



City of Ann Arbor

Formal Minutes - Final

City Planning Commission

301 E. Huron St.
Ann Arbor, MI 48104
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Tuesday, June 6, 2023

7:00 PM

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

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online at a2gov.org/watchCTN**

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difficulties that prevent your participation. For the greatest assurance that your comments will be heard,
submit them in writing ahead of the meeting or attend in person.

1. CALL TO ORDER

*Secretary Lisa Sauv  called the meeting to order at 7:04 pm, in Council
Chambers at City Hall of Ann Arbor.*

2. ROLL CALL

City of Ann Arbor Deputy Planning Manager, Hank Lenart, called the roll.

Present 6 - Sauve, Hammerschmidt, Disch, Lee, Clarke, and Wyche

Absent 3 - Mills, Gibb-Randall, and Abrons

ROLL CALL

*Staff Present in Council Chambers: Planning Manager, Brett Lenart,
Deputy Planning Manager, Hank Kelley, City Planner, Alexis DiLeo and
City Planner Matt Kowalski.*

3. APPROVAL OF AGENDA

Moved by Commissioner Wyche, seconded by Councilmember Disch, to Approve the Agenda as presented. On a voice vote, the Agenda was unanimously Approved.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- 4-a. [23-0996](#)** May 16, 2023 City Planning Commission Meeting Minutes

Attachments: 5-16-2023 CPC Approved Meeting Minutes.pdf

Moved by Commissioner Lee, Seconded by Councilmember Disch, to approve the May 16, 2023 City Planning Commission meeting minutes and forward to City Council. The minutes were unanimously approved as presented.

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

- 5-a. City Council**

Councilmember Lisa Disch reported on the previous Council meeting:

Council unanimously passed the Resolution requesting prioritization of the rezonings along Plymouth Road and Washtenaw Avenue to TC1 (Transit Corridor);

Resolution seeking incentives to foster green development (could possibly be in nature of fees but also in the nature of processes since they're hearing a lot about that lately);

Council repealed a part of the Building Code that requires landlords to provide voter registration information.

- 5-b. Planning Manager**

Planning Manager Lenart added:

City Council approved the amendment to the 2111 Packard Development Agreement (a smaller solar system), noting the developer is still providing a large amount of solar, outside of any regulatory requirements of the City code.

Deputy Planning Manager Kelley reported on upcoming Working Session items:

There will be two Pre-Planned Unit Development (PUD) presentations, 2935 Birch Hollow Drive and 120 Packard Street; a preview of proposed rezonings of the Plymouth Road/Washtenaw Avenue corridors to TC1 (Transit Corridor).

5-c. Planning Commission Officers and Committees

Commissioner Sara Hammerschmidt reported that the 'Council of Commons' advisory body was disbanded by City Council at their meeting last night; thus, a Planning Commission liaison will no longer be necessary.

Secretary Sauv e thanked her for her service on that body.

5-d. Written Communications and Petitions

[23-0997](#) Various Communications to the Planning Commission

Attachments: Frehsee re 3945 S State St SP & SEU.pdf, Starman re 3945 S State St.pdf, Avalon Housing re South Town.pdf, Bond re South Town.pdf, Burns re South Town.pdf, Darragh re South Town.pdf, Eslinger re South Town.pdf, Friedman re South Town, housing.pdf, Lam re South Town.pdf, Martin re South Town.pdf, Miller re South Town.pdf, Sova re South Town.pdf, Stanton re South Town.pdf, Trudeau re South Town.pdf, Trumbull re South Town.pdf, Ufer re South Town.pdf, Herdegen re South Town.pdf

Secretary Sauv e noted that several communications were provided to the Commission; Received and Filed

6. PUBLIC COMMENT (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.)

Adam Jaskiewicz, 1430 Las Vegas Drive, Ann Arbor, spoke against any new drive-throughs in Ann Arbor.

Noting no further public speakers, the Chair closed the public comment

portion.

7. PUBLIC HEARINGS SCHEDULED FOR NEXT REGULAR MEETING

- 7-a.** [23-0998](#) Public Hearings Scheduled for Wednesday, June 21, 2023 Planning Commission Meeting

Attachments: 6-21-2023 CPC Notice of Public Hearing.pdf

Kelley reported on upcoming public hearings for the next regular meeting (See attached notice).

8. REGULAR BUSINESS – Project Presentation, Staff Report, Public Hearing, and Commission Discussion of Each Item

- 8-a.** [23-0999](#) Proposed Amendments to Chapter 55, Unified Development Code, Section 5.15, Permitted Uses, to define and allow Banquet Hall use in mixed-use zoning districts. Staff Recommendation: Approval

Attachments: Staff Report Event Space-Banquet Hall (6-6-2023)v2.pdf, Petition for Chapter 55 Text Amendment (Event Space).pdf, Planning Staff Memo to ORC (Event Space).pdf, Presentation to ORC (Event Space) .pdf, Ordinance to Amend Chapter 55 (Banquet Hall) 6-6-2023.pdf

Commissioner Wonwoo Lee recused himself from Agenda item 8-a noting the petitioner is his employer (he left the Chamber).

