

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – September 27, 2005

Time: Hall called the meeting to order at 7:05 p.m.

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

---

ROLL CALL

---

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

Members Absent: Lipson

Staff Present: Foondle, Lloyd, Vaughn

---

INTRODUCTIONS

---

None.

---

MINUTES OF PREVIOUS MEETING

---

a. Minutes of August 2, August 16 and September 7, 2005.

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

Carlberg asked on page five of the August 16 minutes, second paragraph, fourth line, the word "he" be changed to "she."

A vote on the motion showed:

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

**Motion carried.**

---

APPROVAL OF AGENDA

---

**Moved by D'Amour, seconded by Pratt, to approve the agenda.**

A vote on the motion showed:

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

**Motion carried.**

---

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

---

D'Amour thanked Chandra Gochanour for all of the work she has done for City. He commended her thorough knowledge of the City and said she would be leaving a great void. He reported that the Park, Recreation and Open Space Plan (PROS) steering committee met on September 14 to review the PROS Plan, following the comment period. He said the Park Advisory Commission would be reviewing the plan, with Planning Commission review to follow in October and final action in November. He reported that the New Greenway Task Force has begun to meet and said the group would be meeting every Wednesday at least through October. The meetings would be held at the DTE Center on Main Street, he said, and would be televised.

Bona reported that there were about 150 people who attended the second workshop of the Downtown Development Strategy. She said there were two more lectures and a third workshop scheduled.

Hall noted that the Downtown Development Strategy steering committee had a debriefing meeting with the consultant following the second workshop.

Potts stated that the Ordinance Revisions Committee would be scheduling its next set of meetings, which occurred at 3:30 p.m. on Thursdays.

Hall reported that the Planning Commission Executive Committee met to discuss the work program and said the entire Commission would be discussing this item at an upcoming working session.

---

AUDIENCE PARTICIPATION

---

Jim Mogenson, 3780 Greenbrier, spoke regarding process as it related to the reorganization and streamlining efforts. He raised the question of who the City's customers were: the neighbors or the developers. He referred to the Historic District Commission and the issue of which City commission first reviews a new construction project in an historic district, and which makes the final decision. He viewed this issue as a trainwreck waiting to happen. Another issue he raised had to do with development projects that keep coming back to the Planning Commission and neighbors being appropriately notified of these.

Joseph Pratt, 3092 Wolverine, stated that there was a luxury condominium being constructed near the intersection of Packard and Platt. He was unsure of the address and noted that no building permit was posted, as was required. He also noted that Platt Road was ripped up to install the sewer line, but that the road had not been repaired. He asked that these two items be investigated.

---

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

---

Hall announced the public hearings scheduled for the meeting of October 6, 2005.

---

REGULAR BUSINESS

---

a. Public Hearing and Action on Heron Landing Rezoning and Site Plan, 7.69 acres, 3680, 3696, 3746, 3788 Platt Road. A request to rezone this site from R1C (Single-Family Dwelling District) to R3 (Townhouse District) and a proposal to construct 64 single-family attached dwelling units in eight buildings and 128 parking spaces (54 in garages) – Staff Recommendation: Denial

Vaughn explained the proposal.

Abdul Shamamit, petitioner, said he has met with the neighbors and listened to their concerns. He explained the changes that had been made to the site plan since the last time it was before the Planning Commission. He believed this proposal was the best design for this site and said he would be available to answer questions.

John Stacy, 3148 Wolverine, expressed his opposition to this plan. Despite assurances from staff and the petitioner, he believed this site was too fragile to sustain the level of density that was proposed. He identified some of his reasons for opposing this proposal: not all properties were appropriate for this type of development, there was a significant wetland and drainage system that bordered this site, and the high density that was proposed was not appropriate, nor was it compatible, with the surrounding uses. He believed this side of town had done its part for high density development. It was his opinion that this project would jeopardize a fragile area that deserved the highest level of consideration. He also was concerned about traffic problems that he thought would occur and about professionalism and stewardship on the part of the petitioner. He believed the petitioner has demonstrated a lack of understanding of this fragile site. He referenced the petitioner's inability to provide an acceptable plan, after receiving staff assistance

for the past four years, and said the residents, meanwhile, have had to remain vigilant and continuously take time out of their busy schedules to attend these meetings.

