

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – August 21, 2007

Time: Vice Chair Bona called the meeting to order at 7:01 p.m.

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

ROLL CALL

Members Present: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Woods

Members Absent: None

Members Arriving: Pratt, Westphal

Staff Present: DiLeo, Foondle, Thacher

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of August 7, 2007.

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

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Woods

NAYS: None

ABSENT: Pratt, Westphal

Motion carried.

APPROVAL OF AGENDA

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

A vote on the motion showed:

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

Motion carried.

Enter Westphal.

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

Potts stated that the next Ordinance Revisions Committee meeting would be held on August 22 at 3:00 p.m. in City Hall.

Emaus reported that the Design Guidelines Committee met on August 20 and completed a timeline for the first and final drafts. He announced that the third and final community workshop on design guidelines for developing the downtown was scheduled for 7:00 pm on September 5 at the Michigan League.

Bona provided an update on the A2D2 effort. She noted that she emailed the recommendations of Zoning Advisory Committee to Commission members. The work of the Zoning Advisory Committee had not yet been approved by City Council, she said, adding that consideration was postponed until October so the committee could address Council comments and questions.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None.

REGULAR BUSINESS

a. Public Hearing and Action on 1000 Cedar Bend Drive Rezoning, 0.33 acre. A proposal to rezone this site from PL (Public Land District) to R1C (Single-Family Dwelling District) to allow single-family residential use – Staff Recommendation: Approval

DiLeo explained the proposal and showed photographs of the site.

Jim Kosteva, 1015 Ridge Road, Canton, recent owner of 1000 Cedar Bend and representing Jesse Scott and Melissa Woodall, purchasers of the property, stated that the existing house has always been used as a single-family home. In 1964, he said, the University of Michigan purchased the property and, subsequent to that, the City changed the zoning to PL (Public Land), which was consistent with University-owned property. Now that the property was under private ownership, he said, the City was requesting that the zoning be changed to reflect the private residential use. He said the new owners intended to continue using the house as a single-family residence. He was available to answer questions.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1000 Cedar Bend Drive Rezoning from PL (Public Land District) to R1C (Single-Family Dwelling District).

Potts recalled that this house had a large setback along Fuller Road, but that it was reduced when the City undertook the Fuller Road widening project. It was her understanding that the house was now a legal nonconforming use.

DiLeo clarified the front setbacks, along both Fuller Road and Cedar Bend Drive. She stated that the setback along Fuller Road was 40 feet wide, which met the minimum requirement, but that the setback along Cedar Bend Drive was 20 feet wide, which fell short of the 25-foot requirement. She confirmed that this was a legal nonconforming use.

Enter Pratt.

A vote on the motion showed:

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

Motion carried unanimously.

b. Public Hearing and Action on Burton Commons II Planned Project Site Plan, 8.06 acres, 2559-2805 Burton Road. A proposal to construct 120 apartment units in five 3-story buildings, a community center and 185 parking spaces – Staff Recommendation: Table

DiLeo explained the status of this proposal.

Paula Gardner, 2615 Lillian, stated that many of the neighbors were at peace with the site plan approved by City Council. She stated that however this proposal were to proceed, neighbors would be concerned about the relocation of buildings and asked for consideration from the developer and City staff to work through any issues that may arise.

Juliette Pressel, 2625 Lillian, stated that she was still not resigned to this project. She questioned why more housing was being built in this area when there were already about 40 homes in the area for sale, including affordable homes. She noted that this site was within a mile of six other apartment complexes and she had not heard that there was a need for additional housing of this type in this area. She questioned why an area that consisted of wetland would be covered for parking. Just because there was vacant land, she said, did not mean it had to be used for housing. She expressed concern about traffic congestion and the need for another traffic light on Packard as a result of this project.

Angela Smith, 2803 Lillian, agreed with the previous speaker's concerns, stating that neighbors have been raising these concerns over and over again. She wondered how many more 'glitches' with the federal funding would arise during the remainder of the process for this new development. She expressed concern about how using a large portion of federal funds might affect this project as a whole, wondering if the City might end up with a half-built project. She also expressed concern about the size of this development as far as it being moved closer to the road. She did not want to see the adjacent owners' properties impacted.

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

Potts moved to put the site plan on the table; however, there was no support for the motion.

