

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – May 15, 2007

Time: Chair Pratt called the meeting to order at 7:08 p.m.

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

ROLL CALL

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

Members Absent: Borum

Staff Present: Cheng, Foondle, Lloyd, Marcarello

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of April 5, 2007.

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

Emaus asked that on page 12, the first paragraph under #7e, the word “watershed” in the second sentence be changed to “floodplain.”

Carlberg noted that the two votes on page 14 should be reversed, with the seven Commission members recorded as “Nay” votes being changed to “Yea” votes.

A vote on the motion showed:

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

Motion carried.

APPROVAL OF AGENDA

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

Moved by Bona, seconded by Lipson, to revise the agenda to move Item 8f (Avery House) to after Item 8c (Allen Creek Preschool).

Potts stated that anyone watching at home might be expecting the project to come later on the agenda, although she supported creating more of a convenience for the residents who were already in attendance.

A vote on the motions showed:

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

Motion carried.

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

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 stated that the zoning subcommittee would be meeting on Thursday, May 17 at 4:00 p.m. in the Sixth Floor Conference Room, City Hall, and that the next meeting of the steering committee would be on Thursday, May 31 at 3:00 p.m. in the Sixth Floor Conference Room, City Hall.

Potts announced a public workshop to be held on design guidelines for the downtown on Wednesday, May 30 at 6:00 p.m. at Courthouse Square.

a. Presentation/Discussion on Allen Creek Greenway Report.

Peter Pollack, of Pollack Design Associates, one of nine members of a task force that worked to prepare the Allen Creek Greenway Report, he provided an overview of the process, which began in the fall of 2006, as well as the final report. He noted that the report could be found on the City's website.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None.

REGULAR BUSINESS

a. Public Hearing and Action on Talbot Annexation and Zoning, 3.12 acres, 2901 Heatherway. A request to annex this site into the City and zone it for single-family residential use – Staff Recommendation: Approval

Lloyd explained 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 Talbot Annexation and R1A (Single-Family Dwelling District) Zoning.

Potts said it appeared from the map that Heatherway was a dead-end street and asked if it would have to be extended.

Pratt stated that the staff report indicated existence of an access and utility easement to serve the existing house on the site.

Bona stated that the addresses here seemed to be out of sequence, with 2901 Heatherway located after 2960 Heatherway. She thought this might be problematic for emergency services and asked that this be clarified before it went to City Council.

A vote on the motion showed:

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

Motion carried.

b. Public Hearing and Action on 1001 South State Street Site Plan, 0.09 acre. A proposal to construct additions to the existing structure totaling 1,756 square feet – Staff Recommendation: Approval

Cheng explained the proposal and showed photographs of the property.

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 1001 South State Street Site Plan and Development Agreement.

Potts did not see the parking on the site plan and asked if this proposal met the setback requirements.

Cheng replied that there were no parking lot requirements for this site because the size of the building was less than 1,200 square feet. He stated that the driveway was being used for parking, which was permitted. He also stated that this proposal met the setback requirements.

Carlberg wondered if there were a safety issue regarding the minimum drive radius not being met. If it were not safe, she said, it should be addressed now. She said the existing structure was an attractive house and it was her hope that the addition would be aesthetically pleasing. She considered the removal of the 24-inch mulberry tree a public benefit.

Woods asked how many people were expected to occupy the house.

Robert Bartlett, petitioner, replied that nine people would reside in the house (one person per bedroom).

Woods asked what would happen if all nine tenants had a car, wondering where they would park.

Bartlett stated that tenants would rent their bedrooms knowing the parking situation. He said the property would be marketed for parking for two vehicles and people could choose not to rent a room if they had need for a parking space. He said there was a fair amount of public transportation in this location.

Woods asked if the siding of the existing house would be maintained with the new addition.

Bartlett replied yes, the architectural design of the addition was intended to match the existing house.

Bona asked if parking were intended along the side of the house on the concrete driveway in addition to the parking space at the rear.

Bartlett stated that with construction of the addition, there would be space for two cars to park. The driveway likely would have the width for one more space, he said.

Bona asked if parking along the side of the house was allowed as long as it was not in the front setback.

Cheng replied yes.

Bona said she would not have a problem with a couple of extra cars parked along the driveway since it was paved space, but said no parking should occur in the front setback.

Potts stated that this block has been neglected with all the rental housing, but that this house looked to be in good condition. She hoped the building's appearance would be maintained with the addition. She was not sure this area could handle additional density or cars, but said the proposal met code requirements.

Pratt asked if the driveway and other paved areas were included in the open space calculation.

Cheng replied yes, stating that the open lot area was calculated at 49.5 percent.

Pratt stated that when new developments were proposed, they were required to slow the rate of storm water. Theoretically, he said, someone could redevelop a site and have a greater impact on the storm system. He appreciated all opportunities to do something to address added impervious surface and said that, while there was not a lot of space here, he would appreciate anything the petitioner could do to infiltrate storm water into the ground.