Sherry Burkheiser, 3031 Wolverine, a member of the Colonial Square board of directors, stated that this was the ninth time she has been before the Planning Commission in the past four years regarding this project, adding that the project still contained the same concerns. She was glad to see progress made on a traffic signal and said she would like to see the bus stop that was removed from in front of this site replaced. She expressed concern about parking, stating that she did not think two spaces per home would be adequate. She believed this proposal was inconsistent with this area, as it was already overrun with dense housing. She did not think variances should be allowed because of the wetland, which needed to be protected. She was concerned that there was no guarantee that the homes here would remain affordable, as the only guarantee seemed to be for the first buyer of each unit. She also was concerned that there was nothing to stop an enterprising individual to buy many or all of the units. She urged the Planning Commission to recommend denial of this proposal.

Doug April, 3802 Platt Road, said he has been opposed to this proposal for the past four years. He believed this was an ideal piece of property to be preserved as green space. He was concerned that this proposal on this site would raise his insurance rates. He also was concerned about how this project would affect the traffic, noting that he already had difficulty exiting his driveway onto Platt Road. He feared this would wreak havoc on the neighbors. He also expressed concern about building in the floodplain and how it would affect his property. He believed property owners had rights, too, and said they seem to be ignored.

A resident on Platt Road expressed concern about this location because of its slope. He was concerned about how this project would impact the environment. With all of the opposition, he was surprised this project was proceeding.

Esther Rubin, 3230 Williamsburg, said she moved here in July 1965. She complimented Colonial Square for increasing the value of its property over the years, as this area at one time was poverty stricken. She said it now was a beautiful location with increased property values. She thought there was enough traffic along Platt Road from existing residents and garbage trucks. At no time did she think the proposed homes would have just one car and said Colonial Square could attest to that, as homes generally had three cars. She thought this property would be an asset to the City if it were left as is.

David Detweiler, a resident of Colonial Square, expressed his opposition to this proposal. He was concerned about wildlife and the increase in traffic.

Joseph Pratt, 3092 Wolverine, stated that Ann Arbor citizens voted for a greenbelt around the City ten months ago and, while this property was not technically part of that, he thought a vote of approval would be a contradiction to the greenbelt vote. He was surprised that Commission continued to consider this when it had previously recommended denial.

Jill Price, president of the Platt Road Neighborhood Association, believed there were several issues that had not been addressed. With regard to wetland issues, she believed there was insufficient protection. While this project might not propose physical disturbance of the natural features, she said, bringing this many people to the area would cause a disturbance. She thought the name of this project was ironic, as its development would result in no more herons landing on this site. With regard to fertilizers, she questioned if there were any ability to enforce

their use. She did not believe the proposed density was consistent with the recommendations of the South Area Plan, which recommended no more than 45 units. This project contained 64 units. She was concerned about all the multiple-family developments that have occurred in this neighborhood. She thought density was too high and she thought parking was an issue, as parking in the area already was insufficient. She asked that the reliability of this developer be considered. She said the developer purchased this property knowing that it was not zoned for something from which he could make a profit. She said the petitioner intended to build affordable housing, but she said there was no guarantee that this would be done. She has seen the Planning Commission work vigorously to protect the character of neighborhoods throughout the City and asked what was different with this situation. She suggested that perhaps it was because this was the poor area of town. She was concerned that the constant encroachment of dense housing was changing the nature of the neighborhood. She believed this area had done its share and asked the Planning Commission to finally put this to rest and represent the residents of this neighborhood.

Noting no further speakers, Hall 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 Heron Landing Rezoning from R1C (Single-Family Dwelling District) to R3 (Township Dwelling District); Planned Project Site Plan, with proposed modifications to the north side and rear setbacks and to the building separation requirements of Chapter 55 (Zoning Ordinance), Section 5:32A; and Development Agreement; subject to maintaining a minimum usable open space of 71 percent, subject to providing a minimum lot area per dwelling unit of 5,158 square feet, and subject to a variance to allow 54 tandem parking spaces.**

D'Amour asked if the residents had a recent meeting with the petitioner.

Burkheiser stated that the petitioner has never met with any of the Colonial Square board members or homeowners. She stated that a weak attempt was made about a year ago, asking the day before the board meeting to meet.

Price stated that one attempt was made approximately three years ago when the real estate representative spoke with a group of people. She said the petitioner did not attend that meeting and no further attempts to meet were made.

D'Amour expressed concern about the disconnect between the petitioner and neighbors.

Kunselman asked if alternatives had been provided on how this property could be developed with single-family homes.

Vaughn replied yes, early in the process. While this property could be developed with single-family homes, he said, the number of homes that would fit on the site was less than what was permitted.

Carlberg stated that one drawing showed a tree in the middle of the wetland in front to be removed. She asked if it were going to be removed or saved.

Shamamit replied that it would be saved.