Pratt stated that the Planning Commission was charged with reviewing development proposals presented by property owners, proposals that were subject to following existing City rules and guidelines. He explained the reason why this was back before the City and why the petitioner had requested that no action be taken at this time. With regard to the road, he said, the City generally looked to position a new road within the existing right-of-way, and that the proposed road improvements would not be located on private property. He stated that a development agreement would accompany the site plan, which would contain legal recourse for the City to use in the instance that a project was left unfinished.

Potts recalled that when this site plan was approved by City Council, it was amended to eliminate the vehicle connection at Eli, allowing a pedestrian access only.

c. Public Hearing and Action on Ann Arbor Chinese Christian Church Site Plan and Special Exception Use, 8.51 acres, 1750 Dhu Varren Road. A proposal to construct a 20,000-square foot addition to the existing 8,154-square foot building and additional parking for a total of 255 spaces – Staff Recommendation: Denial

Thacher explained the proposal and showed photographs of the property.

Sue Dickinson, of Midwestern Consulting, Inc., representing the petitioner, stated that they asked for this proposal to be put on the Planning Commission's table, even though staff was recommending denial. She said the sole reason for the City's denial recommendation was based on the Land Development Coordinator's interpretation of Chapter 57. She noted that this proposed plan would minimize the impact on natural features and would mitigate the natural features that would be removed. It was their desire, she said, to obtain feedback about this proposal from the Planning Commission. She went on to discuss four major community benefits of this plan: 1) The existing landfill on the southern portion of this site, which had been closed but not properly capped, would be improved by removal of the trees, installation of a gas ventilation system, and placement of clay and liner to eliminate water infiltrating through the refuse. This would be a benefit to the environment, she said. 2) The church had outgrown its existing space and needed more worship area, classrooms and parking. She said this expansion would minimize the impact on natural features by placing a large amount of new space in the basement. 3) A portion of the mitigation trees would be planted in Olson Park to further enhance the park. 4) The church has allowed

many neighborhood groups and nonprofit organizations to use church meeting rooms, which was a benefit to the community, she said. She stated that the driveway access was designed on the west to allow the church to expand the detention pond in the northeast portion of the site and take advantage of the natural rising slope to the west, which would require less fill material to be imported onto the site. This had the added benefit of keeping the driveway away from the residential subdivision to the east, she said. She stated that they prepared alternative analyses, two of which had the driveway located on the east side of the site. She said they have quantitatively shown that the plan before Commission this evening would remove less woodland and landmark trees than the others. However, she said, the Land Development Coordinator favored moving the driveway to the east and locating a ramp to the landfill further south, which would include excavation into the landfill and require expensive removal of existing refuse. She said he also recommended that they construct concrete retaining walls, which would be a great expense and a future maintenance issue. She said the Land Development Coordinator believed the proposed plan would divide the existing woodland into four fragments; however, she noted that three of the fragments would be divided by a sidewalk and would have a canopy of existing trees spread over them. They did not feel this was fragmenting the woodland, she said. She believed this project deserved to be considered for approval based on the merits of the entire project, not on just one portion of the City Code. She asked for serious consideration of this plan.

Jerry Smith, assistant pastor of the Chinese Christian Church, stated that the church provided a valuable service to students and professors who attended the University of Michigan. He said the church afforded them a place where they could hear the gospel in their own language and be among people who cared for them. He said the church was also a benefit to the community, listing some of the groups who have used both the building and the parking lot. The church has always been available for community projects, he said.

Anita Taves, of Architectural Design Group, representing the petitioner, described the course of events from the time they began meeting with City staff about this project in 2005. All along the way they received positive feedback from staff, she said, and they submitted the formal site plan in January 2007. Following site plan submittal, she said, they were asked to look at alternative plans that showed the drive on the east side of the site. Although this was a surprise to them, they were willing to look at other options, she said. She stated that, upon review, they determined that the west side of the site was the best location for the drive. She said the west side would allow the detention to remain in the northeast corner of the property; there would be less impact to the landfill, existing structures and existing utilities, and it would be a better solution for the neighbors. She said the church held a neighborhood meeting in November 2006, which showed the proposal with the driveway on the west. She said the church also sent out a survey asking neighbors to respond to the City's suggestion to move the drive to the east. Of the eight surveyed, she said, six were opposed to the east. She said the location of the driveway and the impact on trees seemed to be the only reason for the denial recommendation and she asked the Planning Commission to seriously consider recommending approval. She said a great deal of thought had gone into this proposal and the capping of the existing landfill was a significant improvement.

