

MINUTES  
ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – January 18, 2007

Time: Chair Pratt called the meeting to order at 7:05 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: Borum, Carlberg, Emaus, Potts, Pratt, Westphal

Members Absent: Woods

Members Arriving: Bona, Lipson

Staff Present: Cheng, Foondle, Marcarello, Vaughn

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INTRODUCTIONS

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None.

Enter Lipson.

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MINUTES OF PREVIOUS MEETING

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a. Minutes of December 19, 2006.

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

Carlberg asked that in the third sentence of the eighth paragraph on page 12, the word "recollection" be changed to "observation of one evening peak time traffic..."

A vote on the motion showed:

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

**Motion carried.**

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APPROVAL OF AGENDA

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

**Moved by Carlberg, seconded by Borum, to amend the agenda by moving item 8h (Grace Bible Church) before item 8g (Liberty Place).**

A vote on the amendment to the agenda showed

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

**Motion carried.**

A vote on the agenda as amended:

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

**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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Lipson reported that the Master Plan Review Committee would be meeting on January 30 at 3:00 in City Hall to discuss various topics, such as the West Area Plan, General Development Plan and South Area Plan.

Potts reported that the Ordinance Revisions Committee would be meeting on January 19 and January 26 at 9:00 a.m. in City Hall. She also noted that the following A2D2 meetings would be held: Zoning Committee on January 24 and January 29; Historic Preservation Committee on February 8 and February 22, and Design Committee on February 8.

Pratt stated that the public could visit the City's website at [www.a2gov.org](http://www.a2gov.org) and then go to Discovering Downtown for a status report on the various committees of the Ann Arbor Discovering Downtown work effort.

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AUDIENCE PARTICIPATION

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None.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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None.

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REGULAR BUSINESS

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a. Public Hearing and Action on Adoption of FY 2008-2013 Capital Improvements Plan (CIP). The CIP details the City's anticipated major capital projects for the next six fiscal years and provides the basis for the City's capital improvement budget for the next two fiscal years. Upon adoption by the City Planning Commission, the CIP becomes a supporting document for the City's master plan. The CIP is also used as the source document for the City's capital budget planning – Staff Recommendation: Approval

Cresson Sloten, of the Systems Planning Unit of the City's Public Services Area, provided an overview of the CIP process, the public involvement, revisions that were made to the draft, funding and unfunded needs. He also provided an explanation of responses to various comments received about the plan.

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

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

**Whereas, Section 1:185 of the Ann Arbor City Code requires that the City Planning Commission annually prepare a Capital Improvements program for the ensuing six fiscal years;**

**Whereas, The FY2008-2013 Capital Improvements Plan (CIP), which was prepared with the guidance of the CIP Review Subcommittee and through the efforts of staff in the Community Services, Financial Services and Public Services Areas, has been submitted to the Ann Arbor City Planning Commission for consideration; and**

**Whereas, A duly-noticed public hearing was held by the City Planning Commission on January 4, 2007,**

**Resolved, That the City Planning Commission hereby approves the FY2008-2013 Capital Improvements Plan as a supporting document for the City's Master Plan.**

Carlberg expressed her appreciation for all of the work that went into providing Commission with the background information for each project, stating that it was very valuable. She viewed the CIP as a planning document and said the contents of the CIP were not necessarily what would be done, but what would be done as funds became available. She was comfortable voting for this plan because it identified

the projects in which staff and the community could take further interest. She was happy to recommend this plan to Council, as the hard work was ahead in terms of what specifically would be done.

Potts expressed concern about how to fit the contents of the CIP into planning documents, such as the geographical master plans, and other specific plans like the Non-motorized Transportation Plan. She wondered if perhaps an alternate format for the plan might be more useful, stating that she would be willing to assist with that in next year's plan. She was concerned about a disconnect between the CIP and the current A2D2 effort, noting that there was no task force on infrastructure. She said the Planning Commission has recommended approval of 20 major projects in the downtown, with staff indicating that the capacity for sanitary and storm sewer was being assessed. She did not think assessing the capacity alone was responsible planning or decision-making. She said the Non-motorized Transportation Plan was just adopted by the City and she would like to see more of the projects from that plan in the CIP. She recommended that the City stop relying on individual property assessments for sharing the funding for walkways, etc., stating that somehow the improvement of West Stadium Boulevard and a portion of Liberty Street was done without special assessments. She was concerned about that type of funding and wondered if the City could begin to eliminate it, as she was not sure individual properties should be included in funding as if they had a special benefit. She did not think the CIP necessarily related to the geography of Ann Arbor and wondered if the Planning Commission would like to find a format that would be more responsive to the different master plans.

Pratt said it was challenging for staff to come up with a group of maps when there were both geographic and specific topic plans. With regard to special assessments, he said, there has always been a debate about how much the public should contribute.

Emaus stated that when he first reviewed the plan, he was a little alarmed to see 12 sidewalk projects eliminated. It was indicated that this would be addressed in the future through a sidewalk gap study, he said, but he believed the main reason was because the City did not want to impose special assessments against citizens. He stated that citizens were only asked to pay for street resurfacing and improvements as part of a street millage, not sidewalk improvements. He suggested that perhaps the cost of sidewalk improvements could also be included in the street millage, especially as homeowners become aware of how much it costs to repair a sidewalk. He noted that there were many times when developers made contributions for items such as park or road improvements, stating that two of the projects in the CIP were a direct result of this: the sidewalk at Platt and Washtenaw and improvements to that intersection. He wanted the public to know that the City was requiring developers to provide funds for important public services. He stated that the City's master plans talk about issues such as pedestrian friendliness, connected neighborhoods and alternative transportation, yet no projects go out of their way to provide interconnections between neighborhoods. There was a development proposal on the agenda this evening that contained the issue of connecting neighborhoods, he said. These interconnections don't seem to happen, he said, yet there are complaints about high housing prices, which occurs because capital improvements are being forced on developers when these infrastructure items should have been done ahead of time. He thought the City needed to push the idea that if the master plan said interconnected neighborhoods was good planning, then the way to make this happen needed to be included in the CIP.

