

MINUTES
ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – November 20, 2007

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

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt, Westphal

Members Absent: None

Staff Present: Foondle, Kowalski, Lloyd

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of October 16, 2007.

Moved by Bona, seconded by Potts, to approve the minutes as presented.

Bona asked that the word “but” on page 18, last paragraph, fourth sentence, be changed to “and.”

A vote on the motion to approve the minutes as revised showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal

NAYS: None

Motion carried unanimously.

b. Minutes of November 1, 2007.

Moved by Emaus, seconded by Carlberg, to approve the minutes as presented.

Changes were made to pages 1, 7, 8, 9 and 10.

A vote on the motion to approve the minutes as revised showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

APPROVAL OF AGENDA

Moved by Carlberg, seconded by Borum, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

Bona reported that the next Ordinance Revisions Committee meeting will be held Tuesday, November 27 at 3:00 p.m. in City Hall.

Pratt stated that anyone interested in the A2D2 downtown planning effort could visit the City's website at www.a2gov.org for information.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Pratt announced the public hearings scheduled for the December 4 Planning Commission meeting.

REGULAR BUSINESS

a. Public Hearing and Action on Ann Arbor Township Parcels Annexation and Zoning (62 sites), 71.42 acres total, 3520 E. Huron River Drive, 3076 Geddes Avenue, 3428 Woodland Road, 2651 Geddes Avenue, 2300 Fuller Court, 2436 Fuller Court, 1100 Elmwood Drive, 2136 Newport Road, 3586 E. Huron River Drive, 471 Rock Creek Court, 410 Orchard Hills, 1285 Lincolnshire Lane, 1515 Chalmers Drive, 3123 Geddes Avenue, 1180 Bird Road, 2685 Geddes Avenue, 3151 Geddes Avenue, 3055 Geddes Avenue, 2872 Glazier Way, 3390 E. Huron River Drive, 350 Rock Creek Drive, 485 Rock Creek Drive, 560 Rock Creek Drive, 200 Riverview Drive, 2675 Geddes Avenue, 1865 Newport Road, 3875 E. Huron River Drive, 3660 Glazier Way, 2428 Fuller Court, 1335 W. Huron River Drive, 2996 Appleyway, 315 Orchard Hills Drive, 1541 Newport Creek Drive, 3060 Dover Place, 249 Pineview Court, 420 Huntington Drive, 3636 Riverside Drive, 3005 Geddes Avenue, 355 Rock Creek Court, 2018 Pontiac Trail, 360 Rock Creek Drive, 470 Rock Creek Drive, 3091 Glazier Way, 3081/3093 Glazier Way, 2053 Newport Road, 640 Riverview Drive, 395 Rock Creek Drive, 1130 Elmwood Drive, 3053 Geddes Avenue, 3001 Geddes Avenue, 395 Huntington Drive, 2650 Geddes Avenue, 2521 Newport Road, 1210 Arlington Boulevard, 219 Barton Drive, 750 Arlington Boulevard, 3430 E. Huron River Drive, 2665 Geddes Avenue, 581 Huntington Drive, 3007 Geddes Avenue, 320 Riverview Drive, 151 Barton Drive. A request to annex these parcels into the City and zone them for single-family residential use – Staff Recommendation: Approval

Kowalski explained the proposal.

A resident adjacent to the Michot property at 2018 Pontiac Trail expressed support for staff's recommendation of R1D zoning for the Michot property. He raised concern about the high concentration of residential housing in this area, which has contributed to the heavy traffic.

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

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexations at 3520 E. Huron River Drive, 3076 Geddes Avenue, 3428 Woodland Road, 2300 Fuller Court, 2436 Fuller Court, 1100 Elmwood Drive, 2136 Newport Road, 3586 E. Huron River Drive, 1285 Lincolnshire Lane, 1180 Bird Road, 3390 E. Huron River Drive, 1865 Newport Road, 3875 E. Huron River Drive, 2428 Fuller Court, 1335 W. Huron River Drive, 1541 Newport Road, 3636 Riverside Drive, 2053 Newport Road, 1130 Elmwood Drive, 2650 Geddes Avenue, 2521 Newport Road, 1210 Arlington Boulevard, 750 Arlington Boulevard, and 3420 E. Huron River Drive, and R1A (Single-Family Dwelling District) Zonings.

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexations at 2651 Geddes Avenue, 471 Rock Creek Court, 410 Orchard Hills Drive, 1515 Chalmers Drive, 3151 Geddes Avenue, 3123 Geddes Avenue, 2685 Geddes Avenue, 3055 Geddes Avenue, 2872 Glazier Way, 350

Rock Creek Court, 485 Rock Creek Court, 560 Rock Creek Court, 200 Riverview Drive, 2675 Geddes Avenue, 3660 Glazier Way, 2996 Appleway, 315 Orchard Hills Drive, 3060 Dover Place, 249 Pineview Court, 420 Huntington Drive, 3005 Geddes Avenue, 355 Rock Creek Court, 360 Rock Creek Court, 3091 Glazier Way, 3081 and 3093 Glazier Way, 470 Rock Creek Court, 640 Riverview Drive, 395 Rock Creek Court, 3053 Geddes Avenue, 3001 Geddes Avenue, 395 Huntington Drive, 2665 Geddes Avenue, 581 Huntington Drive, 3007 Geddes Avenue, and 320 Riverview Drive, and R1B (Single-Family Dwelling District) Zonings.

