

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Final

Tuesday, December 17, 2019

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 7:01 pm.

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 7 - Woods, Briggs, Mills, Milshteyn, Sauve, Abrons, and Hammerschmidt

Absent 2 - Gibb-Randall, and Ackerman

3 INTRODUCTIONS

Brett Lenart introduced Assistant City Attorney, Chris Frost, to the Commission.

4 APPROVAL OF AGENDA

Moved by Mills, seconded by Sauve, that the Agenda be Approved as amended to remove Item 10-a. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

5-a **[19-2377](#)** November 19, 2019 City Planning Commission Meeting Minutes

Moved by Abrons, seconded by Briggs, to Approve the November 19, 2019 City Planning Commission meeting minutes as presented. On a voice vote, the Chair declared the motion carried.

5-b [19-2378](#) December 3, 2019 City Planning Commission Meeting Minutes

Moved by Abrons, seconded by Briggs, to Approve the December 3, 2019 City Planning Commission meeting minutes as presented. On a voice vote, the Chair declared the motion carried.

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

6-a City Council

6-b Planning Manager

Planning Manager reported that last night, City Council;

- postponed awarding a contract to Interface Studios, as the City's consultant to update the City's Future Land Use Plan, in order to delve deeper into the contract;

- approved the Hideaway Lane Planned Project, with comments that they'd like the Planning Commission to look further at public benefits included in Planned Projects;

- passed a resolution directing City Staff to include language in the Unified Development Code protecting trees, possibly identification 'heritage trees' as a category above 'landmark trees'.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

[19-2379](#) Various Correspondence 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.)

Karen Wight, 2719 Cranbrook Road, Ann Arbor, said, I know we're going to move forward with the Master plan; however, prior to its completion, we should look at ways for citizens to register natural features in their

neighborhood, for Planning Commission to consider in future development proposals. Wight said she would like to advise the City in advance of proposed development; perhaps such registration could be through the A2 Fixit application.

Ken Garber, 2387 Hilldale, Ann Arbor, spoke about the current climate emergency, noting that burning natural gas counts for 27% of the City's emissions (over half a million tons CO2/year). Garber suggested the City should encourage full electrification of all new construction in the City; he noted in the last 6 months, 6 California communities have passed such ordinances as well as Brookline, MA also passed such a law. We don't believe that Michigan law prevents such requirements, and in the meantime of legal verification, we should draft an ordinance. He said it would make most sense to begin with new construction. Garber said he has already studied the Michigan Building Code and believes it allows for local jurisdictions to pass restrictive ordinances banning emissions which would benefit developers in the long run, and to him seems like a no-brainer. Garber also believed City Staff should inform all developers about the City's 2030 Carbon Neutrality target and push fossil fuel free buildings; he said while we can't require this yet, we should inform them this is our baseline expectation. He thanked the Commission and Staff for their great work.

Seeing no further speakers, the Chair closed the audience participation.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

19-2383 Public Hearings Scheduled for the January 7, 2020 Planning Commission Meeting

Brett Lenart read the public hearing notice as published.

Received and Filed

9 UNFINISHED BUSINESS

9-a **19-2380** Sign Ordinance Amendments for City Council Approval - Proposed amendments to Chapter 55 - Unified Development Code, Section 5.24 Signs, to update and modernize requirements for signage. Staff Recommendation: Approval

Brett Lenart, Planning Manager, provided a review of the Sign Ordinance Amendments, to date.

Chris Cheng, City Planner, provided the staff report of the proposed amendments to the Unified Development Code (UDC).

This petition was approved at the August 7, 2019 City Planning Commission Meeting. After additional review by the City Attorney's Office and formatting of the code into the Unified Development Code, some significant changes were made and therefore review by the City Planning Commission is appropriate, prior to proceeding with further adoption steps.

This amendment reflects a change in approach to sign regulation away from regulating by use and by sign content, and toward regulation by zoning district in a content-neutral manner. This reflects current best practices and responds to evolving court decisions on sign regulation.

The majority of changes to the previous Ordinance considered by the Planning Commission are to seek more clarity, to more consistently reference established definitions in the UDC, and formatting. However, some amendments are more significant, such as the following:

- Sign Area calculation and height is formatted and clarified in code, and separated from the table of sign types.*
- Eliminating marquee signs. Existing marquee signs are non-conforming and new reviews would fall under awning requirements.*
- Eliminating 3 sq. ft. wall signs in the One and Two-Family residential districts.*
- Reducing the maximum size of wall sign for 3-Family units and greater from 12 square feet to a maximum of 6 sq. ft.*
- Listing exceptions for signs requiring a sign permit under Section 5.29.2 Sign Permits.*

Questions and comparisons have come up during the review of the proposed UDC Sign Ordinance Amendments and proposed outdoor lighting regulations that have been drafted by members of the Environmental and Planning Commission. The two sets of amendments compare in the following manner:

- Light Trespass*

Both the Sign Ordinance and outdoor lighting ordinance identify a limit of .1 foot candle for light trespass near residential property.

The Sign Ordinance restricts by residentially zoned property.

The outdoor lighting proposal restricts by residentially used property.

The Sign Ordinance does not limit light to non-residentially zoned properties, the proposed outdoor lighting ordinance sets a 2 foot candle limit in such circumstances.

