

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – April 18, 2006

Time: Chair Hall called the meeting to order at 7:07 p.m.

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

ROLL CALL

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

Members Absent: Kunselman, Pratt

Staff Present: Foondle, Vaughn

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of March 21, 2006.

Moved by D'Amour, seconded by Emaus, to approve the minutes as presented.

A vote on the motion showed:

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

Motion carried.

APPROVAL OF AGENDA

Moved by D’Amour, seconded by Bona, to approve the agenda as presented.

A vote on the motion showed:

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

Motion carried.

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

Potts announced that the Ordinance Revisions Committee would be meeting at 3:00 p.m. on April 19 in the Sixth Floor Conference Room.

D’Amour referred to the flyer distributed this evening announcing upcoming public workshops on the Allen Creek Greenway: April 22 from 8:30 a.m. to noon, April 25 at 7:00 p.m., and April 29 from 8:30 a.m. to noon.

Hall reported that the Implementation Strategies Steering Committee held its first meeting on April 18, at which time the resolution adopted by City Council and the four priorities (design guidelines, parking strategy, overlay zone and development review process streamlining) were reviewed.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Hall announced the public hearings for the meeting of May 2, 2006.

REGULAR BUSINESS

a. Public Hearing and Action on Pittsview Drive Street Vacation, 0.23 acre, street stub on west side of 3495 Charing Cross Road. A request to vacate the portion of Pittsview Drive on the west side of 3495 Charing Cross Road and then add that area to the adjoining east and west parcels – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Lipson stated that he would recuse himself from discussion and voting, as he represented the petitioner.

Marty Hedler, 3495 Charing Cross, petitioner, said it was his intent to plant grass on the area to be vacated. He distributed an illustration of the school's modified plan for access and parking, noting that the current street stub no longer was in use. He stated that the existence of this street stub caused great confusion to people who were unaware that the access had been relocated, adding that he has witnessed accidents from people backing up once driving in and finding they were unable to go forward.

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 recommends that the Mayor and City Council approve the vacation of a portion of Pittsview Drive, with the conditions that easements are maintained for public utilities and no obstructions are installed that would obstruct ingress/egress to Scarlett/Mitchell School.

Carlberg asked if dividing the vacated area equally between the two adjacent property owners would leave the petitioner adequate space for driveway access.

Hedler said he intended to relocate his driveway into a more suitable place and then plant the current driveway and vacated area with grass.

Carlberg said the school was clearly not using this access any longer and the existing stub seemed to cause nothing but confusion. The petitioner taking on the aesthetic improvement to the neighborhood was positive, she said, and she supported this proposal.

Bona stated that when this property acquired the entire right-of-way, there would be a new side setback. She asked if this meant a larger building footprint would be allowed.

Vaughn stated that there would be some additional buildable space, but that the easement portion of the vacated area could not be built upon.

Bona asked if there might be an opportunity with this street vacation to extend the sidewalk along Lorraine. She said this would be responsive to a goal of the non-motorized plan, which was to fill in sidewalk gaps wherever possible. She hoped this could be addressed before Council consideration. She believed the street vacation and the petitioner's intention to re-vegetate the area would be an improvement.

Potts thought a sidewalk extension would be especially appropriate here since this was a school area. She stated that if there were an opportunity for the petitioner to garden in the vacated space, even in the easement, she did not think that would be precluded with this street vacation.

Hall asked if the City would extend the curb along Lorraine once the portion of the street stub was re-vegetated.

Vaughn replied yes.

A vote on the motion showed:

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

Motion carried.

b. Public Hearing and Action on 1620 Cambridge Road Rezoning, 0.66 acre. A request to rezone this site from R2B (Two-Family Dwelling and Student Housing District) to R2A (Two-Family Dwelling District) – Staff Recommendation: Approval

Bona stated that she would be recusing herself from this proposal.

Vaughn described the proposal and showed photographs of the site.

Fred Buckman, owner and petitioner, stated that he was available to answer questions.

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

Moved by Lipson, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the rezoning of 1620 Cambridge Road from R2B (Two-Family Dwelling and Student Housing District) to R2A (Two-Family Dwelling District).

Lipson stated that this site consisted of three lots and asked if developing each lot would require the existing building to be demolished.

Vaughn replied yes.

Lipson stated that developing this property with three separate duplex units would have a significantly less impact than what the R2B zoning would allow. He believed this rezoning was appropriate in order to bring the property into conformance with the surrounding area.

Carlberg would not recommend saving the existing house, which was not architecturally significant, stating that it had been abused quite extensively by previous occupants. This was an ideal opportunity to bring the property back into conformance with the surrounding area and give the owner an opportunity to create something much nicer on the site, she said. She supported the rezoning.

D'Amour noted that there was another property on Cambridge zoned R2B. Because of this, he believed one could argue either way in terms of the rezoning. It was a difficult decision for him, he said, as he questioned whether it was appropriate to preclude the opportunity for Greek housing.

Potts agreed that the house on this site was not worth saving, as it had been abused over time and it was not historically protected. She stated that none of the properties zoned R2B faced Cambridge, including the property to the north of this site. She believed rezoning this property to R2A would make it consistent with the boundaries of the neighborhood.

Lipson asked the petitioner what his plans were for the property.

Buckman said he intended to return it to single-family residential use, which may involve dividing the lots, but said plans were not finalized at this time.

Hall asked if there were any significant natural features on the site. If the lots were divided, she said, the City would have no oversight of any natural features in terms of future construction because no site plan would be required.

