



# City of Ann Arbor

## Formal Minutes

### Planning Commission, City

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Thursday, February 23, 2017

7:00 PM

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

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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>) 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**

*Planning Commission Chair Ken Clein called meeting to order at 7:03 p.m.*

#### 2 **ROLL CALL**

*Planning Manager Brett Lenart called the roll.*

**Present** 7 - Woods, Briggs, Clein, Mills, Milshteyn, Gibb-Randall, and Weatherbee

**Absent** 2 - Trudeau, and Ackerman

#### 3 **APPROVAL OF AGENDA**

*Lenart indicated that the minutes of January 18th were still in draft form, and therefore requested that they be removed from the agenda.*

**Moved by Mills, seconded by Woods, to approve the agenda as amended. On a voice vote, the Chair declared the motion unanimously approved.**

#### 4 **INTRODUCTIONS**

*None*

**5 MINUTES OF PREVIOUS MEETING**

**5-a**      [17-0270](#)      December 20, 2016 City Planning Commission Meeting Minutes

**Moved by Mills, seconded by Gibb-Randall, to approve the December 20, 2016 meeting minutes and forward to Council. On a voice vote, the Chair declared the motion unanimously approved.**

**5-b**      [17-0271](#)      January 18, 2016 City Planning Commission Meeting Minutes

**The minutes were unanimously postponed to a future meeting.**

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

**6-a**      **City Council**

*Lenart reported that at their last meeting Council had approved South Maple Apartments by Avalon for rezoning at first reading; the second reading and site plan are proposed for the next Council agenda. The annexation on South Wagner Road that was recommended for approval by this body will also go before Council in March.*

**6-b**      **Planning Manager**

*None*

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

*Chair Clein indicated that he attended a portion of the Allen Creek Greenway meeting, which had good attendance.*

**6-d**      **Written Communications and Petitions**

[17-0272](#)      Various Correspondences 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.)**

*None*

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

**17-0273** Public Hearings Scheduled for the March 7, 2017 City Planning Commission Meeting

*Lenart reviewed the upcoming public hearings scheduled for the next Planning Commission meeting.*

**9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

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

**9-a**      **17-0274**      Hampton Inn (2910 Jackson Avenue) Environmental Review for Planning Commission Approval - A proposal to mitigate two landmark trees that were removed from the 8.8 acres site without site plan approval. The only modifications from the previously approved site plan address the landmark tree removal and mitigation. (Ward 5) Staff Recommendation: Approval  
*Jill Thacher, City Planner and Historic District Coordinator, presented the staff report and recommendations.*

***PUBLIC HEARING:***

*Chris Abbo, representing Namou Hotel Group/ Hampton Inn, 2910 Jackson Road, Ann Arbor, was available to respond to any enquiries.*

*Seeing no further public speakers, Chair Clein, closed the public hearing, unless the agenda item is postponed to another meeting.*

**Moved by Mills, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby approves the Hampton Inn Site Plan to remove two landmark trees, mitigate for them, and revise the landscape elements.**

*COMMISSION DISCUSSION:*

*Commissioner Woods enquired what and how the two landmark trees had been cut down, and how the City can ensure that these types of situations don't happen again.*

*Abbo explained that when their contractor was digging one of the three retention ponds, they discovered that the trees (the critical root zone) were located within the pond. He said they stopped for a few days while attempting numerous times to reach City staff, via personal visits to City Hall, phone calls, and emails, then decided to proceed after no response.*

*Thacher commented that tonight is the first time she just learned of this, and it had not been mentioned earlier.*

*Lenart indicated that staff can try to verify open lines of communication on these issues, and can make sure that we evaluate the convergence of ponds and landmark trees in the future.*

*Commissioner Gibb-Randall asked if trees were tagged on the survey and grading plan, and if it was just missed; she asked who performed the survey.*

*The petitioner and Planning Manager Lenart confirmed that Giffels-Webster submitted the survey.*

*Commissioner Weatherbee expressed concern about the 'after-the-fact' nature of this, and that it didn't seem to demonstrate attention to preserving the landmark trees, which doesn't sit well with her because the City as a whole has decided that they take this issue seriously.*

*Gibb Randall asked if the City has a general timeframe for staff to return customer/petitioner calls or emails.*

*Planning Manager Lenart said, yes, within 48 hours, adding that if this*

*was as a result of staff not getting back to the petitioner promptly or if the petitioner was following an erroneous survey, the process for rectifying the situation for mitigating for lost landmark trees would be the same as the current process.*

*Thacher explained that the trees were shown to be located incorrectly on the original site plan, and when the petitioner applied for their final Certificate of Occupancy, City staff visited the site for a standard site plan compliance verification check. At that point, Soil Erosion inspector, Peter Stephens, noticed that the trees had been cut down. The mitigation for cutting down landmark trees is filing a revised site plan petition, as well as planting four (4) times the total diameter of tree trunks cut down.*

*Clein asked Abbo if he had any documentation like emails, showing he tried contacting City staff.*

*Abbo said he could provide anything the Commission asked for.*

*Woods said it would be helpful for the Planner who worked with the petitioner on a project to stick with a project until the end because they would be most familiar with the details.*

*Lenart said yes, and he would work to follow-up on what happened in this situation and where contact was initiated and where response failed.*