- Full cut-off fixtures are required under the Sign Ordinance and the proposed outdoor lighting ordinance.*
- The Sign Ordinance limits electronic signs to 5,000 nits during the daytime and 100 nits at night.*
- Both the Sign Ordinance and the proposed outdoor lighting ordinance limit illumination while property activities are closed. A revision suggested at the last Planning Commission review included limiting illumination based on when the business that the sign advertised was closed. This has been revised to a slightly broader, content-neutral approach that looks at whether all businesses on a lot are closed.*

City staff have not historically received complaints from light trespass from non-residentially zoned or used properties. Staff anticipates the proposed Lighting Ordinance to address this issue or the Sign Ordinance to be amended in the future.

PUBLIC COMMENT:

Salley Oey, 922 Pauline Blvd., Ann Arbor, Professor of Astronomy, and Lead of The Dark Skies Initiatives, said a few members of their group were present and excited for this first step in regulating light in our community. She thanked Commissioner Mills and Briggs for their help on this initiative. Oey suggested the Commission might consider making 'lighting trespass based on residentially zoned property' versus 'residentially used property' consistent.

Jeff Rechten, Braun Court, Dark Skies Initiatives, thanked the Commission for their work and support of the Dark Skies Initiatives.

Karen Wight, 2719 Cranbrook Road, Ann Arbor, spoke in support of the Dark Skies Initiatives and as a long time employee of the Detroit Observatory, stating there is too much light; I would love to be able to share with my family things that can be seen in the dark sky, but currently cannot. She applauded and thanked the Commission for taking on this initiative, and expressed hope they could move forward.

Jeff Crockett, 506 E. Kingsley, Ann Arbor, expressed appreciation for improved working relations under Planning Manager, Brett Lenart, and City Staff, Chris Cheng, noting he's been involved in monitoring the Planning and Development outreach. He referenced his email to the Commission that outlines a series of questions and recommendations, and the basic concern of process. Crockett said, 'We live in a historic district, and are very sensitive to signs. We totally believe in the intent section of the proposed ordinance, and when we learned about this meeting a few weeks back we convened our board to go over the August sign ordinance draft, which was the basis for this letter. The latest iteration wasn't available until Friday afternoon. Please keep in mind that in our opinion, there should be far more time for the neighborhood to understand the proposed ordinance, and I hope this can change in the future. We feel that the 'temporary-signs' ordinance is unenforceable.

Chris Crockett, 506 E. Kingsley, Ann Arbor, President of the Old Fourth Ward Association, said if there is a neighborhood impacted by temporary signs, it is ours. There is one property owners that has 8-10 'temporary signs' that are up all the time; to put the burden on the neighborhood, is unacceptable. We need something in this ordinance to deal with sign pollution. They put signs all over their yard, and never take care of their property. We have dealt with banner signs that are illegal. We would like some relief from this burden, by giving this ordinance some teeth. It is mostly rental signage that's the problem; It is outlandish that a property is now advertising for fall 2020 leasing. She thanked the Commission for their work.

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

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 Unified Development Code, Section 5.24

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.]

Moved by Mills, seconded by Woods, to postpone taking action to allow further clarification on proposed amendments. On a voice vote, the Chair declared the motion carried. Item Postponed.

Yeas: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 2 - Shannan Gibb-Randall, and Zachary Ackerman

10 REGULAR BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion of Each Item

- 10-a** **19-2381** 825 North Maple Road Rezoning and Area Plan for City Council Approval - A request to rezone this 0.9-acre site from R1C (Single-Family Residential) to R2A (Two-Family Residential). PUBLIC HEARING ONLY - PROJECT WITHDRAWN BY APPLICANT
- No public speakers for public hearing.*

PROJECT WITHDRAWN BY APPLICANT.

- 10-b** **19-2382** 2260 Traver Road Annexation and Zoning for City Council Approval - A request to annex this 3.56-acre parcel with a single-family home and zone it R1B (Single-Family Dwelling). Staff Recommendation: Approval
- STAFF REPORT:**

City Planner Chris Cheng, provided the staff report.

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed.

Moved by Sauve, seconded by Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hosford Annexation and R1B (Single-Family Dwelling District) Zoning (2260 Traver Road).

COMMISSION DISCUSSION:

None

On a voice vote, the vote was as follows with the Chair declaring the motion carried. VOTE: 7-0

Yeas: 7 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Elizabeth Sauve, Ellie Abrons, and Sara Hammerschmidt

Nays: 0

Absent: 2 - Shannan Gibb-Randall, and Zachary Ackerman

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

Jeff Crockett, 506 E. Kingsley, Ann Arbor said he appreciates the opportunity for citizen input, and believes the plan for enforcement needs to be looked at more closely to put the burden on the one posting the signage. Crockett said, it could be the obligation of the person with the sign to take a picture of the sign, and provide it to the City and if the City doesn't have the proof, after a certain timeframe, then they can investigate. Someone who goes online could enter their information to update their signage. Crockett said we need to be thinking if there is a better way to enforce the sign ordinance. Crockett reiterated the consideration of timing, so that neighborhoods and neighborhood groups have time and the ability to review ordinances before Commission action. He said at City Council, they moved to a week before, and Planning Commission should do the same.

Seeing no further speakers, the Chair closed the audience participation.

12 COMMISSION PROPOSED BUSINESS

Commissioner Mills requested that the Commission review and add 'Electrification of site' as a benefit of a Planned Project Modifications, and beefing up what we require through our Planned Project process. She felt it wise to look at the matter soon.

13 ADJOURNMENT

Moved by Abrons, seconded by Mills, to adjourn the meeting. The meeting was unanimously adjourned at 9:15 pm.

Alex Milshteyn, Chairperson
/mg

(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.