

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Final

Wednesday, August 7, 2019

7:00 PM

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

City Planning Commission

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 two amendments to the Unified Development Code (UDC) were passed at first reading, that the Wilson Barry Annexation was approved, and a road improvement for Traverwood was approved.

6-b Planning Manager

Lenart reported that UDC changes will be brought to the Ordinance Revisions Committee.

6-c Planning Commission Officers and Committees

No report.

6-d Written Communications and Petitions

19-1480 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.)

Seeing no speakers, Chair Milshteyn closed Audience Participation.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

19-1481 Public Hearings Scheduled for the August 20, 2019 Planning Commission Meeting

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

9-a 19-1477 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

PRESENTATION BY PETITIONER

Jill Bahm, with Giffels Webster, presented the updates to the Sign Ordinance highlighting the following items.

- Several public meetings took place to gather feedback

-Changes to this draft include:

-updated organization

- detailed intent statement

- updated definitions and general provisions

PUBLIC HEARING

Sally Oey, University of Michigan Department of Astronomy, Michigan Dark Skies Initiative, Professor, 323 West Hall, 1085 S. University Ave. Ann Arbor, explained that she believes that the Sign Ordinance Update would undermine the goals of the lighting ordinance. She also explained that it would be sensible to use the same framework, concepts for development, and similar terminology in each document. She discussed timing of sign illumination and the effects of sign lighting on birds.

Jack Brisbane, 4729 Ashley Court, Canton, Member of the Dark Sky Society, expressed support for Sally Oey's statements. He emphasized environmental impacts.

Karen Wight, 2719 Cranbrook, Ann Arbor, explained that in her job as a project coordinator for the Detroit Observatory, the preferred situation is for the University to avoid uplights, she explained that she would hope that the City follows suit. She explained that there are negative effects of uplighting.

John Mirsky, 505 Burson Place, Ann Arbor, member of the Environmental Commission, and Sustainability Advisor, explained that he would like to commend staff, consultants and the planning commission. He expressed support for the comments made previously, and emphasized that the sign ordinance and lighting ordinance should go hand in hand. He made recommendations for changes to the proposed ordinance.

Seeing no further speakers, Chair Milshiteyn closed the Public Hearing.

MAIN MOTION

Moved by Sauve, 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 5.24.

COMMISSION DISCUSSION OF MAIN MOTION

Commissioner Erica Briggs expressed appreciation for work done on the proposed ordinance.

Briggs and Bahm discussed full shielding and full cutoff fixtures.

Lenart, Briggs, and Bahm discussed measuring sign lighting output from an enforcement perspective.

Commissioner Sarah Mills discussed the curfew for turning lights off.

Oey emphasized the need for consistency within the lighting and sign ordinances.

Briggs discussed defining excessive light as exceeding 100 nits.

AMENDMENT I

Moved by Briggs, seconded by Mills that page nine section six of the Draft Sign Ordinance be amended to read as follows:

Outdoor signs of the following types do not require shielding: 1) signs constructed of translucent materials and wholly illuminated from within, 2) signs with a halo-type design, where the lighting source is blocked by the opaque letters or other sign content. For signs with translucent panels, dark backgrounds with light lettering or symbols are preferred to minimize glare and excessive light output. Excessive light shall be defined as exceeding 100 nits or equivalent.

COMMISSION DISCUSSION ON AMENDMENT I

Mills discussed enforcement relating to the proposed amendment.

Lenart explained that due to "nits" being a setting on a sign, it is measurable and enforceable.

VOTE ON AMENDMENT I

On a voice vote, the vote was as follows with the Chair declaring AMENDMENT I passed.

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

Nays: 0

Absent: 1 - Ellie Abrons

COMMISSION DISCUSSION:

Mills, Milshteyn, and Woods discussed the times that lights would be permitted to be turned on and off.

AMENDMENT II

Moved by Mills, seconded by Milshteyn, that page 10 section 10 of the Draft Sign Ordinance be amended to read as follows:

All sign illumination shall be extinguished after 10 p.m. or one hour after the close of business, whichever is later. All sign illumination may begin at 6 a.m. or one hour prior to the open of business, whichever is later.

COMMISSION DISCUSSION OF AMENDMENT II

The Commission discussed lighting and hours of operation. They also discussed lighting for 24-hour businesses.

VOTE ON AMENDMENT II

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

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

Nays: 0

Absent: 1 - Ellie Abrons

COMMISSION DISCUSSION:

Commissioner Sara Hammerschmidt discussed the requirement for repairs or replacements for non-conforming signs. She also requested information on shopping center signs.

Bahm explained that if a non-conforming sign is damaged more than 50% or if the repair would cost 50% of the sign, the sign will not be permitted to be repaired, it must be brought into compliance. Bahm explained that the sign area permitted for shopping centers is for the total area, so multiple signs could be permitted if they do not exceed the total area limit.

VOTE ON MAIN MOTION

On a roll call vote, the Chair declared the Main Motion, as amended, approved.

