

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

BUSINESS MEETING

7:00 p.m. – February 6, 2007

Time: Chair Pratt called the meeting to order at 7:04 p.m.

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

ROLL CALL

Members Present: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods

Members Absent: Bona, Westphal

Staff Present: Foondle, Vaughn

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of January 4, 2007.

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

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

APPROVAL OF AGENDA

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

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

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

Lipson reported that the Master Plan Revisions Committee met and discussed a timeline for consolidating all of the master plans into a General Development Plan, which would become a policy document. He said the committee also discussed updating the Master Plan and General Development Plan to reflect some of the new realities, such as plans based on natural features and corridors, not necessarily geographical master plans. The committee also discussed the need for updating some of the City's geographical area plans, he said.

Potts announced that the Ordinance Revisions Committee would be meeting on February 16 at 9:00 a.m. in the Council Workroom. She also noted that the A2D2 Historic Committee would be meeting on February 8 and February 22 at 5:00 p.m. in the Sixth Floor Conference Room.

Pratt stated that additional information on the A2D2 efforts could be found on the City's website at www.a2gov.org and going to the "Discovering Downtown" link. A listing of upcoming meetings of various committees could be viewed, he said.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Pratt announced the public hearings scheduled for the meeting of February 22, 2007.

REGULAR BUSINESS

a. Public Hearing and Action on Liberty Place Condominiums Rezoning and Planned Project Site Plan, 4.65 acres, northeast corner of Liberty Road and I-94. A request to rezone this site from UNZ

(Unzoned District) to R4B (Multiple-Family Dwelling District) and a proposal to construct 63 residential units in seven two-story buildings with 98 parking spaces (83 in garages) (postponed from 1/18/07 meeting) – Staff Recommendation: Table

Vaughn described the proposal and showed slides of the property.

Mike Concannon, of The Concannon Companies, petitioner, distributed a rendering of the proposed development. He described the buildings and unit types, stating that the configuration of the project was quite basic, as there was only one way it could be done. He said they intended to use a lead-lined drywall for the walls adjacent to I-94 to stop sound. He said there would be an elaborate planting system on the site. Contrary to what some have heard, he said, there was still a market for housing in Ann Arbor and he believed there was a strong demand for the product he was proposing. He believed residential was the highest and best use for this site. He was available to answer questions.

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

Moved by Carlberg, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Liberty Place Rezoning from Unzoned to R4B (Multiple-Family Dwelling District) and Planned Project Site Plan and Development Agreement, with proposed modifications to the west side setback requirements of Chapter 55 (Zoning Ordinance), Section 5:33, subject to maintaining a minimum usable open space of 63 percent.

Carlberg stated that she was on the Planning Commission when the West Area Plan was written. She said part of the rationale for recommending office and commercial use for this site was because the area to the north was primarily commercial and there was an expectation that commercial use would spread to the corner of Maple and Liberty. However, she said, that did not happen. In addition, she said, attitudes in the community have changed to support mixing commercial and residential uses. She believed that zoning this property for residential use was appropriate, noting that a research use would be too large for this peculiar-shaped lot and there was not a lot of demand for research at this time. She said the Ordinance Revisions Committee has been discussing the amount of usable open space per unit and this proposal seemed to meet the 300 square feet per person that was envisioned as a reasonable amount of usable open space per unit. She was glad to see that the buildings would be sound-proofed from the expressway. She stated that windows could also be used to reduce sound impact and said she would like to know if the petitioner proposed a certain type of window that would help do this. If the trees had not been removed while in the township and the petitioner were proposing to remove them now, she asked what the mitigation requirement would have been.

Vaughn replied that the mitigation would have been 50 percent.

Carlberg noted that the petitioner was proposing 50 percent mitigation, as if the trees had been removed as part of this proposal. She was supportive of this proposal when it was previously before Commission and said she continued to support residential in this location. She thought the configuration of the different-sized units would be a benefit to the community.

Concannon stated that they intended to use windows with the highest soundproofing rating possible.

Potts agreed with Commissioner Carlberg about circumstances changing and residential use now being appropriate in this location. She stated that the West Towne proposal's development agreement contained a provision for sanitary sewer capacity and wondered how sanitary sewer was addressed for this project.

Matt King, of ChemTec, representing the petitioner, stated that they would be upgrading the sanitary sewer capacity to serve both sites.

