

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

BUSINESS MEETING

7:00 p.m. – March 6, 2007

Time: Vice Chair Lipson 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: Borum, Bona, Emaus, Lipson, Potts, Woods

Members Absent: Carlberg, Pratt

Members Arriving: Westphal

Staff Present: Cheng, Foondle, Vaughn

---

INTRODUCTIONS

---

None.

---

MINUTES OF PREVIOUS MEETING

---

None.

---

APPROVAL OF AGENDA

---

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

A vote on the motion showed:

YEAS: Bona, Borum, Emaus, Lipson, Potts, Woods

NAYS: None

ABSENT: Carlberg, Pratt, Westphal

**Motion carried.**

Enter Westphal.

---

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

---

Woods reported on the planning-related actions from the March 5 City Council meeting.

Bona stated that she attended the DDA Partnerships Committee meeting, during which changes to the First/Washington project were discussed, such as increasing the number of units and the depth of the parking structure. She said the committee also discussed grant guidelines in relation to considering expanding the types of projects to which grants were awarded. She stated that Cresson Sloten, of the City's Public Services Area, was present at the meeting to discuss a draft resolution that would be presented to City Council requesting funding from the DDA to assist in monitoring how storm events affect the sanitary sewer system in the downtown. There also was a report from the director of the Ann Arbor Public Library, she said, about a space needs and facility study for the downtown branch. She said a consultant has been hired, with the results due in June, before which five to six public meetings would be held.

Potts reported that the Ordinance Revisions Committee would be meeting on March 9 and March 16 at 9:00 a.m. in the Second Floor Workroom of City Hall. She also reported that the A2D2 downtown committee was continuing to meet, with two meetings scheduled for March 7 and two meetings scheduled for March 8.

Lipson stated that the Master Plan Revisions Committee would be meeting on March 27 at 3:00 p.m. in the Sixth Floor Conference Room of City Hall. Following consolidation of the various area plans, he said, the committee would focus on individual areas that needed attention.

---

AUDIENCE PARTICIPATION

---

None.

---

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

---

Lipson announced the public hearings scheduled for the meeting of March 20, 2007.

---

REGULAR BUSINESS

---

a. Public Hearing and Action on Amendments to Chapter 55 (Zoning Ordinance) regarding Drive-thru Facilities – Staff Recommendation: Approval

Vaughn described the proposed amendments.

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

**Moved by Emaus, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Sections 5:1, 5:10.12, 5:10.15, 5:10.17, 5:10.19 and 5:10.21, all regarding drive-thru facilities.**

Emaus stated that it has become apparent to him that drive-thru facilities tend to define the character of a building and the layout of a site. He stated that the proposed amendments provided flexibility and he agreed with what staff was proposing; however, he suggested that the stacking area associated with a drive-thru be considered. He believed that the provision of a stacking area for a drive-thru should somehow trigger a reduction in the amount of required parking, and that this condition should be added to the ordinance. He stated that drive-thru facilities often involved people having to drive all the way around a building, which created an excessive amount of impervious surface, was detrimental to pedestrians, and resulted in large exit areas for cars to get back out of a single curb cut. These types of drive-thrus tended to present problems on many of the sites that have been developed, he said, adding that the Planning Commission has not seen data indicating that there was a need for these drive-thrus. It was his recommendation that in addition to pedestrian friendliness, drive-thrus be situated to minimize the amount of impervious pavement used to accommodate them, that they not create additional curb cuts on arterial and collector streets, and that driveways in front of a building not be allowed in order to service a drive thru. He did not think that kind of configuration should be allowed; rather, drive-thrus should be put on sites where there was a curb cut that naturally allowed the drive-thru where there was space to serve it.

Potts said it was important that there be control over where drive-thrus were located, to make sure they were located appropriately. She believed these amendments addressed that. She suggested that perhaps some of the special exception use standards might be used to address Commissioner Emaus' concerns.

