

MEMORANDUM

TO: Planning Commission Ordinance Revisions Committee (ORC)

FROM: Brett Lenart, Planning Manager
Matt Kowalski, City Planner

DATE: April 21, 2021

SUBJECT: Site Plan Review Thresholds

At the March 23, 2021 Planning Commission Ordinance Revision Committee (ORC) meeting staff presented the new format that re-organized the proposed levels of review based on Planning Commission feedback into sections that group related actions to make it easier to locate in the Code and identify the level of review needed. This reorganized structure also now includes all exempt actions as requested by the Planning Commission. After offering positive feedback on the new structure, the ORC requested clarification on how levels of review are affected by the shift in the approving body.

Staff has created the attached tables to highlight the change in site plan level of approval and show the changes in code applications for each level of site plan review proposed. As the threshold levels of review change, the applicability of code requirements is adjusted correspondingly. In order to clearly show the impact to development standards, staff created a 'Summary of Development Standards Applicability and Procedures' table for review and comment by the Planning Commission. Reminder that a significant feature of the proposed changes to the levels of review is the consideration of Planning Commission approval of "by-right" site plans.

Staff is providing this information to assist with the Planning Commission's consideration of the proposed changes.

Attachments:

- Site Plan Threshold and Development Code Applicability Summary Tables
- Proposed Amendments Site Plan Review Thresholds Chart (From March ORC meeting)
- Resolution by Planning Commission to City Council

Site Plan Threshold and Development Code Applicability

Summary

April 27, 2021 Ordinance Revisions Committee Meeting

<u>Changes to Site Plan Review Thresholds</u>		
Key: Level 1 – Site Plan for City Council Approval Level 2 – Site plan for Planning Commission Approval Level 3 – Site Plan for Administrative Approval Exempt – does not require site plan approval		
Activity	Current Threshold	Proposed Threshold
Decrease in Building size.	Level 3 (with site plan on file) Level 2 (without)	Exempt
Change in Building Height that does not create new Floor Area	Level 3 (with site plan on file) Level 2 (without)	Exempt
Outdoor patio or plaza up to 1000 square feet	Level 3 (with site plan on file) Level 2 (without)	Exempt
One Accessory Building for storage or other non-habitable use, between 240 and 5,000 square feet of Floor Area, but not to exceed 5,000 square feet of Floor Area, 5% of the Lot Area, and 14 feet in height	Level 3 (with site plan on file) Level 2 (without)	Exempt
Building Additions 300 square feet or less * (Discussion item – size based on recent examples)	Level 3 (with site plan on file) Level 2 (without)	Exempt
In Residential Zoning Districts (R1, R2, R3, R4, R6) New Construction; Addition/Alteration; Removal or disturbance of Natural Features; Accessory Building - In Residential Zoning Districts up to FOUR units	Level 3 (with site plan on file) Level 2 (without)	Exempt

Site Plan Threshold and Development Code Applicability Summary Tables

Activity	Current Threshold	Proposed Threshold
Any Other Accessory Building	Level 3 (with site plan on file) Level 2 (without)	Level 3
Relocation of Sidewalks	Level 3 (with site plan on file) Level 2 (without)	Level 3
Relocation of refuse stations	Level 3 (with site plan on file) Level 2 (without)	Level 3
Rearrangement or reconfiguration of the parking stalls and aisles within the Vehicular Use Area of an approved site plan, subject to the off-street parking standard.	Level 3 (with site plan on file) Level 2 (without)	Level 3
Moving a Building no more than ten feet	Level 3 (with site plan on file) Level 2 (without)	Level 3
Addition of carports/canopy structures over Vehicular Use Areas	Level 3 (with site plan on file) Level 2 (without)	Level 3
Replacement or enhancement of a Wireless Communications Tower to accommodate co-location, provided that the Tower is not relocated more than 15 feet from the Base of the original Tower, nor is increased in height more than 20 feet above the original Tower height and meets all other applicable regulations	Level 3 (with site plan on file) Level 2 (without)	Level 3
Building Additions of 10% of the existing Floor Area, up to 10,000 square feet	Level 3 (with site plan on file) Level 2 (without)	Level 3
Residential Development from 5 to 6 Units in Residential Zoning Districts	Level 1	Level 3
Any other new construction that is a Permitted Use or Special Exception Use	Level 1	Level 2

Site Plan Threshold and Development Code Applicability Summary Tables

Building Additions greater than 10% of the existing Floor Area, or 10,000 square feet	Level 1	Level 2

Development Standards Applicability and Procedures

Key:

Level 1 – Site Plan for City Council Approval

Level 2 – Site Plan for Planning Commission Approval

Level 3 – Site Plan for Administrative Approval

Exempt – site plan not required

X = required

Standard or Procedure		Exempt	Level 3	Level 2	Level 1
Public Hearing				X	X
CPO				X	X
Parking	# Spaces Total	X	X	X	X
	Bicycles	X	X	X	X
	EV				X
AHP*		X	X	X	X
Special Dimensional and Site Layout Standards		X	X	X	X
Landscaping and Screening			X	X	X
Streets and Access		X	X	X	X
Storm Water Management and Soil Erosion		X	X	X	X
Natural Features			X	X	X
Signs		X	X	X	X
Outdoor Lighting			X	X	X
Fences		X	X	X	X