Potts stated that the only real natural features of interest were the large trees along I-94, which she would like to see stay. With regard to the 50 percent mitigation, she would like to see the trees scattered throughout the site, including some shade trees among the buildings. She asked that this be considered before this came back to Commission.

Pratt believed the sewer capacity provision would be contained in the development agreement.

Woods said she also would like to see as many of the large trees as possible remain on the site, which would add to the development's amenities. She also agreed that new trees should be scattered among the site. She asked for explanation about the comment from Systems Planning about the grade drop-off.

Vaughn stated that currently there was no place to put a sidewalk along the site and one of the options being considered was grading the area so a sidewalk could be installed in the future. However, he said, this might mean an impact on existing trees. Staff continued to work with Systems Planning on this, he said.

Woods asked if the placement of the fire hydrant would be on the east or west.

Vaughn said it was being suggested that the fire hydrant be located on the west side to avoid a conflict with the driveway.

King noted that there would be four hydrants on the site.

Emaus stated that the parcel to the east was in the township and wondered why a conflicting land use buffer was required since it was zoned in the township.

Vaughn stated that the ordinance required the conflicting land use buffer if the property were zoned residential or used for residential. Ideally, he said, staff would like buildings moved further away from the expressway; however, this was not possible because the ordinance required a 15-foot conflicting land use buffer to the east.

Emaus expressed concern about the park across Liberty Street to the south and the residents of this development being isolated, noting that there was no way for the residents to get to the park. He said a sidewalk going west toward I-94 would lead nowhere and he would rather see a sidewalk leading to the east where other developments were located. He also stated that the internal walkway looked a little uncertain and said it would be nice if residents could get to the shopping center to the north, perhaps through an access easement. He agreed that had there been a demand for commercial on this property, it would have been proposed, and suggested that the other recommendations for commercial use be revisited.

Lipson said he had no problem with the proposed zoning and supported residential use as long as the sewer capacity was adequate. He said there were many landmark trees remaining on this property and the comments from the Land Development Coordinator about them possibly being disturbed from the

grading gave him some concern. He did not want to be put in the position of agreeing to something that would cause more tree destruction. He said the proposed design was appealing and an efficient use of the land. He liked the courtyards between the buildings, as they would provide usable space for the residents. His main concern was that the existing landmark trees not be destroyed from an impact on their critical root zones. He was pleased that this petitioner has specified what was intended to be done to mitigate the sound problems from the expressway. If the landmark trees were not there, he said, he would not mind moving the buildings closer to I-94. However, he said, they did exist and that was good reason to not infringe on the setback. This might mean reducing the size of the buildings and number of units, he said. If Commission agreed that the rendering shown tonight was what was desired for this project, he suggested that it be included in the development agreement. He agreed that it would be good to reserve space for a sidewalk because the sidewalk connection would ultimately be needed. With regard to parking lot lighting, he wanted to make sure the lighting was dark sky compliant and that the parking lot lighting was minimized to reduce energy use. He said Commission was interested in having petitioners commit to the most energy efficient lighting as possible.

Concannon stated that they would be willing to move the buildings if there were any relief from the conflicting land use buffer along the east. Of the trees that were proposed to be removed, he said, only three of them were landmark trees.

Lipson asked about energy efficiency standards for the buildings, such as for interior lighting, walls and ceilings.

Concannon stated that in all of their projects they incorporated as many cost effective energy systems as possible. It made good business sense, he said, and was a valuable sales tool. He believed they exceeded the building code with regard to energy efficiency, which they viewed as an amenity.

Pratt asked if the petitioner had considered multiple-story buildings, noting that some Planning Commission members suggested that this site would be suitable for taller buildings when this property was previously considered.

Concannon replied that it had been considered, but that it was not a popular product for the market place. He said the only thing a taller building would do was provide a better view of the expressway.

Carlberg did not think installation of the sidewalk should be left for future generations. She thought every effort should be made now to put the sidewalk in now, otherwise it may never be done. If it meant removing trees, she said, then new trees could be planted at the same time and they would have time to grow.

Pratt suggested there be a sidewalk along the east side of the access drive to Liberty Street, which would help provide ultimate access to the uses along Maple Road.

Concannon said it appeared that most of the trees along the expressway were adjacent to the first two buildings. If the buffer requirements to the east could be eased somewhat, he said, perhaps the buildings could be moved to the east and away from the trees.