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexations at 291 Barton Drive and 151 Barton Drive, and R1C (Single-Family Dwelling District) Zoning.

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexation at 2018 Pontiac Trail and R1D (Single-Family Dwelling District) Zoning.

Bona stated that the zoning recommendation for 2650 Geddes was R1A and asked how staff arrived at that recommendation.

Kowalski stated that this property was part of the area that was included in the Geddes Road Zoning Study done several years ago. Based on the size of this site and its inclusion in the study area, staff recommended R1A zoning, he said.

A vote on the motions showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

b. Public Hearing and Action on 42 North Planned Project Site Plan and Wetland Use Permit, 15.32 acres, 1430 South Maple Road. A proposal to construct 160 apartment units in five 4-story buildings, a clubhouse, a maintenance building, and 640 parking spaces (30 in garages) – Staff Recommendation: Approval

Kowalski explained the revisions that were made to the proposal.

Pratt requested a refrain from comments about students living in this proposed development, noting that neither the Planning Commission nor City Council could dictate who could or could not live somewhere.

John Eaton, 1606 Dicken Drive, stated that a broad coalition of groups and neighbors in this area opposed this proposal. He said the near consensus in the neighborhood was that this development was too extreme for this site, that the buildings were too tall. He believed 640 tenants with 640 cars and 640 parking spaces would adversely impact the neighborhood's environment and traffic. He believed the

developer's proposal to defer parking was a pretense, as financing could not be arranged without a minimum of one parking space per bedroom. As each individual expressed his or her concerns this evening, he asked the Commission to keep in mind that everyone agreed that this development was inappropriate for the neighborhood. He said it did not fit the character of the neighborhood, which consisted of families, apartments, condominiums and single-family homes. He did not think the proposal offered any public benefit to justify deviation from the zoning regulations. He asked the Planning Commission to reject this proposal.

Vince Caruso, 556 Glendale Circle, expressed his support of the Dicken Woods neighborhood comments. It was apparent, he said, that this would be a student dormitory and, if not, it would be difficult for anyone to rationalize its design. Students living so far from campus, one has to wonder if it will succeed. If not, wonder what it will be. He questioned how many people would rent four-bedroom apartments and was concerned about the possibility of this becoming a blight on the neighborhood. He stated that this neighborhood already had a significant amount of high-density housing. He questioned who would supervise the students and whether citizens of Ann Arbor should be in the business of providing large student dormitories. He stated that the loss of 12 wetlands was unacceptable for Ann Arbor, noting that the State of Michigan was trying to increase the number of wetlands. He stated that more wetlands were needed in Allen's Creek, not less, in order to improve the watershed and the water quality. He stated that the amount of parking being provided was similar to that of a shopping mall and said it was inappropriate. He suggested that perhaps the developer was paying too much for this property if this were the only economically feasible development.

Mary Lou Unterburger, 1325 South Maple, expressed concern about both projects on the agenda this evening, noting that one of her main concerns was the increase in traffic that would result from this the new housing development. She stated that there were about 158 carports and 158 parking spaces for the residents of Walden Hills, which was half of what was proposed this evening. She stated that since the reconfiguration of Pauline Boulevard with the addition of bike lanes and traffic lights, she has observed long lines of westbound cars waiting on Pauline to turn onto Maple. Sometimes it was impossible to turn left from her residence onto Maple because of the heavy traffic, she said, and questioned how 640 additional vehicles would affect this. She was also concerned about the management of wetlands, stating that unintended consequences were always a possibility. She stated that this area already experienced problems with flooding and drainage.

Tom Ivacko, 1607 Waltham Drive, representing the Friends of Dicken Woods, said the residents did not oppose development of this site, but opposed this particular proposal. He believed the letter provided by the petitioner contained many inaccuracies. He said the petitioner's letter stated that the community meeting was opened by "whipping the neighbors into a frenzy," which he said was not true. He said he personally opened the meeting asking everyone to keep their emotions in check and to be courteous. He said they offered the petitioner the opportunity to speak first and to respond many times. He said the letter also said that at no time did the participants ask to make changes to the plan, which he said was not true. He recalled asking if the plan could be changed to honor the West Area Plan, if the building could be limited to 30 feet, and if the parking could be reduced. He said the letter falsely accused the neighbors of taking a "NIMBY" approach. He noted that the neighbors tried to find a common ground that infringed neither on the development nor the neighborhood rights. Upon investigation, he said, they found the petitioner could still make a profit by building an active senior development on this site. It would produce less runoff, sewage, traffic, parking, etc., he said, which could be supported because the impacts on the neighborhood would be minimized. He said they have learned that there is an excess of student housing in Ann Arbor, but that there was a need for senior housing in the coming years. He said the neighbors believe they were trying to be constructive and felt they had gone halfway to find a common ground. He realized the property owner had rights and said the neighbors were more than willing to continue working with the petitioner. He asked that the Planning Commission reject this proposal.