*Clein said he felt it was important for the City, while not pointing fingers at anyone, to help improve relationships with our customers who are petitioners and residents.*

*Woods said she was in favor of approving the petition, even with the issues that went wrong, because she felt the project is still a valuable site plan and to see what is happening at that location is something making a difference for those coming in to our City from that direction, as well as those who will be staying there.*

**On a voice vote, the vote was as following, with the Chair declared the motion approved. Vote: 7-0**

**Yeas:** 7 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

**Nays:** 0

**Absent:** 2 - Scott Trudeau, and Zachary Ackerman

- 9-b [17-0276](#) Proposed Amendment to Chapter 55 (Zoning Ordinance), Section 5:10.23(2)(a) C3 Fringe Commercial District Permitted Principal Uses for City Council Approval - An amendment to the permitted principal uses allowed in the C3 (Fringe Commercial District) to allow fueling stations. This use was inadvertently omitted from the permitted uses allowed in the C3 district due to a past ordinance amendment for another commercial zoning district. The proposed amendment will restore the permitted principal uses to the same as historically allowed. Staff Recommendation: Approval

*Lenart presented the proposed addition of auto fueling stations and car washes to the C3 district. This use was eliminated inadvertently during 2014 changes to the ordinance to address drive-thrus. This proposed change would add fueling stations and car washes as permitted uses to the C-3 district. Lenart indicated that this is recommended as C3 districts are intended to be automobile-oriented.*

**PUBLIC HEARING:**

*Seeing no public speakers, Chair Clein, closed the public hearing, unless the agenda item is postponed to another meeting.*

**Moved by Briggs, Seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Section 5:10.23 regarding fueling stations and car washes in the C3 district.**

**COMMISSION DISCUSSION:**

*The Commission noted that this amendment had been reviewed and discussed thoroughly at the (ORC) Ordinance Revisions Committee meetings.*

**On a voice vote, the vote was as following, with the Chair declared the motion approved. Vote: 7-0**

**Yeas:** 7 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

**Nays:** 0

**Absent:** 2 - Scott Trudeau, and Zachary Ackerman

- 9-c [17-0277](#) Proposed Amendment to Chapter 55 (Zoning Ordinance), Section 5:59(1) (b) Accessory Buildings for City Council Approval - An amendment to

change the allowed placement of an accessory building in the front open space of a lot in all residential zoning districts and the P (Parking) district. Accessory buildings are currently allowed to be placed in front of a principal building as long as the accessory building is behind the required or average front setback line. With the proposed amendment, accessory buildings will no longer be permitted anywhere in front of a building. Accessory buildings will continue to be allowed to the side of a principal building as long as it is not in the side setback area, and behind (to the rear) of the principal building. Staff Recommendation: Approval

*Lenart introduced the proposed amendment that would prohibit accessory structures from the front yard of properties. This is significant as currently they are restricted from the required front yard setback, which can be smaller than the established line of the house.*

**PUBLIC HEARING:**

*Ethel Potts, 1014 Elder Blvd., Ann Arbor, stated this proposed amendment will clarify that no construction shall take place in the front yard, which is good, but she expressed the need for a front setback for accessory dwelling units. Lots have to be 3 feet from side lot lines, but there is nothing mentioned for front setbacks; a 3 foot setback is unworkable, it needs to be larger. Accessory Dwelling Units particularly should have a larger setback. I encourage another look at some of these specifications. A good time for the City government to notify in R-1 zoned houses that there is no more single family zoning in this town is now.*

*Seeing no further public speakers, Chair Clein, closed the public hearing, unless the agenda item is postponed to another meeting.*

**Moved by Weatherbee, seconded by Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Section 5:59 regarding accessory buildings in the front open space.**

**COMMISSION DISCUSSION:**

*Commissioners had numerous questions about the proposed ordinance, including, whether the proposed change was too broad. Commissioners also requested clarification on the distinction between accessory buildings and structures.*

*Commissioner Milshteyn discussed examples from his past experience on the Zoning Board of Appeals where a variance for a tree house was denied. Commissioner Briggs questioned whether it would make more*

*sense to more clearly define accessory buildings and structures.*

*Commissioner Milshteyn stated that for many years on the ZBA numerous variances were considered for enclosing front porches, and that it would be helpful to evaluate this provision potentially at a similar time.*

**Moved by Milshetyn, seconded by Woods, that the Commission postpone the item. On a voice vote, the vote was as following, with the Chair declared the motion approved.**

**Postponed**

**Yeas:** 7 - Wendy Woods, Erica Briggs, Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

**Nays:** 0

**Absent:** 2 - Scott Trudeau, and Zachary Ackerman

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

*Ethel Potts, 1014 Elder Blvd., Ann Arbor, suggested it would be easy to notify all R1 property owners by adding it to tax bills or water bills.*

*John Godfrey, 2809 Brockman Blvd., thanked the Commission for considering the issue of accessory structures, and could appreciate how complex the issue is.*

**11 COMMISSION PROPOSED BUSINESS**

**12 ADJOURNMENT**

**Moved by Milshteyn, seconded by Weatherbee to adjourn the meeting at 8:35 p.m. The motion was unanimously carried.**

Ken Clein, Chair  
mg



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