Lipson said he also would like to see more emphasis on non-motorized transportation contained in the CIP. He said he would not vote against this plan, though, because it needed to proceed to City Council where the decision-making would occur. He believed that the areas cited as needing sidewalk or non-motorized paths should be part of a road millage and borne by the community as a whole. He stated that the sidewalk gaps must be filled to make the City more pedestrian and bicycle friendly and that individual homeowners should not be special assessed for them.

Pratt thanked staff for a thorough job on the CIP. He asked staff to comment on a discussion last year about the quantity and cost of estimated sewer projects in the CIP. He said there was an ongoing analysis of sewer capacities to determine the effect of several hot spot fixes to see if they might save the City from having to expend funds on some major projects.

Craig Hupy, of the Systems Planning Unit, stated that the sanitary sewer modeling effort was done and, as a result, some of the projects were no longer necessary. Other projects were changed in length or size, he said, as the model was developed. He said the CIP reflected some of those changes and that staff was very comfortable with the sewer capacity for the future.

Pratt understood that what was found was rather than a replacement of several miles of pipe, smaller changes were made at less cost and less disruption. With regard to Allen Creek, he said, there was an ongoing project led by the County to perform actual work on the creek on install physical improvements.

Hupy replied yes, stating that staff has worked very closely with the County Drain Commissioner on this.

Pratt asked what the average cost was per water main break.

Hupy replied \$3800 to \$5000 per break.

Enter Bona.

Pratt stated that with regard to the citizen comment about presenting only a single option to Commission, a document had to be presented to Commission on which to vote, otherwise too much time would be spent shuffling all of the different projects around. He said the CIP committee worked with staff throughout the process, noting that staff was judicial in its prioritizing. He said staff's goal was to bring forward a document that was objective as possible.

Lipson asked staff about the general status of the storm and sanitary sewer capacity in the downtown for upcoming developments.

Hupy stated that every development actually helped the sanitary sewer situation. He stated that if a project looked at introducing a new gallon into the system, that project would have to remove 1.2 gallons from the system, so new developments were removing 20 percent more flow than what they were putting in. He said this was similarly so for the storm sewer because the downtown has been paved over in the past 150 years without providing retention or detention and now new developments were required to provide storm water treatment, which was viewed as an improvement.

A vote on the motion showed:

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

**Motion carried.**

b. Public Hearing and Action on Schultz Annexation and Zoning, 1.13 acres, 2340 Dexter Avenue. A request to annex this site into the City and zone it C1B (Community Convenience Center) – Staff Recommendation: Approval

Cheng described the proposal.

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

**Moved by Emaus, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Schultz Annexation and C1B (Community Convenience Center) Zoning.**

**Moved by Emaus, seconded by Bona, that the Ann Arbor City Planning Commission hereby waives the area plan requirement for the Schultz property because no new construction is proposed.**

Lipson asked if there were any issues with contamination on this site, due to its auto-related use.

Cheng stated that to his knowledge, there was no brownfield on the site. When this property was proposed for redevelopment, he said, a brownfield determination would be required, as well as any necessary improvements.

Potts stated that since the Pall Corporation was involved with paying the annexation fees, it might mean that they will use the property for a treatment station or some other type of remediation operation.

Pratt said it might also mean that there was some contamination of the existing well, but said this information was not required to be disclosed as part of an annexation request.

A vote on the motion showed:

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

**Motion carried.**

c. Public Hearing and Action on Boulevard Heights Alley Vacation, alley between South Maple Road on the west and Collingwood Drive on the east, and between Jackson Avenue to the north and Abbott Avenue to the south. A request to vacate the existing alley – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the property. He noted that staff would be changing its recommendation to table based on one of the adjacent property owners no longer supporting the alley vacation.

Pratt asked if there were a legal requirement that all adjoining property owners must agree to the alley vacation.

Vaughn was not sure if there were a legal requirement, but he said a requirement of the application process was that all owners who have an interest in the vacation must agree.

Pratt distributed a letter from Arbor West Plaza LLC, owner of 2550 West Stadium Boulevard, which adjoined the alley, stating opposition to the alley vacation.

John Lagos, 1581 Knight Road, of Arbor West Plaza LLC, stated that the vacation of this alley would eliminate an important access point to the small shopping plaza they owned on West Stadium Boulevard, which would significantly devalue the property and hamper the ability to access the property. He stated

that the tenants of the shopping plaza, via their individual leases, also had considerable rights. Because this vacation would cause the owners and tenants a considerable loss, he asked that the Planning Commission recommend denial of the alley vacation. He shared a desire for this area to be redeveloped, he said, but redevelopment did not mean the alley had to be vacated. Being private property owners, they respected the rights of the owner of the property in question, but not at the considerable and unjustified expense of others.