Marian Williams, 1836 Saxon, expressed her opposition to this project. Since this project was tabled, she said, several residents tried to learn about the development process for new projects. She appreciated the opportunity for public input and stated that one of the most important jobs of the Planning Commission was to provide the opportunity for public input and take into consideration that input. She said the residents here believe they have valid concerns that directly impact their neighborhood. She stated that this proposed development would impact the Eberwhite and Murray Washington sub-watersheds, as well as Allen's Creek. She said the development of this site would increase the danger of flooding in Allen's Creek. While no individual development would bring on a catastrophe, she said, it was the sum of development in these watersheds that would.

Joe Moore, of Voss Engineering, representing the Mushroom Park neighborhood, stated that he reviewed the proposal as an engineer, noting that engineers were trained to come up with solutions. This proposal did that, he said, but there were three areas with which he had concern: 1) Sanitary sewer capacity and using the capacity of 49 footing drains once they were disconnected. He asked that the City track the 49 sewer taps before certificates of occupancy were issued. 2) Storm drainage. He said this proposal met ordinance standards by providing on-site detention; however, he was concerned that there would be a long-term increase in storm volume that would impact downstream watersheds. He asked the City to consider the long-term impact and that a regional plan be considered if this project were approved. 3) Water system. He said the memorandum from April 2007 indicated that pressure and capacity in this area were questionable, mainly because of height and elevation of the property. A private, closed-water system with its own booster station was proposed, he said, but there would still be pressure problems in the surrounding area and during times when the booster station was activated, the neighbors would be on the losing end with low pressure. He believed solutions could be reached by creating a regional plan and that now was the time to have the petitioner participate in a regional solution.

Jim Boyd, 2136 Stephen Terrace, stated that he reviewed the traffic impact survey with regard to the three intersections along Maple Road. At first glance, he said, the projections showed no significant problems; however, there were problems, although difficult to recognize. He said the survey ultimately measures traffic impact by delay times. In comparing 2007 and 2008 traffic, he said, the survey projected a two percent increase in 2008 and, surprisingly, delays were unchanged in the morning but there were many afternoon delays. There was no comment as to why there were no delays in the morning, but several in the afternoon, he said. He believed the traffic impact survey was unreliable and filled with errors. While traffic was likely not the most important aspect of development, he said, it was the most easily measured and predictable.

Mark Fitzgerald, 1600 Dicken Drive, stated that students living here would have to use either a car, bicycle or bus to safely commute between home and school. He believed 640 parking spaces for this development would be way too many for this area. There were 556 parking spaces at the Lowe's on Jackson Road, he said, and he could not begin to imagine how this many parking spaces could be accommodated on this site. He noted that extra parking for friends, relatives, parties, etc., would also be needed. He stated that 640 spaces were far too many in terms of the amount of land being covered with concrete, but not nearly enough for the need. He was concerned about adding this many residents to an already highly populated area. He said AATA had agreed to pick up students at the clubhouse but only during the day on weekdays. He questioned what would happen during the evening hours and on weekends. He found both parking and alternate transportation methods lacking and asked the Planning Commission to deny this project so an appropriate development could be pursued.

Stephanie Hunter, 1601 Dicken Drive, stated that the zoning of this property, R4B, was likely done in the 1970's because the church at one time was probably thinking about putting in senior housing and the R4B zoning would allow that type of use. Then in 1995, she said, the West Area Plan, which was intended to guide land use decisions, was adopted by the City. She said the West Area Plan

recommended expansion of church-related development on this site. If sold, she said, the plan recommended high-density single-family use. She believed the intent of the plan was clear and did not understand how this proposal came to be. It seemed to her that the petitioner was looking for vacant property for this type of development and this was the only available site. She said the petitioner has asked to disregard the current zoning and in exchange give back to the neighborhood in the form of public benefits. She was not sure all the new development being proposed in Ann Arbor was good for the city, as it seemed to be changing the shape of what the city was supposed to be. She also questioned whether City services and infrastructure could take care of all of this development. She did not understand how it could be so easy to disregard the zoning laws and said the neighborhood would be far more trusting of the City if it knew the zoning would not be compromised. She stated that this proposal did not conform with the West Area Plan, the R4B zoning or the neighborhood.

Linda Piggle, 1715 Saxon, opposed this project because it was too aggressive for this piece of property. It was difficult to determine the public benefit of this project when weighing it against the potential impact, she said. She believed this development should be a Planned Unit Development. She noted that the petitioner has asserted that the proposed natural areas and storm management systems benefited both public and private interests. No where did it mention how such benefits would emerge, she said, stating that the petitioner's offer to increase open space by approximately 25 percent was a token giveback. She believed the frequent exhaust from the buses would override what might be gained from an energy conserving design. She asked that the Planning Commission deny this proposal.

Keith Fraidenburg, 2536 Jade Court, speaking on behalf of the Morningside Condominiums Neighborhood Association, stated the following: 1) There simply was no market for this sort of development in this area. He said there was no need for additional apartment housing, noting that there currently were several apartment and condominium units available in this area. 2) There were issues with building a 50-foot tall building on the highest point in the City. He urged the Planning Commission to speak with the Mayor of Walled Lake about issues of building height in relation to the East Bay Village development. 3) Significant concerns about a privatized water system on overly burdened water and sanitary sewer systems in this area. He believed this development would have a negative impact on both, stating that a privatized pressurized water system would only benefit residents of this development. He could not believe that this would not impact the water pressure for the existing neigh. He also had serious concerns with 49 footing drain disconnects, which would place an unfair burden on existing homeowners in this area. He also noted that the City did not have staff to monitor all of these disconnects to make sure the development complied with contractual obligations. He asked that the Planning Commission not approve this proposal until such time that it could be sufficiently researched and all short and long-term impacts were addressed.