Vaughn believed there were a few landmark trees on the site, but said the rezoning would have no influence on that. He said the City would have no control over natural features regardless, as the property could be developed with single or two-family dwellings without site plan approval.

A vote on the motion showed:

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

Motion carried.

c. Public Hearing and Action on Milk Depot Site Plan, 0.22 acre, 2505 Dexter Road. A proposal to rebuild a 570-square foot portion of the existing building – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Mohammed Issa, owner and petitioner, stated that this was a symbolic site, as it was the first property his family purchased in 1977. He asked for Planning Commission approval in order to make the proposed improvements.

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

Moved by Lipson, seconded by D'Amour, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Milk Depot Site Plan, subject to the granting of necessary variances by the Zoning Board of Appeals, and issuance of required building permits for existing environmental equipment located on-site.

Carlberg asked what would happen to the space once the environmental labs were removed.

Vaughn said the petitioner intended to return that area to grass.

Carlberg thought the petitioner was doing a good deed by allowing the environmental labs. She stated that this was not only a landmark site for the petitioner, but for the community as well, and she was glad

to see that it would continue as a neighborhood commercial building that was well-used by the residents in the area. She supported this proposal.

Potts agreed, stating that any landscaping at the corner of this site would be an improvement.

Bona was somewhat uncomfortable with the petitioner receiving rent from the equipment that was placed on the site and then claiming a hardship about being unable to put parking on that portion of the site. She was torn because not approving this plan meant that the site would stay vacant and unattractive, which would not be a benefit to the community. She thought there was a much more efficient way to put an addition onto the building and provide parking in the rear and, while the proposal was not perfect, she would most likely support it because the storm detention and landscaping that were being added were valuable additions to the site.

D'Amour agreed that the environmental equipment on the site was providing an important community service. He thought this proposal would be a significant improvement to the site and said he would vote to recommend approval.

Lipson expressed his agreement and said he supported this proposal.

Emaus referred to the path that was worn into the hill by people walking between this site and the Maple Village shopping center to the south.

Issa said they were considering installing stairs to help with access. He noted that they allowed the equipment to be placed on the site because of their regard for the community, not because they would receive rent.

Emaus asked if there would be an opening in the fence to allow people to walk across to the front of the entrance.

Vaughn replied no.

Emaus thought it would be a good idea to provide an opening to improve pedestrian access.

Hall expressed her support for this proposal. She understood that the petitioner intended to turn the area where the equipment currently was placed into lawn, but because on-site storm water detention included this portion of impervious surface, she asked if there were a commitment from the petitioner to turn it into lawn area documented somewhere, such as in a development agreement. She would not want the concrete slab to remain once the equipment was removed, although she would not be opposed to adding one more parking space.

Vaughn stated that the provision of any additional parking spaces would require revised site plan approval. He stated that staff would work with the petitioner to revise the site plan to indicate that this area would be turned into lawn once the equipment was removed.

Hall improvements to this site will greatly improve the corner but fencing around the equipment not so attractive.

Vaughn stated that there were no ordinance requirements regulating the screening of temporary mechanical equipment.

A vote on the motion showed:

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

Motion carried.

Moved by D'Amour, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby approves modification to the right-of-way landscaping requirements per Chapter 62, Section 5:608(2).

Lipson said he supported this modification, as the application of this ordinance requirement would result in a loss of required parking spaces.

Bona said the motion indicated right-of-way landscaping, yet the landscaping on the site was located on the site, not in the right-of-way.

Vaughn said the actual location of the landscaping was in the right-of-way buffer area.

A vote on the motion showed:

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

Motion carried.

d. Public Hearing and Action on Fifth Third Bank Site Plan, 1.41 acres, 2090 West Stadium Boulevard. A proposal to construct a 4,117-square foot, one-story bank building with a drive-through and 23 parking spaces – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Marcos McMahon, representing the petitioner, distributed a revised site plan that contained a further reduction of impervious surface and improved circulation. He described the proposal, adding that they tried to provide minimal disturbance to the rear of the site because of the adjacent neighborhood. He said he would be available to answer questions.

Susan Swantek, president of Ridgewood Condominiums, stated that the residents met with the petitioners, who listened to and tried to address their concerns. She thanked both the petitioners and staff for being open to the residents' concerns.

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

Moved by D'Amour, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Fifth Third Bank Site Plan, subject to the approved land division of 2100 West Stadium Boulevard prior to issuance of building permits, and subject to the disconnection of one footing drain before issuance of the first certificate of occupancy.

D'Amour asked if the Ridgewood Condominiums residents were satisfied that the petitioner had addressed their concerns.

Swantek replied yes.

D'Amour stated that the reduction of the large amount of impervious surface on this site was a definite improvement and he was glad that both Fifth Third Bank and CVS Pharmacy would share a curb cut on Stadium. He asked if it might be more desirable to have open storm water detention, rather than provide it underground.

McMahon said it was their preference to provide underground detention, noting that this would allow them to provide a greater amount of landscaping.

Carlberg stated that this would be a great improvement on Stadium Boulevard, but she was disturbed with the building being set so far back from the street, which was inconsistent with the other buildings along Stadium. She said the impervious surface in front of the building was unfriendly to the street, especially when there was room to move the building forward and design the parking in a less obvious manner. She also thought this would be drawback to the bank, because the building would be less visible from the street. She would have preferred to see different alternatives for how this site might be developed. She was not pleased with the long-term benefits this design would have on Stadium Boulevard.