Emaus said it would be nice if the front porch could wrap around the house to the north. He asked what windows on the north would be covered up with the new addition.

Bartlett replied none, as there were no windows on the first floor of the north side. He added that all bedrooms would have windows.

A vote on the motion showed:

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

Motion carried.

c. Public Hearing and Action on Allen Creek Preschool Special Exception Use, 0.29 acre, 2260 Miller Avenue. A request to allow a preschool parent-child program for seven parent-child pairs and two staff members in the existing structure – WITHDRAWN.

Noting no speakers, Pratt declared the public hearing closed.

d. Public Hearing and Action on Avery House-Elks Lodge Planned Project Site Plan and Special Exception Use, 2.49 acres, 220 Sunset Road. A proposal to construct an 85,227-square foot, five-story, 37-unit residential condominium building, with 68 parking spaces and a new 4,752-square foot, 1-1/2 story Elks Lodge building with 38 parking spaces (tabled at 12/19/06 meeting) – Staff Recommendation: Approval

Marcarello explained the proposal and showed photographs of the property.

Gregory Pee, exalted ruler of the James L. Crawford Lodge (Elks Lodge), provided basic historical information on the lodge, stating that they were a non-profit, taxable organization. He explained the lodge's need for a new building so they could get their various departments functioning, which were related to education, kidney foundation, special needs, and cancer. He said their old facility did not allow them to bring in the necessary computers for operation, nor the space needed for the under-privileged children with whom they worked to help them lead quality lives. He said the future of their organization was dependent on the proposed building, stating that it was the Elks driving this project. He stated that one of the reasons the size of the proposed building had been expanded was because of the need for meeting room space and space for proper access for seniors. He noted that this neighborhood was witnessing the removal of older homes, which were being replaced with new, larger homes. He urged that this proposal be given fair consideration so the lodge could move on.

Joan Harris, 808 Daniel Street, urged the Planning Commission to deny this proposal. She was not opposed to infill development, but she believed the scale of this project was inconsistent with the character of modest single-family homes of this neighborhood. Even the proposed new lodge was over three times the average house size, she said. She stated that this proposal exceeded the current height limit and extended the width and length parameters of the R4C zoning district. Many questioned why this

property was even zoned R4C in the first place, she said. She read the intent section of the R4C zoning district and said it was her belief that this parcel had been incorrectly zoned. She thought it would be unwise to add to this discrepancy by allowing this planned project proposal, thereby bypassing the zoning rules. She noted that the outcome of a planned project should be beneficial to the neighborhood.

Willie Campbell, chairman of the trustee board of the Elks Lodge and project coordinator, clarified that it was the Elks Lodge that was driving this project. He thanked staff for a fine job in the study and review of this proposal. He believed this project represented a win-win situation for the Elks, the residents in the area, and the community as a whole. It would provide for storm water management, which the site currently lacked, he said, as well as tax revenue and an access to Bluffs Park for the City, and a new facility for the Elks. He stated that the proposal met all code requirements, except for the planned project modifications that were being requested. He stated that most African American organizations no longer existed and the failure of this project would probably drive the last one out of the City. He asked for favorable consideration by the Planning Commission.

Pam Sjo, 709 Miner Street, urged the Planning Commission to deny this proposal. She believed that this proposal violated the zoning ordinance and that the Elks Lodge would become a nonconforming use, stating that the R4C district was a multiple-family district and the Elks Club did not conform to any of the permitted principal or accessory uses of that district. She also believed that the Elks Lodge did not conform to the R2B zoning. She said it fit most appropriately in the M1 zoning district, which allowed a private club or lodge as a permitted principal use. She stated that the Elks Lodge was a good organization and a part of the neighborhood and that a project of single-family homes on the site would allow them to stay. She said the maximum height in the R4C district was 30 feet, yet the proposal called for five stories, which violated code and was out of scale with the neighborhood. She believed the appropriate zoning for this property should be re-evaluated.

Judge Elden, financial secretary of the Elks Lodge, said it became apparent about three years ago that the Elks needed to do something in order to remain on the site. There were two options, he said: the easy route being to sell the property to accommodate about 50 dwelling units and then buy property elsewhere to build a new facility. However, he said, they saw a bigger picture which would benefit both the Elks and the City and began seeking developers that would not maximize development on the property but create something that would be amenable and attractive to the neighborhood and allow the lodge to remain on the site. He hoped the Planning Commission would give adequate consideration to the needs and future of the Elks Lodge.

Richard Wyatt, 1409 Culver Road, stated that the Elks Lodge was an extremely important organization and he would like to see it remain on this site. He stated that the proposal before Commission, with its planned project modifications, was a chance to realize this type of project.

