



City of Ann Arbor

Formal Minutes - Final

City Planning Commission

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Tuesday, June 7, 2022

7:00 PM

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

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

**Public comment can be made in person, or by calling: 877 853 5247 or 888 788 0099
Enter Meeting ID: 977 6634 1226**

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<https://a2gov.zoom.us/j/97766341226?pwd=akdzTVllcnBBaGJNSlZJdFpDdGUrdz09>
Passcode: 882985

Or join by phone: Call: 206-337-9723 or 213-338-8477 or Toll Free 877-853-5247 or 888-788-0099
Webinar ID: 977 6634 1226

Please note it is possible that telephone or electronic public comment may encounter technical 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

Chairperson Sarah Mills called the meeting to order at 7:05 pm, in Council Chambers at City Hall of Ann Arbor.

2. ROLL CALL

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

All Commissioners attended the meeting in-person.

Present 8 - Mills, Gibb-Randall, Sauve, Abrons, Hammerschmidt, Lee, Clarke, and Wyche

Absent 1 - Disch

3. APPROVAL OF AGENDA

Moved by Wonwoo Lee, Seconded by Shannan Gibb-Randall, to Approve the Agenda as presented. On a voice vote the Agenda was

unanimously Approved.

4 **MINUTES OF PREVIOUS MEETING**

4-a. **22-1020** May 17, 2022 City Planning Commission Meeting Minutes

Attachments: 5-17-2022 CPC Approved Meeting Minutes.pdf

Removed from Agenda.

Moved by Sara Hammerschmidt, Seconded by Shannan Gibb-Randall, to Approve the May 17, 2022 City Planning Commission Meeting Minutes and forward to the City Council.

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

5-a. **City Council**

Brett Lenart reported City Council had approved the re-zoning on a single-family parcel that was recently annexed into the City of Ann Arbor from the Township.

5-b. **Planning Manager**

No report.

5-c. **Planning Commission Officers and Committees**

Commissioner Shannan Gibb-Randall provided a report from the Downtown Development Authority (DDA) Partners last meeting, saying they received an in-depth report from the Ann Arbor Area Transportation Authority (AAATA). She suggested the AAATA come before the Commission to explain their current services as well as their upcoming ballot initiative.

Commissioner Wonwoo Lee provided a report from the previous Transportation Commission meeting, saying they discussed parking, and the removal of some parking, which will also go before City Council for approval. He said they are making sure Land Use and Transportation go together.

Brett Lenart added that the Transportation Commission also reviewed

and endorsed the proposed parking amendments that the Planning Commission preferred.

Chair Mills provided a report from the Ordinance Revisions Committee last meeting, saying they discussed including sustainability within the Unified Development Code (UDC), so they talked about electrification, solar readiness, and such options and will see it return before the full Commission soon.

5-d. Written Communications and Petitions

[22-1021](#) Various Communications Received to City Planning Commission

Attachments: Chambers.pdf, Chambers2 w Attach.pdf, Demczyk.pdf, Lowenstein.pdf, McDaniel Hodges .pdf, Morehead.pdf, Raimi.pdf, Benton.pdf, Marquardt w Attach.pdf

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.)

Ken Garber, 28 Haverhill Court, Ann Arbor, speaking in support of electrification, read numerous quotes from developers that express that they are deflecting/distracting their plans on energy sourcing, while not putting information up front in their proposals. He said, to put it up front, would be to legitimize it. When they say it's too soon to talk, it really means "...stay out of our mechanical room." This issue isn't a zoning issue, it's a building issue; however, to this Commission's great credit, it does push electrification and exploring amending the Unified Development Agreement (UDC), for which I am personally grateful. Electrification is not some nice 'extra' or 'option' or something we hope the developer will get around to once they draw up their final plans; it's official City policy as of June 1st, 2020, when City Council approved the Ann Arbor A2 Zero Plan. He continued speaking about carbon emissions and the need for electrification in all proposed new developments (see attached communication).

7. PUBLIC HEARINGS SCHEDULED FOR NEXT REGULAR MEETING

7-a. [22-1022](#) No New Public Hearings Scheduled for Tuesday, June 23, 2022 Planning Commission Meeting

Received and Filed

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

- 8-a. 22-1023** 340 Depot Street Site Plan and Planned Unit Development (PUD) Rezoning - A proposed 7,830-square foot development consisting of 4 residential units and 5,891-square foot commercial use on ground floor on this 0.15-acre site zoned C1B (Community Convenience Center). Staff Recommendation: Approval

Attachments: 340 Depot PUD Staff Report w Maps, Suppl Regs.pdf, 340 Depot St PUD Site Plan.pdf, 340 Depot St Architectural Plans.pdf, CPM Report-340 Depot St.pdf

PROJECT PRESENTATION:

David Nims, provided a review of the project.

STAFF REPORT:

City Planner Matt Kowalski provided the staff report on the agenda item.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of the building being all-electric.

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

MAIN MOTION:

Moved by Lisa Sauvé, Seconded by Shannan Gibb-Randall, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve 340 Depot Planned Unit Development (PUD) Zoning District and Supplemental Regulations, and PUD Site Plan with the following condition:

The additional 4 feet of right-of-way referenced in L3978, P810 is an “Easement for Public Right-of-Way” is vacated by City Council prior to issuance of building permits.

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.]

AMENDMENT TO MOTION:

Moved by Ellie Abrons, Seconded by Lisa Sauvé, to modify the Supplemental Regulations to accomplish the following;

Add up to 3,000 square feet of additional floor area. Also allow the conversion of the existing parking area into floor area in addition to the covered outdoor patio.

COMMISSION DISCUSSION ON AMENDMENT:

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

Lisa Sauvé spoke to the need for equality of standards in developments within the land use versus zoning expectations for some of our ordinances.

