

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – June 2, 2009

Time: Chair Bona called the meeting to order at 7:02 p.m.

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

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ROLL CALL

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Members Present: Bona, Carlberg, Derezinski, Potts, Pratt, Westphal, Woods

Members Absent: Borum, Mahler

Members Arriving: None

Staff Present: Bartha, DiLeo, Lloyd, Pulcipher

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INTRODUCTIONS

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None.

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APPROVAL OF MINUTES

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a. Minutes of May 5, 2009.

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

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezinski, Potts, Pratt, Westphal, Woods  
NAYS: None  
ABSENT: Borum, Mahler

**Motion carried.**

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APPROVAL OF AGENDA

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**Moved by Pratt, seconded by Potts, to approve the agenda.**

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezinski, Potts, Pratt, Westphal, Woods  
NAYS: None  
ABSENT: Borum, Mahler

**Motion carried.**

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

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Derezinski reported that several items of concern to the Commission were discussed at the previous night's Council meeting: the first being the rezoning of portions of 11 City owned park properties to PL; the second, being City Place, which was postponed due to a paperwork glitch. He said Council was exercising extreme caution with City Place, in an attempt to avoid undue complications due to the paperwork issue. He noted that the new date for Council action was tentatively June 15.

Potts asked whether the paperwork error appeared before or after Planning Commission action.

Derezinski replied that the error appeared 45 minutes before the previous night's Council meeting, when staff was preparing for the meeting. He said action by the Council was postponed as an exercise of caution.

Potts asked if what the Commission reviewed was okay.

Lloyd replied that the plans on the first floor were different from those moving to Council/

Potts asked if the public had the incorrect plans before the Commission meeting.

Lloyd replied no, stating that he did not believe the Commission action would not need to be voided.

Derezinski said there were lots of rumors floating around, and that Council had met in closed session with the City attorneys, just to be sure that Council was not unnecessarily creating an issue.

Lloyd said that Planning and Development Services was hoping to see more projects come in, noting that revenues were down a bit. He hoped to keep pending projects moving forward and to keep in touch with developers who had approved but unconstructed projects. He also noted that staff was moving forward with the Area, Height and Placement efforts.

Pulcifer said that staff was facilitating public meetings on the amendments to Chapters 55 and 59 with regard to Area, Height and Placemen standards. She reported that a meeting was held on Wednesday, May 27 at the CTN studios. She noted that the meeting was taped in its entirety, and available through CTN Video on Demand as well as on CTN TV through September. She reported that the next meeting would be held on Thursday, June 4, from 6:00 to 8:00 p.m., in the Traverwood Branch library. She

finished by saying that more meetings were scheduled throughout the summer, to provide lots of opportunity for the public to talk to staff.

Pratt reported that the A2D2 Steering Committee was meeting to discuss design guidelines on Thursday, June 4, from 5:30 to 7:00 p.m. at City Hall in the 6<sup>th</sup> floor conference room. He noted that the draft design guidelines were available on the City website.

Westphal reported that the Environmental Commission had met the previous week, and had discussed the draft Huron River Impoundment Management Plan. He noted that Commissioners Woods and Pratt were on the committee that created the plan. He believed a lot of good discussion took place on the topic of removal of the Argo Dam. He finished by noting that the Environmental Commission voted 8-4 recommending that Council adopt the draft plan along with steps for removing the dam.

Enter Mahler.

Bona noted the written communication in the Commission packets.

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#### AUDIENCE PARTICIPATION

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Tom Luczak, 444 S. Fifth Avenue, spoke in support of a moratorium on demolition in R4C zoned districts. He questioned the definition of a roof in the zoning ordinance, and believed it was too ambiguous. He urged the Commission to bring up the issue of a moratorium, which he believed would provide certainty for all interested parties, including developers, neighbors, and staff. Clear rules

Peter Pollack, 515 Detroit Street, spoke about the issues related to the Near North project, which were raised in the email correspondence in the Commission packets. He asked the Commission to consider the recommendations made in the correspondence.

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#### PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Bona announced the public hearings scheduled for the June 16, 2009 Planning Commission meeting.

Woods asked if the notice regarding C3 districts related to the Zingerman's Roadhouse property.

