

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – December 19, 2006

Time: Chair Pratt called the meeting to order at 7:03 p.m.

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

ROLL CALL

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

Members Absent: None

Members Arriving: Borum, Emaus

Staff Present: Foondle, Marcarello, Vaughn

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of November 21, 2006.

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

Bona asked that the last sentence in the first paragraph on page seven be changed to read as follows: "With regard to the Calthorpe plan, she said, it recommended an upper floor setback of 10 to 20 feet, as stated in the staff report, but the Calthorpe plan also recommended no upper floor setbacks at buildings on corners."

Bona asked that on page 15, the second half of the sentence in the sixth paragraph read as follows: "...she would like to know what would happen to the two small triangular pieces of street right-of-way land that would be leftover."

Lipson asked that the first sentence in the 11th paragraph on page six be changed to read as follows: "Lipson stated that because they are two-bedroom units, the parking did not give him pause."

A vote to approve the minutes as revised showed:

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

Motion carried unanimously.

b. Minutes of December 5, 2006.

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

A vote on the motion showed:

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

Motion carried unanimously.

APPROVAL OF AGENDA

Moved by Potts, seconded by Lipson, to approve the agenda.

A vote on the motion showed:

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

Motion carried unanimously.

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

Pratt reported that the Planning Commission Retreat would be held on January 23.

Woods reported that City Council received the final report from the Greenway Task Force at its December 18 meeting. She believed Council would hold a working session to discuss the report and that the report would be made available on the City's website.

Lipson announced that the Master Plan Revisions Committee would be meeting on January 30 to discuss the General Development Plan and the possibility of revising the South Area Plan with regard to the area of South State Street the area of South Industrial between Stimson and Eisenhower.

Bona stated that the DDA Partnerships Committee received a presentation from the developer of the 200 South Ashley Street Site Plan related to components the DDA could consider in terms of grants. She said a presentation was also made with regard to the sanitary sewer system in the City being modeled and how that would affect the downtown with regard to increased density. She also reported that the A2D2 Overlay Zoning committee met and began working on its first task, which was to take overlay zones that were recommended in the Calthorpe plan and lay them over the top of current zoning, current historic districts and current master plans and then to discuss the differences. She said the committee intended to prepare alternatives and make them available for public input.

Pratt stated that the public could visit the City's website at 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.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Pratt announced the public hearings scheduled for the January 4, 2007 meeting.

REGULAR BUSINESS

a. Public Hearing and Action on Bandemer Ridge–Elks Lodge Planned Project Site Plan and Special Exception Use, 2.49 acres, 220 Sunset Road. A proposal to construct a 85,227-square foot, five-story, 37-unit residential condominium building, with 72 parking spaces (54 garage spaces) and a new 4,752-square foot, 1-1/2-story Elks Lodge building with 38 parking spaces – Staff Recommendation: Table

Marcarello described the proposal and showed photographs of the site.

Katherine Riseng, 236 Sunset, commented on the public process. She thought the timing of bringing this proposal before the Planning Commission was poor, as many people were unable to attend the meeting due to the holidays. She noted that there had been only one neighborhood meeting held, not the two mentioned in the staff report. She stated that many concerns were raised at the neighborhood meeting, but they were not addressed by the petitioner. She said the residents here were very concerned about the process. With regard to the project, she said, there also were many concerns. She said the petitioner claimed this project was part of the North Main Street neighborhood, yet there would be no access from

this site onto North Main. Access would be from their neighborhood, she said. She stated that even the Calthorpe plan did not include their neighborhood as part of the North Main area or the downtown. She did not agree with the petitioner's claims that the height of this building would not impact the modest homes in the neighborhood. She said this proposal would be the equivalent of four Metro Lofts buildings (the condominium project recently constructed on East Liberty Street) and if this was not out of scale or character with their neighborhood, she did not know what would be. She said the view for residents living below the site would be a six-story building. She said the plans indicated that part of the public benefit would be 57 percent open space on the site. She challenged the use of parking lot landscape islands, retaining walls and emergency access as usable open space. She also noted that the pictures taken of the site were done when the trees were fully leaved, noting that the trees were bare at least 50 percent of the year. She urged the Planning Commission to deny this proposal.

Fred Chapman, spoke as a member of this neighborhood and of the community as a whole, as he was building a house at 915 Wildt in which he planned to reside. He expressed concern about the adverse impact a project of this density would have on the neighborhood. He believed the size, particularly the height, was totally out of character with the neighborhood and would be a harsh conflict with the natural environment highlighted by Bluffs Park. He showed a photograph of the site taken from the boat dock at the Argo Canoe Livery along the Huron River. He then superimposed a drawing of the proposed building, after scaling it to the dimensions of the photo, onto the site to show what the view would be from the river. This building would be much larger than the weather balloon used by the petitioner to measure the height of the building in relation to the height of the trees. He was concerned that this project would result in a dramatic expansion of the downtown to the north. He believed the canopy of the existing trees would be insufficient to hide a building of this size, although that point may be moot, as he believed the petitioner intended to remove those trees.

