

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – December 20, 2005

Time: Chair Hall called the meeting to order at 7:06 p.m.

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

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ROLL CALL

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Members Present: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman, Lipson, Potts

Members Absent: None

Members Arriving: Pratt

Staff Present: Foondle, Lloyd, Vaughn

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INTRODUCTIONS

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None.

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MINUTES OF PREVIOUS MEETING

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a. Minutes of November 15, 2005.

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

Lipson asked that the name "Dominic Jelenev" on page 11 be changed to "Dominic Telemacho."

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman, Lipson, Potts

NAYS: None

ABSENT: Pratt

**Motion carried.**

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APPROVAL OF AGENDA

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**Moved by D'Amour, seconded by Kunselman, to approve the agenda.**

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman, Lipson, Potts  
NAYS: None  
ABSENT: Pratt

**Motion carried.**

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

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Hall announced that the following meetings would be held by the Planning Commission in January: Thursday, January 5 (working session); Tuesday, January 10 (working session and public hearing on Calthorpe final report); Tuesday, January 17 (joint working session with City Council and the DDA to discuss the Calthorpe report); Thursday, January 19 (business meeting); Tuesday, January 31 (retreat). She also announced that the DDA would hold a public hearing on the Calthorpe report on Thursday, January 26; and that City Council would hold a public hearing on the Calthorpe report on Monday, February 6.

Kunselman reported that the Land Division/Utility Infrastructure Committee met on December 12. A result of that meeting was that staff would consult for clarification with the State regarding the use of a single utility easement for multiple water and sewer service lines.

D'Amour reported that the New Greenway Task Force met last week to further discuss moving ahead with the principles reported to the Calthorpe team and to discuss possible public workshops for the spring. He said the next meeting would be held on January 4 to begin discussing the 415 West Washington site.

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AUDIENCE PARTICIPATION

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Peter Fink, owner of the building across Main Street from the Greek Orthodox Church (The Gallery PUD proposal), said he believed everyone understood that housing was needed downtown and that, while it would be nice for everyone to come together and agree on how to provide this, it was accurate to say that this would not happen. He said he attended a conference on Ann Arbor's marketability, during which he asked what the driving force was to make this

agreement happen. The consultant stated that this was the most difficult question, as not one group provided that driving force, he said. He, therefore, challenged the Planning Commission to take the initiative and make something happen. He said Commission could ensure to the best of its ability that the proposal for the Greek Church property was a quality project and that it was built according to the guidelines established for it upon approval. He wanted to make sure that these projects happened for the good of everyone in Ann Arbor.

Robert F. Coon, owner of property on Catherine Street, near the Greek Church property, stated that he grew up here. He saw many plusses in this area; for example, there used to be a dairy at Catherine and Fourth. He said it was a noisy operation with two buildings and a 60-foot high stack. These buildings were removed, he said, and replaced with a small parking lot that serves the businesses here. He also cited the Ann Arbor Observer building, which used to be a laundry operation. It was developed very nicely, he said. He stated that the Greek Church, which was built by many of Ann Arbor's Greek residents, was now proposed to be redeveloped. He was concerned about the tax base in Ann Arbor and believed an 8 to 12-story building would provide tax relief for the City.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Hall announced that the City Planning Commission would hold its business meeting on Tuesday, January 10, 2006, at which time a public hearing would be held on the Calthorpe report.

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REGULAR BUSINESS

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a. Public Hearing and Action on Adoption of the 2006-2011 Parks & Recreation Open Space Plan as an element of the Ann Arbor City Master Plan – Staff Recommendation: Approval

Amy Kuras, planner with the Parks and Recreation Services Unit, summarized the public process and the process involved in preparing the proposed plan.

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

**Moved by D'Amour, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby supports the draft 2006-2011 Parks and Recreation Open Space Plan and recommends that the Mayor and City Council approve the plan for submission to the Michigan Department of Natural Resources.**

**Moved by D'Amour, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby adopts the 2006-2011 Parks and Recreation Open Space Plan as a citywide element of the Ann Arbor City Master Plan.**

D'Amour said he was a member of the PROS steering committee and stated that the committee members worked hard to put together the document before Commission this evening. He expressed his gratitude to the committee for all of its efforts. He has reviewed the changes, he said, and supported them. He urged adoption of the plan.

Carlberg asked that a small factual addition be added to page six, under the Non-motorized Transportation Plan. She said a new staff position of Transportation Program Manager has been created and thought this should be added to the second paragraph.