Jim Mogenson, 3780 Greenbrier, stated that with regard to student housing, he lived near the North Campus housing on Green Road and in order to make that project work, it needed access to a University street and the housing had to be guaranteed for student use. City ordinance prohibited discrimination against student status, he said, adding that from a planning standpoint, sometimes decisions were made about a structure based on the characteristics of students. He believed the long term should be considered as far as converting the units for a different type of resident. With regard to the AATA, he said, he believed they were considering a new vision and looking at cutting bus routes in Ann Arbor. He said it was important to keep in mind that AATA policy could change.

Kevin Parks, 1501 Las Vegas, stated that he was an outdoorsman and spent time in the wetlands. It was his hope that staff would explain what the wetland solutions were.

Harry Gable, 1110 South Maple, asked if this project were contingent on the Grace Bible Church wetland mitigation.

Kowalski replied yes, the mitigation was required for this project.

Gable questioned how this project could be on the agenda before the actual mitigation was approved.

Jack Lechter, pastor of Grace Bible Church, expressed support for this project and said he was representing over 400 members of the church who believed this project would be good for the community. He said they worked on the issues for several months and assured the Planning Commission that they seriously considered the significant decision to sell some of the church property to expand their ministry. He wanted to make it clear that the church wanted to be a good neighbor. He also said they believed the rights and concerns of neighbors should be considered. He stated that the congregation made the decision to not have the entire group attend the meeting tonight in support of this project. He brought letters of support that he could distribute, he said. He assured the neighbors that when the church considered purchase proposals, they did not just choose the highest; rather, they wanted to make sure they partnered with someone trustworthy. He said the church shared concerns about traffic and drainage, noting that they would be the most long-term neighbors. He said they had a high level of confidence in the City's planning staff and it was their belief that the concerns of the community have been properly investigated by staff.

Matt Marshall, of Wood Partners, one of the petitioners, commended the citizens who were rightly concerned. He stated that all of the technical points the citizenry raised have been points that City staff have been questioning them about since the beginning of this project. He said they were extremely important items that they have had to address. He believed this development would be compatible with the neighborhood from the standpoint of the existing zoning and the other existing multiple-family uses in the area. As far as the visual aspect of this development, he said, the project would not be visible from any of the 15 entrances to this neighborhood. There would be a low visual impact, he said, stating that the development would not be visually intrusive to the residents' quality of life and would not change their cultural way of life in any way.

Julie Ivacko, 1607 Waltham Drive, stated that the model simulations show the property could be served with fire protection under most circumstances; however, if the Liberty Street pumping station were not available, adequate fire protection would not be available, she said, and questioned how that could be considered safe. Furthermore, she said, there was the concern that the Liberty reservoir could be depleted, which could then compromise fire service to this whole area.

Tim Anderson, one of the petitioners, stated that even though they did not reach a common ground with the neighbors, it was their desire to be a good neighbor. He said their goal was to offer an enhanced living experience within a quality project. This particular concept has been around for approximately 12 years, he said, with over 100 of them built from between one and five miles from their respective campuses. With regard to traffic and AATA service, he said, they have been in contact with AATA on several occasions. Currently there were three routes that served this property, he said, with six buses per hour passing the site. He stated that proposed enhancements would increase that to eight buses per hour with additional stops near the shopping areas, which would reduce traffic and greenhouse gases. Slightly changing these routes could enhance and help subsidize the route so there could be three different directions going to campus. Two of the routes would run until 11:00 p.m. and on the weekends, he said. He asked that they be given an opportunity to be a good neighbor. He also asked that Commission read the letter discussed earlier in its entirety in order to understand his comments regarding the neighborhood meeting.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 42 North Planned Project Site Plan and Development Agreement, subject to the approved land division.

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 42 North Wetland Use Permit to remove up to 53,547 square feet of wetland area and mitigation plan, including replacement of at least 81,336 square feet, and restoration and monitoring of the remaining wetland area.

Potts expressed her appreciation for the work the petitioner had done in addressing the Commission's comments and questions. She said many different residents and neighborhood groups have put a lot of work into this proposal, stating that it exhibited an interest in the community, which was important. Some things were impossible to know, she said, such as whether this would be popular for student living or if tenants would use public transportation. She stated that she has lived in a student neighborhood and usually it was the lack of management that caused problems. In this case, she said, the petitioner has said that there would be on-site management, which would help a great deal. However, she said, this was not mentioned in the development agreement and said she would like to see it included. She stated that water was her main concern. She knew the area had storm water problems and, as she looked at several sites along this corridor, there seemed to be a system of water there. She said there was a lake right next door and she questioned how it related to the wetland and the stream flowing behind onto the Hansen property to the north. She said there seemed to be several water systems going on here and no connection was shown. Perhaps they were not connected, she said, but noted that she would need to know more than she does about how all these water systems connect. At the last meeting, she said, the question was asked about the problem people have with water flowing off this site and freezing in the winter. She said people were assured that this site would have a swale that would catch the water before leaving the site, but she was not sure this was where the problem originated. The swale may or may not solve the problem of runoff, she said. She stated that Allen's Creek was a very troubled creek in a troubled pipe that was at or over capacity much of the time. Staff and consultants have been trying to figure out where water was coming from, she said, which was the nature of the problem. She said the only way to provide assurance that this piece of land was not causing downstream problems was to make sure that no storm water from the site drained into the storm drains. She did not think the City should permit storm water to enter the drains and aggravate the problems. Like all of the master plans, she said, the West Area Plan deal with land use issues, not the infrastructure. As the plans were revised, it was her hope that planning for existing infrastructure and/or the cost of improving it would be included. She did not think the infrastructure in this whole area had been well planned. No one development caused the problem, she said, but each new development incrementally added to the problem and she questioned where the tipping point was. She suspected that it had been passed.

