



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Wednesday, October 5, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second  
floor, City Council Chambers

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

#### **1 CALL TO ORDER**

*Chair Clein called the meeting to order at 7:02 p.m.*

#### **2 ROLL CALL**

*Planning Manager Brett Lenart called the roll.*

**Present** 7 - Woods, Clein, Briere, Mills, Gibb-Randall, Trudeau, and Weatherbee

**Absent** 1 - Milshteyn

#### **3 APPROVAL OF AGENDA**

**Moved by Mills, seconded by Trudeau to approve the agenda as presented. On a voice vote the agenda was unanimously approved.**

#### **4 INTRODUCTIONS**

*None*

#### **5 MINUTES OF PREVIOUS MEETING**



*Chair Clein read the public hearing notice as published.*

**9      REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website ([www.a2gov.org](http://www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 9-a      16-1415** Proposed amendments to the Zoning Ordinance (Chapter 55) and Off-Street Parking Ordinance (Chapter 59) of the Ann Arbor City Code - A proposal to revise the premium floor area options in downtown zoning districts and supporting regulations to the planned project modifications and the off-street parking requirements. Amended sections include §5:10.19 (Downtown Zoning and Character Overlay Districts), §5:64 and §5:65 (Premiums), §5:68 and §5:70 (Planned Projects), and §5:169 (Special Parking District). The proposed amendments change the required conditions to acquire premium floor area; create a two-tiered program to acquire bonus floor area in the D1 and D2 districts; offer incentives for residential uses, workforce housing, energy efficiency and certifications; introduce building design requirements; allow design requirement modifications with planned projects; and, eliminate the option to provide off-street parking through contracts for permits in the public parking system. A complete draft of the proposed amendments is available at [www.a2gov.org/premiums](http://www.a2gov.org/premiums) <<http://www.a2gov.org/premiums>>.

*Alexis DiLeo gave an update on the Premium Amendment process.*

*Megan Masson-Minock provided a report on the Downtown Premiums and developer input, to date.*

**PUBLIC HEARING:**

*Ethel Potts, 1014 Elder Blvd., Ann Arbor, spoke in objection to narrow*

*sidewalks, proposed zero setbacks, removing incentives for streetscapes, open amenities and greenspace. She was surprised with the incentive for even more residential housing. She said the proposed workforce housing is not affordable for those who lack housing; lowering the standard to 30-50 AMI (Average Median Income) and removing the possibility of in-lieu payment will assist with affordable housing downtown. She rejected to the removal of 'plazas', 'courtyards', 'arcades', 'space' and 'plants at building entrances' which help make Ann Arbor as well designed as other cities. She said she felt the job of the Commission was not done; they had done a good job with the energy efficiency, but removed all design and livability standards from the downtown. She asked that they please reconsider and do the whole job.*

*Farrakand, Farahanchi, spoke about the red-lined copy having contradictions (page 4, C.); all the windows on ground level adjacent to the site may not be more than 2.5 feet from adjacent sidewalk level. He said the buildings are supposed to be big but the proposal isn't taking into consideration the slope of the land. He pointed out the grade change on South Main, saying that a developer would be forced to put windows in order to reach the 60%. He said housing downtown has become very expensive, and he is glad that the maximum parking requirement has been taken away, but added there has to be some minimum levels included.*

*Noting no further public speakers, the Chair declared the public hearing closed unless the item is postponed.*

**Moved by Mills, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 (Zoning Ordinance), Sections 5:10.19 D1 and D2 Downtown Districts, 5:10.20 Downtown Character Overlay Zoning Districts, 5:64 Premium Intent, 5:65 Floor Area Premium Options, 5:68 Planned Projects Statement of Intent, 5:70 Planned Project Standards for Approval, and Chapter 59 (Off Street Parking Ordinance), Section 5:169 Special Parking Districts as amended this evening and including the recommendation that the City Council annually adjust the in-lieu fees identified in this ordinance, as part of the budget process.**