Emaus said he was open-minded about the conflicting land use buffer to the east, recalling some cases where the buffer was provided only along the portion where the residential use existed and not the entire property line. He said there was nothing to preclude the owner of the property to the east from asking for a commercial zoning, in which case the buffer would no longer be needed.

Vaughn stated that the buffer requirement was for the entire vehicular use area, which was the access drive along the entire length of the property. He said Chapter 62 provided specific guidance as to when this requirement could be relaxed and none of the criteria fit this project. He said a variance would have to be obtained from the Zoning Board of Appeals.

Potts was not comfortable modifying the conflicting land use standard. She said the sizes of the buildings were established by the petitioner and could be changed by the petitioner. That was where the most flexibility was, she said.

Pratt stated that with regard to the West Area Plan, he agreed that this property was appropriate for residential use. It would be good if there were a way to make a quick fix to the master plan, he said. He said it would be helpful to make a range prediction for soundproofing. Also helpful, he said, would be to visualize the courtyards and what kind of space there would be between the buildings and what could be done with the landscaping.

Lipson said it might be good to provide a sound-deadening fence along the west courtyards to make the courtyards more useful.

Woods asked that information as to how much larger the garages would need to be to accommodate a bicycle be brought back to Commission.

Moved by Potts, seconded by Lipson, to table action.

A vote on the motion to table showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

b. Public Hearing and Action on Grace Bible Church Site Plan and Special Exception Use, 36.41 acres, 1300, 1420 and 1430 South Maple Road. A proposal to construct a 28,297-square foot addition to the existing structure for church use and 80 additional parking spaces (postponed from 1/18/07 meeting) – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the property.

Carl Homer, facilities expansion chairman for Grace Bible Church, stated that he was present with other representatives from the church, as well as the architect and engineer for the project. He said the church has been ministering in the City for years and was looking forward to expanding within the City. He said they were all available to answer questions.

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

Moved by Lipson, seconded by Potts, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards contained in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and, therefore, approves the Grace Bible Church Special Exception Use, subject to compliance

with an approved site plan and limiting the preschool operations to a maximum of 60 students on a daily basis.

Moved by Lipson, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Grace Bible Church Site Plan, subject to sanitary sewer system mitigation equivalent to the disconnection of one footing drain before certificate of occupancy.

Lipson stated that he generally looked favorably on these types of proposals because he did not want to see more township land developed for churches. A recurring issue for many church expansion projects, he said, was that expansion was squeezed into small spaces. This was not the case with this property, he said, as the church was situated on 34 acres. He noted that there were no neighborhood residents present this evening to object to the proposal. He believed this was an appropriate expansion, stating that the provision of modern storm water management on the site would be an improvement for this property and the neighborhood as a whole. He was not concerned about the 24 additional parking spaces, as the church was a steward for the entire 34.75-acre site and these spaces were within code requirements. It may be nice if the petitioner considered deferring the parking spaces and putting them in at a later date if determined to be needed, he said. He expressed his support for this proposal.

Potts stated that this proposal did not seem to have an impact on the neighborhood or immediate community, which was a very important consideration of a special exception use. She stated that this proposal would provide improvements to the site, adding that this was an excellent location for expansion of the church.

Carlberg asked about the maximum of 60 students for the preschool operation and wondered if this provided space for growth.

Vaughn stated that the maximum number of 60 students was based on an estimate of how many students the church believed would use the space. He said both staff and the petitioner agreed that 60 students was an appropriate cap.

Homer added that the number of 60 students was based the amount of square footage being utilized for the day care.

Pratt asked if programs such as vacation bible school in the summer were a typical function or if this should be added to the motion, as it could involve more than 60 students.

Vaughn stated that this was a standard church use, but said staff would look into whether the special exception use request needed to be modified to include that.

Pratt asked about the need for a pathway from the sidewalk along Maple Road to the church, noting the footprints in the snow from the sidewalk leading to the church.

Homer stated that a sidewalk in this location was proposed for pedestrian access to the church.

Woods asked if the church would have to come back for Planning Commission approval if it wanted to increase the maximum number of students.

Vaughn replied yes, stating that this would require a modification to the special exception use approval. He stated that both staff and the petitioner believed the maximum number of 60 was enough of a buffer to not require the church to come back for a modification.

Woods stated that she was supportive of the proposal if the petitioner were comfortable with the maximum of 60 students for the day care. She would also be amenable to increasing the maximum to 70 students if there were a desire to do so. With regard to the 24 parking spaces, she understood that there may be occasions where there would be a need for additional parking. She would rather have the spaces on the church property rather than requiring people to park in surrounding areas.

