

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

BUSINESS MEETING

7:00 p.m. – April 5, 2007

Time: Chair Pratt called the meeting to order at 7:04 p.m.

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

ROLL CALL

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

Members Absent: Lipson

Staff Present: Cheng, Foondle, Lloyd, Marcarello

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of March 6, 2007.

Moved by Emaus, seconded by Woods, to approve the minutes as presented.

Bona asked that the word "after" in the last sentence of the second paragraph of page two be changed to "before."

A vote on the motion showed:

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

Motion carried.

APPROVAL OF AGENDA

Moved by Bona, seconded by Borum, to approve the agenda.

A vote on the motion showed:

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

Motion carried.

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

Potts reported that the Ordinance Revisions Committee has been meeting two to three times per month. The next two committee meetings were scheduled for April 13 and April 27 at 9:00 a.m. in the Council Workroom of City Hall, she said. She also reported that the next meeting of the A2D2 Historic Preservation Committee would be held on April 12 at 5:00 p.m.

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. He said a joint meeting between City Council, the Planning Commission and DDA was held on March 28 with the consultant hired to assist the City with phase two of the parking analysis and study, which was part of the downtown zoning implementation. He also noted that a public meeting was held on March 29 on the same subject and that the reports from these two meetings could be found on the City's website.

AUDIENCE PARTICIPATION

Vince Caruso, of the Allens Creek Watershed Group, spoke regarding the floodplain resolution on Commission's agenda this evening. He explained why he believed the planning for Allens Creek Watershed was lacking in Ann Arbor, stating that both the City and County needed to be proactive with this issue. He stated that the most predictable and preventable disaster was flooding, expressing concern about the millions of dollars estimated to be lost as a result of flooding in this area. He discussed some things that have happened with regard to addressing the Allens Creek watershed while planning for other projects in the watershed, and about what was needed for adequate planning. He stated that the watershed could not handle additional construction. He stated that there were global issues that must be considered, noting that the area would likely experience more intense and more frequent rain events. He said the City needed effective hydrological studies to adequately plan for the watershed and said he would like to be involved in the resolution to get this started.

Kathy Clark, 549 South First Street, suggested that no building be allowed in the floodway. She stated that all of the water studies that have been discussed for years had to be completed and the data analyzed before any further construction should be allowed. She stated that foolhardy building could result in the City being liable if this were not addressed. She stated that water gardens and rain barrels were good solutions, but they were just a part of the whole picture. The main piece was to not allow construction in the floodway, she said. She stated that there was a manhole cover at the Ashley Mews development, which was built on an incline, that always popped off during a storm, and said driving on First and Kingsley was impossible after a heavy rain. These issues needed to be addressed, she said, and asked that Planning Commission be firm. She stated that the distinct identity of Ann Arbor should be considered and that creative ways of maintaining its vitality should be developed to keep the people, culture, small businesses, etc. in the City.

Jesse Gordon, 1300 Chalmers, representing the Mallets Creek Watershed Association, stated that he would reserve his comments for when the Planning Commission discussed the Mallets Creek Watershed Recommendations at the working session.

Jim Mogenson, 3780 Greenbrier, referred to the Glen Ann PUD project, stating that the developer had gone through the entire process of appeals and would likely sue the City, with the attorneys then reaching a settlement and the project be allowed to be constructed on the grounds that the process was unclear. He said this was partly true, although the new historic preservation ordinance would eliminate most of that confusion. With regard to the Old Fourth Ward historic district, he recommended that any redevelopment be considered step by step and that a policy be developed, otherwise this situation would resurface again and again.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Pratt announced the public hearings scheduled for the meeting of April 17, 2007.

REGULAR BUSINESS

a. Public Hearing and Action on Amendments to Chapter 55 (Zoning Ordinance), Sections 5:10.12 (Office District) and 5:10.15 (Local Business District), regarding Regulations for Special Events Temporary Outdoor Sales – Staff Recommendation: Approval

Cheng described the proposed amendments.

Dan Pampreen, owner of two houses in the office district at Hoover and Main Streets, stated that he had tenants who participated in outdoor sales each year and that he supported the proposed amendments. It made sense to legalize this activity, he said.