*COMMISSION DISCUSSION:*

*The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please*

*see available video format]*

**On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote:7-0**

**Yeas:** 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

*Planning Commission Break*

- 9-b**      **16-1416**      Resolution to Guide Washtenaw County Brownfield Redevelopment Authority on use of Local Site Remediation Revolving Fund to support provision of Affordable Housing in the City of Ann Arbor - Seeking a Planning Commission recommendation on a proposed resolution that guides the Washtenaw County Brownfield Redevelopment Authority (WCBRA) on the use of the Local Site Remediation Revolving Fund (LSRRF) to support affordable housing in the City of Ann Arbor. The proposed resolution would request that the WCBRA only loan or grant LSRRF funds, for any residential project, that includes a mix of 10% of proposed residential units affordable for a minimum period of 20 years. Staff Recommendation: Approval

*Nathan Voght, Washtenaw County Office of Economic Development and Washtenaw County Brownfield Coordinator, provided an overview of the regional work of the Washtenaw County Brownfield Authority, noting that the City of Ann Arbor has participated in the County Brownfield Authority since 2002. He introduced the following memo and resolution to the Commission.*

*Resolution to Guide the Washtenaw County Brownfield Authority on Use of Local Site Revolving Remediation Funding to Support Affordable Housing within the City of Ann Arbor.*

*The City of Ann Arbor participates with the Washtenaw County Brownfield Redevelopment Authority (WCBRA). The WCBRA established the Local Site Revolving Remediation Fund pursuant to Act 381, which is funded through Tax Increment Financing capture on each Brownfield Plan approved in the region. The WCBRA expects to receive additional deposits in the LSRRF fund over the next several years. Under the WCBRA's authority, which includes representation from the City of Ann Arbor, it recently adopted a policy on the use of LSRRF funds, in which*

*funds may be awarded as grants to local units of government or non profits or loans to developers and private entities, to conduct brownfield activities on eligible brownfield properties for which a viable redevelopment proposal exists. The LSRRF policy includes provisions to allow the WCBRA to consider affordable housing as a component to a proposed development.*

*Washtenaw County has been coordinating an effort to implement various affordable housing strategies in the Ann Arbor urbanized area. This effort was a result of unanimous adoption of the 2015 Housing Affordability and Economic Equity Analysis for Washtenaw County by the City of Ann Arbor, City of Ypsilanti, Ypsilanti Charter Township, Pittsfield Charter Township, and the City of Ann Arbor Downtown Development Authority. The study calls for the City of Ann Arbor to create 140 new affordable housing units per year, for the next 20 years.*

*The WCBRA's primary function is development and adoption of Brownfield Plans that fund certain environmental and non environmental activities to allow the redevelopment of previously contaminated and/or blighted properties. The WCBRA has typically deferred specific evaluation of land use and the various community benefits beyond brownfield activities of a proposed development to the local unit of government. The WCBRA's role has been to assist with development and adoption of a Brownfield Plan, where the specific purpose is the feasibility and adequacy of using tax increment financing to conduct brownfield activities. However, LSRRF funds present an opportunity to specifically support other goals within the City of Ann Arbor. Therefore, this resolution requests that the WCBRA only grant or loan funds to projects that increase the supply of affordable housing within the City of Ann Arbor, use of LSRRF funds for such projects can be awarded by the WCBRA in a way that is consistent with this desire.*

*An increase in the supply of affordable housing units is recommended in the adopted Housing Affordability and Economic Equity Analysis of 2015, the City's Master Plan and the 2013 inclusion of Diverse Housing within the Sustainability Framework, and the Housing goals of the 2003 Ann Arbor Downtown Development Authority Development Plan and Tax Increment Financing Plan.*

*The WCBRA desires to support the wide array of stated affordable housing goals of the City, and is requesting this guidance resolution to direct future provision of LSRRF funds within the City. Specifically, that any requested LSRRF funds for residential projects within the City of Ann*

*Arbor only be awarded to those projects that provide a minimum of 10% of total units as affordable housing.*

*Prepared by: Nathan Voght, Brownfield Program Specialist*

*Reviewed by: Andrea Plevak, Interim Director, Office of Community and Economic Development*

