

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – April 17, 2007

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

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

ROLL CALL

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

Members Absent: Westphal

Members Arriving: Lipson

Staff Present: Foondle, Kowalski, Lloyd, Marcarello

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

None.

Enter Lipson.

APPROVAL OF AGENDA

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

A vote on the motion showed:

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

NAYS: None

ABSENT: Westphal

Motion carried.

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

Potts reported that the Ordinance Revisions Committee would be meeting on April 27 from 9:00 to 11:00 a.m. in the Council Workroom.

Lipson reported that the Master Plan Revisions Committee would be meeting on April 24 at 3:00 p.m. in the Sixth Floor Conference Room, at which time areas of interest for master plan review would be discussed.

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 May 1, 2007 Planning Commission meeting.

REGULAR BUSINESS

a. Public Hearing and Action on Birchmeier Annexation and Zoning, 0.50 acre, 2024 Newport Road. A request to annex this parcel into the City and zone it for single-family residential use – Staff
Recommendation: Approval

Lloyd described the proposal.

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

Moved by Carlberg, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Birchmeier Annexation and R1A (Single-Family Dwelling District) Zoning.

A vote on the motion showed:

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

Motion carried.

b. Public Hearing and Action on Trix Annexation and Zoning, 0.46 acre, 645 Riverview Drive. A request to annex this parcel into the City and zone it for single-family residential use – Staff
Recommendation: Approval

Lloyd described the proposal.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Trix Annexation and R1B (Single-Family Dwelling District) Zoning.

Woods stated that this parcel was surrounded by township properties and wondered if the parcel, after being annexed, would begin receiving City services, such as refuse pickup.

Lloyd replied yes.

Carlberg noted that this property had its own septic system and asked when the City expected to extend the sanitary sewer line to these properties.

Pratt stated that the Capital Improvements Plan (CIP) anticipated this project to be undertaken in 2010.

Carlberg was curious to know what would happen if the property owner's septic failed between now and the time the sanitary sewer line was extended to serve the property.

Lloyd stated that this would be under the County's jurisdiction. He said the property owner would be required to repair the septic system or be willing to connect to the nearest City sewer line, if possible.

A vote on the motion showed:

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

Motion carried.

c. Public Hearing and Action on Sonen/Beardsley Annexation and Zoning, 1 acre, 314 Huntington Drive. A request to annex this parcel into the City and zone it for single-family residential use – Staff
Recommendation: Approval

Lloyd described the proposal.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Sonen/Beardsley Annexation and R1B (Single-Family Dwelling District) Zoning.

Potts asked if Huntington Drive provided access to this property.

Lloyd replied yes, that Huntington Drive turned into a private drive that extended to this property.

Pratt was not aware of the township's current practices for private drives, or if the lots were divided according to the township's requirements. He said he requested more information from staff on this.

Emaus referred to the following statement in the staff report, "The petitioners have expressed willingness to grant the required utility easement." He questioned what the petitioner would actually be granting and if the other property owners connected to the same utility would also have to grant the easement.

Lloyd stated that this would depend on the restrictions of the easement.

Lipson asked how far the City water service was from this property and what would happen if the well serving this property were to go dry.

Lloyd stated that staff would investigate this and provide a response to Commission.

Pratt stated that it might happen that the existing sewer service would remain private until others with the same easement were annexed in to the City. He stated that clarification from staff on this issue would be informative.

Woods questioned whether the private road was wide enough to provide access for fire trucks and if there was adequate space for them to turn around.

Lloyd stated that staff would check on the width of the drive.

A vote on the motion showed:

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

Motion carried.

d. Public Hearing and Action on Packard Marketplace Rezoning and Site Plan, 0.68 acre, 3111 Packard Road. A request to rezone a 0.2-acre portion of the site from P (Parking District) to C1 (Local Business District) and a proposal to raze the existing structures and construct an 8,246-square foot retail building – Staff Recommendation: Table

Marcarello described the proposal and showed photographs of the property.