Emaus agreed with this concern. He said the West Area Plan did not envision ten years ago that these sites would be redeveloped, but it said if they were redeveloped, sidewalks should be relocated away from Stadium, where possible, in order to keep pedestrians further away from the road. In the cases where the sidewalks could not be relocated because buildings were too close to the road, he said, the recommendation was to widen the sidewalk to enlarge the pedestrian space. He said the West Area Plan also recommended that a stronger relationship be created between businesses on the east side of Stadium and the adjacent residential neighborhoods. He said the intent was to move pedestrians and businesses on this block of Stadium Boulevard closer together and to group physical improvements together to create an impact. He said this was an opportunity, with the two cooperating sites, to create a welcoming presence on the boulevard. He stated that both the residents' concerns about people using their properties for access to this site and the concerns of the community in terms of what should be done along Stadium Boulevard needed to be taken into account. He believed the building should be moved to the front of the site and parking be placed either behind or to the side of the building in order to reach the community's goals for Stadium Boulevard.

Potts said she has been struggling with some of these same concerns. She understood that the residents were concerned with parking at the rear of the site, so she suggested that parking be put on the sides of the buildings, as the lots were large. She said having access from the rear of the site to Liberty was positive because it would reduce the number of left turns from Stadium. She was not sure Stadium would ever be a place where people walk from one store to the next, but she did not want to prevent that from ever happening. She was concerned as to whether this was the best design for this site.

Lipson asked the petitioner why the building was not moved closer to the street and the parking moved to the side to conform more to the West Area Plan.

McMahon said it had to do with the discharge portion of the drive-through and making sure there was safe access to the building for pedestrians. He said having pedestrians walking in front of the exit areas for the drive-through lanes would not be desirable. He said they studied many different banks and

explored the possibility of moving the building to the front and putting the parking in the rear, but this would have been a significant detriment to the residents to the east.

Lipson stated that in the petitioner's attempts to accommodate pedestrians, this did not seem to be a very pedestrian-friendly site. If pedestrians were coming from the north on the sidewalk along Stadium, he said, they would have to traverse the entire site to get to the walkway. It seemed to him that a second sidewalk and entrance could be provided to accommodate those pedestrians.

McMahon said there was a significant grade difference from the north, which created difficulties in providing a second entrance area.

Lipson stated that putting a sidewalk closer to the building would be helpful. He said it would be good if the petitioner could go one step further and try to conform to the recommendations of the West Area Plan so this would not be just another design conducive to the bank, but also to the goals of the community to turn Stadium into more of a pedestrian-friendly corridor. His main concern was accommodating the West Area Plan, he said, especially given the recent improvements undertaken along Stadium Boulevard.

Bona said she shared the same concerns about the location of this building relative to the street. She could see that there would be tradeoffs regardless of what happened, noting that combining buildings in a development caused a problem with a center drive. She believed the West Area Plan was attempting to set priorities that should be taken very seriously and said she would like to see the design of both this and the adjacent site reconsidered, even if it required two drives. She would like to know if that would create more efficient circulation and/or if it would allow the buildings to be located near the front of the site. She stated that the odd angle of the proposed land division did not help as far as combining the buildings, adding that the priority of the master plan to increase the pedestrian friendliness on Stadium Boulevard was important.

Hall agreed with what had been said about adhering to the spirit of the West Area Plan, adding that the City has invested a huge amount into the streetscape improvements along Stadium Boulevard and it was the Planning Commission's job to make sure that redevelopment proposals adhered to that. It seemed impossible to her that the petitioner needed all the parking that was proposed, in addition to four drive-through lanes, in order to operate the bank. She said she would like to see some evidence supporting the amount of proposed parking and drive-through lanes. She suggested that the site be redesigned with fewer drive-through lanes and parking moved to the side. She understood the concerns of the residents to the east and encouraged the petitioner to continue working with them. She said the West Area Plan contained a recommendation for pedestrian access at the rear of these sites and, if it were possible to provide an access without too much opposition from the residents, she thought it should be considered, as this type of access would be an enhancement to the neighborhood.

D'Amour asked if the residents of Ridgewood Condominiums would support access to the rear of these sites.

Swantek did not think this would be supported, as residents would not want people cutting through their backyards. She believed that most of the pedestrian access from people in the neighborhood would be at the Liberty Street entrance. She expressed concern about the Planning Commission's discussion this evening regarding a pedestrian-friendly Stadium Boulevard. If these two sites were to be divided and two curb cuts on Stadium were provided, she said, the two curb cuts would be a major impediment to pedestrian safety. Perhaps there was a better way of arranging this site, but it seemed to her that the bank was making good use of the property. She would rather not have the drive-through lanes, but said the bank needed them and it made more sense to put them at the rear of the site. It was a trade-off, she said.

D'Amour believed this proposal, for the most part, supported the goals of the West Area Plan, adding that the proposal was a definite improvement to the site. He liked the shared drive. He concurred with the staff recommendation and was prepared to support the proposal, but said he would not oppose tabling action based on the concerns raised this evening.

Potts asked if the bank had permanent access to Liberty Street.

McMahon understood that there was a formal, recorded cross access easement at the rear of the site to Liberty Street.

Potts supported moving the building forward and putting the parking on the side of the site to create a more pedestrian friendly Stadium Boulevard.