Chin Kim, owner of Focus Photo, a tenant of the shopping mall for 22 years, disagreed with the staff report's statement that this alley vacation would not cause a public or private nuisance or that none of the parcels adjacent to the alley relied on the alley for access. He stated that the parking lot for his business had direct access from both Stadium and Abbott, but noted that the access from Stadium was almost impossible to use because of the heavy traffic at the Jackson/Maple intersection. Because of this, and because only right turns were allowed from Abbott onto Stadium Boulevard, his customers, as well as service deliveries, regularly used the access from the alley. If this alley were vacated, he said, his business would not be able to survive.

Anastasia Roumanis, also speaking on behalf of Arbor West Plaza, stated that they purchased this property in the early 1980s and worked very hard to develop the plaza. On behalf of her late husband, she expressed concern that vacating this alley would jeopardize her livelihood. She questioned who would gain in the long run, noting that another drugstore was not needed in this area. She said she would appreciate the Planning Commission's compassion and understanding of what some needed to survive.

Lobrana Lagos, owner of half of the shopping plaza, said she had no problem with redeveloping this area, but she did not want the alley that provided access to her property being eliminated. She explained how impossible it was to access the shopping plaza from Stadium Boulevard, and how difficult it was from Abbott as well. She asked that the Planning Commission not allow the vacation of the alley.

The owner of Quizno's reiterated the parking lot access problems and said some type of access from the alley should be maintained. He did not think the whole alley needed to be closed to allow redevelopment of the petitioner's property.

One of the tenants of the shopping plaza stated that the alley was used for Fed Ex and UPS deliveries and cutting off access to these trucks would mean he would not receive the necessary supplies he needed for his business.

Dave Prueter, representing the petitioner, expressed his disappointment that the support they received three months ago from this property owner was now being withdrawn. He stated that there were no benefits that would be diminished or removed by vacating this alley, that access to the alley would continue. He said they did not necessarily need to vacate the portion of the alley west of Lot 5. Their intent was to keep access open from the redevelopment parcel to the alley, he said. He stated that the condition of the alley was such that it was almost impossible to drive on. He was not aware of customers or delivery personnel using the alley to access the shopping plaza, stating that Stadium Boulevard and Abbott were available for access. He did not believe the alley vacation would create a hardship. He said they were willing to meet with the neighbors to show the plans and how access would continue, as well as how the condition of the alley would be improved. They would be willing to amend the alley vacation petition to only vacate that portion east of Lot 5, if Commission requested, he said. He was available to answer questions.

Marc Levy, representing his family, who has owned property behind the shopping plaza center for about 50 years, understood the concerns about access and said they have always provided the opportunity to

use their parking lot for access and said they would continue to do so. He found it difficult to imagine why customers coming from Collingwood would want to use the alley for access. They did not intend to prohibit access from their parking lot, he said, and would continue to work with the petitioner and other property owners.

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

**Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Boulevard Heights Alley Vacation, subject to the petitioner obtaining site plan approval for a redevelopment project on the site.**

Pratt said it would be helpful to clarify what “the site” meant. He believed the property fronting on Stadium Boulevard was not part of the redevelopment site. One possibility that had not been raised, he said, was to vacate some or all of the alley but still require a private easement for public use.

Lipson said if the petitioner has indicated a willingness to guarantee ingress/egress to existing businesses and because the alley could not be built upon because of existing utilities, all affected property owners could agree to an access easement, which might solve all problems. He thought this might be needed too in case ownership of any of the properties was to change hands. The easement would be a guaranteed access because it would be attached to the land, not property owners.

Prueter stated that a private easement for cross access was intended and would be an appropriate solution.

Potts said there were many unanswered questions, such as the two lots off of Collingwood and to what degree they would need or want use of the alley. She said she would like to see a diagram of how the shopping plaza would function both with and without the alley.

Pratt also wondered why the two parcels fronting Collingwood would need to use the alley since they had access from a public street. He asked if there were a need for access from the rear of those properties.

Harry Cross, managing member of the Cross Family LLC, owner of both properties that fronted on Collingwood, said they had no need for additional access, that the access they currently had was adequate. He said it would be a problem if the alley were blocked, but said the vacation of the alley would have not impact on their ingress/egress.

Lipson asked if Mr. Cross would have an objection to an easement through his properties.

Cross did not think so, but said this would need to be considered.

Lagos pointed out that the Cross Family LLC did not solely own the large building at the corner of Jackson and Collingwood. He said the other owner of the building was a longtime Ann Arbor institution, Ann Arbor Muffler, and located behind the building was a large dumpster used for scrap metal. He said cars also were parked there. He thought it was important that this property owner be contacted to see if the alley vacation would cause a problem for their access.

Prueter stated that the owner of Ann Arbor Muffler was in support of this alley vacation.

Carlberg wondered why Planning Commission was trying to pin down the details when it was the owners of the various properties adjacent to the alley who should be considering the issue and presenting information to the Planning Commission, who needed to gain an understanding on what the expectations were.

Emaus did not think the City was interested in vacating just a portion of the alley and said he would not support the vacation of just a portion. He said it was difficult to understand how not vacating the alley would solve the shopping plaza's problem.

Bona said she was generally in support of alleys, as they provided interconnection. An option, she said, was consideration of a private easement, but said she would like to encourage all sites to have some interconnectivity. If the alley were vacated, she would like to see access easements between the different properties.

Pratt said he wanted to see local businesses thriving, but he was also interested in assembling as many pieces of property as possible to reduce curb cuts. He was in favor of this concept, but said the difficulty was understanding what impacts would be on the adjacent parcels. He believed the petitioner needed to work with the neighboring property owners about the impacts from this proposal.