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

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 55 (Zoning

Ordinance), Section 5:10.12 (Office District) and 5:10.15 (Local Business District), regarding regulations for special events temporary outdoor sales.

Woods asked if these amendments would affect the Art Fair.

Lloyd replied that City Council currently took action to allow the sale of outdoor goods during the Art Fair and, with the proposed ordinance amendments, the same process would then be required for UM football Saturdays. He said the amendments would not affect the Art Fair.

Woods asked who would be presenting the required resolution to Council, wondering if it would be staff or the merchants themselves.

Lloyd stated that the proposed amendments were at the request of Community Standards as a result of enforcement efforts. Currently, he said, there were no provisions in the office zoning district to allow this type of temporary use, although it has been occurring. He stated that language for the resolutions to be considered by Council would be drafted by staff, adding that it would be similar to what currently was done for the Art Fair and other street closings in the City.

Woods clarified that this type of activity would not be allowed in residentially zoned areas.

Lloyd replied that this was correct.

Potts asked about the inclusion of the C1 zoning district and wondered if any were located within the area being discussed this evening.

Cheng stated that this type of use has always be permitted in the C1 zoning district and that the language was proposed to be changed for clarification purposes.

Borum asked about permits and permit fees for these types of uses.

Cheng stated that zoning compliance permits would be issued and that there was a permit fee of \$29 charged to merchants.

A vote on the motion showed:

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

Motion carried.

b. Public Hearing and Action on Zaragon Place Site Plan, 0.35 acre, 619 East University Avenue. A proposal to demolish the existing structure and to construct a 99,982-square foot, ten-story mixed-use building (1,785 square feet of retail use, 4,477 square feet of accessory/common area and 93,720 square feet of residential use – 66 apartment units with a total of 248 bedrooms) and 40 below-grade parking spaces (tabled at 2/22/07 meeting) – Staff Recommendation: Approval

Marcarello explained the revisions that were made to the proposal.

Ellen Ramsberg, 1503 Cambridge, spoke regarding the loss of the Anberay building and regarding the proposed development. She did not think anyone objected to increasing the density or adding student housing in downtown Ann Arbor, but she did not think it was appropriate at the cost of significant buildings and parts of Ann Arbor that had unique and historical significance, whether or not the buildings were designated historically. She also did not think that new development should be approved if it were out of scale and/or character with the existing neighborhood. She said people are always talking about retaining the unique character of Ann Arbor, but the City was losing its uniqueness incrementally with these new developments. She believed planning commissions and city councils were the only forums available for citizens to speak out against the loss. She objected to this petitioner donating money to the South University Area Association in lieu of a parkland contribution, as she believed this was a merchants association and the money would not go to the citizens of Ann Arbor.

Christine Crockett, president of the Old Fourth Ward Association and a member of the A2D2 preservation guidelines committee, stated that in looking at the building code, it was clear that every room/space intended for human occupancy should have an exterior glazing area of not less than 8 percent of the floor area. She stated that ventilation for occupied space should be provided naturally to outdoor air. She spoke of other provisions of the building code, stating that there were large blocks of rooms in this new development with neither outdoor ventilation nor outdoor windows, as well as a lack of balconies. She did not believe this was quality or humane housing and questioned how these guidelines could be ignored. Having rooms without natural light would require lights to be burned almost constantly, she said. She said the petitioner has indicated that he was LEED certified, but asked for proof that this project was LEED certified. It appeared to her that this building would be very expensive to maintain ecologically. She expressed concern about this proposal eliminating the greenery, stating that greenery helped to make urban spaces livable. Benches and trees should not be a park contribution, she said; they should automatically be provided. She questioned the impact on public safety, as she thought this building would be very difficult to manage, with only a day manager and no concierge. She stated that the loss of the Anberay building was heartbreaking for Ann Arbor, that it was trading its historical significance, courtyard and green space for a building with a great deal of impervious surface and no proof that it would be sustainable with the environment.

Maggie Ladd, director of the South University Area Association, clarified that they were not a “merchants” association, but an “area” association. She stated that her association supported this proposal. While the association appreciated the comments made about the Anberay, she said this building has been a problem building for many years. She urged the Planning Commission to approve this new development proposal. She noted that at no point did the South University Area Association ask the developer to donate the \$40,000 park contribution to the association; rather, the association asked that the money be kept in the area and that it not be used for a park elsewhere in the City. She mentioned that the DDA completed street lighting improvements on East University a few years ago, so there was good street lighting in the area of this new development.

