

Hello Brett,

Are you able to answer my markup questions on the PDF's regarding what is involved in the Planning Manager review? Does that mean that your department will not need to send these type of submittals to the other departments such as storm water, natural features, traffic, solid waste, etc?

Thank you,

Theresa Angelini, AIA, NCARB, Partner
Angelini & Associates Architects
200 Huronview Blvd.
Ann Arbor, MI 48103
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From: Lenart, Brett <BLenart@a2gov.org>

Sent: Monday, August 2, 2021 9:59 AM

To: Darren McKinnon <dmckinnon@firstmartin.com>; Theresa Angelini <tangelini@angeliniarchitects.com>; Gale, Mia <RGale@a2gov.org>; tjc@midwesternconsulting.com; kjkeinath@yahoo.com; dan@mavendevlopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>

Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Hello-

Sorry for your frustration. The table did change quite a bit, but not in impact/effect on regulation. The basis for the proposed changes were based on the following:

- The previous table organized both proposed work, and the type of property in the left column, which resulted in many descriptions that were similar. We believe that the attached table, which provides users the opportunity to start from "type of work" on the left column, or "type of property" on the top row, as multiple points of access to the same answers is an improved method of navigating the table and requirements.
- The previous table also attempted to list every possible type of work, many of which required a zoning permit only. As this is the site plan table, we instead shifted the foundation of this section. Under the current ordinance, every single development activity in the City requires a Site Plan Approval from the City Council, unless explicitly exempted or delegated to another entity (Planning Commission or Planning Manager). This proposed table and approach flips that starting point in that only those development activities listed on the table require site plan review, anything else is through a zoning permit. This means that many sections that were in the table and listed as exempt no longer need to be there. Their omission means that they don't require site plan review.

We are happy to address any questions that arise prior to the meeting, but will also share your email with the Planning Commission that you would prefer additional time to provide feedback on the proposed changes.

Sincerely,

Brett Lenart, AICP | Planning Manager

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From: Darren McKinnon <dmckinnon@firstmartin.com>
Sent: Monday, August 02, 2021 9:06 AM
To: Theresa Angelini <tangelini@angeliniarchitects.com>; Gale, Mia <RGale@a2gov.org>; tjc@midwesternconsulting.com; kjkeinath@yahoo.com; dan@mavendevdevelopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com
Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

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All-

It appears the latest version of what is now Table 5.29-1 has many changes from the previous draft version (both are attached). Many sections were deleted from the draft version and many brand new sections were inserted! I doubt we will have time to review all these changes in detail at a Planning Commission meeting but I am concerned that so many changes were made without this group's input or even notification and now it appears PC will be voting on it tomorrow. At what point are we supposed to provide input? This is frustrating.

Darren McKinnon, PE

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From: Theresa Angelini <tangelini@angeliniarchitects.com>
Sent: Sunday, August 1, 2021 5:42 PM
To: Gale, Mia <RGale@a2gov.org>; tjc@midwesternconsulting.com; Darren McKinnon <dmckinnon@firstmartin.com>; kjkeinath@yahoo.com; dan@mavendevdevelopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com
Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Hello Brett, Matt, and Mia,

Thank you for sharing these documents in advance of Tuesday evening's meeting. In general, I am in support of these changes and this would be a significant improvement to the current Site Plan Review process.

My review and markups of two of the documents are attached. There are a few minor edits suggested for a missing comma and word choices. There are other larger questions that would be good to discuss as a group – or be clarified by your team. It would appear that the Site Plan Review under the Planning Manager/Administrative Review would still entail staff reviews with various departments where the reviews appear subjective to unclear standards and that system is fraught with poor communication from the other departments, based on my past experiences – is this the situation? Or does the Planning Manager have the ability to evaluate what other staff departments must review the project? (which could also appear to be subjective)

Perhaps others in the group will also give feedback.

Sincerely,

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From: Gale, Mia <RGale@a2gov.org>
Sent: Friday, July 30, 2021 8:05 PM
To: tjc@midwesternconsulting.com; dmckinnon@firstmartin.com; kjkeinath@yahoo.com; dan@mavendevdevelopment.com; Theresa Angelini <tangelini@angeliniarchitects.com>; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com
Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Dear Site Plan Review Thresholds Stakeholder Group:

Please note the meeting starts at 7:00 PM. The agenda contains specific directions as well as the Zoom link if you want to be an active participant during public comment time, or provide written communication to the Commission. Please let us know if you have any questions.

Please note Planning Staff continue to work remotely and are committed to responding to your email as soon as possible.

Mia Gale, Administrative Assistant

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PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 3, 2021

SUBJECT: Amendments to Chapter 55 (Unified Development Code) Section 5.29.6 (Site Plans).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55 Unified Development Code, to amend Sections 5.29.6 related to Site Plan Review and Approval Standards.

STAFF RECOMMENDATION:

Staff recommends that these amendments to the Unified Development Code be approved. The amendments revise the site plan approval thresholds, clarify required review process, reduce time or approval process improve usability and more effectively communicate types of projects and the corresponding process and/or authority requirements for the benefit of the residents, city officials and the development community.