Bona confirmed that this was the case.

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#### REGULAR BUSINESS

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(a) Public Hearing and Action on Eleven Parkland Rezoning: (1) Pittsview Park, southwest corner of Packard Road and Pittsview Drive. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (2) Windemere Park, north side of Windemere Drive between Markbarry Drive and Charter Place. A request to rezone this site from R1B (Single-Family

Dwelling District) to PL (Public Land District) for public park use. (3) Waymarket Park, north side of Waymarket Drive east and west of Signature Boulevard. A request to rezone this site from R4B (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (4) Turnberry Park, east side of Turnberry Lane, south of Ailsa Craig Drive. A request to rezone this site from R1D (Single-Family Dwelling District) to PL (Public Land District) for public park use. (5) Stapp Nature Area, south side of Huron Parkway east of Tuebingen Parkway and west of Traverwood. A request to rezone this site from R4D (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (6) Redbud Nature Area, west side of Parkwood Avenue, north of Edgewood Drive. A request to rezone this site from R3 (Townhouse Dwelling District) to PL (Public Land District) for public park use. (7) Maryfield Wildwood Park, southwest corner of Arbana Drive and Linwood Avenue. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (8) Oakwoods Nature Area, west of Dunwoodie Road, north of Green Road. A request to rezone this site from R4A (Multiple-Family Dwelling District) to PL (Public Land District) for public park use. (9) Molin Nature Area, south of Columbia Avenue, between Kimberley Road and Colony Road. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (10) Foxfire West Park, south of Hickory Point Drive. A request to rezone this site from R1C (Single-Family Dwelling District) to PL (Public Land District) for public park use. (11) Crary Park, northeast corner of Washtenaw Avenue and Cambridge Road. A request to rezone this site from R2B (Two-Family Dwelling and Student Housing District) to PL (Public Land District) for public park use (postponed at 5/5/09 meeting) – Staff Recommendation: Approval

(b) Public Hearing and Action on Dicken Woods Nature Area Annexation and Zoning, southeast corner of Pauline Boulevard and South Maple Road. A request to annex this site into the City and zone it PL (Public Land District) for public park use (postponed at 5/5/09 meeting) – Staff Recommendation: Approval

DiLeo made a brief presentation and provided a summary of the park rezonings.

Noting no speakers, Bona declared the public hearing closed at 7:37 p.m.

**Moved by Woods, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Dicken Nature Area Annexation and PL (Public Land Zoning Petitions.**

**Moved by Woods, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Pittsview Park, Windemere Park, Waymarket Park, Turnberry Park, Stapp Nature Area, Redbud Nature Area, Maryfield Wildwood Park, Oakwoods Nature Area, Molin Nature Area, Foxfire West Park, and Crary Park petitions for Rezoning to PL (Public Land).**

Potts expressed concern that when a property was rezoned to PL (parkland), there was no guarantee that it would not be developed in the future.

DiLeo replied that it is was the City's policy that any publicly owned land be zoned PL, whether it be a parking lot, school property, University of Michigan property, County property, city hall or a park. She noted that the deed often dictated the permitted use of land zoned PL.

A vote on the motions showed:

YEAS: Bona, Carlberg, Derezhinski, Mahler, Potts, Pratt, Westphal, Woods  
NAYS: None  
ABSENT: Borum

**Motions carried.**

(c) Public Hearing and Action on Retail Plaza Annexation, Zoning and Planned Project Site Plan, 1.11 acres, northwest corner of Platt and Ellsworth Roads. A request to annex this parcel into the City, zone it C1 (Local Business District), and a proposal to construct an 8,000-square foot retail building with a 21-space on-site parking lot and an additional 5 off-site parking spaces in the commercial development across the street – Staff Recommendation: Approval

DiLeo made a brief presentation and provided a summary of the proposed project.

Ehab Samaha, 3891 Platt Road and owner of the property, noted that he had been working on this project since 2007. He believed his project was simple and would work well in the area. He noted that large townhouses to the west and north of his site would be able to utilize the proposed retail, due to the lack of retail in the immediate area. He believed the project would offer retail along an otherwise underdeveloped gateway to Ann Arbor. He thanked the Commission for their time and hoped they would approve his project.