Dan Pampreen, a previous owner of the Anberay, said he supported demolishing this building and replacing it with the proposed building. He said the trees inside the courtyard were nice to have, but said they were both diseased. While the courtyard and balconies were appealing, he said, every Friday and Saturday night the area turned into a big party pit and was not safe. He stated that homeless people used the building and property for their use. He believed the security system in the proposed new building would be an improvement from what currently existed, and said this would also be an opportunity to provide new electrical and plumbing systems, as the existing systems were in very poor condition. He said a new building would be much more energy efficient. He also believed the new building would tie in well with the existing University buildings and would provide needed parking for residents.

Earl Ophoff, of Midwestern Consulting, representing the petitioner, stated that he, the petitioner, the architect, and the civil engineer were all present 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 Zaragon Place Site Plan and Development Agreement.

Emaus asked the architect about energy efficiency plans for the new building, and if they would include active, or just passive, efficiencies.

Scott Bonney, of Neuman Smith Architects, representing the petitioner, stated that they intended to follow the LEED certification guidelines contained in the ASHRAE 55-1999 standards. He provided a list of both active and passive energy efficiencies that were proposed, stating that they designed their projects to be done in a green, sustainable fashion.

Carlberg stated that buildings for student housing tended to have noise problems and asked what this proposal was doing to reduce the amount of noise from apartment to apartment and into the halls. She also asked the petitioner to speak to the concern expressed earlier about windows in all of the bedrooms.

Bonney stated that they met all building code requirements regarding windows. He stated that rooms without windows would be mechanically ventilated, adding that he did not believe the housing code required windows in every bedroom. With regard to noise, he said, there would be state-of-the-art sound separation between units and solid-core doors to isolate sound in the hallways. He said the walls were designed to have multiple layers of drywall and studs isolated from each other to provide noise reduction. He also noted that the building code required a certain separation of sound and said they would meet those requirements. With regard to the comment made about balconies, he stated that it was not desirable to provide balconies for student housing or tall buildings.

Carlberg asked about the storm water retention that was proposed.

Eric Wernette, of Midwestern Consulting, engineer for the project, stated that storm water detention would involve a two-stage approach: the top of the roof was designed to have several small detention systems, and the driveway and rear and side yards would have underground, perforated pipes to allow water to percolate into the ground. He said there was a great deal of sandy soil on the site and they were taking advantage of this. The majority of the rear area, he said, would be stone, which would help with the percolation of water.

Carlberg asked if trees were proposed along the eastern boundary and, if yes, would they receive adequate sunlight in order to survive.

Ophoff stated that they believed the amount of sunlight would be adequate in the morning and midday and that the height of the surrounding buildings would not limit the growth season for the trees. He said they intended to plant a combination of tall, narrow trees in the rear open space, along with ground cover and an aggregate swath that represented a dry stream to encourage storm water infiltration.

Carlberg said she would like to see a plan on how the park contribution would be spent. She said there was a fair amount of public space in this area with nearby parks, which could be used by students, and

perhaps some of those parks needed additional trees. She believed a donation to be spent in the public realm for trees, landscaping or other public amenities would be most appropriate.

Richard Perlman, petitioner, stated that the donation would be used for the public good, adding that it was going to the South University Area Association because that group could monitor the spending of it for the public streetscape.

Carlberg said it would be helpful to provide a description of how the donation would be used prior to this going to City Council.

Pratt noted that when the Planning Commission first reviewed this proposal, the general feeling was that the parks cited for improvement were located quite a distance away and Commission asked staff to look into whether it would be appropriate for the South University Area Association to receive the donation. He suggested that the provision for this donation in the development agreement be revised to add more detail about what would be done with the donation.

Woods asked to see the façade of the proposed building and asked if the development agreement contained a provision requiring the petitioner to construct the building as shown on the approved elevation drawings.

Bonney showed a rendering of the building and described the materials.

Marcarello stated that the development agreement did contain a provision regarding the building elevations.

