154 **be 32 feet to accommodate 3 lanes of traffic: 1 turning in and one for left**
 155 **turns out and one for right turns out.**

156

On a VOICE VOTE – MOTION TO APPROVED – PASSED – Unanimous

157 **D. OLD BUSINESS** – None.

158

159 **E. NEW BUSINESS** – None.

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161 **F. REPORTS & COMMUNICATIONS** – None.

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163 **AUDIENCE PARTICIPATION – GENERAL** – None.

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165 **ADJOURNMENT**

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167 Moved by A. Milshteyn, Seconded by J. Boggs, “**That the meeting be adjourned.**”

168

169 **On a Voice Vote** – MOTION TO ADJOURN - **PASSED - UNANIMOUS**

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171 Adjournment – 7:02 p.m. (**Submitted by: Brenda Acquaviva, Administrative Specialist V**
172 **– Zoning Board of Appeals**)

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177 _____
Carol Kuhnke, Chairperson

Dated _____
ZBA Minutes

178

179 *Note: The complete record of this meeting is available in video format at
180 <http://a2govtv.pegcentral.com/index.php> or is available for a nominal fee by contacting CTN at
181 (734) 794-6150.