Noting no further speakers, Bona declared the public hearing closed at 7:49 p.m.

**Moved by Derezhinski, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Retail Plaza Annexation, Zoning and Planned Project Site Plan, subject to conveying the easterly 27 feet of the property to the City for right-of-way upon annexation and recording a shared parking easement prior to issuance of any building permits.**

Carlberg asked the petitioner if e would agree to prohibit the sale of alcohol in the plaza, as requested by neighbors.

Samaha replied that he had no problem with that.

Carlberg thanked him.

Potts agreed that the area could use retail, and was glad the petitioner agreed to ban alcohol sales. She hoped the plaza would contain a variety of stores, but she was concerned about the parking across the street.

Pratt asked about the adjacent parcel that was still in the Township.

DiLeo noted that the piece was a panhandle shaped piece that wrapped around the back of the site.

Pratt asked if it would eventually be zoned C1 as well.

DiLeo replied yes.

Pratt thanked DiLeo, noting that he wanted to avoid a hodge-podge of zoning. He expressed concern about access to the site from East Ellsworth Road, noting that a left turn from the site near the existing traffic light would be tricky. He asked if alternative arrangements were explored.

DiLeo replied that the City's traffic engineer had reviewed the plans and had met several times with the petitioner. She said several scenarios had been explored, and that the engineer felt moving the drive a few feet would make much difference.

Pratt asked if the entrance could be designated right-in and right-out only.

Samaha confirmed that it was.

Pratt thanked the petitioner, and commented that he saw no problem with the position of the parking lot in front of the building on the site, given the surrounding parcels.

Westphal supported extending the windows on the south elevation and stated that the shared parking arrangement did not bother him, though he hoped the parking on the other side of the street would be used by employees. He asked staff to explain the easement along Platt Road, and what options the adjacent property owner would have once the project was complete. He also asked about the annexation timeline.

DiLeo responded that the right of way easement was a hold over from an earlier agreement between the property's prior owner and the County Road Commission. She said the easement would make the right of way consistent with the rest of the north side of East Ellsworth Road. She said the City was asking for additional 27 feet on the Platt Road side to line up with west side of Platt Road south of East Ellsworth Road. She noted that there was no anticipated need for additional lanes, and that the easement was simply to make things consistent. She responded to the second question by saying that the petitioner had been in touch with the adjacent property owner, and she noted that the existing buildings on the adjacent site looked like a very old service garage. Based on layout, she said it might not be easy to integrate the sites.

Woods asked what differentiated the back of the petitioner's property from the next property. She assumed that users of the park might want to access the retail establishment, and she was concerned that they would not know that they should not walk across the property separating the park from the retail plaza.

DiLeo replied that the petitioner was proposing a retaining wall to serve as a clear demarcation of the property line. She did not believe anyone would walk straight through the field as a cut through, given the deep grass and brush. She noted that there would be a sidewalk along the sides of the site, as close as conveniently possible for persons at the park.

Woods asked the petitioner what he anticipated for the parcel behind his, and about foot traffic from the park.

Samaha replied that to the north side, a retaining wall plus a fence would be installed to tell people that his was a separate property. He said the fence was important because the adjacent parcel contained an old garage with a lot of junk, and he was trying to hide that from his shopping center. He said most people currently utilizing the park stay near roads and on the sidewalks.

Woods asked if the blighted adjacent property was something community standards should look at.

Lloyd said that because it was a Township parcel, staff could contact them.

Pratt asked to have the proposal clarified, stating that a decorative fence would be preferable to a guard rail. He asked staff to make note that the Commission would prefer a fence to a guard rail. He believed guard rails were not attractive.

Bona noted that a retaining wall over 30 inches required a pedestrian guard rail.

Mahler thanked the petitioner for agreeing not to sell alcohol, and asked he he was also willing to prohibit the sale of weapons or fireworks, as requested by neighbors.

Samaha replied that this would be fine.

Mahler asked if a draft development agreement could be written to record these promises.

Carlberg suggested legal staff could be directed to pursue this.

Lloyd replied that staff could pursue this on behalf of the Commission, and work with legal staff, but he noted that planned project petitioners are authorized to undertake any regulated use permitted in the zoning district. Given the willingness of the petitioner to limit the uses on the site, however, Lloyd believed an agreement of some sort could be possible.