Carlberg stated that there was no easy way to provide pedestrian access from the neighborhood to the east to this site, nor to the adjacent CVS Pharmacy site. While this was a concept that should be reviewed for all development proposals, she did not think it was feasible for either of these sites and should not be a consideration. She continued to think there should be more discussion on how to move the building forward, not just for pedestrian access, but for visibility by people driving by site as well.

Hall thought this was an improvement to the current use of the site. She thought there might be an incentive for a sidewalk access to be granted by one or two residents to the east, which would formalize pedestrian access and address the problem with trespassing. This might not happen in conjunction with this proposal, she said, but was something to be considered for the future. If a fence were installed, access would be limited, she said. While Stadium Boulevard was not yet a pedestrian-friendly street, she stated that one of the goals of the West Area Plan was to use building placement as a means to eventually achieve that.

Moved by Carlberg, seconded by Emaus, to table action.

A vote on the motion to table showed:

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

Motion carried.

e. Public Hearing and Action on CVS Pharmacy Site Plan, 1.78 acres, 2100 West Stadium Boulevard. A proposal to construct a 12,900-square foot, one-story building and 49-space parking lot – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Kathy Keinath, of Atwell-Hicks, representing the petitioner, said the West Area Plan recommended that parking and building uses be placed away from abutting residential uses. She believed they were following this recommendation by moving the parking away from the rear of the site. She was concerned that moving the building to the front of the site would severely limit the space on the side of the building to create parking, and she did not believe it was safe to put the parking at the rear. She said CVS was a national retailer with a great deal of experience throughout country and it was a proven fact that parking at the front of the store would generate more customers.

Jack Sirotkin, 650 Ridgewood Court, expressed concern about the positioning of the parking. He was concerned that moving the building to the front of the site would put the parking in the rear, making it a place for people to hang out and causing potential crime problems, since it would be shielded from Stadium. He also asked that Commission take into consideration the possibility of CVS becoming a 24-hour pharmacy.

Richard Nye, 640 Ridgewood Court, stated that the back of his home would look onto this site. He definitely supported the building at the rear of the site for the reasons expressed by the previous speaker. He complimented the petitioners for going out of their way to address the concerns of the residents. He encouraged Commission to visit the site, but to bring garbage bags in order to pick up the large amount of garbage from this site that blew into the woods.

Ari Siskind, owner and manager of the current CVS site, was disappointed to see his tenant leave, but was glad to see something done with this property. He expressed concern about the traffic this new use would generate north through the easement on his property. He said the original intent of the easement was to allow delivery trucks to come in off of Liberty to deliver cars to the dealership and he was concerned that the new use for this easement would turn his property into a major thoroughfare.

Marcel Bonnewit, representing the owner of the property, stated that they worked with CVS and the neighbors to come up with the best plan for this site. This was a situation where the petitioner worked closely with the neighbors and he thought their wishes should be considered, especially since the neighbors would be impacted the most. As much as the City wanted to create a true pedestrian friendly town, he said, there was a core area where that took place and he did not think Stadium Boulevard would be converted into another downtown. He said there were too many lanes of traffic on Stadium and the vehicles moved too fast for that to occur. He stated that the easement at the rear of this site going north to Liberty Street was created back in the 1960s when the neighboring property was a grocery store.

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

Moved by D'Amour, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the CVS Pharmacy Site Plan, subject to preliminary approval from the Washtenaw County Drain Commissioner's Office of the storm water management system prior to City Council approval, and subject to the approved land division of 2100 West Stadium Boulevard prior to issuance of building permits.

D'Amour agreed that this proposal was a definite improvement to the site. He appreciated the concerns about putting the parking at the rear of the site. He agreed that Stadium Boulevard was an auto-oriented street and that it would not be changing soon; however, in the spirit of the West Area Plan, part of the planning being considered for this area involved trying to achieve more of a pedestrian-oriented street, even though it might take generations. He was not opposed to the project as proposed and was glad to see the shared driveway, but said he would not oppose tabling action if that were the direction Commission was to take.

Potts would not want the desire to create a more pedestrian friendly Stadium Boulevard translated to putting parking behind the building. She mentioned the difficulties that went along with parking, such as trash, noise, light, trespassing, and said a parking lot at the rear of the site could cause more harm than the good caused by moving the building to the front of the site. It was a sound marketing strategy to provide parking that was visible from Stadium Boulevard, she said, but said she would like the building to

be moved forward somewhat, which might result in more parking along the side. She also stated that more protection for the neighborhood might be considered, such as a high impermeable fence.

Bona thought there was an opportunity to put parking on the side of the building, which would be preferable to neighbors and the public. She was not sure she agreed with the petitioner that the parking needed to be in front of the building, stating that the CVS sign would be visible and would direct customers to the store if the parking were placed at the side or rear. She appreciated the comments from the public speakers and said she thought the rear of the site should be protected. With regard to the speed of vehicles on Stadium, she said, it was a fact that more traffic moved at slower speeds and it was actually desirable to slow down the traffic on Stadium, which would take placing buildings closer to the street and creating an environment that encouraged that. She stated that putting large parking lots in front of buildings caused vehicles to drive faster.

Emaus said the comments he made on the Fifth Third Bank proposal applied to this project in terms of the recommendations of the West Area Plan. He agreed that parking could be placed on the side of the building and that the building could be moved forward. He thought the goal here was to balance the neighborhood concerns with those of the community as a whole. What was envisioned in the West Area Plan, he said, was to try and create an impact on the street, to reduce traffic and get drivers to slow down. He believed both of the sites could be reconfigured to work toward these goals and said he would like the petitioner to try and do this.