Joan Harris, 808 Daniel Street, expressed her opposition to this project and urged Commission to deny it. Her primary concern was the sheer size and scope of the project and how it was inappropriate in a neighborhood like this. The project would have detrimental effects on the neighborhood and the quality of life of the residents, she said. She said the proposed building would be 98 times the size of the smallest house in the 200 block of Sunset, and 40 times the size of the largest house in that same block. Using Twizzler candy pieces, she showed the scale of the homes along Sunset in comparison to the proposed building on this site. She said the change in topography on the site would protect the gravestones in the cemetery from a view of the proposed building, but said she was more concerned about the view of the people in the neighborhood and the users of the park. According to the West Area Plan, she said, multiple-family uses could impact single-family neighborhoods in several ways, such as when there were no conflicting land use buffers and when the multiple-family use was significantly larger and out of scale in terms of height and building mass.

Ellen McKennen, 809 Daniel, was concerned that this proposal would set a poor planning precedent and violate standards for determining allowable density. She said she was a registered engineer and has worked closely with municipal staff to make sure proposals meet code requirements. She was not opposed to redevelopment, she said, but was opposed to the current proposal for several reasons. First, she stated that about half of the site would be used for the Elks Lodge and parking, so she questioned why the density was calculated using that portion of the development. She thought the density should be determined based on the amount of land being used for residential development. This would result in about 25 units and a much smaller building here, she said. Second, she stated that approving planned project modifications seemed to be counter-productive to the provisions in the Zoning Ordinance. She believed a poor precedent would be set by allowing a violation of the height and setback requirements. Finally, she questioned whether all of the proposed open space would be usable. She argued that much of the 57 percent of open space was steep slopes, which was not usable space. She was not opposed to

infill development on this site, as it would update the look and feel and hopefully increase property values, but she was opposed to this proposal due to the use and high density.

Scott Mule, 255 Sunset, owner of the Big City Bakery and a member of the Farmers' Market advisory committee, urged the Planning Commission to vote against this proposal. He expressed concern that this project did not fit in this neighborhood, stating that this neighborhood consisted of single-family homes and a few duplexes. He said the residents here deserved to maintain their quality of life and there was a fear that this project would degrade and compromise this quality and the value of homes. He asked that the Planning Commission continue to only allow projects that fit in with the neighborhood, as has been done in the past.

Claire Tinkerhess, 621 Miner Street, stated that she supported everything said by the previous speakers. She expressed her sadness at hearing that the beautiful, old Elks Lodge would be torn down. When she heard about the proposed height and number of units of this project, she was shocked. She stated that almost all of the residents at the neighborhood meeting had traffic concerns, noting that there already were growing pressures from traffic in this neighborhood. She stated that both the density and upscale nature of this project did not fit in with the neighborhood and she hoped Planning Commission would not approve it.

Eric Mitchell, owner of 923 Wildt and resident of 1312 Iroquois, stated that he was born and raised at 923 Wildt. He was in the process of refurbishing the home on Wildt Street so he could move back in when he learned of this proposal, experiencing surprise and shock after the investment he had been making in his home. With this project, he said, he would be looking at an asphalt jungle instead of green trees and the river, adding that the view was one of the reasons he was moving back here. He said the site plan identified substantial impacts to the property's natural features, such as the removal of 53 trees, many of them landmark. He stated that neighborhood preservation guidelines in the West Area Plan indicated that individual neighborhoods had unique characteristics that could be lost if development that was out of character were to occur. He said the guidelines also stated that infill development was not necessarily complementary or compatible with the existing architecture of a neighborhood. He thought it was evident that this proposal violated many of these guidelines. He noted that he was not opposed to development, but he did not think this was the proper location for this project.

Lou Glorie, 827 Brooks Street, said she was outraged about this project having come so far in the process and seeming to have general support from staff. She said it seemed as though the suburbs were a place for developers to turn their gaze, but said this should not mean City staff should rubber stamp and facilitate any project that wanted to come to town. She believed this project was an assault on one of the most vibrant and diverse neighborhoods in the City. It was totally out of scale, she said, and lacked any sensitivity to what currently existed. She urged the Planning Commission to reject this plan. She did not think the City should accept a few green bones the petitioner has offered, as they would not compensate for the damage that would be done to the natural area and to the community.

Pam Sjo, 709 Miner Street, said she supported all of the previous comments and urged the Planning Commission to not approve this. She stated that this project would have an adverse impact because it would not fit in with the architecture, style, size and price of the homes, nor would it fit in with the demographics. Most importantly, she said, it would not fit in with the quality of life of the neighborhood. She did not believe this proposal conformed to the rules and regulations of the Zoning Ordinance. This was a neighborhood, she said, not the downtown, or even the fringe of the downtown.

David Lloyd, 716 Sunset, president of the Greater Sunset Brooks Neighborhood Association, stated that all of the comments he was going to make had already been stated. He reiterated that the scale of his proposal was grossly out of scale with the neighborhood and was an affront on the neighborhood's

sensitivity. He stated that this neighborhood was not a part of the downtown and urged denial of the project.

Jane Thompson, 1100 Olden Road, stated that she traveled on Sunset everyday to get to and from work, either driving or walking, and said Sunset was a very heavily traveled road. A great deal of traffic from neighborhoods in the Newport and M-14 area used Sunset, she said, and she was afraid this project would only make the situation worse. She was concerned about the 90-degree turn from Sunset onto Wildt Street, stating that there were no sidewalks there and the visibility was very poor. She also noted that Wildt Street was quite narrow near the intersection of Summit, which also caused a dangerous situation. She urged denial of this proposal.