Lipson stated that the more circulation, the better, as it would be a benefit to both existing and proposed businesses.

**Moved by Carlberg, seconded by Lipson, to table action.**

A vote on the motion to table showed:

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

**Motion carried.**

d. Public Hearing and Action on Ashley Mews Revised PUD Supplemental Regulations, 1.98 acres, 414 South Main Street. A request to revise the approved PUD (Planned Unit Development) supplemental regulations to allow a learning center containing high-technology communications and learning facilities in addition to the uses currently allowed – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the property.

Scott Munzel, attorney representing the owner, stated that he and DTE Energy Services representatives, as well as the project architect, were present to answer questions. He said they were seeking to slightly revise the existing PUD as it related to Area A only. The origin of this request involved two factors, he said: 1) this portion of Main Street, south of William Street, had a very challenging retail environment and the space in Area A had unleased and unused for the past two years; and 2) DTE approached Syndeco, the owner of building, about the need for this space for a high-technology learning center. He thought it was important to remember that the original PUD was not approved based on the retail uses only. He said 375 professional staff worked in the building, and the development also consisted of housing, affordable housing, and parking. The design of the learning center would be attractive from a pedestrian standpoint, he said, and it would consist of leadership and coaching, continuous learning, computer training, video conferencing, multiple computers, and wireless connection. He said it would be used by DTE personnel in the building. He noted that the vacant retail space was not a benefit to anyone, not the

City, landlord or residents. The learning center would have interior activity during the day, he said, and DTE would also allow the City to lease the space during business hours.

Shiela Dietz, a resident of Ashley Mews, read her statement of opposition to this proposal (on file), which was provided to Commission members. She was concerned that this revision would exacerbate some of the existing issues of this development. She stated that her front door was about 50 feet away from the high-rise building and noted that there were 46 units within Ashley Mews that did not face the street; rather, they faced the common mews area. She said residents have continued to absorb the cost of deterioration, mounting litter, and chronic foot traffic and loud cell phone conversations from DTE employees. She pointed out that DTE discontinued planting flowers in their planters facing the mews, costs which were also absorbed by the residents. She was concerned that if this revision were approved, the additional people using the learning center would worsen the situation. She asked that Commission deny this request.

Thony Gillies, a resident of Ashley Mews, stated that eight of his ten windows looked into the mews. He did not believe this revision would be appropriate for the residents, for downtown Ann Arbor, or for the direction in which he saw Ann Arbor moving in terms of building a viable and vibrant community. He said this revision would only be more office space for DTE. He was troubled by the petitioner's hard luck story about a difficult retail environment, stating that the reasons provided by the petitioner did not strike him as anything the petitioner did not know when the supplemental regulations were first adopted. He believed the petitioner's hard luck story at this point was disingenuous.

Noting no further speakers, Pratt 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 Ashley Mews PUD Zoning District Revised Supplemental Regulations.**

Carlberg stated that a portion of this property originally was owned by the City, which was why the City had a part in ensuring there was affordable housing. She said the discussion about what might happen on this portion of Main Street turned out to be true: would people cross William Street and would retail survive in this location. She said the retail was put in the supplemental regulations with the hope that it would work, but there was no guarantee that retail would be viable. She believed having activity in this space was better than empty space. She said the petitioner has tried for the past five or six years now to fill the space with retail, but it has been very slow. She thought the learning center was an appropriate use of this empty space. She equated it with the Menlo Innovation on Fourth Avenue, where they used their front display window for conference room space, thereby eliminating dead space. She did not think the City should require the petitioner to continue hanging on to empty space. She understood that DTE wanted to bring as many employees as possible into this space, which would be a benefit. However, she did not like hearing that DTE has not been a good neighbor, for which there was no excuse. She said DTE needed to remedy that immediately, stating that the residents of Ashley Mews should not have to plant flowers in DTE's flower boxes. She said the pedestrian access throughout this site was developed as public access paid for by the Downtown Development Authority and she did not know how that could be changed. Perhaps this was not made clear to the buyers of these homes, she said. She stated that DTE employees had a responsibility to be civil and quiet. She said the City's business hours could go until 12:00 midnight and asked if the petitioner would allow the use of the space by the City that late into the evening.

Munzel said the idea was to allow City use of the center during the business hours of 8:00 a.m. to 5:00 p.m., which is when security personnel would be on the site. He said he could check with the petitioner to see if this could be adjusted if the City made accommodations to insure security of the building.

Carlberg encouraged the petitioner to allow that.

Pratt asked if there were access from Area A into the mews.

Munzel replied no. The only access to Area A would be from the street or from the indoor lobby, he said.

Westphal stated that the issue of pedestrian orientation was important to him and was something that set Ann Arbor apart from other communities of the same size. He was troubled by this proposal on several levels. He believed that, in the long term, this proposed revision would not be a good choice for the downtown. Even though the adjustment to the supplemental regulations appeared to be insignificant, he said, it was not really a simple administrative adjustment; rather, it constituted a conceptual shift of the intention of the PUD and contributed to eroding the legitimacy of PUD agreements in general. He believed that no matter how much a window space was dressed up or how many windows faced the street, non-retail frontage was uncomfortable to walk past. There was no merchandise on display or invitation to enter, he said. He was concerned that allowing these changes incrementally would contribute to a dead street. He acknowledged that this space has been vacant for quite a while and said no one liked looking at empty space, but when he heard the comment about the owner being unable to rent this space, the question of price came to mind. He said there were no guarantees when this PUD was approved that these spaces would be profitable as retail, but said this was part of the economic trade-off in return for greater bulk on the site. He viewed this as a City hardship, not a hardship on the owner. He stated that the City paid the owner to be a pioneer and that no one knew what would happen in this area in the next 20 years. He believed there were two extremes: one was adjusting the rent for Area A to an appropriate level to increase retail activity in this block and the other was to allow office-type uses in this area which could result in a dead block. He suggested that if the community were open to abandoning the pedestrian retail/orientation on this block, an acceptable alternative would first need to be found.