Earl Goddin, 236 Sunset, wanted the Elks to stay on the site, but said that was not the issue. He urged the Planning Commission to recommend denial of the proposal, stating that the proposed condominium building was too tall and inconsistent with the neighborhood. He believed it would adversely affect the quality of life and character of the neighborhood. He said the R4C zoning on this site may have been an error and could not be corrected at this time, but he asked that it not be compounded with this project. He said he was not opposed to condominiums or the Elks Lodge on this site, but was opposed to the five-story building. He did not think the building should exceed 30 feet and said it should be a PUD (planned unit development) rather than a planned project. If this project were to be approved, he asked the Planning Commission to reject the \$19,110 contribution for trees planted elsewhere and require that the trees be planted on this property to screen this development as much as possible.

Judith Cawhorn, 406 Hiscock, spoke to the concerns raised by the Planning Commission the last time this project was considered. With regard to the concerns about erosion and the retaining wall, she said, the staff presentation this evening said these concerns were addressed, but she noted that the retaining wall was only changed slightly and there were still issues. She did not believe the concern about a high percentage of the site being paved had been addressed, as well as the concern expressed about sensitivity to the natural features. She said there was a neighborhood meeting on February 7, for which the residents diligently prepared, but that there was no dialogue between the petitioner and the residents. She referred to meeting notes from the last Planning Commission hearing on this proposal, in which one Commission member stated that this property was part of a neighborhood that was secluded from Main Street and questioned how the retaining wall would be constructed to adequately address the erosion concerns. With regard to survival of the Elks Lodge, she said, a new building would not address that; rather, she said, it had to do with operational and program funding.

Greta Weekley, 235 Sunset, stated that she checked the zoning of this neighborhood before she purchased her home. Since then, she said, she found a large hole in the zoning regulations, which was the planned project, which just about anything could get through. She believed this proposal was a quintessential example of abuse, noting that it was a huge commercial building with two commercial parking lots filled with traffic and noise. She disagreed that this was the only solution for the Elks Lodge and said she would prefer looking at condominiums on this property that did not violate the zoning code, rather than the large commercial building that was proposed. She acknowledged that the Elks have used and maintained their lodge in this neighborhood for over 50 years; however, she noted there have been a significant number of people who have also lived here over 50 years, maintaining their property and paying taxes, who also deserved respect. She asked that this project be denied.

Kirsten Jensen, 813 Daniel, strongly opposed this project, stating that the existing zoning laws were being violated and that this property was zoned improperly to begin with. She believed this proposal was out of character with the neighborhood and would result in a short-term gain for a few individuals and a significant long-term loss for current and future residents. She believed this project was moving in the wrong direction, as more concrete equaled more thermal mass which equaled more heat generated. She stated that a multitude of available housing existed in the neighborhood and throughout Ann Arbor, so there was no need to create more high-end units that will sit vacant indefinitely in the current housing market.

John Satarino, 503 Fountain Street, said it was important to keep in mind that neither approval nor denial would prevent the Elks from continuing its operation. He stated that this proposal has triggered special exception use status and conformance; however, he said, a search of the zoning regulations resulted in no social clubs being allowed as a special exception use in the R4C zoning district. He discussed the use regulations and the different references within the zoning ordinance. He believed there was wisdom on the part of the City planners when the zoning was created in 1963, in that two opposing uses in a residential district would be a recipe for disaster. He urged denial of this project.

Dorothy Nordness, representing the Huron Valley group of the Sierra Club, expressed concern about additional storm water runoff from this site due to increased non-permeable surface. It was not clear, she said, that what was coming from the parking lots would be handled adequately. She stated that this site had a steep slope that was currently stabilized by existing trees and under-story plantings; however, removal of these due to construction was a serious concern and they were not confident that the retaining wall would be effective in preventing erosion. She stated that the current view of this site from the river was a wooded hillside and this proposal would replace that view with another large residential building. Based on these concerns, she was opposed to this proposal.

Catherine Riseng, 236 Sunset, spoke about the effects of this project on her personal quality of life and piece of mind. She spoke about what she has done to her property and how it all would be lost with the construction of this project. She stated that a wall could not be built high enough to shield them from this development. It would force the residents to sell their homes, she said. She asked that the Planning Commission help the residents in this area protect the quality of life in which they have invested over the years.

Nancy Nicholson, a neighborhood resident, urged denial of this proposal. She expressed concern that the development would be out of character with the neighborhood and it would adversely affect the quality of life of the residents with the height of the building and the traffic and parking issues. She also was concerned about the environmentally sensitive nature of this property. She believed there must be other options for the Elks.

Victor Turner, 1219 Ardmoor, a member of the Elks Lodge, spoke of some of the history of the area and how difficult it was to get Pioneer High School built because its location at the time was perceived to be in the country. He said it eventually became part of the downtown, just as the Elks Lodge has become part of the downtown. He suspected that if the City listened to everyone who objected to these developments, there would be no buildings in the City over one story in height, which would not be possible, he said.

Cheryl Saam, 734 Fountain, said she was one of neighbors involved in rezoning a portion of this neighborhood to R2 in the early 1990s because of the appropriateness of the zoning classification. She stated that the Huron River, with all of its parkland, provided a wonderful escape from the urban environment and that this river corridor should be protected. She was concerned about the effect this development would have on the view from the river, stating that buildings above the tree line detracted from the natural experience. She stated that the view of the bluff should be retained.