Kelley explained that the Commission still had a quorum with five members present, while any motion on the amendment before them would fail (technically) because 6 affirmative votes are needed; however, the Agenda item can still be forwarded to City Council for their consideration.

STAFF REPORT:

Alexis DiLeo, City Planner, provided the staff report, noting this amendment was a combination of a submitted petition and staff recommendation in response to that petition.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of buffering

high density multiple family residential housing from single-family residential housing; however, noted he didn't oppose this particular change.

Noting no public speakers, Secretary Sauvé closed the public hearing.

Moved by Commissioner Wyche, Seconded by Commissioner Hammerschmidt that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the following amendments to Chapter 55, Unified Development Code:

- Section 5.15.1 Primary Uses, to permit or amend Banquet Hall; Restaurant, Bar, Food Service; Fraternities, Sororities, Student Cooperative Housing; Club Headquarters, Community Center, Religious Assembly; Private [K-12] Schools; Indoor Recreation; Veterinary, Kennel, Animal Boarding; Trade/Industrial Schools.

- Section 5.15.2 Accessory Uses to eliminate Restaurant, Bar, Food Service as an accessory use in the O (Office) district.

- Section 5.16.3.M to eliminate use specific standards for Personal Services.

- Section 5.37.2 Specific Definitions to define Banquet Hall, and redefine Veterinary, Kennel, Animal Boarding.

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 rollcall vote, the vote was as follows, with the motion declared Failed. Vote: 5 - 0

(Lacking six affirmative votes, a denial recommendation to City Council shall be recorded.)

Yeas: 5 - Elizabeth Sauve, Sara Hammerschmidt, Lisa Disch, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 3 - Sarah Mills, Shannan Gibb-Randall, and Ellie Abrons

Recused: 1 - Wonwoo Lee

Commissioner Lee was invited back into the Chambers and rejoined the meeting.

- 8-b. [23-1000](#) Proposed Amendments to Chapter 55, Unified Development Code, Section 5.20, Landscaping, Screening and Buffers, to amend the requirements for Conflicting Land Use Buffers and reorganize for improved consistency. Staff Recommendation: Approval

Attachments: Staff Report CLUB (6-6-2023).pdf, Ordinance to Amend Chapter 55 (CLUB) 6-6-2023.pdf, Planning Staff Memo to ORC (CLUB).pdf, 4-19-2023 Conceptual Amendments to CLUB.pdf, 4-25-2023 Presentation on CLUB.pdf

STAFF REPORT:

Alexis DiLeo, City Planner, provided the staff report.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of buffering high density multiple family residential housing from single-family residential housing; however, noted he didn't oppose this particular change.

Noting no further public speakers, Secretary Sauv  closed the public hearing.

Moved by Commissioner Wyche, Seconded by Councilmember Disch, 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 5.20.3 Vehicular Use Area Landscaping and Screening, Section 5.20.4 Conflicting Land Use Buffers, and Section 5.20.6 Refuse/Recycling Container Screening to amend the applicability of Conflicting Land Use Buffers and reorganize the section for improved consistency.

COMMISSION DISCUSSION:

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

On a roll call vote, the vote was as follows, with the motion declared carried. Vote: 6 - 0

Yeas: 6 - Elizabeth Sauve, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 3 - Sarah Mills, Shannan Gibb-Randall, and Ellie Abrons

- 8-c. [23-1001](#) 2195 East Ellsworth Lockwood Planned Unit Development (PUD) Text Amendment - Proposal to adjust the east side setback by 4 feet from 144 feet to 140 feet and the south side setback by 4 feet from 68 feet to 64 feet. No new construction is proposed. Staff Recommendation: Approval

Attachments: Lockwood Revised PUD Staff Report 6-6-2023.pdf, 2195 E Ellsworth Rd Zoning Map.pdf, 2195 E Ellsworth Rd Aerial Map.pdf, 2195 E Ellsworth Rd Aerial Map Zoom.pdf, Letter to Ann Arbor Planning Department - 1-31-2023.pdf, Letter to CPC fr Engineer Maynard re PUD Revision.pdf, Lockwood As-Built Survey.pdf, Lockwood 2023 REV PUD Ordinance.pdf

PROJECT PRESENTATION:

The following individuals and representatives were available to respond to enquiries from the Commission:

*Mark Lockwood, Lockwood Companies, LLC (Owner)
Joe Maynard, Washtenaw Engineering, LLC (Project Engineer)*

STAFF REPORT:

Matt Kowalski, City Planner, provided the staff report.

PUBLIC HEARING:

Richard Hart, 2250 E. Ellsworth Road, Ann Arbor, spoke of residing in his home, directly across the street from the development, since 1959, as well as having to live with this 'mistake' for as long as he lives in his house. He questioned setback rules, compensation to neighboring property owners, and was opposed to the height and proximity of the neighboring on-going development.