Sara Mayman, 2889 Maplewood, expressed concern about the type of businesses that would be on this site, objecting to businesses open 24 hours a day. She said hers was a nice neighborhood without sidewalks and there were many children who played outside. She said the curb cut on Maplewood was located across from her home and she was concerned that it would encourage an increase in the

speeding that neighbors already experienced. She also expressed concern about the appearance of the proposed berm as far as neighbors having to look at it. She thought a tall, thick berm would help with the noise and dirt pollution from Packard. She expressed concern about overflow parking in the neighborhood increasing from this development and about the proposed dumpster location. She did not want to hear the dumpster being emptied in the middle of the night. She provided a letter signed by three neighbors that identified their concerns (on file).

Paul Holtz, 2865 Maplewood, echoed the concerns of the previous speaker. He expressed concern about the setback of the building, size of the buffer along the north, business parking overflow, service traffic from the Maplewood curb cut, and retail traffic from possible south curb cut. He strongly opposed those curb cuts, he said. He asked that the building be made to conform to height and setback requirements.

James D'Amour, 2771 Maplewood, agreed with the recommendation to table action. He pointed out that this site was cleared of all vegetation, including all trees with a sizable diameter, and asked that the Planning Commission look into this. He stated that part of the purpose of the parking zoning district was to provide a buffer to neighborhoods. He believed the buffer along the north property line should be greater than 15 feet and suggested that a reduced front setback be allowed so the building could be placed at the front of the site and the parking and storm water retention at the rear. This would be less intrusive to the neighborhood, he said. He stated that moving the building to the front of the site would also make Packard Road more walkable and it would help meet the City's long-term goal for walkability. He thought this development could become an asset to the community if properly planned.

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

Moved by Carlberg, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Packard Marketplace Rezoning from P (Parking District) to C1 (Local Business District), Site Plan and Development Agreement.

Potts thought one of the reasons this proposal appeared to be a high impact use was because it would change the use that has existed on this site, while the existing neighborhood remained. She stated that whatever design would provide the most effective buffering for the adjacent neighborhood should be considered. In addition to a conflicting land use buffer between residential and commercial uses, she said, there also was a vehicular use buffer requirement, which may or may not be greater. She agreed with the neighbors' concern about delivery and refuse trucks at the rear of this site. It placed this type of function more deeply into the neighborhood, she said. She thought it would be more appropriate off of Packard. She supported the recommendation to table action, as she thought there was more work to be done.

Carlberg stated that as she looked at the property to the east, which also was a commercial use, it made more sense to her to place the building at the front of the site and the parking at the rear. She stated that the two houses on this site have been an eyesore for many years and removing them was not hardship to the neighborhood. The proposed building would be an improvement in appearance, she said. The challenging question, she said, was whether to place the parking at the rear of the site. Cars entering and exiting a site were not normally loud, she said. She wondered whether this site would use large trash dumpsters or smaller carts. There would be noise from the site at certain times of the day, she said, just like there was from the previous use. She was interested in seeing this come back to Commission with a different configuration of the building at the front and the parking in the rear.

Emaus agreed, stating that many of the businesses along Packard in this area were situated near the front of the street. He believed locating the proposed building more to the rear of the site with parking in the front would be out of character with the street appearance. He supported staff in recommending a walkway between this site and the commercial establishment to the east.

Lipson concurred with the comments made by Commission members. He noted that the development agreement contained a provision for noise control, which would help in enforcing this. It was important that the neighbors knew about this provision, he said. He agreed that, if possible, the curb cut into this site should be facing the towing service, rather than the residential neighborhood. He was concerned about putting parking at the rear of this site because of the noise associated with vehicles, such as radios and slamming doors, unless a wall were constructed to reduce the sound impact. He stated that this area was becoming a vibrant commercial area and he thought this was an appropriate location for this development. He strongly supported as much pedestrian access as possible. He said there were no longer any natural features on the site and said it was not certain whether this was in compliance with ordinance requirements.

Marcarello showed the photograph of the site to indicate where trees had been removed. She said the ash trees and shrubs that were removed were not protected.