Emile Lauzzana, of Sunstructures Architects, representing the petitioner, emphasized three points: 1) The proposal would preserve the Elks on this site. He showed a rendering of the new Elks facility. 2) The new development would be an improvement to the existing site. He stated that it currently contained an 80-space parking lot at the rear of the site, which sat on top of a tremendous amount of building debris and fill. He noted that this new project would provide storm water management, which currently did not exist on the site, and said it would also provide a public access easement to Bluffs Park, which the Elks has allowed for years without any type of liability insurance. 3) For over 30 years, Sunstructures Architects has designed green buildings. He said the new building would have an energy efficient heating system and a green roof that would contribute to storm water retention and cleaning storm water as it made its way to the Huron River. He said the design of the building was relatively narrow to allow ample daylight into the building. The parking garage would reduce impervious surface and would be equipped for plug-in electric vehicles, he said, adding that the petitioner has agreed to purchase the first two electric vehicles.

John Bogdasarian, petitioner, stated that the development team has worked hard over the past months to incorporate as many changes as possible into the project. He expressed his appreciation for the feedback from neighbors, noting that he has also received positive feedback from residents in the neighborhood. He was available to answer questions.

Scott Nuell stated that it seemed there were two different votes here: one for the Elks and one for the planned project residential development. He felt that density of the condominiums had been misrepresented, claiming less space than what was really needed in order to build the new Elks Lodge so there would be more space to allow for maximization of the condominium development. He did not think 8,500 square feet should be accepted as what was really needed for the Elks building. He believed the density calculations should be re-evaluated.

Fred Chapman said he would like to dissuade the Planning Commission from allowing the petitioner to avoid the current zoning laws and restrictions that currently protect neighborhoods. He believed there were errors in the application for the planned project, stating that it indicated the R4C zoning allowed 49 units based on the R4C standards and the 2.49-acre site. However, he said, the petition also included construction of a social club for approximately 100 people. He said the code for such a social club dictated 350 square feet per occupant, which would require 35,000 square feet for the Elks facility. Taking away the space needed for that, it would leave 1.69 acres for the residential development, resulting in a maximum of 33 units allowed on the site. He believed the current proposal exceeded the code requirements. He questioned the accuracy of the statement that this project provided 59 percent of usable open space, stating that he had a registered civil engineer review the plans, who assured him the amount of usable open space was 40-41 percent. He said it was important for the City to look at this calculation again. He stated that this project was proposing a structure that was almost double the maximum height allowed, which he thought was an extreme violation of the code.

Myung Raymond, 611 Sunset, expressed opposition to the proposal. She was very concerned about water runoff from the site, stating that because of the property's topography, most of the water would flow to the 63-year-old floodplain or the cliff area and then into the Huron River. In this time of climate change, she said, the power of water should not be under-estimated. She expressed opposition to the removal of 73 trees and eliminating grass area to create a hard surface. She also expressed opposition to this proposal based on the concerns expressed earlier by other neighbors. In order to preserve the trees and keep the environment safe, she believed the City should purchase a strip of land all the way around the site to provide this safeguard. With the revenue from the City buying this strip of land, she said, the Elks should be able to afford a renovation of the existing structure to bring it to its original glory. She made an offer to plant 200 seedlings herself.

Lou Glorie, 827 Brooks, stated that since the last public hearing on this project, the Park Advisory Commission (PAC) passed a resolution stating that the mass and height of this project would be detrimental to the viewscape of all citizens of Ann Arbor, creating a negative view from no less than four City parks. She did not believe that access to Bluffs Park was enough of an amenity to grant this planned project. She did not agree that this neighborhood was part of the downtown; however, if it were, then this property should be developed as if it were in the suburbs. If the Planning Commission were to approve this proposal, she urged that a bonding of environmental elements be required, such as geo thermal heating and a green roof to assure that they would be in place when the project was finished. She said it was not uncommon in Ann Arbor for a new project to offer green elements and then eliminate them as the project started because they were determined to be infeasible. She thought Ann Arbor needed to be indemnified from the possibility that this engineered wall that would take the place of the trees and shrubbery of the slope would not protect the sites below in the future.

Robert Black, of Sunstructures Architects, 516 Spring Street, stated that he has lived in a 125-year-old house in this neighborhood for almost 20 years, working hard to provide energy conservation in his home and watching the changes occurring in the neighborhood. This was a difficult issue, he said, urging the Planning Commission to remember that they had an excellent staff who were professionals, that the developer of this project was conscientious, and that Sunstructures Architects have been working on sustainable design for 30 years. He also noted that he was the chair of the City's Energy Commission. He stated that the City was changing, noting the pressures on development in and near the downtown. He called attention to the \$650,000 duplexes being built in this neighborhood. He said they have all worked hard to produce a development proposal to its best and highest use.