**Moved by Carlberg, seconded by Lipson, to amend Section H (Trails and Greenways), page H6, paragraph 6, by deleting the first six words, "Instead of a bicycle coordinator position," and replacing them with "A new staff position of Transportation Program Manager works with."**

A vote on the amendment showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman,  
Lipson, Potts  
NAYS: None  
ABSENT: Pratt

**Motion carried.**

Carlberg stated that this was an excellent document, acting as a resource and highlighting areas of need. She thanked the City staff members and the Park Advisory Commission for their efforts in putting the plan together.

Enter Pratt.

Potts stated that she had previously proposed minor amendments with regard to Allens Creek and the Huron River. Those sections had been somewhat rewritten, she said, and knowing that the Environmental Commission would soon be considering the Huron River, she was pleased to approve the PROS Plan.

Lipson also thought this was an excellent document. He found the historical information fascinating, stating that it put the current document into perspective. The fact that no one was present this evening to speak about the plan indicated the great deal of public input that had already occurred, he said.

A vote on both motions showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman,  
Lipson, Potts, Pratt  
NAYS: None

**Motion carried unanimously.**

b. Public Hearing and Action on Rayer Development Annexation and Zoning, 0.48 acre, 591 and 597 South Wagner Road. A request to annex two parcels into the City and zone them for single-family residential use – Staff Recommendation: Approval

Vaughn described the proposal.

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

c. Public Hearing and Action on Staggs Annexation and Zoning, 0.92 acre, 603 and 609 South Wagner Road. A request to annex two parcels into the City and zone them for single-family residential use – Staff Recommendation: Approval

Noting no speakers, Hall declared the public hearing closed.

d. Public Hearing and Action on Clinard Annexation and Zoning, 0.46 acre, 679 South Wagner Road. A request to annex this parcel into the City and zone it for single-family residential use – Staff Recommendation: Approval

Noting no speakers, Hall declared the public hearing closed.

**Moved by D'Amour, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Rayer, Staggs and Clinard Annexation and R1D (Single-Family Dwelling District) Zoning.**

Kunselman noted that if these properties were zoned R1D, some of them would be able to be divided into more than one lot, thereby adding value to those properties. He thought this was similar to picking and choosing which properties could increase in value. He stated that the properties were adjacent to a City park, so houses constructed on the divided lots would back right up to a park, which was a huge benefit to those lots. He said this was creating a value based on decision and he was not sure what to do about that.

Carlberg did not understand this issue. She said the lots needed to be annexed and Commission's task was to recommend an appropriate zoning based on lot size. In terms of future changes in the area, she said, if any of the lots were subdivided and created more than one lot that could look out onto a park, she saw this as an advantage to the owners, as well as to the City. She would not want to place a property owner at a disadvantage by requiring a larger lot based on zoning. She said property must be zoned with an appropriate classification for the area.

Emaus questioned whether R1C zoning would result in the lots being nonconforming, because sanitary sewer connection, which would be necessary, was not possible due to the sewer line being unavailable.

Vaughn explained that zoning these lots R1C would result in the lots being nonconforming because of lot width, not because of lack of sewer connection. He noted that the lots conformed to the lot width requirement of the R1D zoning district.

D'Amour asked if Commissioner Kunselman was suggesting that the annexation of these properties be delayed due to his concerns.

Kunselman replied no. He said if the smaller lot sizes of R1D were applied here, the City would be creating winners and losers based on economic benefit, as some of the property owners could divide their lots and others could not. He did not have a problem with this, but offered the concern for a future discussion topic.

D'Amour did not see how anyone would be economically disadvantaged by annexing these properties and zoning them R1D, adding that this was not justification for the Planning Commission to recommend denial.

Lipson agreed that this decision did have an economic impact, as did all decisions made by the Planning Commission. He noted that the lots that were twice as big and could be divided would pay higher taxes than the smaller lots. He believed staff had given a significant amount of thought as to which zoning to apply here and he supported the decision to go with a zoning that would not create nonconformity, adding that nonconformity would create economic disadvantage.