Bona generally agreed that it was good to put the building at front and the parking at the rear of the site. She said the petitioner of this project has not spoken with the neighbors, noting that the Planning Commission preferred there be communication between the two. When this proposal came back for consideration by Commission, she said, she would like to know that this communication occurred. She supported connecting this site with the property to the west and asked that it be included in the development agreement. She asked if there were any restrictions that could be placed as far as the hours of operation.

Marcarello said there were no restrictions in the zoning district with regard to hours of operation, but said something could be added to the development agreement.

Bona hoped this would be resolved between the petitioner and the neighbors. She supported tabling action this evening.

Woods echoed that it would be helpful for the petitioner to meet with the neighbors and listen to their concerns. She said it would go a long way in terms of understanding how this project would fit into the existing residential area. She asked about the type of berm that was proposed along the rear property line.

Michael Van Goor, of Van Goor Architects, representing the petitioner, stated that the berm, which would contain plantings, would conform to conflicting land use buffer requirements. He said the berm would help screen the neighborhood from the noise and headlights from both the parking lot and Packard Road.

Woods asked if the berm were going to be elevated, stating that an elevated berm might reduce more of the noise.

Van Goor replied that they had not explored anything further than the berm and plantings required by City Code. He said the proposed building would also act as a buffer.

Woods asked about the timing for delivery truck loading and unloading.

Van Goor stated that they had not yet determined a schedule for deliveries, as they did not yet have tenants secured for the building. He said they would inquire with the City's Solid Waste office to find out about the trash pick-up schedule.

Woods said staff encouraged that the Packard Road curb cut be eliminated. She asked the petitioner to provide the rationale for keeping the curb cut on Packard.

Van Goor said the petitioner would like to maintain the curb cut on Packard Road, given that the majority of users would come from Packard. He said they were also trying to minimize traffic from patrons entering the adjacent neighborhood. He stated that they met with the property owner to the west, who indicated that he was not interested in site planning his site at this time.

Woods asked if traffic coming out of this site would be able to turn left.

Van Goor replied yes.

Woods stated that this development having a curb cut on Packard and the adjacent site to the west having a curb cut on Packard could result in vehicles coming out of both sites to turn different ways at the same time. She expressed concern about this creating problems.

Van Goor stated that there would be no visual obstructions between the curb cuts and that drivers would be able to see each other.

Borum agreed with most of the comments made by Planning Commission this evening, particularly regarding placing the building at the front of the site. He said he would support decreasing the front setback to allow the building to be moved closer to the street, which would allow more of a buffer area between the parking and the neighborhood. He thought there was an opportunity here to set a precedent for how properties along this street should be redeveloped. He reinforced the comments made about the value of moving the building closer to Packard.

Emaus stated that this property was zoned C1 (Local Business District), noting that the neighborhood immediately north of this site was the local business district in this area. Instead of catering to automobiles on Packard, he said, it was the neighborhood that would likely use this development. He stated that there were 10,000 people within this small area and a lot of traffic was not needed to support an 8,000-square foot business. He said the City has gone to great lengths to reduce the number of curb cuts on Packard and Platt, adding that he would be against a commercial establishment having a curb cut on Packard in this location. He said the curb cut proposed for this would mean four curb cuts within 50 feet of each other. He stated that not setting a precedent for more curb cuts on Packard was important.

Potts stated that reducing the impact on the neighborhood was important. She said this was a commercial strip right now and she was not sure it would ever get cleaned up with fewer curb cuts, etc., so wanted to make sure that traffic stayed on Packard, particularly for trash pickup and deliveries. She did not think a curb cut on Maplewood would be a good idea and it was her preference that this development use Packard for its access, even if it meant one more curb cut.

Lipson did not see how noise from trucks at the rear of this site could be avoided without a masonry wall. He did not have a solid opinion regarding curb cuts, but said he would like to minimize the impact on the neighborhood. If there were to be a curb cut on Maplewood, he said, it should be located as far away from the neighborhood as possible. He stated that a masonry wall along the north property line would go a long way toward alleviating his concerns.