Potts expressed concern about the present condition of the mews area, stating that it needed to be finished with landscaping and other improvements to enhance its appearance. She was reluctant to second guess the intent of the original PUD, as she assumed it was created a certain way for a reason. She did not care for vacant space along a main street, but she was not certain that she agreed with continuing to maneuver the supplemental regulations until something worked.

Lipson believed that what the Planning Commission members who approved the original PUD would now say was that attempts were made to follow the original intent, but it did not work and it was now time to try something else. Why stay stuck in the past, he questioned. If this modification were made to the supplemental regulations, he said, it would not preclude a retail use from going in this space in the future. He stated that as a pedestrian, he never crossed Main Street past William. The gas station was a pedestrian barrier, he said. If this learning center were to be located in this space and it attracted people, more excitement in this area would be created, he said. It could be an interesting storefront in the evening, too, he said, if lighted properly. He did not see harm in allowing the petitioner to try this, stating that they needed to keep moving forward. He was disturbed though, he said, about hearing from the residents how the petitioner or DTE have abandoned the area. He would like to have a commitment from the petitioner that this area would be improved into a pedestrian amenity that worked. He did not think the proposed use would be any more intrusive than what was currently allowed under the existing zoning. Regarding the issue of whether the hours should be extended into the evening for use by the City, he did

not have a problem with the use stopping at 5:00 p.m. or a little later. He believed this proposed change to the regulations would generate more activity downtown and said he supported the request.

Emaus said this issue needed to be looked at as far as how effective the proposed change would be in accomplishing the City's goals for the downtown. He did not think requiring the petitioner to leave the space vacant was a benefit to anyone. He said this was a university town and one of the reasons he lived here was because he enjoyed learning. He thought the proposed learning center would have value and that people may be surprised by it being an appropriate fit here.

Bona said she was a strong supporter of retail, but care needed to be taken in where it was placed. The planning the City was doing right now on overlay zoning needed to take that into account, she said, as retail could not be placed anywhere. She thought a failure of this original PUD was that there needed to be an anchor retailer at the other end of the street, like a Borders, to attract people. Ideally, she would like to see this area expanded for retail services, but said she could support opening it up a little for office space. She said it could result in a very dynamic space.

Borum said he was conflicted, as this was a difficult question. With regard to the use of space, he asked what the needs were for windows on both sides of the space.

Munzel said the windows on the south side were underneath a 15-foot overhang and that there were requirements in place preventing the windows along the front from being blocked. No more walls would be installed than what currently existed, he said.

Pratt asked if the petitioner would meet with the residents to resolve their concerns.

Munzel replied yes. He said he would convey the Planning Commission's concerns to both the president of Syndeco and the on-site manager.

Pratt said it would also be helpful if a representative of DTE were present when meeting with the residents, someone with the authority to ask for a change in employee behavior. He presumed that anyone owning such space would prefer to make some income from that space. He said it was likely that one specific use would not be the right use for all eternity, yet the supplemental regulations were written to reflect that. He agreed that a use that was something of a small step away from a retail environment and not a complete step into the office environment was better than nothing. He asked how much room there was to consider other changes to the site.

Carlberg said a contingency for an annual landscape plan from owner of the mews could be requested, as that was originally expected.

Potts stated that what was originally agreed to needed to be enforced, noting that the mews and common areas were to include landscaping.

Munzel suggested that they revisit the landscape plan that was originally approved. He said the petitioner wanted to be a good neighbor and good member of the community and said they would be happy to work with staff to determine what, if anything, needed to be done.

Lipson asked if DTE use of the "commons" area could be addressed.

Bona thought there needed to be clarification as to whether the mews was an easement or a public right-of-way, as this would affect responsibility. She asked that this be clarified before being transmitted to Council.

Westphal asked if the petitioner met with any of the neighbors.

Munzel stated that when they proposed changes several years ago, the Planning Commission asked the petitioner to meet with the neighbors. A meeting was scheduled, he said, but no one attended. They did not attempt a meeting this time, he said.

Pratt said there were several issues that needed to be resolved: one was getting together with the residents, another was clarification on the mews being an easement or right-of-way, and there needed to be confirmation that the landscape plan was implemented appropriately.

A vote on the motion showed:

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

**Motion carried.**

e. Public Hearing and Action on McKinley Executive Center Self Storage Site Plan, 4.47 acres, 2245 South State Street. A proposal to construct eight storage buildings totaling 27,900 square feet and outdoor gravel RV storage area totaling 20,650 square feet and ten parking spaces – Staff Recommendation: Approval

Cheng described the proposal and showed photographs of the property.

Frances Todoro-Hargreaves, of McKinley, stated that she was present with other representatives this evening to answer questions.

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

**Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the McKinley Executive Center Self-Storage Site Plan.**

Lipson did not see a problem with this proposal, as it complied with the existing zoning, it would handle water runoff from this site as well as the site next door, and there was no concern about traffic on State Street because this type of use did not generate a lot of traffic.