Woods expressed concern about the light and ventilation for the bedrooms and asked to see a floor plan.

Bonney showed a diagram of the typical floor plan and explained the proposed apartment units. He explained that there would be clear glass near the top of the walls separating the inner and outer bedrooms, as well as floor-to-ceiling glass windows in the living rooms, which would provide a loft feel.

Woods asked how many bedrooms without windows would be on each floor.

Bonney replied ten.

Woods asked what the petitioner would do if it turned out that the housing code required windows in all bedrooms.

Bonney said they did not believe this would be the case; however, if it were, they would likely redesign the interior to address the situation.

Bona believed there was a loophole in the code that allowed interior bedrooms without windows as long as the rooms were defined in a certain way. She said an official staff interpretation should be obtained on this before the site plan went before Council. With regard to the trees being planted in the narrow area, she said, the property to the south was zoned the same as this site, so how long these trees would be exposed to southern sunlight was an open question. Because of the zoning, she said, the trees had the potential to be surrounded by ten-story buildings and she did not know if counting those trees toward some calculation made sense. She believed the code adequately covered noise issues, stating that separate studs were one of the most effective ways to reduce noise impact. Generally speaking, she stated that this proposal met the desire to increase density in this location, but said one of the things the C2A zoning district recommended that was different from the C1A district was the difference between

moderate and intense retail. She stated that about one-third of this building's frontage was non-active, consisting mainly of side yards, sidewalks and driveway; another third was for the building's entry and other related components, and the final third for retail. She stated that the gate placed at the north for access to the sideyard eliminated this part of the site from public open space. It was inactive frontage, she said. She said the Downtown Plan specifically stated that continuous intense retail was critical to the survival of retail and said gaps created by driveways, open space, fences, or other inactive space were detrimental to that. Having only one-third of this building's frontage being truly active was unfortunate and greatly disappointing, she said. She stated that she was opposed to this proposal because of this. She thought the only inactive space along the front of this site should be the driveway to the underground parking. She also pointed out that there were other projects throughout the downtown that did not need the ground for storm water management. She thought this was poor urban planning and reflected exactly what the City's master plan and the Calthorpe plan recommended against. It was her perspective that what happened on the street was more important than the height of the building. Before this proposal went before City Council for consideration, she asked that clarification be provided as to whether emergency stairs could exit into a locked courtyard. She said she would not be opposed to tabling this project so improvements could be made.

Potts stated that the existing Anberay building has suffered neglect and that it was clear the owner of the property valued this site for new development. She believed the proposed building lacked many of the existing livability and streetscape features. She did not support allowing the extra height for this building when some of the bedrooms did not have windows. She noted that windowless rooms would increase energy use. She was concerned that the only open spaces for the residents here were narrow strips of green at the back and sides of the site. She understood that staff was satisfied with the sewer capacity, but said she still had concerns, stating that there were no reports on the effectiveness of the footing drain disconnection program. She also still had concerns about the water line capacity, wondering who would pay for the expansion from 6-inch to 12-inch water lines. While the staff report indicated that this proposal met the minimum requirements of City Code, she believed Ann Arbor deserved better. She questioned whether this was the type of development the City desired when the South University area zoning was expanded. She believed the City Code required all habitable rooms to have ventilation and light, including bedrooms and studies, and said she was having difficulty finding that this would be a livable building.

Lloyd stated that staff would obtain an answer to the building and housing code issues from the City's Building Official.

Marcarello noted that the Building Official was consulted regarding setbacks and it was determined that the building would not need to be stepped back because of the number of windows on the north and south sides of the building and because of the percentage of wall area.

Westphal said he was generally in favor of this project, stating that it largely fit the community goals that have been determined from relevant plans that govern this area. He thought the mass of this building, while perhaps appearing to be out of scale now, would fit in well with other properties that could be redeveloped in the future. The one aspect of this proposal that concerned him was the amount of retail frontage that was proposed and how it would affect the streetscape, noting the desire for more of a consistent retail frontage and pedestrian experience as redevelopment occurred. He thought the width of the northern alley and the concrete walk on the north side of the parking would be dead space and create a negative impact. He would support making the first floor flush with the building to the north and reducing some of the unusable street wall where possible.

