

# City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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## Meeting Minutes - Final

Tuesday, May 5, 2020

7:00 PM

This meeting will be broadcast live on CTN Cable Channel 16,  
ATT Channel 99, and online at [a2gov.org/watchCTN](http://a2gov.org/watchCTN)

Electronic Meeting

To speak at public comment call: 877 853 5247 (Toll Free) or 888

788 0099

City Planning Commission

Meeting ID: 921 1722 6228

**1 CALL TO ORDER**

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

**2 ROLL CALL**

*City of Ann Arbor Planning Manager Brett Lenart called the roll.*

**Present** 9 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, Abrons, and Hammerschmidt

**3 INTRODUCTIONS**

*None.*

**4 APPROVAL OF AGENDA**

**Moved by Ackerman, seconded by Mills, approved unanimously as presented.**

**5 MINUTES OF PREVIOUS MEETING**

**5-a**      [20-0613](#)    April 21, 2020 City Planning Commission Meeting Minutes

**Moved by Woods, seconded by Abrons, 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 a set of rezonings was approved, and that the site plan for The Garnet was postponed. He addressed the City's Covid-19 response, explaining the release of funds for providing homeless sheltering complying with social distancing guidelines, and that a resolution was passed to direct staff to put together information for street closures to promote safe recreation for residents.*

**6-b**      **Planning Manager**

*Lenart discussed the May 12, 2020 Working Session and the proposed outdoor lighting ordinance. He also informed the Planning Commission that due to Covid-19, the format in which meetings will take place may change as orders from the Governor's office come out.*

*Commissioner Sarah Mills discussed Planned Project Modifications that were discussed at the recent Ordinance Revisions Committee meeting. Mills also discussed a list of minor changes to the Unified Development Code, taking into consideration Commission comments as well as public comments.*

**6-c Planning Commission Officers and Committees**

*None.*

**6-d Written Communications and Petitions**

[20-0614](#) Various Communication to the City Planning Commission

**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*

*Seeing no speakers, Chair Milshteyn closed Audience Participation.*

**8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

[20-0615](#) Public Hearings Scheduled for the May 19, 2020 Planning Commission Meeting

*Lenart read the Public Hearings Scheduled for May 19, 2020 as attached.*

**Received and Filed**

**9 UNFINISHED BUSINESS – Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item**

9-a      [20-0616](#)      3611-3621 Plymouth Road Rezoning, Site Plan with Planned Project Modifications for City Council Approval, and Special Exception Use (Drive-Through Facility) for Planning Commission Approval - A proposed project with three petitions:

- 1) A request to rezone a 4.5-acre site from PUD Planned Unit Development to C3 Fringe Commercial. Staff Recommendation: Approval
- 2) A site plan application to demolish 2 of 4 existing hotel buildings and construct a new 6-story hotel and renovate an existing restaurant. Planned project modifications are requested to increase the height limit of the C3 district from 55 feet to 65 feet 10 inches. Staff Recommendation: Approval
- 3) A special exception use application for a drive-through facility added to an existing restaurant. Staff Recommendation: Approval

*City of Ann Arbor City Planner, Alexis DiLeo presented the proposed project and explained that the Staff Recommendation is Approval.*

#### **PUBLIC HEARING**

*Wendy Carmen, 2340 Georgetown, Ann Arbor, discussed the history of the site, expressed concern for traffic, and expressed opposition for the proposed plan.*

*Seeing no more speakers, Chair Milshteyn closed the Public Hearing*

#### **COMMISSION DISCUSSION**

*Ackerman explained that currently the Red Roof Inn at the proposed project site currently being used by local organizations to provide housing for homeless individuals during the global Covid-19 pandemic. He expressed concern with the timeline of the project and how approval would impact the current arrangement at the hotel.*

*DiLeo explained that two of the three buildings are proposed to be demolished. She explained that she will follow up with local organizations to determine if they've had conversations with the developers.*

*James Butler, member of applicant Team, explained that the project starting is dependent on the current pandemic situation after financing is secured, and that the situation is fluid.*

*Lenart explained that he would be happy to coordinate with the county to collect information to present to City Council regarding the use of the Red Roof Inn.*

*Mills discussed the importance of a rezoning at the site. Mills also inquired about the Floor Area Ratio (FAR) in the existing and proposed zoning. Mills also expressed concern regarding traffic and inquired if all development would require a traffic study.*

