

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

<http://a2gov.legistar.com/Calendar.aspx>



Formal Minutes - Draft

Tuesday, February 4, 2020

7:00 PM

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

City Planning Commission

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; 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 Alex Milshteyn called the meeting to order at 7:00 p.m.

2 ROLL CALL

City of Ann Arbor City Planner, Jill Thacher, called the roll.

Present 8 - Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, Abrons, and Hammerschmidt

Absent 1 - Woods

3 INTRODUCTIONS

None.

4 APPROVAL OF AGENDA

Moved by Gibb-Randall, seconded by Mills, and approved unanimously as presented.

5 MINUTES OF PREVIOUS MEETING

[20-0200](#) January 22, 2020 City Planning Commission Meeting Minutes

Attachments: 1-22-2020 CPC Draft Minutes w Live Links.pdf

Moved by Abrons, seconded by Gibb-Randall, approved unanimously as presented and forwarded to the City Council.

6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

6-a City Council

Councilmember Zach Ackerman reported that 2260 Traver Road, a single-family parcel, was annexed into the City.

6-b Planning Manager

No Report.

6-c Planning Commission Officers and Committees

Commissioner Shannon Gibb-Randall provided information on the Climate Summit, taking place on February 22, 2020 at Pioneer High School.

Commissioner Sara Mills reported that the Ordinance Revisions Committee met the previous week, where two items of business were allowing solar on carports and Planned Project Modification requirements.

6-d Written Communications and Petitions

20-0201 Various Correspondence to the City Planning Commission

Attachments: Comm1.pdf, Comm2.pdf, Comm3.pdf

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

AUDIENCE PARTICIPATION

Noah Hoffman, (Address Unknown), discussed short term rental regulation within the city, explaining events taken place regarding resident activities, city staff activities, and City Council activities. He discussed short term rental regulation for non-owner-occupied rentals, explaining that information prepared by consultants did not include examples from communities where that type of regulation is successful.

He expressed concern with legislation that would ban non owner occupied short term rentals.

Jeff (Last Name Unknown), 111 North Ashley Street, Ann Arbor, explained that he is a resident Physician I at the University of Michigan, he explained that after moving to Ann Arbor, for the first few weeks he and his family stayed in an Airbnb while looking for an apartment. He explained that Airbnbs serve the community by providing housing for medical students who come to Ann Arbor for two to four-week rotations, he explained that students who are new to the area appreciate the convenience of renting an Airbnb that is close to the hospital, especially because of the long hours worked. He explained that patients are served by Airbnbs also, he explained that every day he treats patients from hours away, and that Airbnbs are used when patients are preparing for major surgeries and life changing procedures, and the allowance for privacy

Carol Skala, 1524 Marian Avenue, Ann Arbor, asked the Planning Commission to consider how difficult enforcement would be, registration system, staff, concerns with zoning, she requested that the city look to other communities who are successful in their undertaking of short-term rentals.

Tom Stulberg, Lowertown resident, discussed that a lawsuit against the city is being resolved. He discussed the Campus Business zoning category.

Nick Wilkinson, 1115 Fountain Street, Ann Arbor, explained that he owns one full time short term rental property and that he has good relationships with the neighbors, he described that short-term rentals are a profitable business that allows him to stay home with his new daughter. He explained that he supports regulation, and that housing affordability is an issue in the community, which is why he has considered turning other properties into short term rentals, because a traditional tenant situation is not as profitable.

Alex Gross, 758 South Maple Street, Ann Arbor, expressed concern for short term rental ban, explaining that people make investments based on what's allowed, and people work hard, and that he came to make a personal appeal to request than Ann Arbor not become one of the most restricted.

Seeing no further speakers, Chair Milshteyn closed Audience

Participation.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

20-0202 Public Hearings Scheduled for the February 20, 2020 Planning Commission Meeting

Attachments: 2-20-2020 Notice of Public Hearing.pdf

Received and Filed

9 REGULAR BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item

9-a 20-0203 The Garnet Planned Unit Development and Site Plan for City Council Approval - A proposal to rezone this 0.20-acre parcel from C1B (Community Convenience Center) to Planned Unit Development (PUD) to construct a 10-unit condominium building with fourteen lower level parking spaces at 325 East Summit Street. Staff Recommendation: Denial

Attachments: The Garnet PUD Staff Report w Attach013120.pdf, The Garnet PUD & Site Plan for 2-4-2020 CPC Mtg.pdf, The Garnet PUD Architectural Plan Set for 2-4-2020 CPC Mtg.pdf, The Garnet PUD Citizen Participation Report 11-6-2019.pdf

Brad Moore, Architect for the project, presented the proposed project.