Potts stated that no parking was allowed on Maple Road and the nearby residential areas barely had enough parking for the residents. She said there was no place other than the church property to park and believed what the church was requesting was reasonable.

Pratt said it appeared that some work could be done to move the dumpster or a couple of parking spaces to address the grading issue.

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

c. Public Hearing and Adoption of Flood Mitigation Plan. This plan was developed, with assistance from a Michigan State Police Emergency Management Division grant and City of Ann Arbor Systems Planning staff, to provide a toolkit to reduce flood losses, minimize damage to public and private property, and protect public health and safety. The Plan contains an evaluation of floodplain best management practices, damage loss estimates, information on historical flooding, and an analysis of land use, development patterns and flood depth – Staff Recommendation: Approval

Jerry Hancock, Natural Resource and Environmental Coordinator, and Paul Lippins, of the Systems Planning Service Unit, provided a presentation on the plan.

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

Potts stated that at some point she would like the City to obtain funds for data collection and, once the data was collected, for projects to reduce the amount of flooding, such as shoring up buildings.

Hancock stated that these were not included in this project, adding that this information would be useful in many other areas, not just flood mapping. He stated that Systems Planning currently was working on a five-year project to create a storm water GIS for the City, which includes data gathering. He also stated that there was a storm water management project on which the County Drain Commissioner's Office currently was working.

Emaus asked if there were a monitoring project.

Lippins replied yes. He believed the monitoring project dealt mostly with having staff monitor projects that occurred in the floodplain. With regard to data, he said, there also was a project about collecting detailed hydrological data in a floodplain, not necessarily in an entire watershed.

Emaus asked about the comment regarding 18 claims being made since 1983 when the City joined the National Flood Insurance Program (NFIP) and that the payout has been \$100,000.

Lippins stated that 18 total claims have been made since the City joined the NFIP, but that each claim has not necessarily meant a payout. He said the claims were paid by the NFIP.

Emaus asked what the benefit to the City was for having a flood mitigation plan that benefited private property owners.

Lippins said it would shield the City against the damage that could occur in a large-scale flooding. He stated that if the City did not do anything to mitigate for flood risk, it was likely the City could be challenged that it was not living up to its responsibilities.

Pratt stated that, in addition, there has not been an event that compared with a 100-year flood. He said there was a factor in that should structures be damaged, they would need to be replaced as quickly as possible to put them back on the tax rolls.

Hancock stated that the plan contained some scenarios as to the amount of damage or payout the NFIP would be subject to.

Emaus stated that preserving the value of property in the downtown area was important and one of the goals was to get people to voluntarily participate in this program. He said this should be kept in mind so as the City moved forward with available funds, one way to get people to participate could be to reduce flood insurance rates.

Lipson acknowledged the enormous amount of work that has gone into this plan. He said it was not a policy document, but an outline, which would present an opportunity for public discussion as to what to do in floodplains and floodways. He asked if one of the options were a buyout of specific properties that were extremely vulnerable.

Hancock replied yes.

Carlberg did not see anything in the plan regarding the railroad running through the floodway.

Lippins said a railroad berm removal project was addressed in the plan specific to the Allen Creek area. He said it was a very complicated project and it was obvious that much would change if this barrier were removed.

Carlberg said her concern with the railroad was more of where it was at flood grade and how to address the issue of asking people to give up their homes when the railroad stayed. She said this plan would be a great toolbox.

Woods thanked staff for producing this comprehensive toolbox. She encouraged those who lived close to the Allen Creek area to read the plan.

Pratt stated that the Planning Commission has informally discussed its support of gradually eliminating structures in the floodway through the policies identified in this plan, so Commission was willing to move forward with whatever City Council believed was the next step. He said Commission has also discussed addressing thresholds for home improvement values that might trigger mitigation.