Gerri Fields, 1026 Daniel, a resident of this neighborhood for 34 years, expressed her support for the comments of all of the previous speakers and asked that the Planning Commission reject this proposal.

Earl Goddin, 236 Sunset, stated that he has lived next door to this property for over 26 years. He believed this proposal was too large and too tall, and it did not belong in this residential neighborhood, pointing out that this site was not a part of the North Main corridor or part of the downtown. He did not believe such a mammoth structure would even be considered for neighborhoods like Burns Park or the Old West Side and said his neighborhood deserved the same respect as others received. He stated that increased traffic from this project would only increase the danger already present at the blind corner at Sunset and Wildt. He believed this project would be an eyesore to the neighborhood and would destroy the natural area ambience of Bluffs Park. He did not think a project like this should be approved just because the petitioner was providing green building features. He said the City should let the petitioner know that Ann Arbor valued its residential neighborhoods and was committed to preserving them.

Judith Cawhorn, 406 Hiscock, recalled several years ago when the Triangle Towing Company proposed an expansion of its site in this neighborhood. At that time, she said, City staff indicated that all criteria for the expansion had been met, yet the neighbors found that there actually some criteria in question. She did not believe the criteria for the proposal this evening had been met and asked the Planning Commission to look at all of the criteria to make the final determination. She thought City staff should be reminded that it did not just represent developers, it represented neighbors as well.

Ellen Brody, 906 Spring Street, asked the Planning Commission to deny this project. Not only did she care about the effects of this proposal on her neighborhood, she also cared about the Huron River corridor and about proper land use in the City. While she applauded the proposal's green components, she did not believe it belonged in this neighborhood. She stated that the proposed structure was twice as tall as what was allowed by the existing zoning and she found it unacceptable for any single-family neighborhood. This was not the downtown and tall buildings did not belong here, she said. She stated that this project would be a dominant, human-made feature and a major intrusion, particularly when the trees were bare, which was 50 percent of the time. She also expressed concern about the number of trees that would be cut down, the amount of impervious surface, the lack of sidewalks to accommodate pedestrians, and the traffic problems. She urged denial of the project.

Myung Raymond, 611 Sunset Road, stated that this site was very hilly and she questioned the ability of the proposed retaining walls to accommodate the new development. She stated that the mature trees and their mature roots helped to maintain the cliff where it dropped off to North Main Street and she was very concerned that the removal of the trees would create a hazardous situation with regard to maintenance of the cliff. She mentioned that water always found a way to seep into the river and said there was a bigger problem here than many thought. She also expressed concern about how this project would affect traffic. She urged the Planning Commission to think twice about approving this project, stating that it went against the citizens' opinion about maintaining a greenbelt. She stated that this was a

very sensitive area and the City could not afford to cut down the trees and then hope the green roof would support the water.

John Satarino, a member of the Park Advisory Commission and speaking on behalf of himself, said he disliked the idea of using the name of an existing park for this development, especially when the development would have a negative affect on parks. He said the City has spent millions of dollars in the last five years acquiring property in this area for the specific purpose of preserving the beautiful Huron River valley and he thought this proposal conflicted with those efforts. He hoped the Planning Commission members would visit the site and walk the trails, noting that the natural features ordinance indicated that scenic values were measurable and that they could be quantified from vista points off the site.

Leslie Camel, a resident elsewhere in the City, said she has already begun using Sunset as a shortcut and could only imagine how much worse the traffic would get once the high school was completed.

Liz McDowell, 1035 North Main Street, expressed concern about erosion, as this project, if approved, would tower over her home. She was concerned about the effectiveness of the retaining wall both during and after construction. She expressed her support for all of the previous comments.

Nancy Nicholson, 261 Brookridge Court, supported all of her neighbors' comments. She echoed their concerns about the assault this project would have on the character of this neighborhood, as well as the effect on natural features and traffic. She also noted the historic building on this site, stating that the City knew how to recognize character and beauty and should not have to keep learning over and over as far as the preservation of such buildings.

Carolyn Westbrook, 215 West Summit, supported her neighbors in their comments about this project. She said the proposed building did not meet the architectural styles of any home in the neighborhood, adding that any development on this site should at least reflect the style of what current existed in the neighborhood. She said the traffic was a real issue and needed to be addressed. She did not see how the impact on traffic from this development could be managed.

Bobby Frank, 910 Spring Street, reiterated the issues of traffic in the area. He said people sometimes had to wait through three traffic signal changes to get from Summit onto Main Street. Adding this many new residential units would make a big difference, he said. He did not see anything in this proposal that would add to the area, other than perhaps an entry into Bluffs Park. He thought the proposal was too tall, too massive, and not appropriate for this location.

Judge Elden, an officer of the Elks Lodge, indicated that the staff report referred to the lodge as BPOE, when in fact it was the IBPOE, the Improved Benevolent Protective Order of the Elks. He said this was a technical difference, as they were two separate lodges. He said the last several years have been critical for the lodge, as they had two options: to sell the property and relocate elsewhere, or stay where they have been for the past 50 years. He said the lodge preferred to stay on the site and develop it in an environmentally and ecologically sound way, which was why they were working with the petitioner and Sunstructures to come up with something that would benefit the City. It was his hope that they had done that on this piece of property that allowed 49 residential units under the existing zoning.