Emaus asked for an overview from Systems Planning staff.

Cresson Sloten, of the Systems Planning Services Unit, stated that with regard to water pressure, elevation dictated water pressure in any water system throughout the City. Generally, he said, a higher elevation would have less pressure than an area in a lower elevation, simply because of gravity. He stated that this site was in the west area pressure district that currently was a pump district, with pumps at the Liberty Road reservoir and pump station. He said there were plans in the Capital Improvements Plan (CIP) to look at providing elevated storage in this area so the water pressure could be regulated. He said it was important to note that even if the elevated storage was provided, they did not anticipate a significant increase in the pressure for the overall area. At this point in time, he said, the existing pump

system provided the pressure for the area, adding that extreme situations might occur on the hottest day of the year when everyone was using the water and there was a fire situation that required heavy use of the water. For this site in particular, he said, the proposed four-story buildings factored into pressure as well. He stated that regardless of what the system could provide, pumping was going to be a necessity for this site.

Emaus said he had the impression that the petitioner was going to be required to provide an on-site reservoir to provide five hours of water coverage in addition to increasing the pressure for the buildings on a day-to-day basis. He asked if this were correct.

Slotten stated that water storage for a five-hour duration was not a requirement.

Emaus asked how much of the surrounding pressure would be reduced by this site if an activity, such as watering the grass, were to occur. He wondered how neighbors' water pressure would be affected by maximum water use on this site.

Slotten said it was anticipated that the existing City system would be able to adequately maintain the flow from the pump station, even with heavy use of water by the new development. They did not anticipate a negative effect on the surrounding area, he said.

Pratt stated that in a situation where the Liberty Road pumps were being used more often, the problem would be getting adequate amounts of pressure to this development. It sounded like the Liberty Road pumps would be able to continue operating, he said. He asked if there were a back-up pump available and if there would be the ability to serve a fire if one of the pumps were out of operation for some reason.

Slotten stated that there was redundancy with the City's pumps. He said the City would still have the ability to fight a fire with one pump out of operation.

Potts asked if there were a point where the City would decide if it needed the extra water facility, or was it just an assumption with the west side being built to the maximum.

Slotten said there was a project in the current CIP for an elevated storage tank planned for 2013 construction. Additionally, he said, they were looking to undertake a master plan update for the water distribution system in the next year. He said this master plan would look at the entire water system and make a recommendation as to whether this was something that should be continued.

Carlberg asked what the expected average City psi was.

Slotten responded that they had pressures that ranged from 30psi to 100psi, with the higher number depending upon elevation.

Carlberg said it was her understanding that there was no intermediate measure to undertake now to relieve the low water pressure that people were experiencing in this area.

Slotten replied that this was correct. He said there were many issues to be considered in increasing the pumping capacity.

Bona asked if this were the first project that has created a situation where the City needed to pump because there was not adequate water pressure.

Slotten replied yes.

Carlberg asked if pumping would still be necessary if this development were two stories tall, instead of four stories tall.

Slotten said there was more pressure at lower building heights, but said he would need to check the records to see what the threshold was.

Carlberg asked if this project would need to use the pumps continuously to get the water to the higher floors.

Slotten replied yes.

Westphal asked if the City were accountable to any statewide requirements for redundancies if the Liberty Road station was not available.

Slotten stated that the actual requirements were listed in the report done by the consultant.

Westphal asked if the fire flow requirements were standard practice.

Slotten replied yes.

Pratt stated that someone in the development just taking a shower every morning might or might not result in the pumps kicking in.

Mahler asked about including the local pumping in the development agreement.

Pratt said this was contained on the site plan, but could also be added to the agreement.

Carlberg said she was trying to understand how storm water flowed naturally and how this site would impact future storm water flows, involving existing gullies and wetlands in the area to the west of this site where it went downhill into a gully and onto the Pinelake Cooperative property. She raised the concern about the City's ability to monitor footing drain disconnections and asked how many disconnections the City has done so far.

Slotten replied that approximately 1,000 disconnections have been done. From the end of July 2007 to the end of December 2007, he said, they anticipated to do 200.

Carlberg asked what the process was for making sure a footing drain disconnection was done properly.

Slotten stated that all disconnections were inspected. He also stated that when a footing drain disconnection was performed as part of a new development, it was documented by staff. When a certificate of occupancy was requested, he said, the planner in charge of the project checks with Systems Planning to make sure any required disconnections have occurred, adding that P-19 of the development agreement contained this requirement.

Carlberg asked what the benefit of the footing drain disconnections was to the community.