Bona stated that the Ordinance Revisions Committee did not think it was appropriate to make existing automobile service stations and car washes nonconforming and that having some of these uses in the downtown, with special exception use approval, would provide a service to downtown residents. Because of this, she said, the C2B zoning district was proposed to be amended to allow service and filling stations and car washes with special exception use approval. She noted that the Ordinance Revisions Committee did discuss some of Commissioner Emaus' concerns, stated that one of the issues the committee was planning to look at was calculating the length of drive-thru lanes relative to parking spaces and coming up with a formula relative to the amount of required parking. She said the committee had not yet been able to discuss this, but said this was something that would affect Chapter 59 of the City Code. She said the language proposed in the amendments before Commission this evening stated that a drive-thru facility could not be located between a public right-of-way and the principal building. She said she would possibly support a revision this evening that helped to clarify the intent, but thought the specifics were more relative to Chapter 59.

Westphal asked for clarification as to how the stacking issue related to a potential reduction in required parking spaces. With regard to automobile service stations, he stated that the service station at the corner of Main and William Streets has been used as justification as to why retail uses could not survive

south of the station. He wondered if there had been any discussion as to why the service station use should not continue.

Bona said the concept was that as a special exception use, there was no guarantee that the existence of service stations or car washes was guaranteed. With more residents moving into the downtown, she said, it made sense to have service stations nearby and not force residents to drive out of the downtown to have their vehicles serviced. Rather than make revisions to the zoning ordinance that would render existing service stations and car washes nonconforming, she said, the idea was to allow them in the C2B zoning district with special exception use approval.

Potts stated that the special exception use standard might address Commissioner Emaus' concerns: "The intensity and character of traffic and parking conditions on the site, and in the general area." She said this might allow the Planning Commission to redesign a site for a special exception use, if appropriate or needed.

Woods wondered about the zoning of the Greyhound and AATA sites and how these sites would be handled were either of the uses to close and/or relocate.

Vaughn did not believe those uses would fall under the definition of drive-thru facility and would continue to be allowed. With regard to drive-thru lanes and how they related to required parking, he stated that parking was required based on the size of the use or the amount of seating and staff concluded that if a drive-thru lane were servicing some of the patrons in their vehicles, who might otherwise enter the building, the number of parking spaces on the site could be reduced. This could result in reduced impervious surface, he said.

Lipson stated that the Ordinance Revisions Committee has been discussing this, but has not yet come up with a final recommendation as to how many parking spaces each drive-thru lane should displace; however, he said, the committee intended to keep working on this. He noted that the existing special exception use standards, while not explicitly addressing the concerns expressed this evening, did speak to detrimental effects on the natural environment, which could indirectly cover this. He stated that the special exception use procedure provided the opportunity for community input and the Planning Commission with a fair amount of discretion for individual proposals.

**Moved by Emaus, seconded by Bona, to amend the proposed special exception use language by adding "and its connecting drive" after the language "provided that the facility."**

Woods asked for examples of where Commissioner Emaus believed the drive-thru facilities were both appropriately and inappropriately located.

Emaus stated that the Fifth Third Bank on West Stadium Boulevard was an example where the drive-thru facility went around the entire site, entering at the left side of the building from Stadium and driving across the front of the building to get to the drive-thru facility around the side. Then, he said, vehicles had to drive around the rear and side of the building and exit the same way they entered. He stated that the proposed drive-thru facility for Georgetown Commons was well-designed, located on the side of the building where vehicles would already be driving.

A vote on the amendment showed:

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

**Motion carried.**

**Moved by Emaus, seconded by Bona, to amend the proposed special exception use language by adding the following language to the end, “and the facility minimizes additional impervious surface.”**

Emaus stated that this would put the responsibility on the developer to provide data as to the need for three or four drive-thru lanes.

A vote on the amendment showed:

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

**Motion carried.**

A vote on the main motion showed:

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

**Motion carried.**

b. 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) (tabled at 2/6/07 meeting) – Staff Recommendation: Approval

Cheng explained the revisions that were made to the site plan.