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

Nays: 0

Absent: 1 - Ellie Abrons

- 9-b** [19-1478](#) Amendment to Chapter 55 (Unified Development Code), Section 5.18.6 (Premiums), to change the residential use and affordable housing premium options, combining these two options into a single, affordable residential unit premium option, to promote affordable dwelling units downtown or payments into the Affordable Housing Fund. Staff Recommendation: Approval

Lenart presented the Staff Report.

PUBLIC HEARING:

Chris Levoy, Bloomfield Hills, MI, explained that he is a former student of the University of Michigan, and that he works in Ann Arbor for Coldwell Banker Richard Ellis Group, Inc., (CBRE). He explained that the long run costs of affordable units are passed on to current landowners. He also explained that the implementation could hurt young professionals, widen the wealth gap, increase commuting, and slow downtown development

resulting in job loss. He explained that affordable housing should be based on incentives.

Luke Bonner, Bonner Advisory Group, on behalf of Landmark Development, requested that projects currently under review be allowed to proceed under previous standards.

Sean Havera, 30100 Telegraph Road, Suite 220, Bingham Farms, explained that he is currently working with the Vic Village South project. He also requested that projects currently under review be allowed to proceed under previous standards. He explained that development costs in the City are expensive.

Name and Address unknown, explained that he owns property in Ann Arbor, and that affordability can be addressed by property taxes, explaining that taxes are very high. He explained that costs for affordable housing will be absorbed by non-affordable units, leading to higher rent.

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

MAIN MOTION

Moved by Ackerman, seconded by Mills, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the August 2, 2019 drafted amendments to Chapter 55 Unified Development Code (UDC), Section 5.18.6 Premiums to incentivize affordable dwelling units in the downtown zoning districts, and related UDC references.

COMMISSION DISCUSSION OF MAIN MOTION:

Councilmember Ackerman inquired about payment in lieu impacts and developer incentives.

Lenart explained that measuring on a per square footage basis gives more flexibility for unit types and sizes. The measurement would take place prior to issuing a certificate of occupancy.

Commissioner Sarah Mills further discussed the incentives for developers and expressed concern for extremely large affordable units.

Lenart explained that there is flexibility for layouts for developers but achieving the affordable size would be required.

Chair Milshiteyn inquired about the fees in question.

Lenart answered, approximately ten thousand dollars.

Commissioner Mills and Lenart discussed payment in lieu of tax options for affordable units as it relates to private developers and non-profit organizations.

Commissioner Wendy Woods requested more information on the developer impacts of the proposed amendments. She also discussed affordable housing, expressing support for attempting to improve the current situation in the city.

Commissioner Shannon Gibb-Randall expressed support for allowing projects currently under review to be reviewed under the prior standards as they relate to premiums. She also enquired about parking in the D1 and D2 ras it relates to premiums. She also inquired about the situation in the City of Boulder, Colorado.

Lenart explained that the proposed amendment would allow less parking to be required when using affordable housing premiums. Lenart explained that he would have to research the City of Boulder's housing situation.

Councilmember Ackerman explained that phasing and payment in lieu are remaining items that need to be further refined.

Commissioner Briggs and Lenart discussed the goals, outcomes, and impacts of the proposed amendments.

Commissioner Elizabeth Sauve discussed the transactional aspects of payment in lieu and fee reimbursement.

Commissioner Gibb-Randall discussed having a range of housing options, and the importance of the opportunity to require housing for the population of people not able to receive Avalon Housing services but can't afford market rate rental units.

Chair Milshiteyn discussed diversity in housing.

AMENDMENT I

Moved by Mills, seconded by Sauve, to amend the August 2, 2019 drafted amendments to Chapter 55 Unified Development Code, Section 5.18.6 Premiums to include the following:

Allow payments in lieu for all amenity square footage in 15% and 20% levels.

COMMISSION DISCUSSION OF AMENDMENT I:

Commissioner Hammerschmidt discussed affordable units being built outside of the D1 and D2 zoning districts.

Chair Milshteyn explained that he is not in favor of allowing 100% of affordable units to be built outside of D1 and D2 zoning districts.

Commissioner Briggs discussed the amount of money that would be paid by D1 and D2 developers.

Lenart discussed the possibility of incremental costs and payment in lieu options for diversified housing requirements.

Commissioner Woods discussed the importance of diversified housing.

VOTE ON AMENDMENT I

On a roll call vote, the vote was as follows with the Chair declaring AMENDMENT I failed.

Yeas: 3 - Erica Briggs, Sarah Mills, and Elizabeth Sauve

Nays: 5 - Wendy Woods, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, and Sara Hammerschmidt

Absent: 1 - Ellie Abrons

COMMISSION DISCUSSION:

The Commission further discussed phasing and fee options related to development and affordable housing.

AMENDMENT II

Moved by Ackerman, seconded by Mills to amend the August 2, 2019 drafted amendments to Chapter 55 Unified Development Code, Section 5.18.6 Premiums to include the following:

A percentage of the application fees required under this chapter are to be reimbursed to the petitioner, at a rate based on the percentage of area of affordable housing dwelling units on site compared to the total square footage.