John Bogdasarian, petitioner, said he began representing the Elks Lodge two years ago as real estate broker, trying to come up with a way of keeping the Elks on the site. After a year of publicly marketing the site, he said, they had about six or seven offers with plenty of ideas, but none would allow the Elks to stay on the site. None of those offers were attractive, he said. He said they then hired Midwestern Consulting for engineering services and Sunstructures for architectural services and began meeting with City staff to

discuss options for the site. He said the proposal before Commission this evening was the only economically feasible plan that would allow the Elks to stay on the site. He said he could empathize with the residents because he lived across from where the new high school was being constructed and he knew it was not easy to accept this type of change.

Robert Black, of Sunstructures, representing the petitioner, stated that he also was a resident of this neighborhood, residing at 516 Spring Street for over 18 years. He said he was the chair of the Ann Arbor Energy Commission, working diligently to come up with new options for the City. The number one objective was to support the Elks, he said, keeping them in the neighborhood, noting that they were the oldest residents of the neighborhood. He discussed some of the many changes that have been occurring in the neighborhood, stating that many new developers were building residences that were significantly out of scale with the existing homes. He said the character of the Elks Lodge would be similar to what existed in the neighborhood. He showed elevations of the proposal and discussed the height issues. When looking at this project from Sunset, he said, the actual setback would be acceptable. He stated that green issues had to do with transportation, walkability, four electric vehicles being made available to residents. He said there would be many other public benefits beyond the green roof, stating that this was not lip service, that it was a green development and his firm has been doing this for over 30 years. He asked the Planning Commission to consider this proposal based on its merits and what was allowed by ordinance. He acknowledged his neighbors for their eloquently stated concerns, stating that they were taken very seriously and would be considered.

Robin Grosshuesch, 719 Spring Street, stated that his level of trust in developers was getting thin, referring to his wife's piece of property where a developer removed all of the trees. He encouraged the Planning Commission to tour this neighborhood to see what was happening to residences, such as how tall and how much of a footprint new homes were taking away from the land. He was concerned that this site was one of the last pieces of natural property remaining when viewing it from the Huron River and asked the Planning Commission to take this into consideration. He said he was not against development, but he thought this project was wrong for this piece of property.

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

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and hereby approves the Elks Lodge Special Exception Use, subject to (1) the club only being used by members and guests, (2) lodging being prohibited, (3) service of meals, except for club activities, being prohibited and (4) compliance with an approved site plan.

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Bandemer Ridge/Elks Lodge Planned Project Site Plan, with proposed modifications to the north setback and height requirements of Chapter 55 (Zoning Ordinance) Section 5:46, subject to maintaining a minimum usable open space of 57 percent; and Development Agreement.

Carlberg said she supported tabling action this evening, as she had many questions. With regard to elevations, she said, she would need to see cross sections to envision where the basements would be,

what would be taken away and what would remain, and what kind of slopes would remain. She said the site plan provided this evening did not contain enough detail to understand the grading. She was on the Planning Commission when properties further north on Main Street were considered for development and she recalled two big issues at that time: 1) handling of storm water and 2) steeply sloped site. She said many did not believe the developer was being realistic and was not adequately planning for the handling of water and erosion once the project was completed. With regard to the steep slopes on the property, she said, the impact on existing homes and the impact on the rest of the site as grading was done was a major concern. She said this information was not adequately explained to the Planning Commission at that time in order to move forward with that proposal and it was denied. She said many of the same concerns existed with this proposal tonight and it was her hope that the necessary information would be clearly provided. She said she has seen silt fences on slope sites that did not detain sediment, even though they met code requirements, stating that she would need to see more information on silt fences and how the petitioner would address what would be done beyond what the code required. She stated that 37 units did not generate a great deal of traffic and she wondered if it would be possible to have just one access for the development. She said the use of the Elks Lodge was relatively limited, so it could be possible for both uses to share one access. She said she would need to see the sight lines for the residents across Sunset, noting that the living room of one house directly faced the site. She would need to know what the residents would see if this proposal were built, compared to their current view. She saw three houses that could be significantly impacted. She did not see looking at a building as a negative, but she would want to know what would soften their view of the large building. She also did not think it was a negative to be on a river and see homes, stating that there was no requirement for people on the river to not see residential buildings along North Main. She did not view this neighborhood as being part of the North Main Street corridor. She questioned how retaining walls would be constructed to support the slope and keep the land from sliding into adjacent properties, and how in the strictest engineering standards to make sure the walls would hold up because there was a great deal of building behind them. She said she would need a lot of convincing that this would be possible.

Potts assumed action would be tabled this evening; however, she thought it was appropriate to provide staff and the petitioner with concerns about the proposal. She thought the Elks Lodge was an important part of this project, commenting on the history the lodge represented. She thought having the Elks remain on-site was an important consideration. With regard to density, she said, this was about the third case where there has been a push for higher density into the neighborhood, yet she did not see a community desire for it. She understood that this property was zoned R4C, which allowed a higher density, but she questioned whether R4C zoning was appropriate here. She did not agree with the thinking that added height as a planned project modification was a benefit. She said she would need to know how the woods on the east would be handled, stating that the slopes were a natural feature, adding that she would need to know more about the grading plans. It was astonishing to her how much of this site was proposed to be paved, stating that the last thing the community needed was an exceptional site like this being filled up with large amounts of paving.