Carlberg believed it was inhumane to create bedrooms without windows to the outside and said she would not be able to support this project because of that. She agreed that the alley along the north side

of the building would be unusable space and a trash collector, and that it would do nothing for the streetscape.

Borum said he agreed with the comments about the streetscape and street frontage. Needing the northern alley to let light into the building where there were not a great number of windows was a poor argument, he thought. He also agreed that it was inhumane to provide bedrooms without windows and ventilation. He said he would not be able to support this proposal.

Emaus said he supported the statements made about the front façade. He believed storm water management could be provided through other means and did not support the petitioner's argument that the alleyway was needed for that. He supported using the park contribution for streetscape improvements, noting that the importance of the streetscape in downtown urban areas was discussed during the Calthorpe downtown study process. He said he would like the management of this park contribution identified in the development agreement.

Pratt said he believed this area was well suited for this type of density and that he was hopeful the provision of student housing would relieve some of the pressure in external areas. He thought there was an understanding that with the rezoning of this area, dramatic changes could occur. He asked if the petitioner would like to comment on the concerns about street frontage and windowless bedrooms, and also asked if the petitioner had a preference as far as action on the proposal being tabled or a vote being made this evening.

Ophoff said they would prefer a vote this evening so the project could proceed. He said they believed they could extend the retail component to the north to complete the gap between the building and the adjacent property, but not to the south because of access requirements to the parking area. With regard to the windowless bedroom issue, he said, they did not believe this issue should be addressed in this venue. He said the development team has addressed this issue with City building staff and that this was the proper venue for that.

Bonney said they could revise the storm water management system and address the square footage issue as a result of extending the building frontage to the north.

Pratt said there was a concern about open space in the area and how the proposed landscaping at the rear of this building would survive. He wondered if the landscaping proposed at the rear of this building would do better if it were placed elsewhere.

Ophoff believed there was a technical issue involved regarding only being able to mitigate 50 percent of trees off-site.

Marcarello stated that the tree mitigation was for the removal of the existing walnut tree in the courtyard. She said staff could check into requirements for off-site mitigation.

Potts believed this issue was dealing with two different buildings: the proposed building and the existing Anberay building. She said she would like to propose an amendment to the motion in order to give recognition to what currently existed on the site.

Potts moved that the main motion be amended to read: "The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the demolition of the Anberay building for development and approve the Zaragon Place Site Plan and Development Agreement."

Proposed amendment died for lack of support.

A vote on the main motion showed:

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

Motion failed.

Exit Westphal.

c. Resolution regarding Floodplains.

Pratt said the goal here was for the Planning Commission to publicly state its consensus on related items knowing there would soon be a floodplain ordinance. He said this would assist staff bringing forward an ordinance as efficiently as possible. He said the consensus, when reached by Commission, could then be forwarded to City Council. He provided a brief overview of the contents of the resolution and suggested that Commission members provide input on each of the items #7a-e as far as whether they agreed with each or had concerns about them. One of the key issues, he said, was whether new development should be allowed in floodways and what should be done about development within existing floodways. He said another key point was whether compensation for floodplain fill should be mandated.

Item #7a

Planning Commission members generally agreed with this; they did not want to see any new development in floodways.

Item #7b

Pratt said it was initially thought that if residential development were allowed in the floodplain, then it should be constructed two feet higher than the flood level.

Potts said her preference was that there be no development in the floodplain. Building residences on stilts would still cause an obstacle in the floodplain, she said, as it has been found that fences are constructed which collect debris. It was almost as though the development were actually on the ground, she said.

Carlberg said she was not sure at this point if she could support the severe restriction of not allowing any building in the floodplain. She liked the idea of being more prudent than just saying one foot above, stating that perhaps new language was needed to determine what it should be. She was concerned that the bottom of joists or other beam-type supports be safe enough and she was not sure the one-foot minimum provided that safety. She was not prepared this evening to limit all building in the floodplain, stating that she did not have a problem with residential construction in a floodplain as long as it was high enough so the building was not in danger of being weakened by water.

Woods asked if this meant there could be a building that provided parking on the first floor or street level and then retail and residential uses above that.