Brett Lenart explained the term of 'detriment' as it relates to the standards of Planned Unit Development (PUD) zoning; it is an evaluation of that standard - it is not an arbitrary term by any means.

Sarah Mills noted that Staff's assessment is that this is not detrimental, to which she personally concurred.

On a voice vote, the Chair declared the amendment carried.

VOTE ON MAIN MOTION AS AMENDED:

On a roll call vote, the Chair declared the amended motion carried.

Vote: 8 - 0

Yeas: 8 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 1 - Lisa Disch

- 8-b. [22-1024](#) The Wizard Fireworks Special Exception Use (SEU) - 2449 W. Stadium Boulevard. An application for temporary outdoor sales at Westgate Shopping Center in the parking area facing Jackson Rd. The applicant proposes to set up a temporary tent to sell fireworks, sporting goods and seasonal items and will be placed over 10 parking spaces. Temporary sales are limited to a maximum of 180 days per calendar year. This 15.89-acre site is zoned C3 (Fringe Commercial). Staff Recommendation: Approval

Attachments: The Wizards Fireworks Staff Report w Maps 6-7-2022.pdf, SEU Application, SEU Siteplan.pdf, Fire Works Temp CFRS Stands Self-Inspection Guide, SP22-2002 2449 W Stadium FD Review

STAFF REPORT:

City Planner, Chris Cheng, provided the staff report on the agenda item.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in opposition to fireworks, and was neutral on the request for a Special Exception Use.

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

Moved by Lisa Sauv , Seconded by Wonwoo Lee, 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 Exception Use), and hereby approves The Wizard Fireworks and/or seasonal items Special Exception Use at 2449 W. Stadium Blvd for the temporary outdoor sales of fireworks and seasonal items.

This approval is based on the following findings:

- 1. The proposed use will be consistent with the C3 Fringe Local Business District, which provides for commercial activities including retail establishments, offices, and personal services.**
- 2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. Jackson Ave. and S. Maple Rd provides access to the site, and the proposed use is consistent with other surrounding uses' traffic**

impact.

3. Through documentation submitted by the petitioner regarding inventory delivery, security and staffing of the sales tent, the temporary outdoor sales will be operated in a manner that will not have an adverse impact on the neighboring properties or area, and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining certification from the Michigan Licensing and Regulatory Affairs under the Michigan Fireworks Safety Act PA256 enforced by the Michigan Department of LARA BFS Fire Marshal's Division. (Must be on Display along with Insurance) and must be compliant with the Retail Fireworks Inspection Guide for Temporary CFRS Facilities & Stands. And must be compliant with all applicable codes in NFPA 1124.
2. The petitioner will set-up the temporary sales tent as shown on the site plan sheet SP4 and apply for a Zoning Compliance Permit for each sales event.
3. The special exception use tent may not exceed 1,600 square feet and is limited to a maximum of 180 days per calendar year.
4. The petitioner will maintain the operating hours of 9:00 am to 9:00 pm Monday thru Sunday and extended until midnight 5 days before July 4th.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no physical development of the property is proposed.

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.]

Shannan Gibb-Randall commented that she hoped the petitioner would rise to the occasion to be a part of solutions that we are grasping at, at this

point (in terms of working towards a net-zero footprint).

On a roll call voice vote, the vote was as follows with the Chair declaring the motion carried. Vote: 8 - 0

Yeas: 8 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

Absent: 1 - Lisa Disch

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

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in favor of electrification.

10. COMMISSION PROPOSED BUSINESS

The Commission expressed desire to further discuss:

- Conflicting Land Use Buffers (CLUB) for residential use versus residentially zoned*
- Outdoor Sales; do we need a Special Exception Use or would it be better to do them on a temporary repeated basis; looking at minimization of fossil fuel impacts like buildings, how can we orient temporary sales to the existing electrical grid*

Shannan Gibb-Randall said she misses the face to face contact with petitioners, and wishes they would come to the meetings in person, instead of seeing a dark screen through Zoom. She expressed the lack of interaction with petitioners is something that has been bothering her since Covid-19 began.

Brett Lenart said Staff have been communicating to petitioners that we welcome their participation remotely; however we don't have to do that but could ask for a team or a representative of the team to be in person. He said it's something we have to decide, while being of the mind to limit the amount of people in Council Chambers. He added that we can also educate petitioners to have their cameras on while participating with the Commission and Staff.

Gibb-Randall said, for her personally she is okay with them being remote as long as they have their cameras on during their team's

participation/presentation or whilst they're speaking, at the very least.

Several other Commissioners agreed.

11. ADJOURNMENT

Moved by Donnell Wyche, Seconded Lisa Sauvé to Adjourn the meeting. The Meeting was unanimously adjourned at 8:56 pm.

Sarah Mills, Chairperson

/mia gale

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. 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 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 are transitioning to a hybrid meeting model. The City of Ann Arbor highly encourages the public to view and participate in public meetings remotely due to the high COVID-19 transmission rate in Washtenaw County. In order to prevent the transmission of COVID-19, protect the health of meeting attendees, minimize the possibility of disrupting the meeting, and thereby promote public participation by creating a safer meeting environment, City Council has established a regulation that all in-person attendees at meetings are required to wear a mask. See the Mask Requirement signage that is posted throughout City Hall. 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:

Masks - Required in Council Chambers. Masks are available at the guest services desk in the lobby of Larcom City Hall.

Physical Distancing - Individuals should be physically distanced from one another at least 6 feet.

Illness - Anyone diagnosed with COVID-19, who has symptoms of COVID-19, or has had recent close contact with someone with COVID-19, should not attend a public meeting.