Pratt echoed the concerns made about the number of conflicting turns occurring on Packard. He did not think it was a question of sight distance, but the decisions drivers would have to make. It was a safety issue, he said. He generally did not like to suggest something the residents did not support; however, in this case, he believed a primary access from Maplewood, closer to Packard, would be a preferred option.

Mayman wondered what type of businesses could locate here and if there were any opportunities for the neighbors to provide input.

Pratt stated that a provision in the development agreement limiting delivery hours would be helpful to the Planning Commission in determining that the rezoning was a positive impact to the public welfare and property rights of the residents in the area, per the Zoning Ordinance. He said it would also be helpful if a provision could be added to the development agreement regulating the hours of operation. With regard to moving the building closer to Packard, he would like to hear feedback as far as whether residents would like to have the building as a screen, or screening from a parking lot if parking were located at the rear. He agreed from a planning standpoint that the building should be moved closer to Packard. He echoed the comments made this evening in support of staff's comments.

Bona believed the restaurant to the west had access onto Elmwood and the office to the east had access onto Maplewood. The business on the other side of Elmwood also had access onto Elmwood, she said. She thought it would be consistent to allow that for this development as well. One of the goals of the South Area Plan was to reduce the number of curb cuts on Packard, she noted. With regard to the location of the parking, she said, she would like to hear feedback from the neighbors. She asked if street trees were required on Maplewood or Packard.

Van Goor replied yes and said they were shown on the site plan.

Bona stated that sidewalks were always more comfortable for pedestrians when there were trees between the street and sidewalk. She asked if the petitioner had considered this.

Van Goor said there was very minimal space for trees between the street and sidewalk and said they would leave this to the City's Natural Features and Environmental Coordinator to make a determination.

Bona asked that staff look into whether trees could be provided between the sidewalk and street, stating that this would be good for pedestrians and to reduce the speed of traffic. She said she would like to see reinforcement in the development agreement that the petitioner was willing to connect this property if and when the property to the west was redeveloped. If the neighborhood were interested in moving parking to the rear of the site or the Maplewood side, she said, that would be an option. She said she also supported moving the building closer to Packard.

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, Woods
NAYS: None
ABSENT: Westphal

Motion carried.

e. Public Hearing and Action on McKinley Executive Center Retail Rezoning and Site Plan, 0.79 acre, 2245 South State Street. A request to rezone the parcel from O (Office District) to C3 (Fringe Commercial District) and a proposal to construct a 3,404-square foot retail building – Staff Recommendation: Denial

Marcarello described the proposal and showed photographs of the property.

David Diephuis, 2096 South State Street, expressed his opposition to this rezoning for the following reasons: (1) the rezoning did not conform to the current South Area Plan, (2) rezoning at this time seemed premature because the City was currently in the process of updating its land use plans and the result could be a negative impact on the City's goal of a comprehensive and cohesive approach to land use planning, (3) approving a zoning change at this time would be an egregious example of spot zoning without considering the full consequences for Ann Arbor residents, and (4) while there were some commercial uses in the area, many of them were in the township and did not comply with the City's regulations. He urged the Planning Commission to vote against this.

Frances Todoro-Hargreaves, of McKinley, representing the petitioner, stated that they purchased this property over a year ago and made strong efforts to revitalize it and bring more vibrancy to this area of the State Street corridor. She said they considered retail use for this area because most of the people who would utilize it were already driving on State Street. She said this was predominantly an automobile corridor and a main entrance into the downtown. She distributed a map showing the commercial uses in the area. She said the three properties to the south of this site were in the City and zoned either industrial or office, but noted that they all had commercial uses on them. While the actual zoning may not be commercial, she said, the uses were there and had established this as a commercial area. She and other representatives of the proposal were available to answer questions.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the McKinley Executive Center Retail Rezoning from O (Office District) to C3 (Fringe Commercial District) and Site Plan, subject to approval of a land division and Washtenaw County Drain Commissioner approval prior to City Council consideration.