Woods echoed the sentiments about the history of the Elks and the importance of helping to keep them in the neighborhood. She expressed concern about traffic in the area, especially with the way Sunset Road curved into Wildt Street. That intersection almost felt like an accident waiting to happen, she said. She thought this would be a good opportunity to look at that intersection and see what could be done, noting that with increased density came more people walking and driving. She was also concerned about the area where Wildt Street narrowed down and suggested that this be reviewed also.

Bona said she was also interested in the traffic, in seeing cross-sections through the site, and in seeing the Elks Lodge remain on the site. One of her major concerns was parking, she said. She thought the neighbors had raised reasonable concerns about the large parking lots for both buildings being situated in front of their homes. She heard the petitioner express a desire to be sensitive to alternative

transportation, yet the parking being provided was substantially greater than required and she would like the petitioner to come back with other options for possibly deferring some of the parking. She believed there was an excess of about 20 parking spaces. She was not comfortable with the concept of trading setbacks when the building was set back a great distance from Sunset and a large amount of parking was situated in the front. She said she also would like to have more information on the energy issues and sustainability. While what the petitioner proposed was admirable, she would like there to be greater definition if it were going to be used as justification for the project. She thought the neighbors all brought up very important issues and hoped the petitioner would seriously consider them and meet with the neighbors again. She said the benefits proposed at this time were community benefits, not neighborhood benefits, and said neighborhood benefits would also have to be provided.

Lipson agreed that the Elks should remain on-site. The goal of conserving energy, using a green roof and making both buildings sustainable was excellent, he said, noting that Sunstructures has been a pioneer in green development with a highly regarded reputation. He stated that this was a challenging site and questioned why it was zoned R4C. Even though it was zoned R4C, which allowed a certain density, it did not mean the petitioner had to propose that density, he said. It was his hope the petitioner would be sensitive to the natural features on this site when this came back to Commission. He said he would like to see a better analysis of the density and an explanation as to why the proposed density was acceptable on this site. He also was concerned about the trading of setbacks and about the massive nature of this building and how that would affect the view for the entire City. He was concerned about the intensity of this proposal. He was not opposed to multiple-family development on this site, stating that it could be done well, but he was not convinced this proposal addressed all of the concerns. With regard to traffic, he said, one proposal could not be held responsible for the traffic problems, such as cut-through traffic that was occurring. He suggested that Sunset Road might qualify for traffic calming, even without this proposal. He hoped there would be increased communication between the neighbors and developer to come up with a proposal that was satisfactory to everyone.

Westphal stated that many of his comments had already been stated by Commission members. He stated that the West Area Plan, which was developed through community input, concluded that high density residential use was appropriate on this site. If this site were developed without the presence of the Elks Lodge, he said, many more units than what was proposed would be allowed. It seemed to him that the scale of the project was out of line with the neighborhood, noting that it almost doubled the allowable height. He would like to see the Elks Lodge stay on the site with perhaps the same amount of density as proposed but designed in more creative fashion. He also suggested that less parking and/or less square footage for the lodge might be possibilities. He was generally supportive of the development of this land, but given the proposed height of the building that would be located along the ridge, the proposal seemed inappropriate.

Borum said he agreed with most of the comments made this evening. He was a proponent of greater density in the City, but it had to be measured with the scale of the neighborhood. He was trying to figure out how this property was zoned R4C in the first place, noting that this proposal seemed to be massively out of scale with its surroundings. He hoped there was a middle ground the petitioner could reach, where a certain amount of density could be provided and the Elks Lodge could remain on the site.

Emaus stated that he was attracted to some of the features of this proposal, such as the Elks Lodge remaining on the site with a sustainable future and the green features that were proposed. It was important, he said, that the site be ADA-accessible, especially because of its hilly topography. In looking through the development agreement, he said, he did not see anything that addressed the ADA accessibility or the green features. He said it would be acceptable if this were included on the site plan. With regard to the easement to Bluffs Park, he said there was a five-foot wall that separated the development from the easement and he would like to make sure that the trail that was part of the park be

separate from the development to maintain the urban forest fragment. Moving the path might be problematic, he said, because it would likely affect the urban forest area. He stated that the sight line from the homes on Sunset was over 200 feet away from the proposed building, which he thought was a tremendous amount of setback for the residents. He referred to the multiple-story Baker Commons project on Main at Packard, which most people did not even notice. He said there were parts of the proposal he could support, but did say he agreed about reducing the parking. He was surprised there were so many aboveground parking spaces, given the number of underground spaces, and said he would like to see fewer external spaces. He said he also would like to know the feasibility of one curb cut serving the development.

Pratt asked about the size of the units that were proposed.

Bogdasarian stated that they would be 1,600 to 2,800 square feet in size, with some having the ability to go as high as 3,200 square feet if desired by the purchaser. He said market studies have indicated that small downtown units were not selling, but said there may also be a few 800-square foot units. He anticipated that many units would have two cars. He said he would look into the parking numbers, but noted that sufficient parking would be needed for functions held by the Elks. He said they also were looking into possibly deeding some spaces for Bluffs Park parking.

Pratt asked about price range for the units.