A vote on the motion showed:

YEAS:	Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman, Lipson, Potts, Pratt
NAYS:	None

**Motion carried unanimously.**

e. Public Hearing and Action on The Gallery PUD Zoning District and PUD Site Plan, 0.76 acre, 414 North Main Street. A request to rezone this site from C2B/R (Business Service/Residential District) and R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District), and a proposal to construct an eight-story, mixed-use building with office, commercial and residential uses; a four-story, mixed-use building with retail and residential uses; and 212 parking spaces (195 underground) – Staff Recommendation: Table

Vaughn described the proposal and showed photographs of the site.

Rob Burroughs, of Hobbs + Black Architects, introduced the architects who were part of the development team.

James Sharma, representing the petitioner, provided a description of the proposed building, explaining the design of the building, different amenities on the site, and proposed parking. He also showed an elevation drawing of the proposal.

Michael Concannon, petitioner, said he was dedicated to making this project reflect the desires of the City. To that extent, he said, they have done an exhaustive amount of work to date, including neighborhood meetings, walking tours, presentations to the Planning Commission, meetings with various vendors, etc., in an effort to achieve a better project. He believed this was the best urban location in downtown Ann Arbor for housing. Without any direct solicitation, he said, they have almost 30 reservations for the purchase of homes in this development. He said there has been a tremendous amount of input on retail use in this space from wellness clinics to restaurants to galleries. He stated that whether Commission changed the Zoning Ordinance or granted a PUD

for this proposal, it needed to be understood that there was a balance between amenities, the entire package, the underground parking, and the cost. In order to achieve a development of this scale, he said, a certain amount of density was necessary. He said they have made a strong commitment to Kerrytown, as well as others, to work with them as this proposal proceeds. He said it was a work in progress and he appreciated the opportunity to present it this evening given the staff recommendation to table action.

The owner of the house at 115 East Kingsley, and a direct neighbor to this site, stated that if Ann Arbor has been nominated as a best city in which to live, it was because homes have been built with a human connection. He believed this proposal was too tall and would create shade all around it, would destroy the skyline, and would remove all of the charm in the area. With regard to parking, he said 212 spaces were being provided and there would be 118 dwellings. He stated that there would be many more cars than parking, noting that customers would be needing a place to park. He stated that the parking pressure in this area already was intense and that this development would only add to the crowding. He did not believe the residential units facing the alley would be pleasant, with the smells and sounds, and he asked that Commission take all of this into consideration.

Deanna Relyea, representing the Kerrytown District Association and the businesses and residents in the Kerrytown area, stated that they have had several good meetings with the petitioner and the petitioner was aware of their concerns about the mass of the building and how it transitioned to the area around it. She said they looked forward to finding a solution to those concerns. She stated that the recently released Calthorpe report recommended two to five stories in this area and, based on these circumstances, she urged the Planning Commission to delay consideration of this project until community made a decision on the merits of the report.

Keith Ward, a member of the Kerrytown District Association board and a resident of Braun Court, expressed concern about transition, as eight stories seemed quite abrupt. He also was concerned about the alley and its use by residents if this development were built, stating that the alley currently was used for commercial purposes. He asked that these concerns be taken into consideration.

Karen Sidney, 100 Longman Lane, provided a perspective from that of a user/shopper in this area. In viewing the elevation of this proposal from the Fourth Avenue side of the Farmers' Market, she said, it was much too massive. She stated that the downtown would not survive without users and asked the Planning Commission to think carefully about this.

Martin Contreras, owner of Braun Court properties, stated that he has seen a great deal of change in the neighborhood over the 20 years he has worked in Braun Court. He expressed three concerns: 1) he was not convinced that Fourth Avenue could handle the amount of traffic from the business and residential components of this development and said he has not seen anything from the petitioner that put the responsibility to handle the traffic on Main Street; 2) the alley frequently was used for deliveries and he could not imagine 120 more residents/business people waiting in the alley until a truck completed its delivery; and 3) this area was somewhat of an entertainment district, generating noise from celebrations such as summer block parties, and he wondered what would happen when residents of this development began complaining about the noise. He said the uses have been here for 20 years and he did not want to see them shut down.

Christine Crockett, a member of the Kerrytown District Association and president of the Old Fourth Ward Neighborhood Association, said they have had very cordial meetings with the petitioner and were enthusiastic about having more people living in this area. She stated that members of this community felt an ownership of Kerrytown, even if they did not live in the neighborhood, and she did not want to see Kerrytown adversely affected. She stated that the entire Ann Arbor community has participated in the revitalization of this area and, now that the Calthorpe study has been completed, she believed the community needed to decide how to proceed with that prior to making a decision on this site. When she thought about eight stories on this site, she thought of the Washington Square building at Fourth and Washington, with its lovely mosaic use of brick, and the charming Key Bank building. She said no one ever commented that these buildings were too tall because of their character and she believed something could be done with this proposed building to make it blend in with the neighborhood. She stated that there was much that could be done with a building to make it charming, even if it were tall. She said the design of the proposal needed to work with Kerrytown and the Farmers Market to allow them to continue as vital parts of this community.