Thacher presented the staff report.

PUBLIC HEARING

Chris Crocket, 506 E Kingsley Street, Ann Arbor and president of the Old Fourth Ward Association, explained that she is speaking on behalf of the association. She explained that the members of the board unanimously voted to support the project, and are in favor of it being built. She inquired about the reasoning for staff's recommendation for denial and interpreting the PUD standards.

Julie Ritter, 920 Catherine, Ann Arbor, expressed support for approval for the project, discussed the proposed public benefit, possible reasons for staff recommendation.

Tom Stullberg, 1202 Traver Street, Ann Arbor discussed the Campus

Business Zoning District, his personal experience with development, and zoning changes.

Zoning District, his personal experience with development, and zoning changes.

Moore explained that C1A zoning would not be approved by City Council, and that the developer has already pursued that route. He further explained the public health benefit of contamination remediation, as well as other beneficial aspects. He also discussed affordable housing, explaining that the developer has proposed a contribution.

Seeing no further speakers, Chair Milshteyn closed the Public Hearing.

Brad Moore, Architect for the project, presented the proposed project.

Thacher presented the Staff Report.

PUBLIC HEARING

Brad Moore, Architect for the project, presented the proposed project.

Thacher presented the staff report.

PUBLIC HEARING

Chris Crocket, 506 E Kingsley Street, Ann Arbor, and president of the Old Fourth Ward Association, explained that she is speaking on behalf of the association. She explained that the members of the board unanimously voted to support the project and are in favor of it being built. She inquired about the reasoning for staff's recommendation for denial and interpreting the PUD standards.

Julie Ritter, 920 Catherine, Ann Arbor, expressed support for approval for the project, discussed the proposed public benefit, possible reasons for staff recommendation.

Tom Stulberg, 1202 Traver Street, Ann Arbor discussed the Campus Business Zoning District, his personal experience with development, and zoning changes.

Moore explained that C1A zoning would not be approved by City Council, and that the developer has already pursued that route. He further

explained the public health benefit of contamination remediation, as well as other beneficial aspects. He also discussed affordable housing, explaining that the developer has proposed a contribution.

Seeing no further speakers, Chair Milshteyn closed the Public Hearing.

COMMISSION DISCUSSION

Ackerman explained that Ann Arbor has a professional civil service in Ann Arbor who do their jobs exceedingly well, and in response to the direction of the elected body, City Council. He explained that Planning Staff attempted to get the project to the finish line, and City Council, a group of elected officials, voted it down, giving this very direction. He expressed support for the project due to the location, design, materials, and contamination remediation.

Mills agreed with Ackerman, expressing support for the project, citing remediation and green features. She inquired about the affordable housing contribution.

Thacher explained the calculation.

Mills discussed the affordable housing contribution calculation, inquiring about the correct calculation.

Thacher clarified that the affordable housing contribution offered by the developer was gathered from prior City Council resolution language.

Moore explained that the proposed contribution amount is what works for his client, not what is currently required.

Thacher explained that code was not changed, that City Council had clarified the method.

Mills expressed that the project proposed more than is required, and that the affordable housing component needs to be worked out.

Moore explained that the contribution proposed is the highest possible for the developer.

Chair Milshteyn clarified that the proposed amounts are what is to be voted on.

Commissioner Ellie Abrons inquired about the contribution required vs. the contribution provided.

Thacher explained that although the applicant is offering a different contribution, the Planning Commission is voting on the contribution required by City Code, because the Planning Commission cannot change the contribution requirements.

Abrons asked Moore if he still wants the Planning Commission to vote despite the conflicting contribution amounts.

Moore answered, yes.

Abrons discussed the existing C1B zoning of the site, discussing the height limit as it relates to the proposed project. Abrons clarified that the applicant sought a different zoning prior, and PUD zoning now, in order to build a taller building.

Moore answered, yes, and explained that the request is due to the floor area limit.

Ackerman discussed allowing projects already in the pipeline being included under the old code interpretation.

Thacher answered that the project was not submitted before the resolution went into effect.

Moore explained that meetings took place on August 23, 2019, October 15, 2019 and was applied for on November 19, 2019.

Ackerman inquired about consulting with the Attorney's Office about project acceptance.

Thacher answered that the item can be looked at by the attorney's office.

Mills expressed support for the attorney's office to interpret the application deadline as it relates to the proposed project, and expressed concern regarding setting precedent.