Carlberg said this was a challenging issue, stating that the area currently was a mix of businesses and it would be a challenge to determine the future zoning. She said a future zone allowing the current uses, which were office, commercial and residential, should be considered. She was not sure what would be gained by denying this and not moving forward with some development on the site. She thought the City was more interested in mixed uses, stating that they created more vibrancy and interest to an area. She was challenged to see why it was inappropriate to zone this property C3, given that there were areas of State Street that were already occupied with commercial uses. She believed the traffic issue was clouded by the fact that there were doctor and dentist offices here, which were high traffic generators. She did not see a good rationale for denying this rezoning, adding that waiting until the South Area Plan was updated was not a suitable reason.

Potts agreed that there were commercial uses along State Street, though the properties may not be zoned for commercial use. She said she would be more inclined to support a commercial use on this site if it did not include a drive-through, stating that drive-through uses tended to create more of the darting in and out type of traffic, thereby creating a more dangerous situation. She was inclined to think that changing the zoning to commercial was not appropriate here.

Lipson said he had many concerns here. He stated that this was a very complicated area, having undergone some changes and in need of an updated master plan, noting that the South Area Plan was the City's oldest master plan. He said the petitioner's points were well taken, that people using a coffee shop on this site would be those who would already be driving on State Street. He said it was also true that there may be several nonconforming uses in this area. However, he said, this did not mean the City should legitimize them by allowing another commercial use. He said this was a gateway to the City and he was not comfortable rezoning a single lot without really looking at this area. He believed this area deserved the City's priority and said he was not comfortable zoning one property at a time without first updating the South Area Plan.

Emaus said he was against the drive-through that was designed to go all the way around the building, and said he agreed with the other concerns that were raised.

Bona stated that one of her concerns with rezoning the property was that it was the City's policy to not widen streets and if this site were rezoned to commercial, the domino effect of rezoning other parcels may ultimately create a traffic problem. She stated that she would be more interested in considering a proposal for an office building with a coffee shop on the first floor and underground parking. She also stated that shared parking with the office use on the original site would be beneficial. As far as the adjacent uses, she did not know why some of these commercial uses were allowed in the industrial zoning district. If this were tabled this evening, she said, she would want more information on why these uses were there. She asked if staff had information as to when the C3 parcel was zoned to C3.

Marcarello stated that the C3 zoning has existed since the property was annexed in 1969.

Bona suspected it was zoned C3 because the existing use at the time of annexation was commercial. While the South Area Plan was the City's oldest master plan, she said, it was the only plan that existed for this area. She said the plan was done after the one property was zoned C3 and it still recommended industrial uses for the area. She asked if the petitioner believed conditions had changed to justify zoning this property to for commercial use.

Todoro-Hargreaves stated that the traffic along State Street has changed and this proposed development would provide a service to the people coming in and out of the downtown. For the City as a whole, she said it was their believe that this area should be looked at differently in light of the research and industrial that existed in the northeast area.

Woods thought this proposal had many positive aspects that would have her inclined toward voting in favor of it, yet she thought there were enough questions raised with regard to the master plan that merited serious consideration. She proposed that this proposal be tabled so the petitioner could listen to some of the comments made this evening and come back with a different or improved plan, and perhaps so the Planning Commission could get more of an idea of what was envisioned for this area and whether having different uses occurring was appropriate. She said this corridor was a gateway to the City and there was only once chance to make a first impression. See a vibrant area upon entering the City was important, she said.