Moved by Emaus, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby approves the following resolution:

Whereas, The City of Ann Arbor accepted grant funding from the Michigan Department of the State Police, Emergency Management Division to prepare a Flood Mitigation Plan;

Whereas, This City is committed to the mitigation of potential hazards, including flood related hazards, and the protection of the public health, and the reduction of property damage and loss of life that can result from flood events;

Whereas, The preparation of a Flood Mitigation Plan is a recommended action of the City of Ann Arbor’s Hazard Mitigation Plan;

Whereas, The City of Ann Arbor is required for grant compliance to approve a Flood Mitigation Plan by April 30, 2007;

Whereas, The City of Ann Arbor prepared a Flood Mitigation Plan outlining mitigation strategies;

Whereas, One of the stated goals of the Flood Mitigation Plan is to “Create a flexible plan that can adapt to changes in community values and technological advancements”; AND the modeling and mapping contained in the plan will be updated periodically to utilize the best available data; AND the modeling and mapping contained in the plan will be updated when the results from FEMA’s map modernization project are adopted by the City of Ann Arbor; and

Whereas, Adoption of a Flood Mitigation Plan will make the City eligible for future grants to implement the recommendations of the plan, if and when funds become available;

RESOLVED, The Ann Arbor City Planning Commission recommends that Ann Arbor City Council approve the Flood Mitigation Plan.

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

d. Public Hearing and Action on Rite Aid Rezoning and Planned Project Site Plan, 1.68 acres, 3050 Platt Road. A request to rezone this site from C1 (Local Business District) and P (Parking District) to C2B (Business Service District) and a proposal to construct a 14,564-square foot pharmacy building (tabled at 1/4/07 meeting) – Staff Recommendation: Approval

Vaughn explained the revisions that had been made to the plan and showed photographs of the property.

Connie Dimond, of JJR, representing the petitioner, stated that in their written response to the issues raised by the Planning Commission, they outlined in some detail how the site plan attempted to address BMPs (best management practices) recommended by the Mallets Creek subcommittee. She stated that this project would handle the storm water from the St. Aubin right-of-way, which would be an improvement to the water quality. She said the architects responded to comments made about elevations by adding a more defined parapet to the top of the building to give it more definition, changing the materials of the building to all brick, adding windows on both the Platt Road and Rosedale Street sides, and walls broken into smaller segments. She said the lighting plan was redone using much more energy efficient light fixtures, which would reduce the amount of energy by about 46 percent. She stated that an additional meeting was held with the neighborhood stakeholders on January 11. She said she and the petitioner were available to answer questions.

Rebecca Schatz, 3040 Rosedale, said she would like to see the retention pond filled with rain garden plants. She strongly supported the use of St. Aubin for this project. She noted her objection to the windows on the Rosedale side of the building, stating that residents did not want light shining into their homes. If windows had to be there, she said, they would prefer the spandrel glass. She thought it made more sense to provide more tree density along the residential side of the building, suggesting that more trees be planted along Rosedale.

Sherry Burkheiser, 3031 Wolverine, was generally supportive of this plan, stating that she was looking forward to this area being improved. She stated that Rite Aid representatives have worked very closely with the neighbors since this was proposed, addressing many of the neighbors' comments and concerns. She supported the use of St. Aubin for this project, noting that it was consistent with the right-of-way being used by other businesses along Packard. She was disappointed that a rain garden was not included in the retention pond. She found it troublesome that the neighbors have worked so closely with the petitioner to come up with the best plan possible and then the Planning Commission members suggest things the neighbors do not want. It made her feel like the neighbors were not being heard, she said. She stated that the neighbors did not want windows on the Rosedale side of the building and said she would appreciate it if Commission would listen to the neighbors' concerns.

John Stacy, 3148 Wolverine, said he was enthusiastic about this project, as this has been a blighted area for many years. He stated that Rite Aid has been an exceptional community partner and has eagerly adapted to the neighborhood. He hoped this project would be approved, stating that he strongly supported it.

Jill Price, 3540 Platt Road, representing the Platt Road Neighborhood Area Association, recalled a comment once made by a Planning Commission member that neighbors did not want change. She said that was not the case here. From the beginning, she said, the residents in this area have been anxious to get this area cleaned up. She complimented the Rite Aid representatives, stating that they approached the neighbors before the proposal was presented to the Planning Commission, asking for and listening to their input. She said the use of St. Aubin would provide a better parking/business situation and would also direct headlights into the street and away from the homes. It would help to maintain the character of the neighborhood, she said. She too has felt some frustration, she said, stating that the neighbors have opposed windows on the Rosedale side of the building from the beginning, but some Planning Commission members still asked for windows to make it look less like a monolithic structure. She said the neighbors support the use of monument-style signage at the corner, which would be about half the size of the originally proposed sign and would be consistent with the signage at the opposite corner. She looked forward to the Planning Commission approving this proposal.