Noting no further speakers, Hall declared the public hearing continued.

**Moved by Pratt, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Gallery PUD (Planned Unit Development) Zoning District and Supplemental Regulations and PUD Site Plan, subject to a variance of four feet for the driveway opening on Fourth Avenue, with the condition that Lots 19, 20 and 21 are combined before issuance of any permits and that preliminary approval is received from the Washtenaw County Drain Commissioner before transmittal to City Council.**

Potts stated that when this came back to Commission, she would like to see the elevation from the east. She would also like more information about the arcade, questioning if it were really an arcade, and information about the public open space. She questioned what type of pedestrian amenities would be provided along Main Street, noting that the building seemed to be placed right to the property line, thereby making it not very pedestrian friendly. She stated that height was a major issue for her and she questioned whether this was an appropriate location for the height, as it was adjacent to neighborhoods.

Kunselman asked for more information about the pedestrian access, noting that a five-foot wide walkway between two walls was not very pedestrian friendly. He questioned whether this was a pedestrian amenity. He stated that tight spaces such as these created discomfort and he wondered if perhaps too much was trying to be done here.

Sharma explained how the pedestrian access would work from Main Street to Fourth Avenue and showed an elevation of the walkway.

Hall asked who the users of the pedestrian walkway would be, wondering if they mostly would be residents going to and from Kerrytown, or if this were going to be a pedestrian link for anyone wishing to get from Main Street to the Kerrytown area.

Concannon said it was intended to be a public thoroughfare from Main Street to Kerrytown, but recognized that the majority of users would be tenants of the building. He said they were trying to promote pedestrian access on Main Street and utilize this walkway as a route to Kerrytown, rather than pedestrians cutting through parking lots. He also said that they envisioned holding some type of art competition to make this a true gallery.

Hall asked if any consideration was given to the commercial use of the alley and how pedestrians could cross the alley in an inviting and safe way.

Sharma said they would like to continue the brick pattern across the alley, but said the City would have to approve this since the alley was under the City's jurisdiction.

Kunselman was not convinced that the covered plaza would draw pedestrians from Main Street. He suggested moving the vehicle access ramp from the alley to Main Street, which would eliminate alley issues.

Pratt stated that the covered walkway might be used during inclement weather. He wondered if the four-foot high knee wall was required, noting that it created a barrier and did not promote walkability.

Potts said it appeared that the alley was necessary for the existing businesses to function. She expressed uncertainty about how deliveries, vehicles and pedestrians would all work together in the alley.

Kunselman believed things could be done differently here, such as using valuable frontage on Fourth Avenue for retail space, which was a pedestrian-oriented use. He did not see people walking north past the gas station on Main Street.

Lipson thought it was best to have as many pedestrian access/walkways as possible and said he would like to see the proposed five-foot wide walkway increased in width.

Bona was not concerned as to whether this building was accessed from Fourth Avenue or Main Street. Her concern had to do with the pedestrian connection. She stated that the premium for the 600 percent floor area ratio was an inner arcade and the City Code defined an inner arcade as 12 feet wide, which would make it a true community amenity. A five-to-eight-foot wide walkway would be used only by residents, she said. Unless it were increased in width, she said, she did not view the walkway as a community amenity.

Carlberg wondered if the petitioner had talked to the DDA about using the Farmers' Market parking lot for parking, as there were always spaces available in that lot on non-market days. She thought it was important to understand the potential for parking to disappear over time and to be prepared for that.

Concannon said they were trying to make this development self-contained. He stated that some of the inquiries they were receiving from potential buyers of the condominiums were related to people who walk to their destinations in the downtown and hospital area, but said they would take this into consideration.

Hall liked the idea of destination retail on Main and Fourth, as she believed it would provide an inviting atmosphere and generate movement through the arcade.

Lipson stated that he would like to see the sun-shade study of the building when this came back to Commission.