Bogdasarian said the current project was \$250 per square foot for a finished unit.

Pratt asked the petitioner if he thought anything could be done with the massing and height of the project.

Bogdasarian said they could go back and listen to the residents, but said if a floor were eliminated, in order to make the project feasible might require eliminating the green roof, geothermal entrance or park entrance. A loss of the units could make the project financially impossible, he said. He thought he heard many comments this evening that would allow for improvement and said he would need to discuss them with his architects and engineers.

Pratt asked about proposed building materials and a description on how the building would reflect the character of the neighborhood.

Black stated that the lodge would be a stucco material that was compatible with the exterior finishes of the neighborhood. He said the residential building likely would be brick with metal roofing. He said the façade that faced the street would have more of a house-like scale, adding that the depth of the setbacks and the break in the buildings would lessen the impact. If it were permissible, he said, they would like to take photographs from some of the residents' homes along Sunset, so they could show existing and proposed renderings.

Pratt said he could imagine R4C zoning in this location being viewed as a transitional zone due to its location at the edge of the neighborhood. He said he would like to get a better sense from staff as far as how the code applied to a difficult site such as this, with the existing topography, such as whether a portion of it might be undevelopable. With regard to the setbacks, he was unsure whether he favored a reduced setback at the rear of the site. He thought there might be room to move the building forward to allow more sensitivity to the ordinance requirements for the rear setback. With regard to the traffic issue, he said, many of the concerns had to do with existing traffic issues. He stated that the addition of 37 units at this site would not create a significant impact. He said it was important to remember that everyone in the City paying taxes had a right to use the public streets. It was also the obligation of the City to maintain and improve those streets, he said. He did not know if the traffic issue would have a lot of basis

for denying the plan, he said. He stated that the benefits to the neighborhood and the City from the planned project modifications needed to be considered. He said he also would like to see as many of the energy measures as possible addressed in the development agreement. He expressed concern about storm water and how it might drain offsite, stating that he wanted to be absolutely certain that the size of the pipe exiting the site could handle more than what it was designed to handle. He said there would be a bigger storm one day and water running overland and down the hill could be a potential problem. It was important to understand the overflow characteristics, he said, as well as the ability of the City's system to handle the flow. He said perhaps the maintenance of slopes and retaining walls should also be considered for inclusion in the development agreement.

Woods asked about sidewalks.

Bogdasarian stated that a sidewalk fronting this parcel would be provided; however, it would not connect to anything. The sidewalk would get people off of the street on that part of the hill along Sunset, he said.

Woods said there may be an opportunity here to provide additional sidewalk space for pedestrians.

Lipson said he would like more information about solar orientation and how the petitioner planned to take advantage of that. He stated that there was a significant difference between 800-square foot and 3,200-square foot units, noting that a 2,000-square foot unit at \$250 per square foot would cost a half million dollars, which was out of character with the area. He would not like to see the desire of keeping the Elks on this property creating a situation where others could not afford to live here. He thought there was a market for more modest-scale units on this property.

Carlberg thought it should be possible for the petitioner and the neighbors to agree on where the building would fit on this property. She told the petitioner that he needed to bring information back to the Planning Commission that would help Commission understand that the building could not be seen from Main Street. With regard to the sidewalk, she said, this site had quite a slope from the west to the east and she wondered if a sidewalk could be ADA-compliant.

Marcarello stated that the sidewalk on Sunset would not be ADA-compliant due to the slope; however, the sidewalks within the site would be compliant with ADA regulations.

Carlberg stated that with regard to whether there was a traffic problem, people would not be using Sunset to cut through the neighborhood if it were impossible to traverse. She said she would like to know specifically how many cars currently used Sunset and at what speeds, and where the conflict points were. Her observation of one evening peak time was that there was very little traffic during peak periods and said she did not believe there were serious conflicts that presented a danger to the neighborhood.

Pratt said it would be beneficial to see what existed in terms of five-year crash history at the intersections of both Wildt and Sunset and Wildt and Summit.

Bona cautioned that improvements to the intersections could make the road more attractive to drivers, which would increase traffic and speed. A natural traffic-calming element was a narrow street, she said. She stated that Sunset had street parking and she would like the petitioner to keep that in mind when thinking about parking for this project. To maintain an economically viable tenant, she suggested that the petitioner consider dedicating the natural woodland on the site to the City. She said qualified staff would then be responsible for maintaining the land, rather than tenants of the site who likely would not have the expertise. She realized that the petitioner changed the plan to bring sidewalk access closer to the driveway, but she asked that the petitioner consider making that access part of the park so the public could use it to access the park and without traversing private property. She thought this would be

possible given the side setback. With regard to the name of the project, she also was sensitive to using the name of an existing park. She would like the petitioner to consider names that came from the history of the site, something that would honor the site's history.

Moved by Potts, seconded by Lipson, to table action.

A vote on the motion to table showed:

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

Motion carried unanimously.

b. Public Hearing and Action on Trinity Lutheran Church Site Plan for Planning Commission Approval and Special Exception Use, 4.52 acres, 1400 West Stadium Boulevard. A proposal to construct a 672-square foot addition to the east side of the building and a 1,475-square foot canopy extending over a new drop-off area and six additional parking spaces – Staff Recommendation: Table

Marcarello described the proposal and showed photographs of the site.