Mahler said he suggested a development agreement because of the petitioner's willingness to agree to restrict his own site.

Lloyd replied that Planning staff would work with legal staff to explore what types of restrictions could be required. He noted that in a planned project, a petitioner was permitted to any use allowed in the zoning district. He commented that a development agreement could not restrict the uses of the land. He said staff would pursue the restrictions with the petitioner, as the petitioner was amenable to applying restrictions.

Bona asked the petitioner to revise the south elevations to show extended windows before moving on to Council with regard to extending windows. She asked staff about the existence of a bus stop in front of the property, noting that she did not see a bus stop on Platt Road.

DiLeo replied that staff had contacted AATA, and that AATA was monitoring the area and waiting for a development such as this. She said AATA was looking to install a bus stop 80 feet north of the intersection on Platt Road in this general area. She said AATA would work with the petitioner during construction to locate the bus stop at the ideal location.

Bona asked the petitioner about his comment regarding an expansion of the development around the site. She asked whether the square layout of the parking would allow for a future development to share it with the petitioner's site.

Samaha saw no problem with this.

Bona asked the petitioner if he would consider moving the access to his site if a shared parking lot could be developed.

Samaha replied that he was amenable to that.

Bona thanked the petitioner.

Potts asked if it was one-way circulation on the site.

Bona replied that drives were two way.

Potts asked if both entrances and exits were two way.

DiLeo replied that this was correct.

Potts asked why the building was proposed to be built up to the rear lot-line.

DiLeo replied that it was for efficiency, and that what looked like the rear lot-line was technically the side lot-line. She said there was no side set-back requirement, but there was a 20-foot rear lot-line requirement.

Potts said she was bothered by the inability to restrict uses on the site, and was concerned that a future owner may choose to sell alcohol, even if the current owner chose not to. She said she liked the project, but wanted the neighbors to have assurances that no unwanted uses would be present on the site.

Samaha believed that the prior owner had placed a restrictive deed on the properties before selling them. He believed the deed on his property restricted the sales of alcohol or tobacco.

Pratt believed that for Commissioner Bona's idea of a potential single driveway for future use to happen, the site plan would need to be flagged so future staff persons would be informed. He believed an attachment to the site plan or some sort of agreement would be necessary. He also asked if the 12-foot drive lanes were okay with Fire Services.

DiLeo replied that Fire Services had reviewed the plan.

Pratt suggested to the petitioner that he confirm with his garbage collectors that there was enough space on site to get collection vehicles in and out without disturbing the landscaping.

Westphal noted that the west elevation in the staff report needed to read as east elevation.

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezinski, Mahler, Potts, Pratt, Westphal, Woods  
NAYS: None  
ABSENT: Borum

**Motion carried.**

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AUDIENCE PARTICIPATION

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None.

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COMMISSION PROPOSED BUSINESS

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Lloyd made a brief presentation and updated the Commission on the status of the R2A and R4C Zoning District Study. He noted that if approved by Council on June 15, the study would begin in July 2009, and would include an analysis of issues and opportunities, community goals, text amendments, and a boundary reassessment. He said the process would last approximately 12 months and would include community meetings.

Bona noted that the current Area, Height and Placement Study originally included all of R4 multiple-family districts. She noted that Commission spent three meetings going over the R4 component, and ultimately determined that R4C was too complex to be considered with other R4 districts, so it was pulled. Shortly thereafter, she noted, the resolution to review R4C was developed.

Commission discussed the complexity of the R4C-zoned districts, noting that each district was unique, and asked staff questions regarding the review process and timeline. There was agreement that the review process needed to be sensitive to the need for a thorough process on one hand and the risk of more controversial projects being proposed if the process went on too long. Staff agreed to provide the Commission with ongoing updates regarding the status of the study, and the Commission believed it would be useful to put together a subcommittee to support the Commissioner or Commissioners who were asked to serve on the R4C Study Committee.

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ADJOURNMENT

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Bona declared the meeting adjourned at 9:11 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Kirk Westphal, Secretary

Prepared by Steve Bartha  
Management Assistant  
Planning and Development Services