COMMISSION DISCUSSION ON AMENDMENT II

None.

VOTE ON AMENDMENT II

On a roll call vote, the vote was as follows with the Chair declaring the AMENDMENT II failed.

Yeas: 4 - Wendy Woods, Erica Briggs, Sarah Mills, and Zachary Ackerman

Nays: 4 - Alex Milshteyn, Shannan Gibb-Randall, Elizabeth Sauve, and Sara Hammerschmidt

Absent: 1 - Ellie Abrons

AMENDMENT III

Moved by Ackerman, seconded by Briggs to to amend the August 2, 2019 drafted amendments to Chapter 55 Unified Development Code, Section 5.18.6 Premiums to include the following:

50% of fees required under this chapter will be reimbursed for any development that provides affordable housing dwelling units.

DISCUSSION ON AMENDMENT III:

None

VOTE ON AMENDMENT III:

On a voice vote, the vote was as follows with the Chair declaring AMENDMENT III passed.

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

Nays: 0

Absent: 1 - Ellie Abrons

COMMISSION DISCUSSION:

The Commission discussed phasing timelines.

AMENDMENT IV:

Moved by Milshteyn, seconded by Mills, to amend the Main Motion to read as follows:

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed August 2, 2019 drafted amendments to Chapter 55 Unified Development Code, Section 5.18.6 Premiums to incentivize affordable dwelling units in the downtown zoning districts, and related UDC references as amended. The Planning Commission recommends that the amendments be phased in such a way that site plan applications received by the City after the adoption date would be subject to the revised provisions.

COMMISSION DISCUSSION ON AMENDMENT IV:

Commissioner Woods discussed methods for communicating the amendment to City Council.

VOTE ON AMENDMENT IV

On a voice vote, the vote was as follows with the Chair declaring AMENDMENT IV passed.

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

Nays: 0

Absent: 1 - Ellie Abrons

COMMISSION DISCUSSION ON MAIN MOTION:

None.

VOTE ON MAIN MOTION:

On a roll call vote, the vote was as follows with the Chair declaring the Main Motion, as amended, Approved.

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

Nays: 0

Absent: 1 - Ellie Abrons

- 9-c** **19-1479** Shell Station Planned Unit Development (PUD) Modifications for City Council Approval - A proposal to add approximately 4,500 square feet of floor area for retail/office use to the previously approved PUD zoning and site plan. Additional surface parking is proposed along the property line to the south on this 1.44-acre site located at 2679 Ann Arbor-Saline Road. Staff Recommendation: Approval

PRESENTATION BY PETITIONER:

Todd Quattro presented the petition highlighting the following items:

- proposing to put an addition on the existing building*
- infill existing detention pond for parking*
- fencing options*
- landscape changes to be more salt tolerant*
- lighting information*

City Planner, Chris Cheng presented the Staff Report.

PUBLIC HEARING:

Seeing no speakers, Chair Milshteyn closed the Public Hearing.

Moved by, Ackerman, seconded by Sauve, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Shell Gas Station Planned Unit Development (PUD) Site Plan and associated Landscape Modifications.

COMMISSION DISCUSSION:

Commissioner Gibb-Randall explained that that the sloping area is a 6% grade.

Commissioner Sauve expressed support for the fence as proposed.

Commissioner Mills discussed parking at the site and discussed alternative layouts.

Chair Milshteyn discussed the proposed fence.

Commissioner Hammerschmidt discussed the grade, fence, and the sidewalk.

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

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

Nays: 0

Absent: 1 - Ellie Abrons

10 REGULAR BUSINESS

10-a **19-1475** Approval of Planning Commission Sub-Committee and Designee Assignments

Moved by Ackerman, seconded by Sauve, to approve the Planning Commission Sub-Committee and Designee Assignments.

COMMISSION DISCUSSION:

The Commission discussed the proposed assignments and made the following revisions:

Assigned:

- *Commissioner Abrons to the Affordable Housing Subcommittee*
- *Commissioner Hammerschmidt to the Master Plan Review Committee*
- *Commissioner Abrons to the Ordinance Revisions Committee*
- *Commissioner Woods to the Transportation Commission*

Removed:

- *Commissioner Mills from the Master Plan Review Committee*
- *Commissioner Ackerman from the Ordinance Revisions Committee*

On a voice vote the vote was as follows with the Chair declaring the motion passed.

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

Nays: 0

Absent: 1 - Ellie Abrons

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

Seeing no speakers, Chair Milshteyn closed Audience Participation.

12 COMMISSION PROPOSED BUSINESS

None.

13 ADJOURNMENT

Moved by Sauve, seconded by Hammerschmidt, to adjourn the meeting at 10:43 p.m.

Unanimously approved.

Alex Milshteyn, Chairperson
/kvl

(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 Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and 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://a2ctn.viebit.com>.

The complete record of this meeting is available in video format at <https://a2ctn.viebit.com>, or is available for a nominal fee by contacting CTN at (734) 794-6150.