Linda Berauer, 421 Third Street, said she personally supported her neighbors' arguments for opposing this development. As chair of the Park Advisory Commission, she referred to the resolution approved by

PAC that was forwarded to the Planning Commission. She stated that she has heard nothing in terms of revisions to the proposal that convinced her this project should be approved. The issue of the Elks was a difficult decision, she said, as everyone wanted the Elks to remain on the site, but she believed this was a separate issue from the residential component of the plan. Just because everyone wanted the Elks to stay did not mean the City should override current standards and regulations. She did not think this proposal was a win-win situation.

Eric Mitchell, owner of the property across the street from this site, said he has resided here or has been connected with his property for 53 years. He said he moved back here several years ago due to the location, scenery and diversity of the community. At the time, he said, he was surprised to learn about this proposal. He asked the Planning Commission to deny the proposal because it was too large and did not fit in with the neighborhood. He agreed with progress and development, but questioned where the line should be drawn. He did not want to step out of his front porch everyday and look at this monstrosity that did not represent anything that the neighborhood has been or should ever be.

A resident of the neighborhood expressed concerns about erosion, removal of trees, and the viewscape from Argo and Bandemer Parks. She encouraged the review of other alternatives that would assist the Elks in remaining on this property.

Alexandra Weekly remarked about how driving down Sunset toward her home gave the impression of a street in San Francisco. She said half of this would be lost with this new building. She said the sun rose over the hill in the morning and this would be completely blocked by the proposed building. She was concerned because she heard that the Elks membership has declined over the years and it was mentioned that most of their members were senior members, so she questioned the appropriateness of making the requested compromises for a fairly small membership. She said people supported the Elks staying, but said a five-story building was unprecedented in this neighborhood. She believed this proposal was a violation of the zoning.

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

Moved by Carlberg, seconded by Bona, 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 being used by members and guests only, (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 Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Avery House/Elks Lodge Planned Project Site Plan and Development Agreement, 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 59 percent.

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve alternative mitigation measures to contribute

\$19,110 to the street tree planting program in lieu of planting 130 caliper inches of replacement trees.

Pratt identified what was within the authority of the Planning Commission: 1) planned project criteria, whether there was public benefit and the extent of the variances, 2) R4C zoning regulations, 3) allowable density, and 4) health, safety and welfare. He said there was limited authority on the scale and character of a development, stating that Commission was not delegated the authority to make a determination based on how it would look and the view of the project from various parts of town.

Bona stated that she was in total support of trying to help the Elks stay on this site, or at least in the City. With regard to the planned project, she stated that there were six different standards under which planned project status could be granted and that two of them seemed to make the most sense for this proposal: solar orientation or energy conserving design and the arrangement of buildings which will allow a public benefit, such as public transportation access, pedestrian orientation, or reduced need for infrastructure or impervious surface. She asked the petitioner to explain what made this project more energy conserving compared to a townhouse configuration.

Wayne Appleyard, of Sunstructures Architects, stated that the building, as proposed, was much more tightly massed and would use less surface area than a townhouse design. This allowed for more energy conservation, he said. He said they intended to provide high levels of insulation and glass. They designed an L-shaped building, he said, to provide solar orientation in two different places, which would be exposed areas for passive solar. He said a green roof was proposed which would not only reduce the amount of water flowing off the roof, but would also add insulation in the summer and provide somewhat of a cooling system for the upper units. He said they were removing all fossil fuel use by going with the added expense of installing ground source heat pump systems run by electricity provided by renewable energy. He said they were looking into the ability to purchase green power from off-site sources, which they hoped to have accomplished by the time the building was constructed.

Robert Black, also of Sunstructures Architects, stated that there were solar surfaces that would receive the warmth from the sun. He said they intended to capture sunlight using mirrored surfaces.

Bona stated that if the solar orientation and energy conserving standards were used as a basis to approve this plan, there would need to be assurance that they would happen. It was important to her that this be included in the development agreement.

Carlberg stated that many planned projects have been approved if one of the standards in the zoning ordinance has been met, sometimes as small as a one percent increase in open space. She said Commissioner Bona identified standards E and F, and she also identified Standard B, which was "building or parking setback(s) in excess of the minimum requirement for the zoning district." She said the proposed front setback exceeded the minimum requirement and it created a very large open area, noting that a 122-foot front setback was proposed and a 55-foot front setback was required (25-foot standard along the street). She said that one of things she has found challenging with this was if this site were developed more traditionally, the adjacent property to the west would have no view because the new development would be situated as close to the street as the existing house to the west. She also stated that any other style of conventional development would remove the views that the neighbors across the street currently enjoyed. She said there would no longer be a view into the site or into the woods beyond. She did not see a conventional development providing the benefits the neighbors have said they desired. There was a considerable advantage to having this building situated so far back, she said, because it allowed part of the site to remain open. Her observation driving down Sunset was that the medical complex could be seen, but that the river was not visible unless one were to stand at the edge of the property along the steep slope. The river could not be seen through the trees, she said. She stated that

there were no access points for Bluffs Park and it was significant that this development would be providing a public access for those wanting to enter the park. She noted that the City had no plans at this time to purchase access to the park. She believed this proposal met at least three of the planned project standards.