*DiLeo answered that the site currently has 12% FAR, and proposed to be 47%, and that C3 zoning allows up to 200%. DiLeo answered that it's possible that a renovation into a permitted use outside of the site plan process would be possible, but that any site plan or change in use would require compliance with current code.*

*Commissioner Ellie Abrons discussed the ingress and egress in relation to the proposed zoning with regard to traffic concerns. Abrons inquired about possible traffic problems at the site.*

*Commissioner Gibb-Randall discussed connectivity at the site as it relates to traffic concerns.*

*DiLeo explained the traffic study requirements, explaining that traffic studies take into account background traffic and level of service. She explained that the proposed project will generate traffic, but that because the area is already high traffic, the increases were determined to be not statistically significant. DiLeo discussed that the traffic concerns are more to do with loading.*

*Lenart further explained that traffic issues are often discussed and attempted to be resolved prior to a project coming to the Planning Commission.*

*Commissioner Sara Hammerschmidt further described the site, and expressed concern specifically for left turn traffic.*

## **MOTION I**

**Moved by Woods, seconded by Ackerman that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed Use Development rezoning from PUD to C3 (Fringe Commercial).**

## **COMMISSION DISCUSSION OF MOTION I:**

*None.*

**On a roll call vote, the vote was as follows with the Chair declaring MOTION I passed.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

**Nays:** 0

## **MOTION II**

**Moved Sauve, seconded by Woods, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed Use Development Site Plan and Planned Project Modifications to increase the maximum height to 65 feet 10 inches and eliminate the maximum front setback requirement for new buildings, subject to providing solar orientation and energy conserving design by maintaining solar panels covering a minimum of 45% of the proposed hotel and 25% of the renovated restaurant roof surface, and maintaining a minimum of 30% open space, and Development Agreement.**

### *COMMISSION DISCUSSION OF MOTION II*

*Briggs expressed for the modifications, and that they align with what she was looking to see.*

*Ackerman inquired about the site plan if the drive through was not approved.*

*DiLeo explained that the site plan would stand without the use, that the drive way would not make sense, and a change in the layout would be needed.*

**On a roll call vote, the vote was as follows with the Chair declaring MOTION II passed.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

**Nays:** 0

*Butler explained that they are putting up solar panels up in an attempt to mitigate environmental issues.*

**MOTION III**

**Moved by Mills, seconded by Woods, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, find the petition substantially meets the standards in Chapter 55 (Unified Development Code), Section 5.29.5 (Special Exception Use), and therefore approves MMG Plymouth Road Mixed Use Special Exception Use for one drive-through lane at the freestanding restaurant.**

**This approval is based on the following findings:**

- 1. The proposed use will be consistent with the C3 Fringe Commercial zoning district, which allows commercial activities accessed primarily by personal vehicles.**
- 2. The site is located adjacent to a highway and its access ramps, and the drive-through facility is more appropriate in close proximity to highways.**
- 3. The proposed use will not adversely impact pedestrians, bicyclists, vehicles, and general circulation based on the location. Plymouth Road and the private street network through this site provide adequate access and the proposed facility is consistent with the surrounding uses on and adjacent to the site.**

**This Special Exception Use approval is based upon the following condition:**

- 1. Approval of the MMG Plymouth Mixed Use Development Rezoning Petition and Site Plan with Planned Project Modifications.**

**COMMISSION DISCUSSION OF MOTION III**

*Commissioner Briggs discussed whether or not drive throughs are appropriate as they relate to sustainability efforts, as well as the criteria for approval.*

*Commissioner Wendy Woods expressed support for the proposed project, explaining that drive throughs have a purpose, and referenced the current COVID-19 situation. Also discussed drive throughs providing opportunity for people who disabilities. Discussed proximity to the*

*highway, less traffic down into the city, convenience for drivers.*

*Ackerman discussed the positive and negative aspects to drive throughs at the proposed site as well as in general. Ackerman discussed the importance of making a choice because the building will be there for a long time.*

*Mills expressed desire for more information on emissions. Mills also discussed reevaluating drive throughs entirely. Expressed concern with safety, explained that the arrangement of the drive through does not give cars a priority. Expressed that the current location is most appropriate. Discussed that there are not many drive throughs in the city, discussed where cars would line up. Also expressed that she is not concerned with the traffic impact. Discussed tying the SEU to the site plan.*

*DiLeo explained that the SEU it is for this site plan and for restaurant use, and that should the restaurant use change, a developer would not be able to use it by right.*