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of an all-electric building, with the exception of the commercial kitchen.

Mr. Lockwood indicated he was committed to all-electric heat for the

development.

Adam Jaskiewicz, 1430 Las Vegas Drive, Ann Arbor, spoke in support of the request.

Noting no further public speakers, Secretary Sauvé closed the public hearing.

Moved by Commissioner Hammerschmidt, Seconded by Commissioner Lee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Lockwood of Ann Arbor Development (2195 East Ellsworth) Planned Unit Development (PUD) Zoning Text Amendment.

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 roll call vote, the vote was as follows, with the motion declared carried. Vote: 6 - 0

Yeas: 6 - Elizabeth Sauve, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 3 - Sarah Mills, Shannan Gibb-Randall, and Ellie Abrons

- 8-d.** [23-1002](#) 3945 - 3957 South State Site Plan and Special Exception Use - A proposal to reduce the size of the existing building at 3949-3957 South State by 1,384 square feet and add a drive through lane along the rear of the building. Staff Recommendation: Approval

Attachments: 3945-3957 S State Staff Report.pdf, 3949-3957 S State St Location/Zoning Map.pdf, 3949-3957 S State St Aerial Map.pdf, 3949-3957 S State St Aerial Map Zoom.pdf, 3945-3957 S State St Site Plan 05-16-23.pdf, 3945 SEU Application.pdf, 3945 S State St Citizen Participation M.pdf

PROJECT PRESENTATION:

The following individuals and representatives were available to answer enquiries from the Commission.

Brad Moore, J.Bradley Moore and Associates, 4844 Jackson Road, Suite 150, Ann Arbor.

Moore asked for a postponement.

STAFF REPORT:

Matt Kowalski, City Planner, provided the staff report.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in opposition to an added drive-through.

Adam Jaskiewicz, 1430 Las Vegas Drive, Ann Arbor, spoke in opposition to all drive-throughs.

Noting no further public speakers, Secretary Sauv  closed the public hearing.

Moved by Commissioner Wyche, Seconded by Councilmember Disch, that the Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Unified Development Code), Section 5.29.5 (Special Exceptions), approves the 3949-3957 South State Street Special Exception Use (3945-3957 South State Street) for a drive-through facility. This approval is based on the following findings:

- 1. Will be consistent with the general objectives of the City Comprehensive Plan of commercial uses in the area;**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. The proposed use is consistent with other surrounding uses' traffic impact, and**

The Ann Arbor City Planning Commission hereby approves the 3949-3957 South State Street Site Plan (3945-3957 South State Street), including a Landscape Modification that allows existing trees just outside the Right of Way to be counted as required Street Trees.

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 Commissioner Lee, Seconded by Councilmember Disch, to postpone petition action until the July 18, 2023 City Planning Commission Meeting.

On a rollcall vote the Secretary declared the motion carried. Vote: 5 - 1 Item Postponed

Yeas: 5 - Elizabeth Sauve, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, and Sadira Clarke

Nays: 1 - Donnell Wyche

Absent: 3 - Sarah Mills, Shannan Gibb-Randall, and Ellie Abrons

9. PUBLIC COMMENT (Persons may speak for three minutes on any item.)

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of electrification of the Lockwood project.

10. COMMISSION PROPOSED BUSINESS

Commissioner Lee shared sympathy to Mr. Hart's feedback of living in a place for a long period of time before neighboring parcels become developed. He also said he agreed with the frustration of Mr. Garber.

Commissioner Wyche suggested the Commission should ask Council to approve alternate members to the Planning Commission.

Secretary Sauvé requested Vehicular Use Area, Parking Maximums, and Drive-Throughs to be added to the list of future discussions.

11. ADJOURNMENT

Moved by Commissioner Wyche, Seconded by Councilmember Disch, to adjoin the meeting at 8:31 pm. Without objection the meeting was adjourned.

Lisa Sauvé, Secretary

/mia gale

/courtney manor

eComments for the Commission may be left via our Legistar calendar page (column to the very right)
<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. Persons 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 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))

(Public Hearings: Individuals 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

City Planning Commission regular meetings have transitioned to a hybrid meeting model. The City of Ann Arbor highly encourages the public to participate in public meetings, either in-person or remotely.

The City of Ann Arbor has existing COVID-19 safety rules that are required of visitors entering city facilities. If you choose to attend a meeting in-person, the following safety rules are expected to be observed. These include:

- City Hall is mask-friendly to all guests at all times.
- Masks will be required for all meeting participants and guests when the local CDC Community Level in Washtenaw County is high. Check the current level for Washtenaw County through the CDC's website [here](#).
- Please do not attend if you are sick for any reason, including having symptoms or a diagnosis of COVID-19, or have recently been in close contact with someone with COVID-19. Several other attendance options are available when you are sick or in quarantine, or simply for your convenience.