D'Amour stated that the City was just getting into reviewing the final report by Calthorpe Associates and he asked the petitioner to retain the different scenarios that would provide greater flexibility. He was pleased that the petitioner met with neighbors and with the Kerrytown District Association and he hoped this dialogue would continue and that the petitioner would take it seriously. He wondered if perhaps this development would still be economically viable if less overpowering. If bonuses were to come into play, he said, perhaps a point tower may be more appropriate, something with a lot of air around it and not something so massive and overpowering that it would change the character of the Kerrytown district. He was glad to see the buildings on Beakes and Kingsley Streets preserved.

Carlberg said she would like to know what the impact of the proposed eight-story building would really be on the buildings to the north, as it seemed that the building would shade those properties all day long. She said no one seemed to be concerned as much with a four-story building, but said an eight-story building was much taller. She thought this was a real challenge of what could be accepted in this community and that it all depended on what was meant by transition and primary reference point. If One North Main were used as the primary reference point, then the height would decrease to the north. She did not see how the City would be able to accomplish its goal of increased density in the downtown area without dealing with the dissidence of tall and short buildings. She did not think words like "transition" were particularly helpful.

Bona thought it should be made clear in the staff report that the petitioner did not own the houses along Kingsley and, therefore, they were not part of this project and their preservation was not relevant to this proposal. If the variety of sizes and costs of the residential units were to be an amenity, she asked that this be clearly defined in the supplemental regulations. She thought the way it read now was that one size could be provided for all of the units because only a range was identified. With regard to floor area ratio (FAR), she noted that the Zoning Ordinance allowed a 400 percent FAR, and a 600 percent FAR with an inner arcade. She was concerned about a 600 percent FAR, let alone the 685 percent FAR being proposed by the petitioner. She stated that she was struggling with the concept of transition and noted that one of the recommendations contained in the Downtown Plan was for upper floors along Main Street to be stepped back. She expected that most people would use the vehicle access from Fourth Avenue and did not think congestion in the alley would be a major problem, adding that activity in the alley would be a positive use.

Emaus also questioned whether the pedestrian arcade would contribute to the building as an amenity to justify the proposed 685 percent FAR. He expressed concern about the overall mass of the building and the transitioning of it, especially when a zero setback from Main Street and a seven-inch setback from the houses to the north were proposed. He would like to see the façade of the building tiered to provide relief for the adjacent houses and for people entering the City from Main Street. He did not see the benefit to this area to justify the proposed floor area ratio.

Pratt stated that this site represented a great opportunity to provide residential housing in an area of town where it would be a great benefit. He asked for information in the next staff report as to the percentage of traffic increase that would occur on Fourth, Kingsley and Main as a result of this development. He tended to agree that the design of the proposal was quite boxy and that it was particularly problematic on the north side. He thought some type of stepped back design on the north side would be appropriate and suggested that this would be another concept worth

exploring. He stated that the concept of linear open space, as contained in the Calthorpe study, sounded attractive and encouraged the petitioner to take that into consideration.

Kunselman said he was not opposed to this project, but was opposed to some of the amenities being claimed as a public benefit. He stated that the future should be considered in that the houses along Kingsley were not protected, thereby allowing the possibility of a four-to-five-story building in that location. The proposed building contained a great deal of windows along the north side, which could be impacted if such a building were to be developed along Kingsley. In this context, he said, stepping back the building along the north side may work because residents would not be so impacted by future development. He hoped a good design that would satisfy all those involved could be achieved for this site, stating that he could accept a somewhat taller building that was not so massive with an entrance on Main Street.

Lipson agreed with most everything that had already been said. He could not imagine living in one of the houses along Kingsley without any direct sunlight and he did not want to create a situation where the houses would remain vacant because no one would want to rent them. He would like this proposal to include the four houses along Kingsley with a building stepped back from the street. He stated that both the Central Area Plan and Calthorpe study talked about transition in this location, but said eight stories was a difficult transition. He did not want to create a canyon effect and said it was his hope the petitioner would take into consideration all of the comments made this evening.

Hall stated that there were many difficult issues involved with this. She thought the proposed building was attractive and that this was a great location for residential housing. If the building were to be stepped back, she said, a tall tower would most likely be proposed. She stated that the tools contained in the City Code were what the Planning Commission needed to use to make a decision. She stated that she had a difficult time determining the public benefit of this proposal as related to the seven standards contained in the PUD ordinance. It was good that additional retail space was proposed, but noted that there was no affordable housing or usable open space on-site. She recommended that the petitioner work on the design of the alleyway and bringing it more in line with the suggestions made by Commissioner Bona. Although the Calthorpe study had not yet been adopted by the City, and although she would prefer waiting until its adoption before making a recommendation on this proposal, she did not think the City could delay a petitioner if the petitioner chose to move forward.