Leo Gonzalez, co-managing member of Liberty Place, LLC, stated that they addressed the concerns raised by the Planning Commission, making adjustments to the buildings and landscaping throughout the site. He stated that for the buildings fronting along I-94, they would use drywall with lead lining to reduce the amount of sound from the expressway. He said it was the sides of the buildings that fronted along the expressway, so there would not be as much of the building permeated by sound. He said they also intended to use one-inch glass panes on the I-94 side of the buildings. He said they intended to extend the internal sidewalk system all the way to the north property line and, although they had a good working relationship with the owner of the property to the north, they were unable to guarantee that the owner would provide a pedestrian access easement through his property to enable access to the shopping center. He said moving Building 1 allowed them to save one landmark tree and 12 pine trees along I-94. He and other representatives of the proposal were present to answer questions.

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

**Moved by Potts, seconded by Emaus, 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 front setback requirements of Chapter 55 (Zoning Ordinance), Section 5:33, subject to maintaining a minimum usable open space of 63 percent.**

Potts was glad to see that as many of the trees as possible along I-94 would be preserved and that lower height, fill-in trees would be added, as this addressed her concerns about livability of the site in relation to noise and visibility. She also was glad to see that benches and trees would be added in the open areas between buildings, as long as the trees would reach a height where they would provide shade. She asked if trees would be removed along Liberty Street for the grading to be done.

Cheng stated that two trees would be removed, for which the petitioner was providing mitigation.

Lipson asked if a resident at the north end of the site would be able to walk all the way to Liberty Street using an internal sidewalk.

Gonzalez replied yes.

Lipson asked if there would be ADA-compliant ramps for anyone using a wheelchair.

Concannon replied yes, stating that this was required by code. He said they have had discussions with the owner of the property to the north and they believed they would be able to negotiate an easement for pedestrian access to the shopping area further north.

Woods said she was interested in a sidewalk along Liberty for pedestrians coming from town going west.

Concannon said they were very interested in connectivity, especially with their West Towne project to the east. He said they would be willing to participate in a sidewalk to the west over I-94.

Woods noted that the City has recently encouraged obstacles when attempting to establish a special assessment district for sidewalks and hoped that, by not requiring a sidewalk to the west at this time, the City was not setting itself up for a future problem with the property owners living in this development who might find themselves assessed for a sidewalk.

Concannon stated that the development agreement contained language requiring the petitioner to participate in the cost of the sidewalk when installation was ready to occur. He said they were committed to this, as providing connectivity was an amenity and something that made settings like this more urban. He said this provision would be added to the condominium documents, which were reviewed by the City Attorney's Office.

Emaus said he supported a sidewalk to the east and a pathway to the shopping center to the north, stating that these pedestrian connections were important benefits to the residents.

Bona said she wanted to see a sidewalk that went from Liberty all the way to the north property line, for full pedestrian access. It appeared as though the sidewalk stopped at what looked like a bump-out on the north corner of Building 1, she said, precluding the sidewalk from continuing.

Concannon said it appeared that there were some electrical panels and transformers that were blocking a clear sidewalk path. He said this could be remedied with some adjustments, noting that the intent was to provide a continuous sidewalk.

Bona asked for clarification as to the width of the sidewalk.

Concannon stated that they were providing a four-foot wide sidewalk in the West Towne development and that they would agree to a four-foot minimum width sidewalk for Liberty Place. He said there would be no problem amending the site plan to provide this.

Lipson suggested amending the motion to require that the site plan be amended to provide a continuous four-foot wide sidewalk to the east side of the buildings.

Bona asked that this be finalized before City Council consideration.

Bona asked why the 40-foot wide driveways were so wide.

Gonzalez believed the code requirement was 40 feet, stating that there needed to be adequate space for people to back out of their garages.

Bona believed the minimum space required between parking spaces was 24 feet. Her concern was that the 40-foot wide driveways created a great deal of impervious pavement and wondered if the petitioner had considered pervious pavement in these areas.

Gonzalez said they considered pervious pavement while planning the West Towne project but said a concern of theirs was that this was not yet a proven product and they did not want to create a liability for the residents when this development was turned over to the association that would be formed.

Concannon stated that if they were not required to provide 40-foot wide driveways, they would be able to increase the size of the courtyard areas. He said they would work with staff to clarify this, noting that they would want to make sure there was adequate space for a comfortable turning radius.