*Mills expressed support.*

*Gibb-Randall agreed that drive throughs should be evaluated at a policy level and expressed support for the proposed project.*

*Abrons supported Gibb-Randall's comments and expressed support for the proposed project.*

*Commissioner Sara Hammerschmidt expressed support for the proposed project at the proposed location. Expressed concern with safety at the site, and left turning. Discussed the possibility of no left turns onto Plymouth road at the site.*

*Briggs expressed appreciation for the discussion, noting that this issue has been raised in the past. Also discussed auto centric behaviors that can be problematic.*

*Commissioner Lisa Sauve discussed that issues that arise from drive throughs compared to carry out services can be due to management of the building and not based on the concept of drive throughs. Sauve explained that Stadium is more pedestrian friendly. Sauve discussed that the proposed location is a car heavy area, and that it's important to understand modes of transit in different areas of the city. Sauve emphasized that the Commission is not deciding that drive throughs are*



*for the City or for c3, but that they are granting an exception.*

**On a roll call vote, the vote was as follows with the Chair declaring MOTION III passed.**

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

**Nays:** 1 - Erica Briggs

- 9-b**      **20-0617**      Unified Development Code (UDC) Amendments Relative to Solar Energy Systems Installation for City Council Approval - Proposed amendments to Chapter 55, Unified Development Code: Section 5.18.4 Exceptions to Height Limits; Section 5.16.6N Solar Energy Systems. Staff Recommendation: Approval

*City of Ann Arbor City Planner Matt Kowalski explained the UDC amendments regarding solar equipment and energy systems*

**PUBLIC HEARING**

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

**Moved by Ackerman, seconded by Mills that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code, Section 5.18.4 Exceptions to Height Limits to allow solar panels to exceed height limit; Section 5.16.6N Solar Energy Systems to waive site plan requirements for construction of solar carports subject to standards for Accessory Structures.**

*Ackerman expressed support for the proposed amendments.*

*Gibb-Randall also expressed support for the proposed amendments. Gibb-Randall discussed design, expressing concern with remaining in compliance with parking space size requirements. Gibb-Randall discussed using a slim post to keep compliance with parking spaces, which would create compact spaces. Further discussed allowing a reduction in required parking spaces. Explained that the goal is to allow people to still comply.*

*Lenart responded and reminded the Commission that the same concerns have risen with Electronic Vehicle (EV) parking as well. He discussed looking at adjusting the dimensions of parking spaces.*

*Mills discussed height limits, discussing the requirements for mechanical equipment, discussed opportunity for creating shaded spaces.*

*Lenart discussed progressing with a recommendation to support Mills's concerns.*

*Kowalski discussed granting variances for parking.*

*Gibb-Randall discussed turning radii relating to compact spaces.*

*Lenart inquired about the Commission opinion of a reduction parking occurring, as long as a parking minimum was met.*

*The Commission expressed support.*

*Sauve discussed the need for administrative amendment for rearranging the spaces, discussed the terminology used in the proposed amendment relating to height.*

*Lenart discussed developing more diagrams to illustrate examples of what is allowed under the ordinance amendment.*

*Gibb-Randall discussed making sure that handicap parking spaces are not affected.*

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

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

**Nays:** 0

## **10      REGULAR BUSINESS**

### **10-a**      **20-0619**      2020-2021 City Planning Commission Meeting Schedule

*Woods inquired about electronic meeting options should the stay home order be lifted.*

*Lenart answered that generally the City has been learning a lot from Zoom meetings, and is considering incorporating it by choice rather than*

*necessity.*

*Ackerman explained that City Council will be looking at this subject. Ackerman also discussed that this topic could be added to the policy agenda.*

*Briggs expressed support for Woods's statements, agreeing that allowing electronic public engagement would be beneficial.*

**Moved by Mills, seconded by Sauve, and unanimously approved as presented.**

**Yeas:** 9 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

**Nays:** 0

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

*Seeing no speakers, Chair Milshteyn closed Audience Participation.*

**12 COMMISSION PROPOSED BUSINESS**

*Mills proposed adding drive throughs to the an agenda for an ORC meeting or Working Session.*

*Lenart expressed appreciation for the Commission's thoughtful discussion, and for their work done as part of the Planning Commission for the City of Ann Arbor.*

**13 ADJOURNMENT**

**Moved by Gibb-Randall, seconded by Abrons, unanimously adjourned at 9:00 p.m.**

Alex Milshteyn, Chairperson  
/mg

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

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>). 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.

(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 contact Planning staff. 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.)

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.