Youness Farokhrani, 2981 Leslie Park Circle, stated that he received the survey from the church and talked to church representatives for more detail, learning that the drive was proposed on the west side of the site and that there would be nothing on the east side. He said he talked to his neighbors and learned that they did not want anything on the east side of the site. He expressed concern about the road on the west side in relation to the pond generating issues about the West Nile virus and the safety of the children playing in the area. He was less concerned about the road's location as he was about the health and safety of the children. It was his hope that regardless of where the road was located, the City would require a higher standard to provide privacy for adjacent property owners.

Fred Hench, 2915 Leslie Park Circle, stated that he would like to be a good neighbor and work out any differences. His main concerns were property values and the safety of children. He also expressed concern about traffic, stating that this proposed expansion would triple the number of cars entering and exiting the site. If storm water detention and water runoff were not being properly taken care of now, he was concerned about proper care for the new development. He did not want to see an unwarranted, large development, something that would encroach upon the neighbors.

Sudhakar Reddy, 2975 Leslie Park Circle, expressed concern about the disturbance that has existed on this site, but it having been allowed because of the religious use of the property. A new proposal for expansion was now being proposed, he said, and he was concerned about the additional traffic that would be generated. He would not be surprised if a traffic signal would be required. He stated that privacy and safety were also concerns of his.

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

Moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Chinese Christian Church, because the petition meets the standards set forth in Chapter 57, Subdivision and Land Use Control Ordinance (Guidelines for the Protection and Mitigation of Natural Features).

Moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition meets the standards contained in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and therefore, approves the amendment to the Ann Arbor Chinese Christian Church Special Exception Use.

Carlberg stated that she would like more information as to why the existing detention pond failed to function properly, such as was it due to a lack of maintenance or poor design. Standing water was a legitimate concern, she said. It was not clear what the design of the new detention pond was for the site, she said, and was concerned about breaking it up into smaller ponds when it was difficult for the existing pond to function properly. With regard to the native forest fragment classified as low quality in the staff report, she said there was a challenge to try to keep the low quality feature intact when there may be a way to impact the natural feature and improve its quality. She said there were two different standards here because it was a native forest fragment and also classified as low quality. She thought it was logical to expand the church in this location. She questioned why so much parking was needed and said it was not clear how much the membership was increasing or over what period of time it was expected to increase. She could see the value of having the drive on the west because it would be further away from the residents. If it were to be placed on the east side, she said, consideration on how it may impact the adjacent homes would be needed. She did not believe it was the church's responsibility to provide total screening for the adjacent residents' backyards; rather, this was also a responsibility of the property owners. She said she would like additional information about what the engineering differences were for putting the drive on the east side, noting that it would be costly and involve future maintenance.

Potts said she also was concerned about the amount of parking and asked for explanation as to why such a large amount was proposed. With regard to the driveway and parking, she said, it was the church's responsibility to provide an adequate conflicting land use buffer. It seemed that one could take advantage of what existed and improve on that as far as buffering went, she said. She also would like additional information about the non-functioning detention pond.

Pratt said the staff report indicated that overlapping church services were the primary reason for the additional parking. He said Commission could ask if the petitioner would be willing to consider adjusting those services to alleviate the large amount of parking. With regard to the detention pond, it was his understanding that the lower pipe was blocked for smaller storms and he would like to know who blocked it. It sounded as though the pipe that was supposed to drain the pond was filled with concrete and said he would like additional information about that.

Borum said the staff report indicated that a letter from Midwestern Consulting referred to diesel fuel dispensers on the property. He saw nothing on the site plan with regard to this and wondered if it had been remediated or if there were plans for remediation. He asked for further clarification about that issue. He said he also would like more information as to the rationale for the additional parking.

Woods concurred with a number of questions that had already been raised. She said it was important to understand that the City paid particular attention to what happened to its natural features and that the issue of natural features on this property was significant and could not be minimized. She commended the petitioner for the plans to cap the landfill, stating that it would be a public benefit, and said she hoped that this project would somehow be able to proceed. However, she said, there were many issues that still needed to be addressed and that she would be unable to make a recommendation at this time. She wanted to make sure she understood native forest fragments and woodlands and the classification of low, mid and high level, stating that she would need this understand to evaluate the petitioner's comments about the fragments being divided by a sidewalk. She also questioned the rationale for the amount of additional parking and the reason for the detention pond not functioning properly.