Slotten stated that for every gallon of flow that a new development created, the developer was required to remove 1.2 gallons of flow from the sanitary system. Removing the flow helped to decrease stress on and direct clean water into the system, he said.

Carlberg asked if the handling of storm water on this site would be in any way a problem for adjoining properties, stating that the City's policy was that new developments should not cause a nuisance to adjoining properties or to the City's system as a whole. She asked for an explanation on how what was being done on this site would not cause any off-site problems.

Kowalski stated that all surface sheet flow would be detained on-site, as the flow of off-site surface water flow was not allowed. He said the wetland flow could not be reduced because the same amount of water currently going into the wetland had to be maintained.

Carlberg asked if the "to be constructed" detention area at the front of the site was situated on a slope and if it would be vegetated, or if the ground would be leveled so the detention pond was flat. One of her concerns was the slope from the clubhouse to the southwest would have a lot of water flow and the grading lines appeared to be indicative of a steep-sided basin.

Earl Ophoff, of Midwestern Consulting, representing the petitioner, stated that it was steep-sided and that the majority of the bank would remain.

Carlberg asked if some of the driveways and rooftops would drain into that basin.

Ophoff replied yes.

Carlberg stated that one of the concerns raised this evening was that the storm system in this side of town was already over capacity during flooding. She confirmed that this detention system would hold water and release it slowly.

Ophoff replied yes, adding that the rate of discharge would be less than what it currently was.

Carlberg asked if the on-site detention would improve the flow of water during a severe storm because it would hold the water back.

Ophoff replied yes.

Emaus asked if separate run-off calculations had been done for Alternative A versus Alternative B.

Ophoff said no, stating that they would be virtually the same.

Emaus stated that currently there were 100,000 cubic feet running off this site and asked how much longer this flow would be in the system.

Ophoff said it was intended to drain dry within a 24-hour period.

Pratt asked if the volume would not be creating a downstream problem based on what was submitted by the petitioner. He confirmed that the petitioner was acknowledging that the volume would be greater, but any flooding problems would be related more to the release rate.

Ophoff replied yes.

Emaus asked if the petitioner had accounted for the 49 footing drain disconnections and how much volume they put into the system.

Ophoff replied no, but said the disconnections done within the Mallets Creek watershed area have almost eliminated flow from that.

Emaus asked if the actual calculation was based on the total amount of parking or the amount with the deferred parking.

Ophoff said it was based on the total amount of parking.

Potts stated that Allen Creek experienced continuous water running through it and said she would like to see permanent retention rather than temporary retention. Even allowing water to drain on a delayed schedule was causing problems downstream, she said.

Bona said she was concerned about the amount of flow, not the rate of flow, and the fact that this would ultimately send more water to the Huron River. She asked if the petitioner had considered capturing some of that water and using it for irrigation on this site, the church site or Hansen Park.

Ophoff said this may be a possibility, but said they did not have a location for a pond to be used in this way.

Bona asked if the pond held water though, could the petitioner use it to the development's advantage, such as reusing some of the rainwater for toilets in the building.

Brad Moore, of J. Bradley Moore Architects, representing the petitioner, stated that they have not yet proceeded to that degree of engineering during the site plan stage.

Bona stated that one of these suggestions would make a huge parking lot much more palatable for her.

Carlberg asked the petitioner to speak to the viability of the wetland mitigation.

Ophoff showed the existing conditions on-site and explained the wetlands and the proposed wetland mitigation. He showed how they planned to correct the water flow. He said they have worked closely with Systems Planning for months and that everyone was now comfortable with the figures.

Westphal said he was struggling with the different directions the zoning and West Area Plan were going. He noted that the staff report contained a quote from the West Area Plan calling for higher density housing, but it referenced higher density single-family housing. Given the R4B zoning, he believed the petitioner had taken care to lessen the visual impact with the southern setback and usable open space. He said he was looking for other benefits to justify the planned project.

Pratt stated that municipalities normally did not initiate a rezoning. There needed to be a reason for denying a petition, he said, noting that the zoning map and zoning ordinance were legally established documents. Going against the established zoning plan was a challenging issue, he said.

Moore informed Commission that they would be willing to install a cistern to capture and hold about 25 percent of the storm water on the site.

Bona asked how this compared to the water that was being added to the system by this development.

Ophoff stated that the roof area would generate about 25 percent of the total runoff.

Carlberg asked if the rate at which the water went into the storm water system could be lessened.

Ophoff did not believe this could be done.

Carlberg wondered if there still might be some flexibility and asked if the petitioner could reduce the rate the water left the detention pond to go into the storm water drain.

Ophoff stated that if the water were held longer, it would sheet flow over the top of the basin.

Pratt asked that staff work carefully with the Drain Commissioner's Office.

Carlberg said this had everything Commission has asked for in transit-related sites: people would be using public bus transportation at a large rate, which would allow AATA to increase buses to every 15 minutes. If this development made it possible for buses to run every 15 minutes, the usage would increase and benefit the transit system. Because of the nature of the site and intended users, she said, the opportunity was present to maximize the transit system, pointing out that the City has tried to come up with ways in other developments to encourage people to use the bus. With regard to the parking spaces, she did not see any reason to have more than two spaces per unit on this site. That was a generous amount by the City's standards, she said. She noted that the deferred parking could be built at the petitioner's desire, and it usually was. She did not want to encourage everyone in a four-bedroom unit to have their own car and limiting the number of parking spaces would send that message clearly.