Pratt replied yes, stating that just about anything could be done with a specification of a certain amount of distance above the water level. He said it was his intention here to provide feedback to staff in

preparation of the ordinance. He asked if the state building code specified the height of finished floors for only residential uses, or if this also were provided for other uses.

Jerry Hancock, the City's Natural Features and Environmental Coordinator, stated that the code required residential uses to be elevated to one foot above the flood level, and any other type of use elevated or floodproofed to one foot above.

Bona said her initial response was that construction in the floodplain should be okay because her interpretation was that this was where water expanded but did not flow, so floodproofing or elevated construction seemed reasonable. She said the concept of elevating a structure seemed more important than the floor level and said allowing residential as long as it were one foot above the water level would be acceptable.

Item #7c

Pratt stated that 7c said space would need to be created for anything that took in water in the floodplain.

Emaus said he did not think all construction should be elevated as long as buildings were floodproofed and mitigation was provided elsewhere.

Commissioners Borum and Emaus stated that residential construction in the floodplain was fine and that the structures themselves were most important in terms of the height above the floodplain.

Item #7d

Pratt questioned whether the City would want the ability to regulate redevelopment within floodplain areas and if guidance should be provided to the floodplain committee as a threshold. He wondered if Commission believed 50 percent was a reasonable threshold or if it should be something else.

Emaus was not sure what the threshold should be, but recalled a 75 percent threshold for nonconforming structures for Zoning Board of Appeals variances, which he thought was fairly high. He wanted people to be able to make improvements to their buildings, not set a threshold so high that it disincentified them.

Borum stated that perhaps a better threshold, rather than a construction value, was putting a limit on change in use, increase in impervious surface and square footage. He said a construction value might be achieved in sequence through the building permit process.

Hancock stated that the current building code had a 50 percent threshold where buildings had to be elevated or floodproofed. He said a threshold would be helpful.

Carlberg said not expanding the footprint of a building was something that should be used to begin, stating that she liked the concept of not increasing the building footprint and experiencing the problems associated with an increase. She said Items #7d and #7e seemed to contradict each other.

Bona said this item needed to be clear as far as whether it was talking about a floodplain and/or a floodway.

Pratt agreed, stating that appropriate terminology would be addressed in the ordinance. In drafting the resolution, he said, it was his understanding that it was the entire floodplain.

Bona said she was intrigued by Commissioner Borum's suggestion of using a different threshold other than something financial, but she was not sure using impervious surface was appropriate, as parking areas could be replaced with building space, so more thought should go into that.

Woods thought trying to figure out what the threshold should be was confusing. She agreed that there seemed to be a conflict with Item #7e.

Pratt said his thoughts behind this were that either #7d or #7e would be eliminated following discussion.

Potts said she was uncomfortable including a financial threshold because it might be discriminatory, suggesting that perhaps each case should be evaluated based on the amount of impact.

Pratt said something simple like categorizing might be done, such as having two or three categories where each characteristic was treated differently. He said the idea was that #7d was more of a gradual approach to getting more things floodproofed and #7e included a different statement toward eliminating everything that was vulnerable or what might have different levels of impact.

Item #7e

Emaus said he struggled with #7e. He said there were 600 buildings in the Allen Creek floodplain and, while he did not mind having a plan like this, he said the City needed to think about where it wanted to go. He thought a near-term plan was needed for the floodway and a long-term plan for the floodplain.

Borum agreed that this was a difficult issue. Because of the number of structures in the Allen Creek watershed, he said, it was difficult to envision emptying that zone, even in the long term, as it could wipe out the heart of Ann Arbor. He could envision doing a case-by-case look at properties that were the most crucial and had the greatest impact.

Carlberg expressed concern about the process of eliminating a building here and there within the Allen Creek watershed, stating that it could create an unpleasant situation making orphans out of homes. She said something to be considered was whether there were engineering components for restructuring the floodplain through this part of town so the City was not letting where the water flowed dictate where the floodplain was. If where the water went on its way to the river could be reconstructed, she said, this was something that should be considered. She said all avenues for handling water should be looked at, not just the removal of structures.