Kate Bond, of Washtenaw Engineering, explained the objectives of the project. She said they proposed to move the barrier-free parking spaces with closer to the front entrance and provide a canopy for improved access during inclement weather. The appearance would also be more inviting, she said. She stated that the remainder of the changes were those required to bring the site into conformance with City code, such as interior parking lot landscaping and conflicting land use buffer. She said the Systems Planning staff suggested that three feet could be removed from the 22-foot wide driveway to add to the buffer area, but said they did not believe this would be feasible. She explained that this buffer area contained underground utilities and the existing vegetation, which was very thick, already supplemented the screening requirements. She said this plan would provide storm water detention on the site, which currently did not exist. A fire hydrant would also be added to the site, she said. She said they contacted all residents within 300 feet and invited them to attend a neighborhood meeting at the church to inform them of the proposed plans.

Dave Swanson, of Swanson Design Studios, architect for the project, showed a schematic rendering of the proposal. He said they intended to match the brick of the existing building for the addition. It was their intent to create something inviting and hospitable in appearance along the Stadium Boulevard corridor and for the community.

David Rogers, 1224 Naples Court, thanked the church for keeping the residents informed. He was glad to see the parking lot that currently existed adjacent to the houses relocated.

Mary Swanson, also representing the petitioner, stated that the water detention would improve the area and reduce flooding because the site sloped from one side to the other. This plan would improve water drainage in neighbors' backyards and basements, she said.

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

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the Trinity Lutheran Church

Special Exception Use petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to a maximum of 32 children and compliance with an approved site plan.

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby approves the Trinity Lutheran Church Site Plan for Planning Commission Approval, subject to 1) the offsite mitigation for three landmark trees, which are to be removed, to be planted at the direction of Parks and Recreation staff in Frisinger Park and/or Winchell Park; 2) the timing schedule being added to the plan; 3) tree protection fencing is clarified; 4) tree protection fencing detail statements are revised; 5) statement noting landscape modifications are added to the plan; 6) additional trees are added to meet spacing requirements; and 7) approval of Chapter 62 (Landscape and Screening) modifications.

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby approves the proposed modifications to the conflicting land use buffer requirements of Chapter 62 (Landscape and Screening Ordinance), Section 5:603(1).

Lipson stated that he supported this proposal, noting that churches should be encouraged to expand within the City rather than moving outside of the City. He said the other improvements that were required for this site would probably cost more than the addition. He said it would be good if the driveway could be narrowed somewhat to add more space to the buffer area, but he would not make that a condition of the site plan approval because there were so many other positives occurring on this site. He did not necessarily like to see landmark trees removed, but said there was a 1.25-acre woodland at the back of the property that was being preserved, of which the church was a steward.

Emaus said he also supported this proposal, although he thought it would be reasonable to reduce the width of the driveway in order to increase the buffer width by three feet, even at the expense of the perpendicular parking.

Carlberg asked why a 30-foot wide entrance was needed for the church when a 22-foot width was required.

Bond said the drive would also serve as a drop-off lane, as well as other functions, such as funerals.

Carlberg asked if the site sloped to the rear.

Bond replied yes. She said water from the west side of the site was collected, detained and treated prior to leaving the site.

Carlberg asked if the system allowed for any infiltration.

Bond replied no, that the soils did not allow for that.

Potts believed this was a reasonable request that would make better use of the site and bring it up to code. She expressed concern that a site plan was legally binding document and she was uncomfortable with an incomplete site plan with the conditions that might be added. She also stated that she did not see

a compelling reason for not providing the required buffer. If it could not be 15 feet wide, she said, she would like to see more vegetation added to compensate for it.

Marcarello said the proposed modification to Chapter 62 would allow the existing seven-foot wide buffer to remain, rather than providing the full 15 feet. She said the existing trees and shrubs in this buffer area satisfied the requirements of the landscape buffer.

Potts thought it was important for the neighbors to have the conflicting land use buffer and said she would like the motion to include additional trees and vegetation.

Bona stated that she was working for the architectural firm that represented the church in 1991 when the barrier-free changes were made, so she knew the difficulties of the site. She was happy to see the barrier-free access at the front of the church and said she did not have a problem with the narrower buffer adjacent to the east. She stated that one of the restrictions of this site that did not appear on the site plan was the significant grade change from the new perpendicular parking. Because of this, she said, the parking could not continue to be pushed closer to the building. She believed the amount of work the church was required to do related to storm water detention and other code requirements far outweighed the small amount of work the church proposed to the building. She wondered if the motion would need to be changed to include the items listed in the December 19 memorandum from staff. She was in favor of the motion to modify the requirements of Chapter 62. She believed the existing seven-foot wide buffer and the existing vegetation within that buffer were adequate and she did not see an advantage to requiring more trees in that part of the site. She noted that the church was adding new trees elsewhere on the site. She suggested that the motion be amended to remove the reference to the additional trees to meet spacing requirements.

Moved by Bona, seconded by Borum, to amend the second motion regarding the site plan to remove the following language, “additional trees are added to meet spacing requirements.”

Carlberg was not sure why it was not possible for the church to add the trees, stating that 50 feet between trees was a large distance and staff has indicated that the additional trees would be possible. She had not heard any rationale as to why this would not be desirable.