Mahler said it seemed that many of these types of developments with housing geared toward students away from campus tended to attract those with cars, so he would be cautious about reducing the parking. He said there also would be visitors who needed parking and he did not want to create overflow onto the adjacent neighborhood streets. The issue of whether this development was consistent with the character of the area should not be taken lightly based on the zoning of the property, he said. He believed the question was whether the public benefit of the proposed development was worth deviating from the character of the area. He believed this proposal provided adequate public benefit. He said it would increase the use of AATA buses to a point where it would make a difference in the routes and it would address a need for student housing. The questions he had regarding water had been addressed, he said. He would be in favor of keeping the amount of parking as proposed because of concerns about overflow parking.

Borum stated that most of his concerns have been addressed. He agreed with Commissioner Carlberg about parking and mass transit. He thought more density built further from the center of town implied a parking problem and said that was an aspect of unsustainable development that the City should try to avoid. An incentive to use mass transit needed to be created, he said. He suggested that perhaps there was a possibility to share parking with the church to the north. He agreed that the provision of four spaces per unit was quite high.

Lowenstein stated that the parking issue was difficult because students or anyone who lived here would have cars. She said City Council, SEMCOG and the DDA have been talking about park-and-ride lots where people could park their cars and then ride the bus into town. This development essentially would be creating a private park-and-ride lot, she said, because the tenants would have cars and park them here and then use the bus to get into town. While it was somewhat painful to see a great deal of asphalt, she said, it was realistic to expect that the population targeted for this type of housing would have cars and would leave them on this site because they could not park them on campus.

Emaus thought the parking needed to be reduced to two spaces per unit, which would remove the attraction of being able to park. A bus running every 15 minutes was very convenient, he said. Having said that, he saw a big conflict, which was a large number of the residents leaving the units at once, some on bicycles, some on foot, some in cars, and they all would come together at one point, which was in front

of the clubhouse. He was concerned about providing adequate space, noting that just one five-foot wide sidewalk was proposed. Another concern of his was forcing the residents to cross at a confusing part of the driveway. He suggested that two egresses be provided, which would help separate pedestrians from bicyclists. He did not think the pedestrian/bicyclist/bus stop circulation would work as proposed, noting that cars would also be criss-crossing here.

Potts expressed discomfort about what she thought was short-term planning. She was unsure that the health, safety and welfare standard was being met; she was unsure about the water pressure situation; she was unsure about Allens Creek being able to take more water; and she had concerns about traffic. She said it would be nice if more people used the public transportation buses more frequently, but she was not optimistic that this would happen. She did not think this would be a project that would be beneficial to the local community or to the community as a whole. She questioned whether this was an appropriate location for high density housing.

Carlberg said the petitioner had indicated flexibility in turning these into two or three-bedroom units.

Moore replied that this was correct. He said they would be able to be converted to three-bedroom units.

Carlberg said she was much more amenable to housing that allowed people of all kinds to find comfortable housing. She thought it was quite clear that the West Area Plan recommended higher density residential use for this site. Single-family detached homes on this site would require extensive grading and fill and numerous roads and driveways, she said. She did not think this was necessarily a better model than having the apartment buildings that provided efficiency of scale, materials and energy usage. She said she would like to see more specific language in the development agreement about energy features the petitioner was prepared to pursue, otherwise this would just go by the wayside. She found herself favoring this particular configuration, especially if the four-bedroom units could be converted to three-bedroom units, which may appeal to families or other people in need of housing. She thought apartments were acceptable in this area, stated that people enjoyed living in them. She believed the economics have changed in this community in terms of where people wanted to live. She did not see a health or welfare detriment given what was planned for the water, nor did she see a problem with traffic in the area. While the parking was somewhat troublesome, she believed this was an appropriate use for the area.

Bona said she agreed with most of everything Commissioner Carlberg said. She noted that the storm water management was not required with R1 zoning districts and that downstream problems in Allens Creek would be significant without it. She said the largest contributor to the storm water problems was single-family housing. She asked if a zip car was still an option, as mentioned in an earlier report.

Moore stated that they were pursuing this, but had not yet received a commitment.

Bona agreed about wanting the amount of parking to be less, but understanding why the full amount was being requested. She said there may be problems if the parking was inadequate parking. She hoped that the trees being provided would be large shade trees because the parking lot would be a large heat island. She said it helped to have some of the roof water captured. She would have liked for the buildings to be located closer to Maple Road. She reinforced the comment about having this many people who could not take their cars to campus would only help AATA. With regard to planned project standards, she believed this project met Standards E and F: solar orientation or energy conserving design and arrangement of buildings. She said this zoning district allows two-story buildings, so there could be more buildings on this site, which would cover more of the site. She stated that building a four-story building, instead of two stories, would result in each dwelling unit being 12 percent more energy efficient.

Westphal stated that the additional bus service was during the heaviest times of the day and asked if there were bus routes that ran at later times.

Anderson stated that six buses would go past the site every hour. He said they were talking with AATA about utilizing all three buses more often and perhaps adding some key stops that would help the residents. He said they needed the shuttle service to be easily understood and needed direct routes to campus.

Pratt asked how this information would be provided to the residents.

Anderson said the marketing would be done early in the process and that they would also make it part of the initial contact with tenants.