Emaus said there was a comment from Parks and Recreation about an easement along the railroad tracks and asked if this had been discussed with the petitioner.

Todoro-Hargreaves said they have discussed this with Parks staff and indicated an interest in more information about the easement. She said they would be willing to continue working with staff on this, suggesting that perhaps they could continue to use the space as is and, when it was time for a pathway, a small retention wall might be built.

Emaus noted that this site was within Malletts Creek, not Allen Creek.

Potts said it was unfortunate that a decision would be made about this site before beginning a State Street Study, but she said this proposed use would not create much of an impact.

Carlberg wondered what type of vegetation was proposed for the storage area, as it appeared to be grass. She said grass and gravel did not mix very well and was not good for lawnmowers. She urged the petitioner to use a native seed mix that did not require mowing. This would save on maintenance costs, she said, and be far more attractive. She said a greenway would require 20 feet of flat land and asked if the land would be graded down to the railroad bed.

Jon Curry, of Professional Engineering Associates, representing the petitioner, replied that if a path were desired here, they could excavate the sloped area and build a retaining wall.

Carlberg suggested that the excavation work be done along with this project to avoid having to go back and do the work after the site was completed.

Todoro-Hargreaves said they would talk to Parks and Recreation staff about this.

Bona asked about what looked like a future easement to neighboring property on the site plan.

Cheng stated that this was for a potential future connection, but that the site currently was surrounded by chain link fencing.

Bona said this seemed to be a reasonable use of this property and that, with regard to future planning, it would be the type of building that could be inexpensively removed and replaced.

Pratt asked if there were utility easements that would extend into the adjacent property.

Cheng stated that staff would check into this.

Westphal asked if there were a need to amend the motion to provide for potential future changes related to a pathway.

Carlberg believed the petitioner's willingness to discuss this with staff was sufficient and that Commission could have staff work on this without amending the motion. She suggested that this be resolved prior to the site plan being transmitted to Council, based on the petitioner and Parks and Recreation staff meeting to discuss inclusion of a future greenway path.

A vote on the motion showed:

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

**Motion carried.**

f. Public Hearing and Action on Burton Commons Rezoning and Planned Project Site Plan, 8.06 acres, 2559-2805 Burton Road. A request to rezone this site from R1C (Single-Family Dwelling District) to R4C (Multiple-Family Dwelling District), and a proposal to construct 120 units in five three-story buildings with 185 parking spaces – Staff Recommendation: Table

Marcarello described the proposal and showed photographs of the property.

Kathy Mennen, 2818 Lillian, recognized that property owners should be able to develop their property for a profit, but said this should not be done at the expense of existing residents. She stated that the opening

of Eli would turn this neighborhood into a thoroughfare. She said the residents here all chose their homes here for the quiet streets, which would change with people likely using Eli if it were extended to Burton. She stated that assuming approximately 180 drivers would make 2 to 3 trips per day, there would be an increase of 1,080 cars per day. She said the pedestrian route would be circuitous, so she could see children using private yards to get to school. She believed the connection proposed at Eli would create a dangerous situation, noting that the neighborhood pool grounds were used by children and families year round. The City recently installed traffic calming on Yost because of the increase in traffic, she said, stating that this should be enough of a message that this neighborhood was not designed for high traffic. She believed this proposal would adversely affect traffic, property values and the quality of life in which the residents have invested. She believed the residents would never see a return in their investments if the opening of Eli were to occur.

Sue Cram, 3879 Packard, president of Help Source, stated that Help Source employed 50 people and had 15 to 20 people who worked off-site and visited the Packard office daily, in addition to the more than 60 clients who also visited the office. She said there were AATA bus stops on the north and south sides of Packard and recalled the number of times she has seen people with children or people with physical limitations crossing the street, which was a dangerous situation because of the high level of traffic on Packard. She was not sure this location was appropriate for this type of development given the amount of traffic in the area. Prohibiting left turns onto Packard was not a solution, she said. Not only would this development increase traffic in the neighborhood, she said, the corner of Burton and Packard already was hazardous and this project would only increase the hazard.

Bill Hueter, 2601 Lillian, discussed the issue of zoning. He stated that this neighborhood was approximately one square mile circling Pittsfield Elementary School. It was a mixed-use neighborhood of modestly valued homes, he said, and the neighborhood streets were designed to accommodate vehicles and traffic generated by such homes. He noted that even the existing density was so heavy that traffic calming devices were being installed. Now there was a proposal to rezone seven acres on this already busy east side for a high density residential development, he said. He believed that 185 proposed parking spaces could lead one to easily assume that there would be 185 more vehicles to and from the site on a daily basis. He did not think Burton Road could be safely modified to accommodate such a traffic count. With the amount and speed of traffic on Packard, he did believe an additional 185 vehicle trips per day would be an accident waiting to happen. The intersection of Packard and Burton Roads was too close to Turnberry for a traffic signal, he noted. He also stated that three-story buildings were out of character for this area. He would like to see action on this proposal tabled and the zoning remain for single-family use.