Carlberg asked the petitioner how he intended to inform residents of where the rear lot line was so they would not cross into the buffer zone.

Shamamit stated that the grass up to the rear property line would be mowed, indicating the buffer line.

Carlberg said this would work on the south, but she was concerned about the west buffer line. She thought the association would have a hard time knowing where that line was and one of the things that would help protect the wetland was people not entering the area. She suggested decorative fencing be installed, which she thought was essential in protecting the large wetland.

Shamamit said this could be done.

Carlberg said it seemed that the property along the north had buildings with backyards that went right up to the edge of the church driveway and she believed something separating these two uses was needed so residents could enjoy their backyards. She suggested that a strong tree border would be best. This did not matter along the south, she said, because of the wildlife corridor. She inquired about pedestrian paths throughout the site, as she did not see any located on the plan.

Vaughn stated that there would be sidewalks circulating throughout the entire site.

Emaus referred to the 71 percent open space and asked what was included in the calculations for dwelling square footage.

Vaughn stated that the definition for usable open space included everything that was not impervious surface, so everything but the building footprints and driveways/parking areas were included.

Emaus was not certain where the children's playground was located, stating that grassy, open areas were important for both children and adults. He suggested that this be provided on-site for the residents.

Vaughn showed the two locations where playground space was proposed.

Pratt asked for more information about the barrier free homes.

Shamamit stated that purchasers would have the option of having the dwelling designed to be barrier free.

Bona asked if the bus stop shelter mentioned by one of the neighbors had previously been located on the petitioner's property.

Shamamit replied yes, it initially was on his property, although he said he had nothing to do with its removal or lack of restoration. He said he would allow an easement for a shelter.

Bona was disappointed that the sidewalks were not shown on either of the plans Commission had. She was concerned about how residents would get from the barrier free units to the parking

areas. She also questioned why the width of the driveway was not consistent throughout. If there were no reason for this, she would prefer that it be consistent. When she counted the parking spaces, she said, the number she arrived at exceeded what was said to be proposed.

Shamamit stated that guest parking, in addition to the two spaces per unit, was being provided.

Bona stated that one of her concerns with this project did not necessarily relate to the site plan. Generally thinking, she said, and from an impervious standpoint, this project was providing a density that would be close to that which would be provided by a single-family development. Her concern was that if this property were rezoned to R3 and this project did not happen, the property would now have a zoning district that allowed more density than what was proposed this evening. She thought it would be relatively easy to convert many of the end units to stacked flats, thereby increasing the density.

Hall expressed concern about the play area at the south because there was no separation between it and the detention basin. The other location on the north had a sidewalk separating it, she said, which made it seem more safely placed. She said it was important to see the location of the sidewalks in order to understand the pedestrian circulation.

Kunselman said he was impressed with the changes that had been made since the last meeting, although he was still struck by the numerous inconsistencies. He said the petitioner indicated there would be sidewalks, but they were not shown on the plan. He still had a problem with the sidewalk next to the storm pond, as he believed it was unnecessary. He was struck by the comments from neighbors that this side of town has seen its share of high density housing. He said a development recently was approved along Traver Creek that allowed single-family homes to be built without road frontage. He questioned if the same could be done here, possibly developing walk-up units and small cottages. He said he was opposed to this proposal because of all the concerns that had been expressed, because of the inconsistencies that still exist, and because he did not have a great deal of faith that they would be addressed. If the City were interested in being creative, he said, a creative development on this site could be achieved using the existing zoning. He said the City did not have contract zoning at this time and, therefore, could not tie this development in with the R3 zoning, if it were rezoned.

Potts acknowledged that the petitioner worked hard to make the many changes, but she still had concerns with the site plan. She was having difficulty telling what was to be graded and what was natural contour. She expressed concern about the grading and being sensitive to the wetland, stating that she needed more assurance. She did not know if the buffer zone could handle the adjacent grading. She also was concerned about the zoning change, questioning whether the City really needed one whole section of town zoned for townhouse use.

Shamamit stated that this development would preserve more natural features and open space than that of a single-family development. He thought this was the best design for this site.

Potts stated that this proposal seemed to be taking up a lot of land with the buildings and parking. She did not know how the residents would circulate throughout the site, because the sidewalks were not shown. She was disappointed because this project has been going on a long time for everyone.

Vaughn stated that this was a planned project, which allowed setback modifications in return for other benefits, which included greater setbacks in other areas. He said the petitioner was also providing increased usable open space.

Potts believed the request to modify the setbacks was significant, given the concerns expressed that this site was rather crowded. She was uncertain whether the total amount of usable open space would be green space.