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 Rite Aid Rezoning from C1 (Local Business District) and P (Parking District) to C2B (Business Service District), Planned Project Site Plan and Development Agreement, subject to preliminary approval of the storm water management system from the Washtenaw County Drain Commissioner's Office and approval of the License Agreement for the use of the St. Aubin right-of-way, prior to City Council approval.

Pratt recalled that the suggestion for windows along the Rosedale side was to break up the long expanse of the building. He stated that building transparency was helpful for parking lots and since there was only a driveway along the Rosedale side of the building, he wondered if Commission would object to some type of architectural feature with a residential character to break up the large expanse of building, rather than windows.

Emaus said windows were there to give people outside the building a view in and those inside the building a view out. He said this increased safety in a neighborhood. He lived across the street from people who had lights on inside their homes, as well as porch lights on outside their homes, and said it was not a problem. He thought the building should be transparent all the way around.

Lipson stated that the windows were not a major concern of his, although he did not think they would project a lot of light into the neighborhood. He did not think they would create a big nuisance. He was more concerned about outdoor lighting and noted that the petitioner did respond to concerns about using less ambient light. He did not object to removing the windows along the Rosedale side and using an architectural feature instead. He expressed his appreciation to the neighbors for attending the Planning Commission meetings to provide input, and to the petitioners for working so closely with the residents. He supported the use of St. Aubin for this project.

Woods did not want the residents to think that because the Planning Commission or City Council might not do everything the residents suggested did not mean that Commission or Council members were not listening to them. She assumed that the number of trees along the Rosedale side of the project would provide a bit of a buffer from people looking out of the Rite Aid windows to the residential homes. She also noted that there was a fair amount of distance from the windows to the homes. She recalled the goal of the windows being to break up what was going to be a large brick wall, something like a warehouse, and she would like to see the windows remain. She stated that the windows would provide transparency for those both inside and outside of the building. She said Commission members had a responsibility to take everything into consideration and she did not want the residents to think they were not being heard.

Potts stated that she strongly opposed the solid wall that looked like a warehouse, stating that this was why people did not like the design of the big box stores. She agreed that something, not necessarily windows, was needed to break up the large expanse of wall, adding that whatever the architecture lacked could perhaps be made up with additional trees. It made sense to her to have fewer trees along Packard, to increase visibility of the store, and more trees along Rosedale. She supported using St. Aubin, although she was somewhat concerned about the City entering into an agreement for the use of it for a period of 50 years, as something might be considered within that time to use the right-of-way for alternative transportation. This might be something City Council would consider, she said.

Moved by Potts, seconded by Borum, to amend the main motion by adding the following language, “and subject to eliminating the windows on the west side of the building in lieu of an architectural feature to be determined by staff.”

Pratt thought there already was a double row of trees along Rosedale and cautioned against crowding, as this was not healthy for the trees.

Warren Terrace, representing Rite Aid, said they could move trees from Packard and plant them elsewhere on the site.

Carlberg asked about the function of the proposed windows, wondering if people would be able to see in and out.

Dimond stated that each window would have six panels, with the two upper panels being clear glass and the four lower panels being spandrel glass. She said spandrel glass was a tinted glass that did not allow one to see in or out. She also stated that the interior of the building would have shelving along the walls, so the windows would not be accessible to customers.

Carlberg stated that the desired function of allowing people to see out the windows would not be achieved by what was proposed, as the clear glass would be too high and inaccessible because of shelving. She did not see any point in maintaining the windows on the Rosedale side of the building if they did not serve a function. She felt differently about the windows on the Platt Road side, as that particular appearance was important there regardless of whether they were functioning windows.

Woods said she would not support keeping the windows on the Rosedale side of the building since they did not meet Commission's original intent.

Burkheiser stated that it was not so much the glare of lighting from windows about which neighbors were concerned; rather, they wanted to look at trees to remind them that they lived in a residential neighborhood.

A vote on the amendment showed:

YEAS: Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Woods
NAYS: None
ABSENT: Bona, Westphal

Motion carried.

Carlberg said the petitioner appears to have addressed Commission's concerns about more native plantings in the drainage basin. She stated that the proposed plantings would be tall enough to create an effective garden.

Pratt stated that the term “rain garden” could be used in many different ways. He appreciated that the petitioner reduced lighting, as well as identified how much infiltration would soak into the ground, which was a primary feature of a rain garden that benefited storm water.