Woods asked for information on how energy efficiency would work in the new Elks Lodge and if the building would have a green roof.

Lauzzana replied that the lodge would not have a green roof. He explained that the same energy efficiency systems proposed for the residential building would be used for the Elks building, such as high levels of insulation, appropriate types of window glazing, appropriate exposure, building overhang, and a ground source heat pump.

Woods asked why these buildings were not going to be LEED certified.

Lauzzana stated that it would cost approximately \$500,000 for this project to go through the LEED certification process and, if they were to do this, they would then need to scale back on some of the amenities they were proposing to make this a more environmentally friendly project. He said it was their belief that the proposed energy efficiencies were equivalent to a gold LEED rating.

Emaus suggested that paragraph P-18 of the development agreement be revised to include the energy saving technologies proposed for this. He knew that some of them would be noted on the site plan, including the geo thermal energy design and green roof, but he would be more comfortable if they were included in the development agreement.

Bogdasarian stated that there would be no problem adding this to the development agreement.

Emaus stated that something he noticed walking through the site was that the parking lot was quite flat. He asked if the new residential building would be built on the same flat surface after it was lowered four feet.

Bogdasarian replied yes, stating that the parking lot was built on 3 to 17 feet of fill dirt, so they would need to excavate in order to reach solid soil for the new building.

Lauzzana stated that the elevation of the parking garage would be at 840 and the current elevation of the parking lot was at 853. When standing on the existing parking lot, he said, one would be standing a couple of feet above the first floor. He said they would need to remove the rubble material in order to build on the site and they believed it would be appropriate to locate the parking garage there and the living units above that.

Emaus stated that there was a nice view of the Huron River valley when standing on this site and he thought the residents in the area may regret their request for buffering the parking area, as it would block the fairly nice view that would still remain with the building being set back 122 feet from the street. He said the residents might prefer the buffer being set further back and not so close to the road.

Bogdasarian agreed and explained where the new building would be situated and how it would further open the view for those coming down Sunset.

Emaus stated that Bluffs Park was a public amenity for everyone, not just a select few, and, while it may not actually be contained in the planned project standards, he believed density surrounding public land was a benefit because it allowed more people to enjoy an investment of the City. This was a benefit to

the community, he said. In some ways, he felt this proposal was a little different from other development proposals because it was the Elks property, and that this was the Elks' proposal and he appreciated what they were trying to do.

Potts expressed her appreciation to the neighbors for coming to present their views and appreciation for some of the things the petitioner has proposed, such as the energy efficiency and constructing a building for the Elks. However, when it came to the planned project standards, she had concerns. She was concerned about the greater height and reduced rear setback near the natural area, as well as concerned about the front setback. She said the bare minimum for a front setback to a driveway and parking lot was proposed. Not only did this not meet the front setback standards in that regard, but she was also somewhat surprised that the petitioner was asking for a reduction in the rear setback. She believed the changes being requested were of such a high impact that if they were to meet any of the planned project standards, it would not be enough to make a difference.

Westphal reiterated that he would tend to agree with the public benefit in terms of access to Bluffs Park. He wanted to make sure the heat pumps were contained in the development agreement, stating that these were a great feature. He stated that if conventional townhouses were built on this site, the impact on the neighborhood would be that of a far more urban setting than the proposed condominium building. He believed this proposal met a couple of the planned project standards and said the larger of the issues seemed to be regarding the zoning of the property.

Lipson agreed that the 122-foot front building setback was what significantly reduced the impact on the neighborhood. He thought this proposal qualified as a planned project. With regard to solar orientation, he said, it was something he asked of every development and this particular project had more of that than any other projects the Planning Commission has seen. He pointed out that this proposal would be maximizing natural light and using less energy. He said the impervious surface on the site would be reduced because of the green roof and because so much of the parking would be located underneath the building. He agreed that access to Bluffs Park was a public benefit. He also agreed that the biggest problem had to do with the zoning. He said R4C was the existing zoning on this property and further discussion on that was not relative to this site plan. He believed the design of this project had been considered very carefully, noting that there were other designs that would have destroyed the view. He stated that setting the condominium building back as much as possible would reduce the impact on the view of the river valley for the residents, even though the view from Argo Park and other areas along the river would be impacted. He stated that setting a five-story building back 122 feet from the road significantly reduced the impact.

Pratt echoed the points made about the planned project standards. He expressed appreciation for the specific information provided by the petitioner's representative regarding the energy conserving measures. With regard to open space, he said, there has been some discussion as to whether the term "usable" was defined appropriately. He thought this appeared to conform to the proposed amendments to Chapter 55 regarding usable open space that were currently going through the review process. He thought it would be easier for him to totally support this project if the rear setback was not decreased, although he realized how others have interpreted this differently. He appreciated the effort made to reduce the height, but said he had expected to see more of a different development since the last time Planning Commission reviewed this. He was uncomfortable increasing the height without more of a benefit.