Westphal asked if the project's financing were contingent upon all of the parking.

Anderson replied no, that the financing was not contingent upon it. However, he said, they knew from previous experience that the students will have cars, which they would bring and have sit in the parking lot. He said they believed the parking was a very important part of this project and that it was necessary.

Westphal asked if the petitioner had considered offering a discount on rent for students who did not bring a car.

Anderson said this would be something that would ultimately have to happen if the parking were not available.

Moved by Emaus, seconded by Borum, to amend the main motion by adding the following language, "with 368 off-street parking spaces."

Emaus said he proposed this amendment as a tradeoff, where students would pay extra for their parking spaces and the money would then be used to subsidize the AATA bus routes.

Bona was not sure the parking and the AATA bus service were directly related. She thought the parking had to do with the cars students used for driving home on weekends or going to the grocery store, or similar errands. She was not sure reducing the parking spaces would make a difference. If the future dictated changing some of the units from four to three bedrooms, she said, it might make more sense to require two spaces per unit, rather than 368 parking spaces.

Mahler stated that college students today had cars. Given where this site was located, he said, it would attract students who have cars because the site was several miles from campus. He stated that if the units were converted to family housing in the future, those families would also need parking, not just for the residents, but for visitors as well.

A vote on the amendment to the main motion showed:

YEAS: Borum, Emaus, Potts

NAYS: Bona, Carlberg, Lowenstein, Mahler, Pratt, Westphal

Motion failed.

Pratt asked that energy star rating language be added to the development agreement. He also asked that the cistern for collecting roof water be addressed.

Adding energy star rating language to the development agreement was acceptable to the petitioner.

Bona suggested that staff attempt to address the car-sharing issue prior to Council consideration.

Mahler expressed concern if pedestrians could use the circular drive to walk in front of buses.

Ophoff said it was designed in such a way to be compliant with ADA standards.

Pratt asked staff to look into improving the pedestrian area at the front of the site, while making sure access was ADA-compliant.

A vote on the main motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Pratt, Westphal
NAYS: Potts

Motion carried.

Moved by Carlberg, seconded by Emaus, that the Planning Commission continue the meeting past 11:00 p.m.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Westphal
NAYS: Pratt

Motion carried.

c. Public Hearing and Action on Grace Bible Church Site Plan for Planning Commission Approval, 20.42 acres, 1300 South Maple Road. A proposal to revise the natural features protection plan to show alterations to and mitigation for the existing wetlands – Staff Recommendation: Approval

Kowalski explained the proposal and showed photographs of the site.

Harry Gable, 1110 South Maple Road, noted that at the meeting with the developer, a representative from Midwestern Consultant mentioned that wetland mitigation quite often failed. He said he did some research on his own and consulted a landscape architect who confirmed this. He believed, then, that what the Planning Commission just recommended for the 42 North proposal was one big failure. He said he was heartened by a few Planning Commissioner's comments about not adversely affecting the surrounding property owners.

Earl Ophoff, of Midwestern Consulting, said there seemed to be a disconnect with the notion of a wetland failure. In the case of a wetland failure, he said, what fails is that the wetland fails to survive as a wetland. It was not a failure of the wetland to release water. He said this particular wetland was designed not to discharge water to the north where there were other problems, or to the east to the Hansen nature area. He said the proposed mitigation area was designed to overflow only to the west and, if it were to fail in

some way and discharge water in an unanticipated manner, it would still go to the west. He indicated that there was a pipe that would go underneath the freeway to a pond on the other side. Noting no further speakers, Pratt declared the public hearing closed.

Moved by Lowenstein, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Grace Bible Church Development Agreement.

Potts said it was her understanding that wetlands failed for different reasons, such as grading being done to coax the water to go a different way or there not being enough water to maintain the soils or plants. In this case, she said, there was no way of knowing if there would be problems.

Pratt said it was his experience with wetlands that one of main problems was that the wetland did not turn into what was envisioned. Another problem was that for wetlands required by the Michigan Department of Environmental Quality (MDEQ), the staff did not have the ability to visit and inspect the wetlands. He said the monitoring involved with this type of wetland involved an expense and he wanted to be sure that it was discussed with the petitioner.

Carlberg noted that the petitioner worked with two of the best consultants in this area with regard to the wetland and she was pleased that they were involved.

Emaus wondered if the church might be willing to grant an easement or convey the wetland property to the City for the City to maintain if after the five years were over and it was determined that the wetland was functioning properly.

Ophoff said an easement might be possible, but said the church would be reluctant to give up some of its land due to various calculations related to future development.

Borum asked if it were possible to increase the five-year term for monitoring the mitigation plan.

Pratt stated that although it might be possible, the standard amount of time was three to five years.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

AUDIENCE PARTICIPATION

Harry Gable, 1110 South Maple Road, referred to the West Area Plan and the document not containing any consideration about sewer service to this property. If he wanted to annex this property, he said, there would be no sewer to which he could connect. He questioned whether he and his neighbor, if they desired annexation, would have to pay to have the sewer line run from Pauline and South Maple.

COMMISSION PROPOSED BUSINESS

None.

ADJOURNMENT

Pratt declared the meeting adjourned at 11:25 p.m.

Mark Lloyd, Manager
Planning and Development Services

Jean Carlberg, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services