Lipson concurred, stating that he would like to see more creativity with this proposal. He thought neighbors should be shielded from this site as much as possible. He said there needed to be a starting point in accomplishing what the West Area Plan recommended for Stadium Boulevard.

Carlberg asked where trucks would unload deliveries.

Keinath showed the door at the rear of the building that would be used for deliveries. She said it would not be a loading dock. She stated that they have been working on the design of this site since last fall, noting that it was an awkward site to work with.

Carlberg said it seemed that the rear of this building in its present configuration already allowed plenty of space for people to hang out. People did not look for marked parking spaces behind a building in order to hang out, she said, so she did not see this as a factor. She said a fence was suggested along the rear property line, although she was not sure that would provide much visual protection, and there already was a great deal of vegetation between the properties. She agreed that a sea of parking in front of the building would not be a benefit to the community, and suggested that parking for employees be moved elsewhere on the site.

Hall said the petitioner commented about working hard to reduce parking on the site, yet this site plan contained the maximum number of parking spaces allowed by code. She stated that one option in order to reconfigure the spaces and move the building forward was to reduce the number of parking spaces. She believed the parking ordinance should combine the allowance of a drive-through with the parking space requirement, as a use with a drive-through and maximum on-site parking was actually getting more parking than a use that did not have a drive-through. She believed there was flexibility here and agreed that employee parking could be relocated to a less visible area. She did not think anyone intended for all of the parking to be in the back. She applauded the petitioner for working with the neighbors, but noted that this was not the only consideration by Planning Commission. She could not support the proposal as presented this evening, stating that she thought the goals of the West Area Plan were appropriate and should be achieved, while also taking neighborhood concerns into consideration.

Bona was not sure the loading area in back of the building should look like a loading zone, because it would be unfriendly for customers coming in from Liberty.

Bonnewit asked how much loss of pervious green space would be acceptable to Commission by moving the building forward.

Hall questioned why that would be necessary.

Emaus said the goal here was to try and balance the neighbors' concerns with the desire for redeveloping the look of Stadium Boulevard. He said there has been discussion about possibly moving the building to the northwest corner of the site, but it was up to the petitioner to come back to Commission with a proposal.

Moved by D'Amour, seconded by Lipson, to table action.

A vote on the motion to table showed:

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

Motion carried.

f. Public Hearing and Action on Ann Arbor Research Park Site Plan, 5.79 acres, 3920 Research Park Drive. A proposal to construct 63,462-square foot, one-story office/warehouse building and 202 parking spaces – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Tom Phillips, of Hobbs and Black, representing the petitioner, stated that he and the engineer for the project were present to answer questions.

Alan Pruss, of PEA, Inc., engineer for the proposal, elaborated on a few highlights of the detention system. He explained that part of the system included sheet flow to the detention and sedimentation basins.

Tommy Chan, of American Honda, which was located across the street from this site, expressed concern regarding potential impact from this development on air quality. He stated that American Honda conducted exhaust emissions testing, which was very sensitive to air quality. He asked that if there were any potential air quality changes during construction, they be notified and then be allowed to work with the petitioner to minimize any impacts on their exhaust emissions testing. Also, since the proposed use was classified as office/warehouse, he was concerned about traffic from large trucks, noting that large trucks were often left idling at loading docks. He was concerned about how this would impact the air quality at their site.

Ed O'Neal, of Federal Mogul, which had three sites in Research Park, commended the petitioner for taking a risk and developing a speculation building to spark new development in the park. In the past, he said, the park has strictly been used for research; however, he thought the expansion of uses, such as what was proposed, would be beneficial to the park.

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

Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Research Park Site Plan, subject to preliminary approval from the Washtenaw County Drain Commissioner's Office of the storm water management system prior to City Council approval, subject to the combination of the two existing parcels before issuance of building permits, and subject to the disconnection of three footing drains before issuance of the first certificate of occupancy.

Emaus asked how high the building would be and if the petitioner had done any type of analysis of thermal efficiency in terms of the design, such as with windows, roofing, building materials, etc.

Phillips replied that this would be a single-story building, with the average height 18 feet and the highest point 21 feet. He said they did review thermal efficiency for the building, stating that it would meet current Michigan code standards, specifically with roof insulation. In addition, he said, the block walls would have insulation cavities and glass would be tinted and insulated. The color of the building would be light, he said, which would help to reflect solar heat.

D'Amour asked if the petitioner had discussed ambient air quality with American Honda.

Dennis Engstrom, with Burton-Katzman, petitioner, said they have not met with American Honda to discuss this issue, but that they would be open to doing so.

D'Amour said it would be difficult for him to support this proposal because of its potential to cause problems off-site.

Chan stated that his comments were not intended to be negative, but to raise his concerns with the hopes that they would be addressed. He stated that temporary idling of trucks was not a concern, but prolonged diesel running was and if there were a code regulation that addressed this, they would be able to work from there.

Phillips stated that 70 percent of the building use would be office and 30 percent would be warehouse. He said the building would not have any loading docks and said they were not anticipating vehicles any larger than what was currently seen in the park visiting this site.

Lipson stated that the only other source of emissions he could think of that might cause a negative air quality effect would be asphalt when it was being applied to the parking lot.

Phillips stated that the City had a nuisance ordinance that regulated items such as odors and pollutants, adding that the petitioner would be amenable to coordinating the application of the asphalt with American Honda.