D'Amour suggested to the petitioner that if this were to be tabled this evening, he and his agents work with the neighbors to develop a better project. He was sympathetic with the neighbors and shared their frustration. He suggested that if the neighbors were really interested in seeing a portion of this site preserved as a natural area, they lobby City Council to give the Park Advisory Commission greater leeway in its decision-making. This was not within the purview of the Planning Commission, he said.

Carlberg stated that the proposed development of this parcel has been a struggle for a long time. She reminded Planning Commission that this was in an area that already had a great deal of open space: the Scarlett-Mitchell Woods; the entire back part of Colonial Square, which would remain open space forever; Southeast Area Park; parkland along Platt Road in Pittsfield Township; Brown Park; and open space behind the landfill. She did not think it was right to categorize this area as short of natural open space. She stated that Ann Arbor wants to increase affordable housing and the issue of cooperative housing was a challenging issue. The way to do this, she said, was to build enough units to offer them at a reasonable price. She believed that if this were to be developed as single-family detached homes, it would not be affordable because of the reduced density and high cost of materials. They would be \$350,000 to \$500,000 homes, she said. She did not see a problem with the type of dense housing proposed by this petitioner. She stated that the three cooperatives in this area were nicely built and nicely maintained, adding that they were no problem to the neighborhood. She stated that the proposed 64 units would put maybe 40 or 45 cars on the road at peak times, which would not have much of an impact on a road that was carrying 14,000 cars per day. Saying no to this proposal would not improve road conditions, she said, noting that most of the new construction was occurring to the south in Pittsfield Township. She thought this was a relatively small development and she had a difficult time buying the argument that this area had too many multiple-family complexes. She pointed out that the original wetland in back of the property was a drainage area and the area around it was not prime wetland area; rather, it was canary reed grass. She said the City was not interested in putting paths around it because it was not good for the wetland. Neither this site nor the woods were beautiful, she said. Keeping all of this in mind, she believed the greater good for the community was to achieve an attractive development on this site, with a reasonable number of units so they could be available at a reasonable cost. She saw no problem with decreasing the setbacks, as proposed, because on all three sides the units were not abutting residences. She thought decreasing those setbacks and getting a large front setback was a plus and made a good deal of sense.

Pratt stated that he was not in favor of tabling this project again. He said the Planning Commission's role was to deal with the ordinance requirements and the facts put before them. With regard to the impact on natural features, it was his belief that they would be impacted regardless of the zoning being changed. He noted that the current master plan recommendation for this site involved disturbance, but pointed out that the wildlife corridor was proposed to be preserved, which provided something more than what currently existed. He agreed that the traffic impact from this development would not be significant. He also noted that the petitioner had

provided the minimum required number of parking spaces. He recognized the issue of the wetland and suggested that perhaps there were a way to add a mechanism to the development agreement that would address this if there were problems. With regard to density, he thought there was validity to the proposed density of this project. Comparing this project with Colonial Square across Platt Road, he stated that this project would look totally different: Colonial Square had a single-family residential feel, while this project would have a true townhouse feel. He liked the idea of greater density here and did not think it would create a major impact.

Bona did not see significant problems with the site plan, stating that she believed the density was very close or less than the density that would be allowed under single-family zoning. She was still concerned about parking, though, stating that when she counted the spaces on the site plan, she came up with 28 parking spaces beyond the garages with the tandem space behind it and, of those 28 spaces, only 20 were required by the flats that did not have garages. With those eight additional spaces, she said, the petitioner could easily add four more units to the site through an administrative amendment once the site plan was approved. She believed two parking spaces per unit was adequate. There was a bus stop in front of this site, she said, and added that the reality for purchasers was that this was the parking that came with these units. Providing excess parking spaces would be a problem for her, she said. While this site plan was not very inspiring, it did meet ordinance requirements and there was nothing about it that would cause her to oppose it directly. With regard to the zoning, she appreciated comments made about a desire in the community for more dense housing. She hoped ordinance and master plan changes could be made to reinforce that, but right now that was a political position, she said, and as a Planning Commission member, she was bound to respect the master plan. She said she would be voting against this proposal, not because of the site plan, but because of the R3 zoning, which she believed was inconsistent with the master plan. She said she would consider a PUD zoning, which would allow the number of units proposed by this petitioner, but not additional density above that.

Emaus asked if the City could move to rezone this property to R1C if this proposal for R3 zoning and site plan were approved but never developed.

Lloyd stated that the City has the ability to initiate a rezoning at any time.