Lipson said he would rather see higher towers that would allow sunlight and air circulation.

D'Amour suspected that a more slender tower with a lot of air and sunlight around it would gain more public acceptance.

**Moved by Carlberg, seconded by D'Amour, to table action.**

A vote on the motion to table showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman,  
Lipson, Potts, Pratt  
NAYS: None

**Motion carried unanimously.**

f. Public Hearing and Action on Malletts View Office Center PUD Zoning and PUD Site Plan, 2.23 acres, 385 East Eisenhower Parkway. A request to amend the existing PUD zoning district to allow the construction of a five-story, mixed-use (office and residential) building over ground level parking (tabled at 10/18/05 meeting) – Staff Recommendation: Approval

Vaughn described the proposal.

Steve Wenderman, architect, stated that he and the engineer for the project would be available to answer questions.

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

**Moved by Pratt, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Malletts View Office Center PUD (Planned Unit Development) Zoning District, Supplemental Regulations, PUD Site Plan, and Development Agreement, subject to disconnection of one footing drain prior to issuance of certificates of occupancy and subject to acquisition of the public right-of-way fronting Eisenhower Parkway before City Council review.**

Potts was uncomfortable about the actual uses not being determined and asked if the uses could be changed in the future.

Vaughn stated that the proposal was for medical office, but said part of the PUD would be to allow flexibility so the petitioner could convert the medical office to general office and add residential units in the future. If this were to occur, he said, the petitioner would have to come before the Planning Commission for amended PUD approval.

Kunselman stated that the 25-foot easement would be over the storm water storage system and asked if the petitioner thought the County Drain Commissioner's Office would accept that.

Steve Kendzicky, of Midwestern Consulting, engineer representing the petitioner, did not know the final answer but said the Drain Commissioner's Office had already provided preliminary approval.

D'Amour clarified that the South Area Plan was a viable, working document.

Vaughn replied that this was correct.

D'Amour stated that while there was a precedent here of a previously approved PUD, the South Area Plan recommended that this site be zoned public land. He did not want to make a major deviation from the master plan and, because of that, he was having difficulty with an intense use on such a small site. He was concerned about the floodplain of Malletts Creek and the need for sensitivity, adding that he was concerned with any new construction in the floodplain. He did not know why the City had not purchased this land, but not having done so did not mean that the City was not interested in it, he said. Based on these concerns, and because he did not believe the proposal would limit the disturbance of natural features, he was not supportive of this proposal.

Lipson questioned how the area being conveyed to the City would be accessed if the bridge would not be built unless residential uses were developed on this site.

Ophoff said it was a City staff recommendation that the bridge be constructed if and when residential uses were developed, adding that it was the petitioner's thought that the bridge not be constructed until it had something to connect with.

Bona stated that she generally was in support of this proposal. She thought it was a very creative way to make use of a difficult site and help the City actually use it as parkland. She did not have any problems with the concept. She agreed with Planning staff that the depth of the right-of-way was actually a deviation from the rest of the street. With regard to the supplemental regulations and the section on architectural design, she asked that the second paragraph be revised to state more clearly that materials for the screens would not be different from the rest of the building. She believed it would be beneficial to the City to have the access to the additional Malletts Creek area.

Carlberg asked that the standard language regarding the provision of an annual engineer's report on the detention system be added to the development agreement. She liked that only a small amount of parking was in front and that the building was close to the street, which provided a bigger presence. She preferred this design, as it allowed protection of the wetland at the rear of the site. She expressed concern about the composite/gravel surface of the path, as it was a challenging type of surface, and asked that it be an asphalt surface at minimum. She hoped this would be addressed before being transmitted to Council.

Kunselman said he would rather see a wetland permit issued by the State, even though the wetland had been determined to not be of high quality. He wanted to make sure that the aesthetics of Eisenhower Parkway were maintained and said he could not support moving the building and parking closer to the road.