Emaus stated that the petitioner went far to meet the Planning Commission's requests; however, he did not feel the petitioner had gone far enough. He believed this particular project was determined by remote headquarters that ordered a building with a drive-through lane. He did not think this area needed a drive-

through lane. He said it was located in the middle of a neighborhood that had 10,000 residents within a one-mile radius, which was who the drugstore should be serving, and said he did not think these people would need the drive-through feature. He said the petitioner did not address Commission's comments about eliminating the drive-through lane and follow through on what it would mean to not have that feature. He said the idea of a delivery service also had not been addressed. He felt that if the petitioner intended to design something that was attractive to the neighborhood, the drive-through lane would not have been provided. He could see a drive-through feature in an area like Washtenaw Avenue. He did not want to increase the amount of traffic that visited this site by automobile; rather, he would like to encourage other kinds of transportation. He said the request for C2B zoning was strictly premised on the drive-through and he did not see any justification for the drive-through or the C2B zoning that would allow it. If the drive-through were insisted upon, he said, he believed C3 zoning was more appropriate, because it would allow up to 50 percent floor area ratio and the uses in the C2B zone. The C2B zoning would allow a floor area ratio of 200 percent, about which he would be concerned if this property were ever sold. He could see that this would only be a benefit to the petitioner, not to the neighborhood. At the very least, he said, he would like to see C3 zoning on this site.

Vaughn stated that staff, in reviewing the rezoning request, did not necessarily view the 200 percent floor area ratio under the C2B zoning as being negative, as this was a large corner site.

Emaus stated that two other corners at this intersection were zoned C3, so C3 zoning would be consistent with what already existed in the neighborhood.

Carlberg stated that the problem with C3 zoning on two of the other corners was the very ugly gas stations that existed on those properties. She did not particularly view them as a neighborhood amenity. She believed C2B zoning would offer more flexibility in provide neighborhood services. There were two-story office buildings that existed along Packard and they seemed to fit very well with the neighborhood, she said. She noted that an advantage of a taller building was that it would screen noise from Packard. She did not see a great deal of advantage in zoning this property to C3. She did not personally use drive-through lanes at drugstores, she said, but she understood why some people preferred them. She stated that Georgetown Mall was a neighborhood mall, yet she noticed that many people still drove to it. She did not want to use the drive-through as the determination for the zoning. The drive-through was something drugstores were using to offer services to their customers, she said, adding that there were times when a drive-through was critical for people to use. She preferred the uses in the C2B zoning district for this site rather than those in the C3 district.

Lipson did not have a problem with this corner becoming more intensely used. His main concern was that headlights not be aimed at the residential windows on Rosedale, noting that this proposed design would not cause that.

Carlberg hoped this petitioner would be open to an access between this site and the properties to the south, stating that the union property directly to the south was currently up for sale.

Terrace said they would appreciate it if there were anything that could be done to thin out the trees along Packard.

Pratt was not unhappy with the current landscape plan, adding that he did not see many other places where trees from the Packard frontage could go.

Lipson stated that the Non-motorized Transportation Plan recommended trees with a 30-foot separation to provide pedestrians with a feeling of safety.

Dimond stated that there was a 40-foot spacing on the trees along Rosedale, and about a 20-foot spacing for the Packard trees.

Pratt said another suggestion had been to have a double row of trees along Platt, suggesting that this was something staff could work on with the petitioner.

A vote on the main motion, as amended, showed:

YEAS: Borum, Carlberg, Lipson, Potts, Pratt, Woods
NAYS: Emaus
ABSENT: Bona, Westphal

Motion carried, reads as follows:

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Rite Aid Rezoning from C1 (Local Business District) and P (Parking District) to C2B (Business Service District), Planned Project Site Plan and Development Agreement, subject to preliminary approval of the storm water management system from the Washtenaw County Drain Commissioner’s Office and approval of the License Agreement for the use of the St. Aubin right-of-way, prior to City Council approval, and subject to eliminating the windows on the west side of the building in lieu of an architectural feature to be determined by staff.

AUDIENCE PARTICIPATION

Sherry Burkheiser, 3021 Wolverine, thanked the Planning Commission for taking the time to work through the Rite Aid proposal and for further listening to the neighbors.

COMMISSION PROPOSED BUSINESS

None.

ADJOURNMENT

Pratt declared the meeting adjourned at 10:40 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services