Westphal agreed about the benefits from capping the former landfill and concurred that the church has been a good neighbor in terms of providing community space and religious services for residents. He thought the church should be encouraged to expand on this site, but said the related issues needed to be addressed first. He found it unfortunate how the petitioner had characterized recent difficulties with City staff, as it appeared that over ten years ago staff suggested that the church building not be placed in its current location, yet the church did not heed staff's advice. He was not an expert in native forests, but it looked like, regardless of the quality of a woodland, that the woodland on this site still fell under the highest concern, which raised red flags in terms of rearranging the site. He believed the community was behind the recommendations of the Northeast Area Plan, which he thought would trump the placement of the drive.

Mahler said he shared the same concerns already expressed regarding parking and the detention pond. He referred to the following sentence from the Land Development Coordinator's report, asking for clarification: "The current proposal intends to remove approximately 50% of the trees that comprise the onsite woodland, and divide it into four fragments—greatly increasing the potential for invasive species growth throughout the woodland and reducing the woodlands effectiveness as a corridor." He stated that he would need something more factual, something more than just a theory of what might happen, if he were to be persuaded to move the driveway from the west to the east.

Emaus noted the sentence from the staff report ten years ago, where it said that future additions to the church should avoid encroachment of the woodlands and slope. Given this statement, he did not think staff's response to this expansion proposal should come as a surprise to the petitioner. He stated that he was a park steward for a native forest fragment and it was extremely difficult in an urban environment to maintain the forest in a healthy state because of the invasive species. He was certain that invasive species had been invading this particular site for the past ten years, likely because the petitioner had not been taking care of the land. He said it appeared that the petitioner had also not been taking care of the detention pond, which concerned him. He also expressed concern about the length of the driveway and the amount of impervious surface it would require, stating that disturbance of the native environment was

of concern. He also was disturbed about the amount of impervious surface involved in this project, especially because it was within a native forest fragment, regardless of its quality rating.

Bona said she would like to give the petitioner an opportunity to answer some of these concerns, particularly about maintenance of the existing detention pond and about the parking.

Dickinson explained that this proposal consisted of 255 parking spaces, which was 49 spaces above the City's 49 minimum required amount. She said the church currently experienced a need for additional parking and, with the addition of an increased worship area and because the church offered services in three different languages, there was a need for a significant number of additional spaces. She said the church was willing to defer some spaces; in fact, she noted that the original proposal contained deferred parking. However, she said, because the parking lot was above the landfill that was proposed to be capped, it would be impractical to provide some of the parking now and some later. The capped landfill would still produce the same amount of water runoff, she said, regardless of some of the parking being deferred.

Bill Ko, a member of the church since 1984, said the church originally moved into this building with 110 members. The membership was now at 350, he said. He stated that the church had three different services, one in Cantonese, one in Mandarin and one in English. At times they were joint services, he said, and this was why they needed the parking. With regard to the malfunctioning detention pond, he said, it was his understanding that the City wanted the pond to be changed to a retention pond and asked that they block the pipe.

Woods asked if all members came to the church in cars, or if the church used buses and vans.

Pastor stated that there were vans used to pick up individuals, and some came by bus.

Pratt stated that churches represented a real community benefit. With regard to the big picture for this area, he referred to the Northeast Area Plan, which identified the intended development pattern from the City's perspective. Many of the questions he had regarding this proposal had already been asked, he said, but he did have a question about what classified a native forest fragment as low or high quality. He said there appeared to be a great deal of hickory, cherry, black walnut and locust trees here. He did not see a lot of junk trees, he said, but it appeared from the site plan that there was credit for mitigating the removal of invasive species. He asked if this were true.

Dickinson stated that there was no credit for the removal of invasive species, because a parking lot was going in their place, even though they were first capping the landfill. She was certain that the church would be willing to clean out the invasive plants as the others were being removed from the forest fragment.

Pratt asked how many landmark trees were being removed.

Dickinson replied 27.

Pratt said he did not understand the plan where it indicated that water of various depths from various storms would back up into the forest area. He wondered how frequently water would be stalled and how deep it would be, expressing concern that the trees in the forest area were not water tolerant.

Dickinson stated that theoretically, water would overflow into this area once every ten years. She said it would be stored temporarily and then move away. Part of the reason they were grading to the eastern property line was to make sure that the water would not go into the rear yards of the adjacent homes. If

there were a 100-year storm, she said, water would go over the sidewalk where the existing outlet was located and down Dhu Varren Road.