Potts stated that everything was irregular along Eisenhower Parkway, so it was not a concern of hers to have this building placed a little closer to the street. She stated that this was a difficult site and if the City were going to obtain a little more of Malletts Creek, this would be an appropriate design. She suggested that it would be good to incorporate the mechanical equipment into the architecture so there would be no large lumps on top of the building.

Hall stated that she was willing to support the proposal this evening, but said she would like to see paragraph P-5 of the development agreement, regarding the path, revised before going to City Council.

Vaughn clarified that the path on this site would be installed as part of this site plan, and that the remainder would be completed in the future.

Hall stated that she could support this proposal if that change would be made before Council consideration. She disagreed with earlier comments that this proposal was inconsistent with the South Area Plan because the conveyance of the land to the City met the spirit of the plan. She believed this was a good design for this site.

Lipson stated that the parking under the building was a major amenity. He believed Eisenhower Parkway was a parkway in name only, noting that there was nothing parklike about it, except for perhaps the median strip.

**Moved by D’Amour, seconded by Potts, to revise paragraph P-5 of the development agreement to read as follows, “To construct a pedestrian bridge crossing Malletts Creek at a time determined by the CITY.”**

D’Amour said he still had concerns about this site and said he would not support the proposal this evening; however, if this plan were to proceed, he believed there should be an appropriate amenity.

A vote on the amendment showed:

YEAS: Bona, Carlberg, D’Amour, Emaus, Hall, Kunselman, Lipson,  
Potts, Pratt  
NAYS: None

**Motion carried unanimously.**

Lipson did not want a future owner to install a “no trespassing” sign and believed it was important that this was clarified somewhere in this proposal.

Kunselman asked about the type of trees that would be planted in the median.

Kendzicky stated that some trees would be locust and some white spruce. He said because of this location, it was challenging to come up with native trees that were salt tolerant, but said they were intent on meeting the City’s request for this.

**Moved by D’Amour, seconded by Potts, to revise paragraph P-6 of the development agreement by replacing “Traver Creek” with “Malletts Creek.”**

A vote on the amendment showed:

YEAS: Bona, Carlberg, D’Amour, Emaus, Hall, Kunselman, Lipson,  
Potts, Pratt  
NAYS: None

**Motion carried unanimously.**

D’Amour believed this proposal was too intense for this site, despite the amenities proposed, and said he was willing to give it another chance to see if the petitioner could come back with something more sensitive.

**Moved by D’Amour, seconded by Potts, to table action.**

A vote on the motion to table showed:

YEAS: D’Amour  
NAYS: Bona, Carlberg, Emaus, Hall, Kunselman, Lipson,  
Potts, Pratt

**Motion failed.**

A vote on the main motion showed:

YEAS: Bona, Carlberg, Emaus, Hall, Lipson, Potts, Pratt  
NAYS: D'Amour, Kunselman

**Motion carried.**

**Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council authorize the construction of the northern portion of the proposed building and to make grade changes within the 25-foot natural features open space adjacent to the wetland. Planning Commission finds the proposed activity to be in the public interest per Chapter 55, Section 5:51(6).**

A vote on the motion showed:

YEAS: Bona, Carlberg, Emaus, Hall, Lipson, Potts, Pratt  
NAYS: D'Amour, Kunselman

**Motion carried.**

g. Public Hearing and Action on Amendments to Chapter 57, Subdivision and Land Use Control Ordinance, Section 5:122(4)(a) and (5)(o), regarding regulation freestanding storage buildings – Staff Recommendation: Approval

h. Public Hearing and Action on Amendments to Chapter 57, Subdivision and Land Use Control Ordinance, regarding regulating canopy structures over vehicular use areas – Staff Recommendation: Approval

Noting no speakers, Hall declared the public hearing closed.

**Moved by D'Amour, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 57, Subdivision and Land Use Control, Section 5:122, regarding site plan requirements for storage sheds and canopy structures.**

Vaughn explained that these revisions were in response to storm water amendments made about five years ago to Chapter 63, in which entire properties were required to comply with the ordinance, even if there were a small administrative change. He stated that these proposed amendments would allow these structures to be approved administratively if they were not increasing impervious surface, adding that staff would use the same criteria that currently was used.

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Hall, Kunselman,  
Lipson, Potts, Pratt  
NAYS: None

**Motion carried.**

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AUDIENCE PARTICIPATION

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None.

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COMMISSION PROPOSED BUSINESS

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None.

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ADJOURNMENT

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Hall declared the meeting adjourned at 11:02 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services