Aletha Helvig, 3640 Eli, stated that she has lived here for 45 years. She believed this project would be problematic for a number of economic, safety and health reasons. With regard to safety, there was a major concern that Eli should not be opened to vehicular traffic, she said. She stated that this route would be slow and circuitous for fire and other emergency vehicles, which would be far better served by using Packard. She said the opening of Eli would allow an increase in fast-moving vehicles, would create more of a safety hazard for pedestrians who already walked in this area, and would make backing out of driveways dangerous. She stated that opening the road would create impervious surface where there currently was an animal habitat. It seemed neither morally right nor sensible to adversely affect the quality of life of the current residents, she said. She did not oppose change, she said; rather, she welcomed it, as it could be exciting. But she believed opening Eli would not be a good change.

Scott Pontrack, 3645 Eli, stated that several years of study were conducted to implement traffic calming on Yost and now this would start all over again if Eli were connected to Burton. He stated that this neighborhood could not support all of this traffic. He believed the single-family zoning should remain, which was consistent with the adjacent neighborhood.

Brian Cook, 2605 Lillian, stated that many of the residents use this undeveloped area for activities like walking their dogs and cross country skiing, which would be severely limited with this proposal and affect the quality of life of many. He was concerned about water runoff because he lived on a grade that channeled water into his backyard. He was concerned that his backyard would become a swamp. He thought development was a positive thing, but he thought this property should remain zoned for single-family use.

Paula Gardner, 2615 Lillian, stated that when this project was voted on, she wanted the results to be exemplary. She said the tools to use to review this proposal were the existing zoning and master plan. For last 60 years, she said, only single-family homes were allowed here, noting that the master plan for this area was written in 1990. There have been 17 years of silence on the master plan for this area, she said. She asked the Planning Commission to stop making decisions on this proposal based on outdated data. The potential was here for endless projects that would feed the City's goals, she said, noting that developers were already shopping here and it was critical that the master plan accurately portray what the City wants for the area. Since the master plan was an outdated document and could not be relied upon, she said, what remained to be considered was the zoning. She said the existing zoning has been here for half a century and that the zoning should not be allowed to be deviated from so drastically. She did not believe there was any room between the existing residences and Burton Road for a transitional zoning. She requested that the existing zoning remain until a development proposal closer to intent of the zoning was proposed. She also requested that the City prioritize a new South Area Plan, stating that this was owed to citizens and potential developers. If Commission tabled action this evening, she volunteered to begin the process of updating the master plan.

John Gardner, 2615 Lillian, stated that he grew up in this neighborhood, noting the sense of community and quality of life of the residents. He said he walked his dog daily on Burton Road and was appalled at the condition of some of the existing homes. He wanted someone to build something better on Burton Road, but he did not think this proposal was it. He questioned why such an extreme change to the zoning should be made, going from single-family homes to 15 units per acre bordering the highway. He believed the land's location adjacent to a park made it a classic place for the greenbelt. He stated that his neighborhood had the most reasonably priced swim club in town and there was pride in it being accessible to such a large range of families. The parking lot to the swim club was off of Eli, he said, and children walked and rode their bikes to the club, so he was strongly against opening Eli to connect to Burton. He believed opening up Eli would affect the safety of the residents and decrease the value of the swim club.

Linda Bangert, 1855 Joseph Street, stated that she grew up on Eli and was still a member of the Forest Brooke swim club. She said the pool presented a situation where children could get good, healthy exercise by walking or riding bikes to the pool. She stated that many of the residents, who were now elderly or disabled, moved to this neighborhood because of the safety and serenity of the dead-end street. She stated that this was a beautiful community and the additional traffic from opening Eli would be devastating.

Bill Trembl, 2703 Lillian, agreed with the comments of his neighbors. He believed this was a disastrous project and could not imagine the Planning Commission or City Council approving something so wrong, so environmentally damaging, and so attacking on a quiet neighborhood. He stated that not many cars currently used Burton Road, which was a dirt road, and this proposal would transform it into a high traffic urban bottleneck with accompanying pollution, noise and turmoil. He said this road would be dangerous to Sylvan Park users and the children in the neighborhood. He urged the Planning Commission to reject this proposal.

Rose Karunas, 2609 Lillian, stated that this development would be in her backyard. She was accustomed to the quiet of this neighborhood and questioned what type of neighbors this project would bring. She said many residents walked their dogs here and enjoyed the urban woodlots, adding that this area was also a wildlife corridor leading to Sylvan Park. It was an urban oasis, she said, which was very valuable. She stated that the community as a whole needed to recognize the value and consider this proposal very carefully.

Evelyn Griffith, 3636 Eli Road, said she purchased her home here because of the dead-end road, which provided a safety feature. Although children were taught to not go in the street, they still did, she said, and she was very concerned about opening Eli Road and the dangers this would present. She asked the Planning Commission to carefully consider this when reviewing the proposal to open Eli Road.

Jack Gardner, 3630 Eli, questioned the rationale staff used in recommending the extension of Eli to Burton Road, noting that this was not something proposed by the petitioner. The neighbors did not want it, he said, and he wondered what the motivation was behind this recommendation. He said the only justification seemed to be for emergency vehicles, but said there were other ways for them to access this site. He urged the City to be very careful of changing the zoning and endangering this community.

Bob McClain, 3647 Eli, stated that one of the major reasons he purchased his home here was because Eli was a dead-end street. He agreed with the concerns expressed by his neighbors and voiced his opposition to the extension of Eli Road. He believed it was wrong to connect the two roads, stating that reasonable emergency vehicle access could be provided without the connection.

Brad Moore, of J. Bradley Moore & Associates Architects, representing the petitioner, stated that he and the petitioner were present this evening to answer questions. He said the petitioner did not propose the extension of Eli Road; rather, it was their position that there should be just a pedestrian connection and/or non-motorized access. He stated that all water runoff was being detained on this site and that they had no objection to going with the R4B zoning as recommended by staff.