Pratt asked staff to follow up with the Land Development Coordinator on this and for concrete numbers on the elevations. He also expressed concern for the flow path of water if detention or pipe capacity was exceeded. He did not want to see water near the tree root zones for too long. He said he would rather have the water in the road than in peoples' homes. The flow path should be clearly shown, he said.

The resident of 2981 Leslie Park Circle wondered what would happen if there were two days of consecutive rain. With the way the road was sloped, she was concerned that water would go toward the homeowners' basements before going to Dhu Varren Road.

Pratt wanted to make sure that the neighborhood would not be impacted. He asked about the soils on the site and their ability to absorb water.

Dickinson said they performed soil borings and found that the soil would not infiltrate water very well. With regard to the Leslie Park neighborhood, she said, there was off-site drainage that came from the west onto the church property, which then drained into the Leslie Park subdivision into a storm sewer that ran north to south. She said they would be revising this to collect the water on-site and intercept it before it went into the adjacent neighborhood.

Pratt agreed that capping the landfill was a good idea, recognizing that it was a benefit. He hoped the neighbors would recognize this as well. He also called attention to the comment City staff made ten years ago when this site was originally site planned, regarding the layout of the project resulting in limitations on future expansion. He stated that a section of the native forest fragment was classified as better than the rest and said it would be helpful to have more information about that in order to understand why one area was more appropriate than the other for location of the driveway. He asked if the parking lot could cross the building setback line as long as it provided the adequate amount of buffering.

Thacher replied yes.

Pratt asked if the City's transportation engineers reviewed the project and found no problems with the turn/taper lane.

Thacher replied that this was correct.

Pratt said he saw in the staff report that ventilation was not proposed or thought to be necessary for the landfill. He asked if a membrane or layer would be put over the top to keep material from leaching up.

Dickinson stated that there would be a gas ventilation system. She said there would be a perforated pipe along the high point of the parking lot underneath the clay.

Pratt asked if the petitioner objected to another meeting with the neighbors, as it appeared that some of the neighbors were interested in further discussion.

Dickinson stated that they would not object to this.

Pratt asked if screening were proposed along the east side of the site.

Dickinson stated that the existing trees along the slope would remain and that they were creating a berm from Dhu Varren Road to where the landfill began. Trees and shrubs would be planted within the berm, she said.

Pratt asked if building up the property line and providing screening meant that drainage would be forced toward the road.

Dickinson replied that this was correct.

Fred Hench, 2915 Leslie Park Circle, asked for clarification about capping the landfill, as the landfill went much further from the parking lot. If the plan were to create landscape buffering, he said he would like to see drawings that illustrated how the development would look upon completion. With regard to safety, he said there was a public thoroughway for citizens to use Leslie Park and oftentimes there were issues with drug dealers using it. He stated that this project would create an isolated parking area not visible from the street and he hoped there would be increased police patrol.

Pratt stated that the preference was for water to soak into the ground, because then it was not going into lakes, rivers and streams. He said staff would be checking into the impact on basement drainage. He stated that removing a landfill was not a requirement that the City could impose. While the preference was for a landfill to be removed, he said, the Michigan Department of Environmental Quality sometimes required that it be covered.

Woods stated that with regard to the concern about parking lot safety, church members would not be present at all times, so it was incumbent on neighbors to report activity. She stated that some churches installed gates to limit access.

Westphal stated that if discussions with staff resulted in use of the east drive, he would like to see more creativity in terms of an alternative analysis. As long as the existing parking lot was being modified, he encouraged using more of the space in the north central part of site so there was more room for detention and less encroachment on the native forest fragment.

Pratt said he would like to see an alternate analysis that had a radical change to the parking lot at the front, perhaps changing that area to a drop-off area only. He also would like to see the petitioner meet with the neighbors to discuss preferences regarding the pond or access drive as a feature adjacent to the residents' rear yards. He thought creating more space at the front and more parking at the rear would involve less disturbance.

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

A vote on the motion to table showed:

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

Motion carried unanimously.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

Potts stated that she has been asked about the new retention pond on the Zion Lutheran Church site, as there were concerns about it not being properly monitored. She asked about the best way to handle this.

Pratt suggested that this concern be raised with staff to make sure it was addressed prior to Certificate of Occupancy issuance.

ADJOURNMENT

Pratt declared the meeting adjourned at 9:05 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services