Lipson stated that of all the neighbors who would be impacted by this development, it was Ms. Riseng's house directly to the west that would be most impacted. He understood her concerns about her view and privacy being impinged upon by this proposal and asked the petitioner to explain the landscaping planned to help minimize the impact on her residence.

Lauzzana stated that the original plan had the park access path about 15 feet away from Ms. Riseng's property line. Following discussion with the Planning Commission, staff and neighbors, he said, the path was relocated, increasing the distance between the path and the adjacent property line. He explained the dense landscaping that would be planted to screen the area. He noted that if they did not meet the landscaping requirements as shown on the site plan, they would not be issued a certificate of occupancy by the City.

Riseng stated that with regard to the landscaping, nothing taller than eight feet was planned, which would not provide a significant screen for about 20 years.

Jamie Gorenflo, of Midwestern Consulting, representing the petitioner, stated that moving the entire parking lot to the east has allowed them to maintain a significant number of existing trees along the property line to the west. In addition to the existing trees in the natural buffer, he said, they would be planting the requisite plantings for a conflicting land use buffer.

Carlberg suggested that 10 to 15-foot trees, instead of 8-foot trees, be planted and asked the petitioner to leave this open for discussion with the property owner to the west.

Pratt asked staff about the Elks Lodge qualifying as a principal or accessory use.

Marcarello stated that staff has consistently interpreted the zoning ordinance such that the R4C zoning district flips back to the R2 district, where club headquarters are allowed as a special exception use. She said staff did not consider the Elks lodge a social club; rather, a social club was the feature of a condominium or apartment development that had a common clubhouse-type facility for its residents. She said the Elks lodge was not an accessory use, stating that it could be a principal use on the site with special exception use approval.

Lipson did not see the equity in trying to zone the Elks out of existence after having been on this property for 50 years. He viewed staff's interpretation of the zoning ordinance as a solid interpretation.

Carlberg asked for an explanation of the relationship between the building, the building's foundation and what made it secure against the slope, as well as what was being done to alter the slope and secure the integrity of the slope beyond the retaining wall. She asked how future landowners on Main Street would be assured that they would not suffer negative effects from what was being done to this site.

Gorenflo explained that the existing grade was very high and it sloped to the east. In order to place the building foundation on solid stable soils that were not fill material, he said, the fill material had to be excavated to reach the native soils. He said the foundation would sit squarely on the native soils, that they were not proposing a building platform or slope that supported the building foundations. He stated that the proposed retaining wall would be 7 to 8 feet and that it would get shorter as it went southward because the grade was higher in that direction. With the retaining wall, he said, they would be creating a flat spot at the back of the building for maintenance purposes. The retaining wall would not support any portion of the building, he said. He explained that the retaining wall would be constructed of material that was identical to retaining wall configurations that have been previously approved by the City for several other projects. In terms of longevity, security and protection, he said, the material they proposed was perfectly suited to that. He said the soil types on this site were not particularly erosion-prone. By creating a retaining wall at the rear of the site, he said, they would be helping to prevent erosion. Another detail was installation of a chain link fence as barrier fencing, he said, to collect erosion and protect natural features. He said there also would be a three-foot high section of silt fence and an erosion control mat used during construction.

Carlberg stated that all techniques were good if well supervised and maintained on a daily basis. There have been developments in town where this did not happen, she said, and erosion occurred. She said the petitioner had a tremendous responsibility here to see that the extra measures were effective. A chain link fence was a great improvement over a small silt fence, she said. She noted that the existing lodge was hanging over the edge of a slope and asked if part of the vegetation would have to be removed in that location.

Gorenflo stated that the City's Natural Features and Environmental Coordinator agreed that the vegetation in that area was not high priority and that he did not oppose its removal. No storm water would flow to the slopes, he said, noting that all water would be directed into the site into a series of catch basins before ultimately leaving the site.

Carlberg asked if the better soil would permit infiltration.

Gorenflo said they considered infiltration, but found there was clay below the baseline, which did not create the opportunity for infiltration.

Potts was aware that this was a sensitive piece of land with steep slopes, woodlands and landmark trees. She did not think this proposal met the site plan standard of minimum disturbance of natural features to the extent necessary to permit reasonable use of the land. This was partly a function of the building being very large, she said, which required a larger parking lot. She was concerned about the amount of impact on natural features and believed this violated the standards for site plan approval. She was glad that this project would handle the water coming onto the site, but said she would rather it not go directly into the storm sewer. She said this was a difficult, sensitive site and she would prefer to see less impervious surface. She also was concerned about traffic at the corner of Sunset and Wildt and about people having to make left turns from this site onto Sunset. She thought this proposal would reduce the livability of the neighborhood and that it would create its own island within the neighborhood. It was difficult for her to think of this as a compatible use for the neighborhood. She did not believe it met either the site plan or planned project standards.