Woods stated that this was a much more massive undertaking than envisioned. She agreed with what Commissioner Carlberg said, stating that the area of the Allen Creek watershed was the heart of the fifth ward and she could not begin to discuss eliminating structures. She said something like this would require much more vision and consideration.

Pratt said it sounded as though it would be helpful to use the City's mapping capabilities to look at the floodway and what was in it.

Bona said she agreed with much of what had been said. She wanted to make sure that the most challenging issues were not avoided, that they be included in the deliberations. She said the Downtown Overlay Zoning Committee has discussed this issue because it affected a transitional area on the west side. One thing that might be helpful for buildings that want or should be removed was the concept of the transfer of development rights. The committee felt this could be adjacent to the floodway because it would reinforce the intent of the greenway, she said.

Pratt stated that Items 1, 2 and 3 in the last Resolved clause might be somewhat redundant. He did not envision these items to be part of the ordinance, but were items to review and determine if there were parts of the City that should be held to higher standards.

Potts stated that the way she read Item 1 was that it already was covered in Chapter 63. Perhaps all that was needed here was a reference to Chapter 63, she said.

Hancock stated that there were a few terms here that were a little different from Chapter 63. Also, he said, this would assist in identifying the problem areas and go beyond what was contained in Chapter 63.

Pratt stated that Commission could decide whether it should say the provisions of Chapter 63 were adequate, or perhaps go further by defining the terms that were not included in Chapter 63.

Potts said she would prefer there be no development unless it improved the situation, although this was difficult to ask of a developer.

Hancock said the concept of storm water management under Chapter 63 and the County's rules was that it did allow more water to run off the land. He said the rate of the water flow was what needed to be watched. Installing impervious area on land increases the amount of runoff, he said, and the idea was to detain it and drain it off the site slowly. He said the County was working on revising its rules to move toward requiring infiltration, adding that even if the City did not do anything, this was the direction of state-of-the-art storm water management. It should be realized, he said, that every time a new development went in, the amount of water leaving the site increased.

Carlberg stated that one challenge was that most of the buildings in the Allen Creek watershed were single-family homes. She wondered if there was anything that could handle these older neighborhoods.

Hancock stated that the County was looking at storm water utilities within the watershed.

Pratt asked Commissioner Potts about the intent of the handouts she distributed this evening.

Potts stated that the language revisions she proposed had to do with no new construction, which resulted in no additional impervious surface.

Pratt stated that when talking about mitigating present flooding, it might be useful to come up with an incremental reduction in quantity of water during a storm.

Hancock thought this was a good direction to take.

Pratt wondered how Commission members felt about making standards more strict where floodplain issues were involved.

Woods stated that trying to find a way to regulate this was be important, as there were some locations where the situation was bad and action was long overdue.

Bona agreed.

Emaus stated that surging was also a problem and that he favored anything that increased regulations.

Borum and Potts agreed.

Emaus stated that there was a safety issue with areas such as parking lots that contained refuse containers and materials.

Hancock stated that a portion of the mitigation plan was to look into a code to regulate fences, dumpsters and other movable objects in the floodplain.

Pratt wondered if Commission, with regard to Item 3, wanted to look into more consideration for in-depth areas, such as including the two and three-foot depth zones in the report.

Potts stated that it was not just the depth of water, but also speed, that created hazards.

d. Resolution to Adopt City Planning Commission Meeting Schedule for FY2007/2008.

Moved by Bona, seconded by Potts, that the Ann Arbor City Planning Commission hereby adopts its meeting schedule for fiscal year 2007-2008, with business meetings occurring on the first Tuesday of each month, working sessions on the second Tuesday, regular meetings on the third Tuesday, and Commission committee meetings on the fourth Tuesday.

Moved by Emaus, seconded by Borum, to add the words “as needed” after “committee meetings.”

A vote on the amendment to the motion showed:

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

Motion carried.

A vote on the main motion as amended showed:

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

Motion carried.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

Lipson explained the current schedule for the FEMA floodplain map and ordinance. He understood that the FEMA floodplain map was due in June. Municipalities and other governmental agencies would then have 30 days to provide comment and then there would be a 90-day public comment period, he said. He stated that the City then had six months to adopt the floodplain map and a floodplain ordinance.

ADJOURNMENT

Pratt declared the meeting adjourned at 10:46 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services