Pratt was not as concerned about the proposed use generating new traffic because only a small part of the floor area ratio (FAR) was being used and there would be a different impact. It was the added turning movements that could have a negative impact on traffic, he said. If the City were going to allow the rezoning and were looking to see mixed uses in the area, which have been discussed conceptually, he said, he would favor a long-range mixed use here. He did not see a small parcel creating vibrancy; rather, it was the larger parcel that would be more of a catalyst for vibrancy. As soon as one piece of

property was zoned C3, he said, the precedent would be set. He agreed that there positive aspects to this proposal, adding that he would not necessarily like to hold things up, but he said it was a difficult issue and he was not in favor of the rezoning at this time. He was not sure what purpose tabling action would serve. He said a few people had expressed support for the idea of a flexible setback, stating that this was one of the reasons the South Area Plan needed to be revisited, in order to decide on whether the setback along State Street should be modified. He preferred that buildings be located closer to the street. Having a drive-through at the front of the site was not his idea of an attractive use at the gateway to the City. He thought mixed uses in the long term for this area was the right direction, but setting a precedent by zoning this property C3 was too problematic, he said. He asked if the petitioner had a preference for having the proposal tabled or action being taken this evening.

Todoro-Hargreaves said they would prefer a decision this evening. She said they would be unable to come back with a shared parking proposal, as the two separate zoning districts did not allow parking easements.

A vote on the motion showed:

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

Motion failed.

f. Public Hearing and Action on Zion Lutheran Church Site Plan and Special Exception Use, 9.46 acres, 1501 West Liberty Street. A proposal to construct a 4,065-square foot addition to the existing building and 38 additional parking spaces – Staff Recommendation: Approval

Kowalski described the proposal and showed photographs of the site.

Pratt stated that he had two conversations about this particular site. He said he worked with one of the individuals who was on one of the committees working on this project and the nature of the conversation was about who this person should contact at the City to discuss this proposal. He said the other conversation was related to the same person asking him a question about storm water detention.

Mark McPherson, of Merritt McPherson Cieslak, architect representing the church, clarified that they were proposing to add 28 parking spaces. The current count of striped parking spaces was 171, he said, but there were actually 199 usable spaces, adding that they were attempting to keep the existing and new parking count the same. He stated that the new configuration would allow them to reduce the amount of pavement by 4,000 square feet and the footprint of the new addition was approximately 4,000 square feet. There would be no gain in impervious surface as a result, he said. He explained the proposed detention pond, showed the proposed landscape buffering, and stated that they would be maintaining as many of the existing amenities on the site as possible. He noted that the on-site lighting would limit the amount of spillover onto neighboring properties. He showed the floor plans for both levels of the addition, stating that the addition would serve the existing congregation. He was available to answer questions.

Gary Claypool, 714 Soule, asked about a portion of the drawing shown by staff that appeared to be storm water detention area.

McPherson provided additional information to explain the proposed storm water detention.

Amy Leash, 1406 Lutz, stated that while there would be no change in the traffic flow, it was her hope that the Planning Commission would take into account the fact that the existing parking lot was treated like a City street, thereby creating more traffic than what should be in an area where neighborhood children played. It was possible that this would be mitigated with this new proposal, she said, but hoped it would be taken into consideration.

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

Moved by Lipson, seconded by Woods, 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 contained in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and, therefore, approves the Zion Lutheran Church Special Exception Use, subject to compliance with an approved site plan.

Moved by Lipson, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Zion Lutheran Church Site Plan.

Woods said there was much to like about this proposal, stating that the church had plenty of area to expand, there would be no impact on the neighborhood, and storm water detention would be provided where it did not previously exist, thereby reducing the impact on Allen's Creek. She asked if the parking area that currently drained onto Lutz would be changed with the new storm water management system.

McPherson replied yes, that there would be a series of catch basins throughout the new parking lot that would redirect storm water into the detention pond. He stated that there would be a very small amount of water that would still drain onto Lutz.

Lipson stated that this type of development was something to be encouraged, as it was beneficial for churches to remain in the City. He expressed his appreciation for the walnut tree being saved by shifting the detention basin. He also noted that the creation of no new impervious surface was a positive component of this proposal. He asked the petitioner to address traffic control through the parking lot.

McPherson explained that the new configuration would provide more of a directional flow and said they have added sidewalks for pedestrian access to bring people into the site.

Lipson stated that using a different material for the pedestrian walkways, or raising them slightly, set them apart from the parking lot and helped drivers be more aware that this was a place for pedestrians. He said it added to traffic calming and encouraged the church to consider this.