*Brett Lenart, Planning Manager*

**Whereas, the WCBRA maintains a Local Site Revolving Remediation Fund, and by 2018, funds will become available to assist with the redevelopment of brownfield sites in the region, and which can also be utilized to achieve other significant community goals; and**

**Whereas, WCBRA maintains the LSRRF funds to support redevelopment of brownfield sites within the region, and is seeking guidance from the City of Ann Arbor to support the increase in supply of affordable housing, as clearly articulated in multiple community plans, studies, and goals; and**

**Whereas, the 2015 Housing Affordability and Economic Equity Analysis has been adopted by the City of Ann Arbor and all other local units of government representing the Ann Arbor/Ypsilanti Urbanized Area, and using Brownfield incentives, such as LSRRF funds is one possible tool to increase the affordable housing supply; and**

**Whereas, in 2013 the Sustainability Framework, which calls for Diverse Housing, was incorporated into the City of Ann Arbor Master Plan; and**

**Whereas, the 2003 Ann Arbor Downtown Development Authority Development Plan and Tax Increment Financing Plan calls for a diverse downtown population, which requires a wide variety of housing opportunities;**

**RESOLVED, That the City of Ann Arbor Planning Commission recommends that the City of Ann Arbor City Council request that the WCBRA only loan or grant LSRRF funds, for any residential projects seeking such funds within the City of Ann Arbor, that provide at least a mix of 10% of the proposed units for households at or below 60% of Area Median Income, and rents for designated units shall not**

exceed Fair Market Rents annually published by HUD for Washtenaw County.

**RESOLVED**, the designated unit mix should reflect the mix of unit type and size within the overall development;

**RESOLVED**, That the proposed units shall be affordable for a minimum of 20 years;

**RESOLVED**, That the WCBRA shall coordinate with the City and LSRRF recipient as necessary to determine the most suitable manner in which the proposed affordable units be administered;

**RESOLVED**, any required loan or grant agreements between the WCBRA and LSRRF recipient shall reflect and ensure the affordable housing requirement.

*COMMISSION DISCUSSION:*

*The Commission took into consideration the presented resolution and discussed the matter. [For a complete record of the discussion please see available video format]*

*The Commission agreed that Local Site Revolving Remediation Funding is one possible tool to increase the affordable housing supply and is in accord with the City's Master Plan as adopted through the Sustainability Framework (2013) which calls for diverse housing.*

**On a voice vote, the vote was unanimous, with the Chair declaring the motion carried. Vote: 7-0**

**Yeas:** 7 - Wendy Woods, Kenneth Clein, Sabra Briere, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

**Nays:** 0

**Absent:** 1 - Alex Milshteyn

**10 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**

**11 COMMISSION PROPOSED BUSINESS**

*Briere noted that last month the Governor signed changes to the Medical Marijuana law that included some mandatory zoning pieces, and five*



*different possible types of licenses. She explained that the City has a pair of ordinances that address the zoning and licensing of dispensaries. She said no licenses were ever issued by the City because no dispensary could show they were in compliance with the Medical Marijuana Act, but since this new law goes into effect before the end of the year and licenses can begin being issued in January 2018, the City will need to go back and revise its' existing ordinances to address the changes that were recently made in Lansing (including the zoning changes). She explained that local jurisdictions will need to approve and issue licenses to applicants before State licenses are granted.*

*She said Council will likely make a decision before the end of the year asking the Planning Commission to look at various areas where the various license types could function, such as growing, manufacturing, testing, transporting, etc. She has suggested a committee made up of Council and Planning Commissioners work on the revisions.*

## **12      ADJOURNMENT**

**The meeting was unanimously adjourned at 9:50 p.m.**

Ken Clein, Chair  
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These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website ([www.a2gov.org](http://www.a2gov.org)).

The complete record of this meeting is available in video format at [www.a2gov.org/ctn](http://www.a2gov.org/ctn), or is available for a nominal fee by contacting CTN at (734) 794-6150.