Kunselman stated that this would raise the issue of taking land because it would be a downsizing of the zoning.

Emaus agreed that there was a great deal of open space in the southeast area. He believed traffic would continue to increase in this area, regardless of this development. He also believed that a traffic signal at Platt and Lorraine would improve the traffic situation for residents of Colonial Square. Given the significant amount of open space at the front of this site, he said, there would be very little view of the buildings from the road. While there were some issues regarding the rezoning, he was in favor of this proposal.

Hall said it seemed that one of the most compelling reasons to support this proposal was to provide needed housing at a density that would allow affordable housing. It was her desire to strive for affordable housing, even though it might not be contained in the master plan. She noted that the master plan for this area was 15 years old and no longer provided adequate guidance. She stated that although the petitioner has been very accommodating with many requests, he has repeatedly lacked many of the details. She thought these were necessary details and said she could not recommend approval without them. She would need to know where the sidewalks

were located and how pedestrian circulation would work on the site. She was concerned about how handicapped residents would circulate throughout the site. She also was concerned about the lack of guarantee that these units would be affordable. She was not interested in tabling action tonight. She felt it needed to move forward. If this were to proceed to Council, she hoped a good, hard look would be taken at the pedestrian nature of the site, because she did not believe it followed the goal of the master plan.

Potts also was concerned about the site plan lacking sidewalks. With regard to the proposed planned project modifications to the setbacks, she thought the differences were quite strong. Her preference would be to table action to get a site plan with sidewalks on it and rethink the rear and front setbacks.

Kunselman acknowledged the parks and open space in this area, but noted that they were drive-to spaces and inaccessible to pedestrians or bicyclists. He was not saying that this property needed to be purchased for a park, but he did not think the nearby open space was pertinent to this. He expressed concern about the lack of creativity with this proposal, recalling the creative design of the Hideaway Lane project along the Traver Creek. He believed affordable single-family homes could be built here. He would not support tabling action and said he would be voting against this proposal, as he had a difficult time voting on incomplete plans. He stated that a lot of grading was proposed along the edges of this site, which would decrease backyard usability. He liked townhouses, but he thought there was an opportunity here to do something different and he hoped the petitioner could come back with something creative.

D'Amour expressed concern about the impact on natural features on this site. He did not necessarily think the property should be acquired for parkland, but he thought there could be greater conservation of the natural features. With regard to traffic, he stated, based on the conclusions from the extensive work done on the Northeast Area Transportation Plan, most of the traffic increase was coming from outside of the City and what was developed on this property would have very little impact. He believed there was a reason why master plan recommendations were adopted and thought they should be followed. He wondered if Commission would want to table action to get a PUD plan that reflected more of what Commission wanted to see. If this were tabled, he said, the petitioner would need to make a more concerted effort to work with the neighbors. If it were not tabled, he said, he would not be able to support the proposal based on his concerns about natural features impacts.

Emaus stated that three quarters of this site would remain open space, which was very attractive to him given that this site was adjacent to a wetland/drainage property. He stated that this was a relatively small piece of property and would provide off-street parking and storm water detention. He was concerned that single-family development would take up too much open space.

**Moved by Potts, seconded by D'Amour, to table action.**

A vote on the motion to table showed:

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

**Motion failed.**

D'Amour stated that if City Council, when reviewing this proposal, determined that it was incomplete and contained too many questions, he would like Council to entertain the notion of sending this back to the Planning Commission for review.

A vote on the main motion showed:

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

**Motion failed.**

---

#### AUDIENCE PARTICIPATION

---

Jim Mogenson, 3780 Greenbrier, noted that the doors to the Courthouse Square were locked when he arrived toward the end of the most recent downtown development strategy public workshop.

---

#### COMMISSION PROPOSED BUSINESS

---

Carlberg asked staff to look into a way to notify people, via email, when a tabled item is scheduled to be reviewed by the Planning Commission. She also expressed concern about the incomplete Heron Landing plans provided for this evening and said she believed it was staff's responsibility to make sure Commission had the most recent set of drawings. She stated that the plans were difficult to read and did not serve Commission well.

D'Amour stated that the Ordinance Revisions Committee could discuss the issue how citizens are notified about proposals. He suggested that the November business meeting contain a resolution regarding definition of a 25-foot wide buffer between water and land, which the Ordinance Revisions Committee has reviewed.

Hall provided highlights from the International Downtown Association conference she attended in Denver.

---

#### ADJOURNMENT

---

Pratt declared the meeting adjourned at 10:10 p.m.

---

Mark Lloyd, Manager  
Planning and Development Services

---

Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services  
10/11/05