* AHP= Area, Height and Placement – includes setbacks and height

	Exempt	Level 3 – Planning Manager	Level 2 – Planning Commission	Level 1 – City Council
ANY WORK REQUIRING ANY CITY PERMIT AND NOT IDENTIFIED BELOW				✓
Building Alterations that Do Not Increase Floor Area				
Construction solely on the interior of a Building	✓			
Decrease in Building size.	✓			
Change in Building Height that does not create new Floor Area	✓			
Moving a Building no more than ten feet		✓		
New Construction or Site Development				
Residential Up to Four Dwelling Units In Residential Zoning Districts (R1, R2, R3, R4, R6)	✓			
Residential Development from 5 to 6 Units in Residential Zoning Districts		✓		
Any other new construction that is a Permitted Use or Special Exception Use in the District			✓	
Any new construction with zoning petition				✓
Additions to Existing Buildings				
Addition/Alteration to a residential building (with up to four dwelling units), in Residential Zoning Districts	✓			
Building Additions, less than 300 square feet	✓			
Any Addition/Alteration to a residential building (5 to 6 dwelling units) in a Residential Zoning District		✓		
Any Other Building Additions of 10% of the existing Floor Area, up to 10,000 square feet		✓		
Any Other Building Additions greater than 10% of the existing Floor Area, or 10,000 square feet			✓	
Modifications to Existing Sites				
Addition or Reconfiguration of Approved or Installed Sidewalks	✓			
Removal of Approved or Installed Sidewalks		✓		
Relocation of refuse stations.		✓		
Rearrangement or reconfiguration of the parking stalls and aisles within the Vehicular Use Area, subject to the off-street parking standard.		✓		
Relocation or addition of no more than 50% of the approved storm water detention capacity.		✓		
Addition of carports/canopy structures over Vehicular Use Areas		✓		
Replacement or enhancement of a Wireless Communications Tower to accommodate co-location, provided that the Tower is not relocated more than 15 feet from the Base of the original Tower, nor is increased in height more than 20 feet above the original Tower height and meets all other applicable regulations.	✓			
Retaining walls, Fences, buffer walls	✓			

Modifications to Natural Features and Plans				
Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.		✓		
Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.		✓		
Substitution of areas to be preserved in an approved Natural Features protection Plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan		✓		
Removal of a tree identified on a site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Level 3 Review.		✓		
Accessory Buildings & Structures				
Accessory Building; Property up to 4 Dwelling Units; In Residential Zoning District	✓			
One Accessory Building up to 240 square feet and up to 14 feet in height, for storage or other non-habitable use, subject to all dimensional standards of the zoning district in which it is located.	✓			
One Accessory Building for storage or other non-habitable use, between 240 and 5,000 square feet of Floor Area, but not to exceed 5,000 square feet of Floor Area, 5% of the Lot Area, and 14 feet in height		✓		
Any Other Accessory Building			✓	
Outdoor patio or plaza up to 1,000 square feet		✓		
Solar Energy Systems, subject to standards of 5.16.6.N	✓			
Addition of carports/canopy structures over Vehicular Use Areas		✓		
Deck or patio, or a combination of both, up to a total of 240 square feet for a Dwelling Unit in an attached Single-Family residential development.	✓			
Other Work				
Signs	✓			
Curb carts or dumpsters for solid waste, recycling, and/or composting, and related screening that encloses up to 100 square feet.	✓			
Fire escapes	✓			
Lights; poles.	✓			
Cooling, heating or mechanical equipment when located on a Building or occupying a ground area of less than 100 square feet.	✓			
Site Plan Administrative Actions				
Change to, or addition of Development phasing lines.		✓		
Extension of a valid site plan approval for periods up to two years, if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.		✓		

M E M O R A N D U M

TO: Mayor and City Council

FROM: Brett Lenart, Planning Manager

DATE: January 22, 2021

SUBJECT: **Ann Arbor Planning Commission Update to City Council Resolution R-20-260 – Site Plan Review Thresholds**

BACKGROUND:

City Council Resolution R-20-260 asked the Planning Commission to evaluate and make recommendations to the Unified Development Code to facilitate small and modest sized projects, and to improve the communication of UDC standards. An update is provided in this report for each of the directives contained in R-20-260.

The Planning Commission is initiating the applicable work below immediately and anticipates presentation to the City Council by October 2021. These updates were approved by the Planning Commission at their December 15, 2020 regular meeting.