Pratt asked if the petitioner had received preliminary approval from the Washtenaw County Drain Commissioner.

Gorenflo replied yes. He stated that the off-site runoff would be directed to a location where water normally would enter the storm sewer system.

Pratt wondered what amount of runoff was projected to enter the storm sewer pipes when a storm occurred and what percent of the site's runoff currently did not drain to the street. He wanted to be sure that the quantity being released was going to be less than what was leaving the site today.

Gorenflo stated that it would be less.

Bona stated that with regard to density, if the were developed entirely for residential use, 50 units would be allowed. Removing 3,500 square feet for the Elks facility, she said, reduced the number of units to 46. She asked if there were anything in the development agreement that indicated a maximum of 46 units with the Elks facility. She wanted to be assured that this development would not end up with 50 units and the Elks facility both on the site.

Marcarello stated that any increase in the number of dwelling units beyond the 38 units proposed on this site plan would have to go before the Planning Commission and City Council for approval.

Bona asked if there were a reason why the replacement trees proposed for Bandemer Park could not be planted throughout the neighborhood.

Gorenflo stated Parks and Recreation staff, during discussion of the tree mitigation issue, suggested Bandemer Park, as the proposed trees would be a good fit in that location. He noted that a contribution would also be made to the Elizabeth Dean Fund for trees to be planted throughout the neighborhood, which also was an alternative mitigation measure.

Carlberg asked for more specific information on what this development would look like from the river.

Bogdasarian stated that both the residential building and the Elks lodge would sit below the tree line. During the winter, he said, the property would be visible through the bare trees.

Gorenflo showed a cross section of the Huron River valley. Based on the existing tree canopy height and taking into account the removal of trees to place the building, the sight lines would remain the same, he said. If the building were located on top of the hill, he said, the trees would still be above the top of the roof.

Carlberg said she would not find a building in this location unappealing. She stated that the river was in an urban setting and she did not think the viewsheds of the river had to stay the same. Upon going downriver and reaching more natural settings, she said, the slopes should be protected. However, the urban part of the City was part of the charm of the river and should be protected. She stated that if there were a view of the new development from the river, it would be for just a moment, and there were other places to look as well.

Woods saw this as a win-win situation in many ways, but she also understood the concerns of the neighbors. She acknowledged the Elks owning their property for 50 years, stating that they have decided that they would like to remain a part of this neighborhood. By and large, she said, property owners had a right to develop their property as long as they were in compliance with zoning and other code requirements. In this case, she said, this particular organization has come before the City to present what many have already identified as a public good. If it were possible to reduce the size of the proposed residential building, she said, it might make it easier to come to a decision. There were very few developments around town that neighbors embraced and said that perhaps some of the children who lived in this neighborhood may one day wish to be a part of the Elks. At this time, she was leaning toward voting in favor of the proposal.

Pratt assumed there would be a lease arrangement with the Elks.

Bogdasarian stated that there would be no need for a lease, as the Elks would own its own separate condominium unit.

Carlberg said concerns were raised about lighting and asked about the possibility of dimming lights after 11:00 p.m. or 12:00 midnight to reduce impacts.

Bogdasarian believed dimming the lights would be an option, but wanted to make sure that there was adequate light to provide safety for the residents.

Carlberg asked if the petitioner were open to further discussion with neighbors about landscaping that might screen the development more effectively.

Bogdasarian replied yes, stating that he was willing to make any adjustments to the plan that fell within the budget. He said he was willing to work with the neighbors throughout the process.

Emaus stated that with regard to natural features, they existed on about 17 feet of junk and were not so high quality. He also noted that most of the steep slope off the parking lot consisted of invasive species.

Potts said she would prefer not removing any of the trees along the east and north property lines. She did not believe this proposal met City ordinance requirements. She would like to see something proposed for this site that was more consistent with the neighborhood.

A vote on the first motion (special exception use) showed:

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

Motion carried.

Pratt said he agreed with all of the positive comments made by the Planning Commission and he expressed appreciation to the petitioner for providing Commission with responses to all of the questions. His sole concern was transition in height and, while the proposed location was the least intrusive spot, he still was not comfortable with it.

A vote on the second motion (site plan) showed:

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

Motion carried.

Pratt asked if there were room on the site for additional trees.

Gorenflo said they already were planting a significant number of trees on the site as part of the mitigation and it was their thought that the alternative mitigation would be a good way to provide an additional public benefit.

Pratt said it would be good if the petitioner were able to plant more trees on the site to provide additional screening for neighbors.

Carlberg asked if, following further discussion with neighbors, it were determined that there should be more plantings on the site, would the petitioner be required to come back before the Planning Commission for approval.

Marcarello stated that Chapter 57 allowed a change in species or plant material. She stated that an increase in the number of plantings on the site could be done administratively, without Planning Commission review and approval.

A vote on the third motion (alternative mitigation) showed:

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

Motion carried.

ADJOURNMENT

Pratt declared the meeting adjourned at 12:20 a.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services