Bond stated that the required amount of plant material for the buffer has been provided. In the area where 15 feet of buffer could not be provided, she said, they identified utility conflicts, so shrubs were put in those places, such as lilacs, viburnum and holly.

Carlberg said it was her understanding that what staff was recommending in its December 19 memorandum was that trees would be planted in the wider areas of the buffer and that fairly tall shrubs would be planted in the more narrow areas. She understood the difficulty of going into established vegetative areas with root systems and trying to create space for new root systems. This could be very detrimental to what already existed, she said. She supported items #2-6 in the December 19 staff memorandum.

Woods said she supported additional trees in the area where the trees were more than 50 feet apart and asked if the neighbor who spoke during the public hearing if the residents supported this.

David Rogers replied yes, but that shrubs would be preferable.

Emaus asked for clarification about the 23 trees that were required in the buffer area along the east.

Marcarello stated that this was one of the items in the December 19 staff memorandum that said a statement would need to be added to the site plan indicating Chapter 62 modifications were requested for the deficient conflicting land use buffer materials.

Bond stated that 23 trees were required. Of those, she said, seven trees existed and were counted toward the requirement, so 16 trees were proposed.

Commission asked that a memorandum be provided confirming that all required items were provided by the petitioner.

A vote on the amendment to the motion showed:

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

Motion carried.

A vote on the three main motions, as amended, showed:

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

Motions carried unanimously, as follows:

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the Trinity Lutheran Church Special Exception Use petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to a maximum of 32 children and compliance with an approved site plan.

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby approves the Trinity Lutheran Church Site Plan for Planning Commission Approval, subject to 1) the offsite mitigation for three landmark trees, which are to be removed, to be planted at the direction of Parks and Recreation staff in Frisinger Park and/or Winchell Park; 2) the timing schedule being added to the plan; 3) tree protection fencing is clarified; 4) tree protection fencing detail statements are revised; 5) statement noting landscape modifications are added to the plan; 6) approval of Chapter 62 (Landscape and Screening) modifications.

Moved by Carlberg, seconded by Lipson, that the Ann Arbor City Planning Commission hereby approves the proposed modifications to the conflicting land use buffer requirements of Chapter 62 (Landscape and Screening Ordinance), Section 5:603(1).

c. Public Hearing and Action on 2856 South Main Street Special Exception Use, 6.46 acres. A request to allow a dog day care business in an O (Office District) zoning district – Staff Recommendation: Approval

Vaughn described the proposal and showed photographs of the site.

John Svoboda, petitioner, stated that dogs became better socialized in supervised, caring environments and that this proposal would help dogs become better citizens. He said they have established an excellent client base during the last two years in Ann Arbor. Approval of this request would allow them to keep their business open, he said, as they would have to vacate their current location by the end of the year, which was where the Arlington Shops retail center was proposed to go. He said their current location was 32 feet from a neighboring building that contained residential apartments and that they never received a complaint with regard to noise or odor. The new location was a little over 300 feet from a residence, he said, adding that the residents of the adjacent retirement communities had no problems with this proposal. He said they received 110 signatures from neighbors and clients in support of this and requested Commission approval.

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

Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to 1) a limit of the size of the operation to a maximum of 4,000 square feet; 2) a limit of the hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on weekends; and 3) a limit of the number of dogs to 25; and, therefore, approves the Arbor Dog Day Care Special Exception Use.

Potts clarified that there were no changes proposed to the site or the exterior of the building.

Vaughn replied that this was correct.

Emaus asked if the restriction of keeping the dogs indoors would preclude walking them outside.

Pratt stated that the proposed motion did not contain this restriction.

Svoboda stated that they would continue to walk the dogs, usually one at a time. He said there would be no dog runs outside.

Bona expressed concern about waste being picked up just once a week and asked if the petitioner would be willing to have more frequent pick-ups if it were to become a problem.

Svoboda said he could talk to the owner of the property about this, but he did not think it would be a problem, as it had not been a problem for the past two years in their current location.

Bona asked if the petitioner would mind if Commission added a contingency to the motion that required supervision of the animals at all times.

Svoboda said there would always be staff present with the dogs, so he would have no problem with this.

Moved by Bona, seconded by Carlberg, to amend the main motion by adding the following language, “and 4) no dog being left unsupervised.”

A vote on the amendment to the main motion showed:

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

Motion carried unanimously.

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

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

Motion carried unanimously, reads as follows:

Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to 1) a limit of the size of the operation to a maximum of 4,000 square feet; 2) a limit of the hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on weekends; 3) a limit of the number of dogs to 25; and 4) no dog being left unsupervised; and, therefore, approves the Arbor Dog Day Care Special Exception Use.

Carlberg moved to continue the meeting until 12:00 midnight; however, there was no second to the motion.

Moved by Emaus, seconded by Potts, to consider item F (Platt Road Center Planned Project Site Plan) and then adjourn the meeting.

Potts said she would rather not deal with this project at the late hour, as she did not think everything had been resolved.

Carlberg said she would like to consider this project and the Rite Aid proposal together if possible.

A vote on the motion showed:

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

Motion failed.

Exit Lipson.

Carlberg made a motion to consider item D (922 Church Street Apartments Site Plan) and then adjourn the meeting; however, there was no second for the motion.

ADJOURNMENT

Pratt declared the meeting adjourned at 11:17 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services