RESOLUTION R-20-260 DIRECTIVES AND UPDATES:

RESOLVED, That the City Council directs the Community Services Administrator to assemble advisory workgroup to provide input and feedback on the amendments developed in response to this Resolution

Update: An advisory workgroup was assembled by Community Services Administrator Derek Delacourt to provide input and feedback as directed by City Council. The workgroup comprised of the following individuals:

- Theresa Angelini, Angelini & Associates Architects
- Tom Covert, Midwestern Consulting
- Damian Farrell, Damian Farrell Design Group
- Kathy Keinath, Macon Engineering
- Darren McKinnon, First Martin Corporation
- Brad Moore, J. Bradley Moore & Associates Architects
- Dan Williams, Maven Development

The workgroup included agents, engineers, architects, and property owners/developers with a combined experience of over 150 years and more than 300 projects completed in the City. Each member was interviewed individually, and the group was invited to participate in one Planning Commission Ordinance Revisions Committee meeting. The input from this group was utilized to form the basis of the recommendations put forth.

RESOLVED, That such amendments will be based in comparisons to other communities, analysis of past site plan projects in the City, and an approach that maintains a higher authority and process burden for larger projects involving policy decisions compared to smaller, more modest development proposals

Update: Staff conducted comparisons to other communities, however, due to the varying structures of ordinances, it can be difficult at times to draw direct correlations between the City of Ann Arbor requirements and those of other communities. Nonetheless, below are a few other aspects of other communities' ordinances that were reviewed that differ from Ann Arbor's provisions.

City of Detroit

- No site plan required for development or additions up to 20,000 square feet (up to 50,000 square feet for industrial uses).
- Any multiple family of 12 or fewer units exempt from site plan review.
- Administrative approval is required for any site plans within many of the City's zoning districts, so long as the site is less than 3 acres in size.

West Bloomfield

- Planning Commission review and approval of site plans, unless associated with a City Council action.
- Provides for "Sketch Plan Review" for some projects, requiring less content and detail for some smaller development reviews.
- Easy to follow table included in zoning ordinance that links type of construction/development to the required plan review, and what authority makes the decision (i.e. Site Plan, Sketch Plan, or Administrative review).

Pittsfield Township

- Provides for Preliminary and Final Site Plan Approval steps, where preliminary approval requires less detail for submission and review.

Grand Rapids

- Public Hearings are optional for some development review.

For perspective, over the past 10 years, 390 site plans have been submitted and reviewed in the City of Ann Arbor. Of these 390 applications, 42% required administrative approval, 13% required Planning Commission approval, and 45% required City Council approval.

RESOLVED, That proposed amendments consider and recommend changes to Section 5.29.6 Site Plans that amend thresholds for development proposals and/or site alterations by amending approval authorities for such projects to reduce the time and level of authorization to facilitate such projects

Update: Based upon the feedback from the Advisory workgroup and City staff, the Planning Commission recommends that the following changes be considered and pursued, to meet the goals of facilitating small to modest site projects in the City:

- Explore the expansion of development activity that is exempt from site plan review, including:

- Outdoor patios/plazas
 - Evaluate a size of floor area expansion limitation that could be considered without site plan review.
 - Evaluate the expansion of one and two-family dwelling exemption for up to six dwelling units.
- Explore amendments of site plan review requirements for small to modest projects, including:
 - Consider removal of Planning Commission approval of Administrative-level changes, when no site plan is on file.
 - Consider a process to allow modification/amendment to an existing approved or under construction site plan without full site plan submission.
 - Consider a sketch plan, or other mechanism to enable smaller projects to submit for consideration with less project detail.
 - Consider the creation of an expedited site plan review process, akin to the Building Department's expedited permit process.
- Explore amendments of development standards to facilitate small to modest projects:
 - Consider scalable approach of Landscape and Screening Standards (e.g. apply standards to area of disturbance or impact rather than entire site).
 - Consider amendment to conflicting land use buffer requirements to remove requirement from like uses.

Additionally, two other recommendations are presented by the Planning Commission that while not directly attributable to small and modest projects, do have impacts on both small/modest, and larger projects in the City, and warrant evaluation:

1. Consideration of Planning Commission approval of "by-right" site plans. Site plan review is an administrative function, and by delineating the approval of site plans to the Planning Commission, this would provide some additional capacity for the City Council to consider those legislative actions that amend the City's ordinances to ensure administrative procedures lead to the desired outcomes.
2. The Advisory Workgroup was unequivocal in the impact of City infrastructure requirements on private development. From appropriate policy direction and evaluation of the past, the City's expectations on private development are considered far and above more burdensome than many other area communities. The impacts of required improvements to streets, sidewalks, streetlights, and water/sewer utilities can have the result of making large projects tenuous, and small/modest projects unviable. For projects that do move forward, the impact can make projects less affordable, and compromise the viability of adding sustainability or quality design measures. *[NOTE: This would require wide dialogue and exploration with a variety of City departments and other stakeholders, and likely not Planning Commission-led.]*

RESOLVED, That proposed amendments additionally consider and recommend changes to Section 5.29.6 Site Plans that improve usability and more effectively communicate types of projects and the corresponding process and/or authority requirements
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Update: The Planning Commission agrees that regardless of changes enacted, there is an opportunity to improve the communication and structure of site plan review requirements in the UDC. The Planning Commission recommends a table be drafted to provide a more intuitive structure for property owners to understand the scale of proposed development and the associated review requirements and procedures.