Bona asked what uses the petitioner anticipated moving into this building, as far as size, noting the loading doors along the rear of the building.

Phillips said the building was designed so each bay was accessible. He said the petitioner believed the building would be more marketable if there were a drive at the rear.

Bona said staff has recommended that some parking be deferred. She said the site plan proposed 36 more parking spaces than the minimum requirement and asked where the petitioner would propose to defer the 36 spaces if amenable to that. Considering the width of Research Park Drive, she would support parking on the street.

Engstrom said they would prefer deferring the 34 parking spaces along the rear of the building.

Potts said she would support deferring some of the parking, agreeing that it would be appropriate to use Research Park Drive for parking.

D'Amour asked if the petitioner had considered porous pavement for the parking lot.

Pruss said they initially considered this and determined that it would not be an option for this site, which was why they concentrated on other BMPs (best management practices), such as infiltration trenches and reduction of periphery parking.

D'Amour said he would support the parking deferment.

Carlberg had mixed feelings about deferring some of the parking because if it were determined that the parking, if deferred, were needed, the petitioner would be entitled to build it. She was not sure anything would be accomplished by deferring the parking. If all of the building were to contain office uses, she said, there would be considerable stress on the parking. She did not have much confidence that the deferred parking would stay deferred for very long, unless the building was not fully occupied.

Emaus stated that each time he has visited Research Park, he noticed that the parking lots were full and there was really no other option for parking other than trespassing on another's property. If the parking were deferred, he thought it would end up being installed fairly quickly by the petitioner.

Moved by Bona, seconded by Potts, to amend the main motion by adding the following language, "and subject to deferring 36 parking spaces."

A vote on the amendment showed:

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

Motion carried.

Chan wondered if there were any rules or regulations requiring that delivery trucks' engines be turned off.

Potts stated that if there were a complaint about this, the City would then enforce the nuisance ordinance.

Lipson said the petitioners have indicated their willingness to work with American Honda on the air quality issue, stating that this was an issue about which the petitioners needed to be sensitive.

Engstrom said it was not in their best interest to alienate their neighbors. As managers of the property, he said, they could certainly be sensitive to their neighbors' needs and enforce the rules.

Lipson said this satisfied him, noting that Commission did not have the authority to recommend denial on a proposal based on the possibility that it might do something to interfere with a neighbor.

Hall said she also was satisfied. She said the petitioner has made a commitment to notify American Honda of the construction schedule, noting that American Honda could also speak with staff about the schedule and any other concerns.

Moved by D’Amour, seconded by Potts, to amend the main motion to add the following language, “and subject to satisfactory agreement between the petitioner and American Honda on ambient air emissions.”

Lipson stated that this amendment would put the petitioner at the mercy of American Honda on a set standards that did not exist. He believed this put an unnecessary burden on the petitioner and was not something Commission was authorized to do.

Carlberg did not know how to enforce such an agreement without the ability to determine whether or not it was satisfactory.

D’Amour withdrew the amendment.

Emaus said there may be an opportunity during construction to find construction equipment that would use bio-diesel fuel, which would be much cleaner,

Phillips noted that the row of parking at the rear of the site contained 34 spaces, not the 36 that Commission was asking to be deferred.

D’Amour said he would not be supporting this on the basis of a possible question of a private nuisance.

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

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

Motion carried.

g. Public Hearing and Action on Washington Terrace Site Plan, 0.50 acre, 401 East Washington Street. A proposal to construct a 132,610-square foot, 11-story, mixed-use building with three below ground levels of parking totaling 107 spaces, ground floor retail and 90 residential units on floors 2-11 – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

Ray Detter, chair of the DDA Citizens Advisory Council (CAC), urged Commission to support this proposal, stating that the CAC was supportive of residential density in the downtown. He said the proposal conformed with the recommendations of the Downtown Plan and said the residential, retail, underground parking, bicycle parking spaces, and streetscape improvements matched DDA recommendations. He believed this project met community expectations and had no negative impacts. It was also respectful of nearby historic structures, he said, referring to the firm commitment from McKinley to move the historic house on the site to a location near the downtown. He said the residents in this area

have expressed general approval, with the only specific concern being the retail entry at the corner needing to be designed more creatively and more welcoming. He hoped the Planning Commission would be courageous in offering specific design suggestions to make the building even better. He said CAC would like to see affordable housing in this development, noting that the Downtown Plan and Central Area Plan both supported a mix of residential housing.

Lev Levin, real estate agent, said the property adjacent to this site on Washington Street was under contract with his client, with a potential plan for another high rise building. He said the space between the two sites appeared useless and suggested that the petitioner work with him and his client, if possible, on a future connection of the uses to make the space more useful.

Chris Crockett, president of the Old Fourth Ward Association, expressed enthusiastic support for this type of project on this site. She said this was the location for this type of building and this amount of density. She was delighted to see the three levels of underground parking and the space for bicycles, stating that perhaps the City would one day be a place where not all residents owned cars. It was her hope that this development would renew the vitality to Washington and Division Streets, and that interesting retail uses would locate to the first floor spaces. She was glad that the historic house on the site would be moved to another downtown location, as saving these important buildings was very important to so many in Ann Arbor. The proposal conformed to the Downtown Plan, she said, adding that this was a core area for critical mass. She expressed dissatisfaction with the architecture, suggesting design features such as arched windows and entryways, a peaked roof, and/or brick treatment in a herringbone configuration. She hoped the City would see more architectural richness as density continued to be added to the downtown.