Cheng stated that staff would check on the building separation formula and the fire safety requirements in terms of the driveway width.

Bona did not want to redesign this project, but said it was her hope to see some pervious pavement, as there seemed to be so much pavement in this development.

Concannon stated that they did not object to considering pervious pavement for this development, but said one of their concerns was had to do with the severe weather conditions and how that could cause maintenance problems. He said they might be able to compromise by using pervious pavement on walking surfaces and said they would investigate this.

Bona stated that the petitioner's response to consider pervious pavement in other areas was positive. She was satisfied with this being addressed prior to the project being transmitted to City Council. She said it was important to have projects trying these different methods in order to see the results. It was not necessarily her intent to push the buildings together, she said.

Lipson stated that pushing the buildings together might allow increased courtyard space for the residents. He mentioned the Georgetown Commons project that had a section of pervious pavement located over the drainage area. He thought the petitioner would find that pervious pavement has come a long way and

that if pervious pavement were provided over the walkways, there would be no problems associated with vehicle use.

Bona commented on the end units to the west being less attractive because of their entrances facing the expressway.

Potts stated that at least the units on the west side had the nice trees that existed along the expressway. She stated that according to the site plan, the open space between the units was 38 to 39 feet and that she considered this a commitment that this amount of space would not be reduced.

Concannon stated that they were committed legally and ethically by what was shown on the site plan.

Potts understood that the soundproofing material for the west side of the buildings contained a layer of lead. While she did not have an alternate material to suggest, she voiced her opposition to using a lead-based material.

Concannon stated that they would investigate available materials to see if there were any different options. He said the proposed material was very effective in reducing sound.

Woods stated that it was important to make sure there was adequate room for fire and other emergency vehicles to enter and exit the site, as well as adequate space to maneuver within the site.

Borum suggested that the access point to each of the driveways might be reduced in width, as he questioned whether the access point itself needed to be 40 feet wide.

Cheng stated that staff would check with the Fire Marshal to see if a 26-foot width would be acceptable.

Concannon stated that they would reduce the width to 26 feet if found to be acceptable by the Fire Marshal.

Lipson expressed his appreciation for the buildings being moved to save the landmark trees and for the petitioner agreeing to mitigate the trees that were removed by the previous owner. He was concerned about a sidewalk being provided from this site to Maple Road. One of the properties along this stretch was still in the township, he said, and asked if the petitioner would be interested in providing the sidewalk if the property owners were agreeable.

Concannon said they would approach the other two property owners along Liberty Road and discuss the installation of a sidewalk with them.

Lipson confirmed that the petitioner would attempt to obtain pedestrian access through the property to the north, as well as to the east to connect with the sidewalk at the West Towne development.

Concannon stated that they were agreeable to this.

Lipson asked how the critical root zones around the trees would be protected.

Concannon stated that they would use the same procedures as used for the West Towne development: cyclone fencing, snow fencing and silt fencing. He said there would be contractual provisions in place that if a piece of equipment backs across the barrier, the subcontractor would pay the consequences. He said they have found this to be effective.

Lipson stated that he would like to see natural vegetation around the storm water detention basin.

Concannon stated that they would use standard flora and fauna vegetation regulated by code for plantings around the detention basin.

**Moved by Potts, seconded by Emaus, to revise paragraph P-12 of the development agreement by adding the following language to the first sentence: “To construct and seed with natural vegetation in cooperation with the Land Development Coordinator....”**

A vote on the amendment showed:

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

**Motion carried.**

A vote on the main motion showed:

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

**Motion carried.**

---

AUDIENCE PARTICIPATION

---

None.

---

COMMISSION PROPOSED BUSINESS

---

Lipson explained the current schedule for the FEMA floodplain map and ordinance. He understood that the FEMA floodplain map was due in June. Municipalities and other governmental agencies would then have 30 days to provide comment and then there would be a 90-day public comment period, he said. He stated that the City then had six months to adopt the floodplain map and a floodplain ordinance.

---

ADJOURNMENT

---

Pratt declared the meeting adjourned at 9:21 p.m.

---

Mark Lloyd, Manager  
Planning and Development Services

---

Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services