Commissioner Erica Briggs inquired about remediation at the site.

Thacher explained that remediation is a benefit, but in this case, specifics haven't been provided. She explained that the green roof that is provided

allows the project to meet the minimum threshold for storm water, and that due to the contamination, it is not considered an additional benefit to the project because it is meeting the standard. Thacher explained that if remediation were proposed as a PUD benefit and more information was supplied about it, City Staff would review to determine eligibility.

Moore explained that the project can exist without the green roof. He explained that the the contaminated soils will be removed and then a vapor barrier will be installed. He explained that non residential uses allow different contamination levels.

Briggs expressed support for the proposed project.

Commissioner Shannon Gibb Randall discussed green roofs and discussed their insulating qualities. Gibb Randall expressed support for the working session meeting date to allow the applicant to qualify for the prior calculation interpretation.

Commissioner Lisa Sauve agreed and expressed support for evaluating the application dates.

Sauve and Thacher discussed PUD zoning as it relates to possible future rezoning efforts.

Mills discussed the implications of approving a PUD that is not possible for a developer to develop.

Commissioner Sara Hammerschmidt clarified the PUD process and discussed the public benefit offered by the applicant.

Chair Milshteyn explained the staff recommendation of denial, and expressed support for the interpretation. Milshteyn expressed support for the project, and explained that he hopes that City Council chooses to approve the proposed project.

Abrons discussed the PUD public benefit requirements. Explaining that the public benefit shall be one that could not be achieved under any other zoning classification. She explained that the density could not be achieved under any other zoning classification other than C1A, which City Council denied. Abrons explained further that the density offered is the public benefit proposed.

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

9-b [20-0204](#) An amendment to Chapter 55 Unified Development Code, Sections 5.29.6 Site Plans, 5.29.7 Area Plans, and 5.29.8 Required Plan Information, to reorganize required information for site plans and special exception uses. No substantive code changes are proposed. Staff Recommendation: Approval

Attachments: Required Plan Info Staff Report w Attachment 020420.pdf

Thacher presented the Staff Report.

PUBLIC HEARING

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by Commissioner Mills, seconded by Commissioner Sauve, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the February 4, 2020 drafted amendments to Chapter 55 Unified Development Code, Section 5.29.6 Site Plan and 5.29.7 Area Plans, and add a new section 5.29.8 Required Plan Information, to reorganize code requirements for all types of Site Plans and Area Plans.

COMMISSION DISCUSSION

Briggs inquired about making more substantive changes, as they relate to the Transportation Plan.

Thacher explained that the process is similar and that she isn't aware of any discussions regarding code changes and the Transportation Plan.

Gibb-Randall expressed appreciation for the reorganization.

On a voice vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

- 9-c** [20-0205](#) 1780 Scio Church Road Annexation and Zoning (Lorenz) for City Council Approval - A request to annex this 0.74-acre parcel from Ann Arbor Township into the City of Ann Arbor and zone it R1C (Single-Family Residential). No change to existing use; residence needs access to City utilities.

Attachments: 1780 Scio Church A & Z Staff Report w Attachments.pdf

Thacher presented the Staff Report.

PUBLIC HEARING

Sara Lorenz, property owner, explained that her property was one of the parcels included in the package submitted to the State of Michigan as a City Initiated annexation, and unfortunately, the state denied the annexation. She requested that the Commission approve the annexation and rezoning.

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by Mills, seconded by Abrons, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Copozzo Annexation and R1C (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION

Gibb-Randall discussed the property line and the fence discrepancy, referencing a communication submitted by a neighboring property owner.

Thacher explained that based on the information received, it appears that the fence is on the neighbor's property line.

Lorenz explained that there has been a survey done recently and if a fence needs to be removed, then that can take place at the same time as other construction.

Mills explained that non-conforming buildings on an annexed property become nonconforming.

Briggs welcomed Lorenz to the City.

Milshteyn inquired about whether or not the proposed parcel can be divided.

Thacher answered that it could be divided.

On a roll call vote, the vote was as follows with the Chair declaring the motion passed.

Yeas: 8 - Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 1 - Wendy Woods

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

Seeing no speakers, Chair Milshteyn closed Audience Participation.

11 COMMISSION PROPOSED BUSINESS

None.

12 ADJOURNMENT

Unanimously adjourned at 8:56 p.m.

Alex Milshteyn, Chairperson
/kvl

(If an agenda item is postponed, it will most likely be rescheduled to a future date. If you would like to be notified when a postponed 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).)

(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.)

These meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn>. The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150.