Carlberg said she agreed with the comments previously made by Commission members. She also agreed about the materials used for pedestrian walkways crossing traffic lanes and stated that making it clear to drivers that pedestrians were crossing in certain areas was very helpful.

McPherson added that the islands and peninsulas within the parking lot would help to eliminate the speedway aspect of the parking lot.

Potts stated that this was a very reasonable proposal. She asked about the wide swath of trees on the south side of the site as to whether it was on school property.

Kowalski confirmed that the trees were along the property line on church property. He stated that the grading to be undertaken would be done far enough away from the trees so as to not cause an impact.

Potts said the neighbors to the east might be interested in speed bumps on the short streets leading to the church and said they could inquire with City staff about that. She stated that there was a great deal of pavement on this site and asked the church if porous pavement had been considered.

Star Combs, engineer, stated that a portion of this site was clay filled and, in order to install porous pavement, about three to four feet of the clay would have to be removed. Compounded was the hill, which would require changing the slope to one foot in order to allow water to percolate.

Woods asked how deep the detention pond would be and if it were designed to be wet at all times. She knew that children could be very curious and neighborhood kids would likely want to visit the pond when it contained water.

McPherson stated that first flush water would be restricted in the pond and that it would recede over a period of time. The maximum depth of the water would be four feet, he said, adding that it would drain at a faster rate if it reached the overflow level.

Woods did not doubt that the church would do its part to keep this pond functioning properly. Because there would be neighborhood children and adults using the property, she hoped this would not cause a maintenance problem. She thought this project would be a marvelous addition for the church.

Bona reiterated the positive points about this project, such as the church staying in the City, an improved parking arrangement, and landscape buffering. With regard to pedestrian sidewalks, she thought it was important to raise them where they crossed the parking lot, pointing out that this would also serve as a speed bump and alleviate many of the residents' concerns. She did not support pavement markings, as they tended to wear out. She encouraged an actual change in the pavement. She supported this project.

Lipson asked if the church were doing anything to exceed the energy efficiency standards.

McPherson did not have data to present this evening, but said they intended to use current technology for energy efficiency. As an example, he said, the existing sanctuary had a small amount of insulation and they proposed to add 12 inches of insulation. He stated that anywhere the church could incorporate going beyond the minimum standards, it was done.

Lipson asked how the church intended to vegetation the detention pond and if there were a maintenance schedule.

McPherson explained the types of vegetation that would be planted and said the pond would be surrounded by a number of replacement trees in a staggered pattern. He said the landscape architect had met with City staff on a number of occasions regarding this issue. With regard to maintenance, he said, they had not yet created a maintenance schedule.

Lipson noted that periodic inspection and maintenance of the detention pond was necessary to prevent problems.

A vote on the two main motions showed:

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

Motion carried.

g. Action on Malletts Creek Association's Watershed Recommendations (January 2007).

Moved by Emaus, seconded by Bona, that the Ann Arbor City Planning Commission hereby approves the following resolution:

WHEREAS, The Malletts Creek Association is a citizens group with concern for the creekshed;

WHEREAS, The Malletts Creek Association proposed a management plan several years ago which was accepted by resolution of the Ann Arbor City Council;

WHEREAS, Most of the goals and objectives of the original plan have been implemented;

WHEREAS, The Malletts Creek Association believes its original plan has improved the creek conditions; and

WHEREAS, The Malletts Creek Association has asked the Ann Arbor City Planning Commission to support its new management plan;

BE IT RESOLVED, The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council adopt a resolution supporting the goals and principles in the new plan and to consider implementation of its suggested tools, subject to the recommendations of the Malletts Creek Coordinating Committee.

A vote on the motion showed:

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

Motion carried.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

Lipson stated that Commission has been requesting the City Attorney's Office to provide opinions regarding the floodway/floodplain ordinance and hoped this guidance would be forthcoming.

ADJOURNMENT

Pratt declared the meeting adjourned at 10:19 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services