Frances Todoro, project manager for McKinley, said she and the design team were present this evening to answer questions. They were excited to bring forward the third component of McKinley's redevelopment vision for the area, she said, adding that this would help to bring life back to this corridor.

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

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Washington Terrace Site Plan and Development Agreement, subject to combination of the lots before issuance of any permits.

Carlberg stated that the setback on the north was 18 feet and asked what would happen to the residential units on that side if a high rise building were built on the Firestone site.

Bill Meier, of The Meier Group, architect for the project, said it was not unusual for high rise buildings to be constructed adjacent to each other. He said a future building to the north would also have to conform to the setback requirements, noting that there would be about 40 feet between the two buildings.

Potts stated that this site was in the downtown's core area, which was suitable for a larger building, and it met the provisions of the Downtown Plan. The architecture was disappointing, she said, noting that this building would be noticeable on all sides and this was an opportunity to do something different from so many other buildings. Modern architecture included a huge palate of possibilities, she said. She felt a little letdown in this respect, she said, as this was an important corner. She added that quantity was not the only important element of a development proposal; quality also was important.

D'Amour agreed that this was an appropriate location for this type of development, but he also was concerned about the architecture, stating that more design creativity would have been preferable. He did not see anything in the development agreement about relocation of the historic house.

Todoro stated that McKinley had an agreement with Joseph Freed & Associates, the company that would be developing the site and entering into the development agreement with the City, to remove the house prior to Freed taking ownership of the property.

Bona stated that her architectural concerns were most important at the street level. She did not see this part of either Washington or Division as heavy retail traffic areas and the tendency around town has been to place other types of tenants in these areas, such as banks that cover the windows with blinds, making the areas uninviting. She asked what the petitioner envisioned for the retail space and how to keep it lively.

Laith Hermiz, of Joseph Freed & Associates, said a very large part of their portfolio was in retail and that they have been shopping this property to a number of their retail tenants. He said windows along the front were added to help with the interaction of pedestrians walking down the street and with those within the retail establishments. He said they were considering outdoor seating, which would make the area more inviting.

Bona questioned the need for the recess at the corner when the building was already set back ten feet.

Meier stated that one of things planned for the setback area was outdoor dining or other outdoor uses. He said this extended area would provide an opportunity for more landscaping and pedestrian amenities.

Bona noticed that the entrances sloped with the street, which was good. She thought a restaurant in this location would be great, considering the setback, what wondered what would happen if a restaurant did not go in this space. There would be a wide expanse of concrete in an area where a narrower sidewalk could be more appropriate, which was a concern of hers.

Hermiz stated that this area also provided the opportunity for outdoor vendors. He said it is always important to retailers to have the ability to provide space for outdoor activity. He said planter boxes similar to those on Main Street were part of the proposal and landscaping along the corridor was coordinated so it would be consistent with the other McKinley developments.

Bona was concerned that none of that was shown on the plan and she wanted to make sure it was done.

Hermiz said they could put alternative schemes together for review, noting it was to their own advantage to enhance the streetscape.

Bona thought Commission should do something to make sure the historic building was not just removed, but actually relocated.

Todoro stated that McKinley, as part of the purchase agreement with Joseph Freed & Associates, would relocate the house prior to them taking possession of the property. She was not aware that relocating the house to a specific location in the downtown was part of the agreement, though.

Carlberg asked what type of building materials were proposed for the exterior of the building.

Meier said it would be a brick masonry base, with concrete panels, both tinted and clear glass, and painted metal railings at the balconies. He said colored concrete textures would be used.

Carlberg asked if the same type of masonry panels used at the building at the southeast corner of Washington and State Streets would be used.

Meier replied no.

Carlberg asked the petitioner to respond to the comments made about the architecture.

Meier believed this was a quality-designed building, with different shapes and sizes. He said the building had interest and variation in its face along Washington Street and care was taken to make sure there was a great deal of glass in each unit. He did not believe it was the same architecture used at other sites.

Carlberg asked about the purchase price of the residential units.

Meier stated that the pricing strategy had not yet been developed. Generally speaking, he said, there would be units similarly priced to Ashley Terrace, with some of the units selling in the in low \$200,000's.

Moved by D'Amour, seconded by Carlberg, to amend the main motion by adding the following language, "and subject to satisfactory relocation of the existing structure at 411-413 West Washington Street to a site within Washtenaw County."

Potts believed that considering the house was a part of Ann Arbor history and a very familiar site for many years, it should stay in Ann Arbor and as close to the center of town as possible.

Lipson stated that merely saving the building to save the building and then moving it outside of the City was not historic preservation. He said this house was part of Ann Arbor's heritage and believed there was a location somewhere in Ann Arbor where it could be moved.

Hall agreed and asked the petitioner to explain efforts made to move the house to a location in Ann Arbor.

Todoro stated that one option was a site in Ann Arbor, but the owner of that site declined the house. Another option turned out to not be beneficial, she said. They also had an option where they worked with owners to give them the house, she said, but that did not work out. She said they have been working diligently on this and the option in front of them now was to move the house to the Dawn Farm site in Ypsilanti to be used for adolescent rehabilitation.

Carlberg said the farmhouse that burned down on Dawn Farm site was an old historic federal-style building, much like the front of the house on Washington Street.

Lipson said this would satisfy his concern because it would be replacing one historic structure with another and it would be used for a good purpose.