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

**Moved by Potts, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Burton Commons Rezoning from R1C (Single-Family Dwelling District) to R4C (Multiple-Family Dwelling District), Planned Project Site Plan, and Development Agreement, subject to Washtenaw County Drain Commissioner approval prior to City Council consideration.**

Carlberg said she would like to see a map showing the natural features with the proposed development superimposed on top of it. She also would like more information on the wetland, such as quality and function, as she understood there was a serious problem with flooding on Burton Road. She would want the wetland and drainage on the site to be better than it was before, which might require changing the shape of the wetland. It was her hope there would be infiltration, she said. She questioned where open space would be provided for residents of this development to play and congregate, wondering if any of the detention areas and/or wetlands would be usable. She said it was difficult to tell how the valuable woodland could be maintained when putting in a detention system at the same time. She was interested in a traffic assessment that looked at real-life situations on Burton at Packard, not just the numbers of cars, but the light cycles and whether it provided any gaps. She understood why the neighbors would not want Eli Road extended, but said anyone could leave this development and turn right onto Brandywine

from Packard and go to Yost to get to Washtenaw. She said the neighbors might want to reconsider whether denying the extension of Eli would really save traffic going through the neighborhood.

Emaus stated that he was in favor of road connections, adding that he would be in favor of the Eli Road connection whether or not this proposal was in front of the City. He thought it was clear that both Eli and Terhune were originally intended to be extended to the east. He agreed that the South Area Plan should be updated. It did not make sense for the residents on Burton Road to not take advantage of a connection with Eli Road to get to the school, he said. He stated that one of the advantages of this type of development in the City was that it decreased the distance people had to travel. He stated that the more road connections there were, the easier it was to disperse the traffic that would exist regardless. He said he lived in this area and was a park steward in this neighborhood. He questioned where on this site the residents would have space for recreation.

Potts said she believed in streets connecting neighborhoods throughout the City for many reasons, one of which was safety. Extending Eli Road to Burton Road made sense, she said, if the two were the same kind of neighborhoods, but she said this development proposal was a big change on Burton Road. She believed the type of development proposal changed everything, including the feasibility of extending Eli. She did not think the extension would be feasible when the neighborhood was changed, as it would be servicing a much more dense development and would no longer be a neighborhood street. She did not think the streets in the existing neighborhood were planned for this kind of density. She said she would want to have more information about the natural features, stating that she did not think it was beneficial to close one wetland to create a new one.

Bona said she would like to see plans for Sylvan Park, such as developing it for neighborhood use or leaving it natural. She would also like information from the Ann Arbor Public Schools as to what kind of bus service would be available for this neighborhood. She said she would like to know the type of lighting proposed in this development and what its impact on the adjacent residences would be. In addition, she asked for information on the vacancy rate for similar apartments, such as whether the Housing Commission had any information as to the need for this type of residential development.

Pratt said he also would like to hear from the Housing Commission about the quantity of these types of units and anything else that might be available.

Mennen, co-president of the Pittsfield PTO, stated that the school's website provided transportation guidelines. She stated that anyone living within one and one-half mile of the school was not eligible for bus service.

Lipson endorsed the questions already asked by Commission members. He pointed out that seconds made a significant difference when talking about response rates for emergency vehicles and having the Eli Road extension to Burton could prove to be very helpful in this regard. He questioned whether the proposed density was workable on this site. He understood the concerns of the neighborhood about extending Eli Road. He said most people would probably use Packard to get to the new development, although some would use Eli to get to Yost and then to Washtenaw. He pointed out that this was a city and one of the down sides for some could be that people would drive by private residences. He thought it would be beneficial for the children to walk to school, stating that he liked to see a walkable urban environment. He continued to question the proposed density.

Pratt was uncomfortable about the water quality issue and said he wanted to have firm assurance that there would be no capacity issues downstream as a result of the water leaving this site. With regard to the emergency access issue, he stated that one issue of concern could be a fallen tree on this long, heavily treed road making it impossible for an emergency vehicle to gain access. He said the distance to

get back to the rear units was a concern. He believed at some point a bus would travel down Burton Road and he did not see any place for it to turn around. He was not sure this had been considered thoroughly. Input from the schools on the issue of access would be helpful, he said. He expressed concern about the decibel level from the expressway and asked for information about any extra efforts to soundproof the units. He was curious about the proposed lot and the type of playground that was proposed. He did not disagree that the South Area Plan did not give strong guidance for this piece of property, it mentioned only that density could be increased. He said it would be helpful if Commission had information as to what the next step for increased density would be and what would that have meant in the context of zoning at the time the plan was written. Without making a choice for the Eli Road extension, he noted that the extension would add to the cost of the development. He was not concerned about the three-story height of the proposal, as he believed this was appropriate for a transitional use.

Emaus said he would like to know the density of the apartment complex that existed on the other side of US-23, which had a road similar to Burton that accessed Packard. He said it would also be helpful to know how much use the road that accessed Packard received.

Carlberg asked for information about the speed and volume of traffic on Yost in regard to traffic calming, and what the results were after the first year.

**Moved by Carlberg, seconded by Lipson, to table action.**

A vote on the motion to table showed:

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

**Motion carried.**

The remainder of the agenda was postponed to the February 6, 2007 Planning Commission meeting.

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ADJOURNMENT

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Pratt declared the meeting adjourned at 12:25 a.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services