Detter stated that Mr. Berriz, of McKinley Properties, first told him that he would pay for moving the house and that they had found a location on Huron Street. Upon investigation though, it was discovered that it would not be feasible to move it to that site, he said. He said Mr. Berriz then told him they had two other sites they were considering, both within the City and not far from the downtown. He said there then were property owners on Fountain Street who offered their vacant lot, but McKinley Properties asked how much the owners would pay them for the house. He said this put him in an uncomfortable situation in terms of trust, adding that no one ever contemplated the house being moved outside of Ann Arbor.

D'Amour said he would like to move forward with this and suggested that the motion be changed to say within the City of Ann Arbor, rather than Washtenaw County.

Carlberg stated that Commission could amend the motion regarding moving of the house, but she anticipated there would be future discussions on the efforts to relocate it, especially given the element of distrust that has been raised.

Lipson said he would support moving the house to a location in Ann Arbor, as he has not seen anything definitive as to why it could not be relocated in town. He noted that the cost to move the house outside of town could be prohibitive.

A friendly amendment was made to the motion to amend the main motion by changing the location from Washtenaw County to the City of Ann Arbor.

Potts said Ann Arbor was a large town with many kinds of neighborhoods, some of which where the house would be entirely unacceptable. As much as she wanted to save the house, it was difficult for her to say it could be relocated anywhere in Ann Arbor.

Potts moved that the amendment to the motion be changed to replace "in the City of Ann Arbor" to "within the central area of Ann Arbor." There was no second to this motion.

D'Amour stated that it was in the best interest of the petitioner to move the house to a nearby location, agreeing that it could become cost-prohibitive to move it outside of town, especially if the City wanted to pursue other elements of the development, such as affordable housing.

Hall said it seemed it would be a great benefit to have the house at Dawn Farm, but said she would also have supported an amendment to keep it in the central neighborhoods. She appreciated McKinley's efforts to move the house and hoped discussions would continue, suggesting that Mr. Dettler and Ms. Crockett be involved in the discussions.

A vote on the amendment to the main motion to move the house to a location in Ann Arbor showed:

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

NAYS: None

ABSENT: Kunselman, Pratt

Motion carried.

Lipson stated that this was the appropriate type of building for this location. With regard to the architecture, he was not an architectural critic and he thought the most difference would be at the street level. He also said it was not within the Planning Commission's purview to dictate the architecture, noting that this was a Planned Unit Development. He supported cutting out the corner at Washington and Division because it would increase safety and visibility.

Moved by Emaus, seconded by Potts, to amend P-11 of the development agreement to include the standard language regarding the maintenance of storm water management.

Carlberg stated that what is missing is change of ownership and maintenance of the system.

Emaus withdrew his motion after determining that staff would take care of making sure the appropriate language was included in P-11. He also asked that the language in paragraph P-8 be changed to add the following language, “improvements to downtown area parks and linear landscapes,” and remove reference to specific park locations.

Bona thought it was important that when marketing the building, potential buyers should be made aware of the development potential of adjacent properties. She did not have a problem with buildings facing other buildings, saying it created somewhat of a courtyard, but she thought that was a way to make some of the units more affordable. The units with the best views would be the most expensive, she said; however, it would not cost more money to build a unit with a better view.

D’Amour asked if the petitioner had explored the possibility of green roof.

Hermiz said there were significant health and safety issues involved in establishing a green roof. Due to the size of this building, he said, there would be no other buildings looking down on the roof. He said they constantly explored new, evolving technology for energy and cost-savings, but said they have not identified anything that could be used for this particular building.

D’Amour asked that Council explore this further with the petitioner. With regard to moving the historic house, he was willing to make a second amendment to require its relocation to the central area district of Ann Arbor.

Moved by D’Amour, seconded by Potts, that the main motion be amended to read, “and subject to satisfactory relocation of the existing structure at 411-413 West Washington Street to a site within the central area district of Ann Arbor.”

Carlberg said it would be great if a site were found in the central area, but thought this would be imposing a tremendous difficulty on the petitioner.

Lipson stated that a location within the central area could turn out to be inappropriate and thought it was restrictive enough to require the relocation within the City.

Hall suggested saying “in or near the downtown,” which would allow for some interpretation.

A friendly amendment was made to say a “site in or near the downtown of the City of Ann Arbor.”

A vote on the amendment showed:

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

Motion failed.

D’Amour thought this was the right location for this type of development and agreed that it was an exciting opportunity for the downtown, although he wished it were more inspired in terms of the architecture. He hoped the petitioner’s architect would take the comments made this evening into account in terms of providing greater architectural creativity. He said he would be supporting this proposal.

Potts stated that while this proposal contained features the City desired, such as underground parking and a streetscape with a setback, she believed there was a missed opportunity here for an elegant piece of architecture and that the design proposed here was inadequate.

A vote on the main motion as amended showed:

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

Motion carried, reads as follows:

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Washington Terrace Site Plan and Development Agreement, subject to combination of the lots before issuance of any permits, and subject to satisfactory relocation of the existing structure at 411-413 West Washington Street to a site within the City of Ann Arbor.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

Potts asked about petitioners contributing to assisting the City in solving the sanitary sewer capacity issue and wondered if Commission would receive a report about this.

Vaughn replied that Systems Planning continued to work on this, stating that a Request for Proposal would soon be issued to have a report done.

Potts asked if the assumption were then that it was not a problem and that projects could be approved.

Vaughn stated that this was correct, and that projects would pay for mitigation if required.

ADJOURNMENT

Hall declared the meeting adjourned at 12:15 a.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services