SUMMARY AND BACKGROUND:

On July 6, 2020, City Council passed Resolution R-20-260 directing the Planning Commission to evaluate and make recommendations to the Unified Development Code to facilitate small and modest sized projects, and to improve the communication of UDC standards. The proposed amendment replaces 5.29.6 Site Plans with new paragraphs and text that clarify procedures, requirements, and process through the addition of a table and supplemental text.

Planning Staff met with an Advisory Committee of the development community in the summer of 2020. A summary of these meetings was presented to the Planning Commission in January with a request to proceed based on the Planning Commission recommendation. Planning Staff and the Ordinance Revisions Committee (ORC) reviewed drafts in February, March, April, and May with a presentation and update to the entire Planning Commission in April 2021.

City Council directed specific activities, all of which were addressed in a prior communication to City Council. [Click Here](#) for the Council communication. The proposed amendments in the attached ordinance specifically address the following directions:

Does "approval authorities" refer to City Council, Planning Commission, or Planning Manager? Or does it refer to the internal staff reviews by other departments such as storm water, fire, traffic, etc?

RESOLVED, That proposed amendments consider and recommend changes to Section 5.29.6 Site Plans that amend thresholds for development proposals and/or site alterations by amending approval authorities for such projects to reduce the time and level of authorization to facilitate such projects

RESOLVED, That proposed amendments additionally consider and recommend changes to Section 5.29.6 Site Plans that improve usability and more effectively communicate types of projects and the corresponding process and/or authority requirements

STAFF COMMENTS:

Staff has worked extensively with the ORC and Planning Commission over the last year to address the issues noted in the Council resolution. Staff and the Planning Commission agree that more work in the future is warranted to consider revisions to which standards apply across a property during site plan review, and the potential of creating other standards of required information for small and modest projects. Nonetheless, the attached amendments focus on reducing the level of review and more effective communication of standards.

Any proposed changes to the level of final approval (e.g. Planning Manager, Planning Commission, or City Council) for site plans does not change the applicability of requirements, nor the standards to which satisfaction of codes are met (with the exception of the Electric Vehicle Parking requirements).

Here are some of the significant modifications that would be enacted through adoption of this ordinance:

- In lieu of the current text of the UDC, the proposed ordinance includes a table, which provides a matrix where a user can either start with the type of development activity or the use of the property, and learn the required level of review.
- Currently, the construction of the ordinance dictates that all development activity requires City Council site plan approval, unless exempted, or delegated to the Planning Commission or Planning Manager. This proposed ordinance establishes that only those uses described in the table require site plan review, and all other activity may be conducted through the typical building/zoning permit process.
- Change of approval level from City Council to City Planning Commission for site plans that are NOT associated with a rezoning petition.
This results in the removal of one public hearing at City Council for site plans not related to a rezoning.
- Building additions 300 square feet and less will be exempt from site plan review. All projects that do not require a site plan will be subject to zoning review during the Building Permit review process. Currently any increase in floor area requires site plan review.

Organization of the ordinance? Structure of the ordinance? The word "construction" here could be confusing in the context of building construction.

- Construction of up to four units exempt from site plan review. Currently one-two family is exempt.
- Construction of five or six units requires site plan for Planning Manager approval.
- Removal of Planning Commission approval of Administrative Level changes when no site plan is on file. Currently, the UDC specifies a list of changes that can be submitted for Planning Manager approval, so long as the site has a previously approved site plan.
- Construction of Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet exempt from site planning for up to four units, other uses require site plan for Planning Manager approval. Currently, the limit is 240 square feet for a unit in an attached single-family development.

As a reminder, there is no change proposed to the level of public participation required in the UDC and no change to the staff review requirements for any site plans. All projects that do not require a site plan will be subject to zoning review during the Building Permit review process.

Prepared by Matt Kowalski
Reviewed by Brett Lenart
7-27-21

Many of the current problems with the staff review involves many other departments involved in the review, under the Planning Manager but outside of the Planning Department. The reviews are arbitrary, the standards unclear, and communication is poor. How will this be addressed to be a fair, professional, appropriate review to clearly stated standards?

Attachments: Resolution from City Council
[01/22/21 communication from Planning Commission to City Council](#)

c: City Attorney's Office

ORDINANCE NO. ORD-21-xx

AN ORDINANCE TO AMEND SECTION 5.29.6 of CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF CODE OF THE CITY OF ANN ARBOR – (SITE PLANS)

The City of Ann Arbor Ordains:

Section 1. That Section 5.29.6 Site Plans of Chapter 55 Unified Development Code be Amended as follows:

~~5.29.6~~

~~5.29.7~~5.29.6 Site Plans

A. Applicability and Approving Body

- ~~1. Table 5.29-1 Establishes the combination of use and development activity for which an approved site plan shall be required before applicable permits are issued to construct, install, or place any Building, Structure, or site improvement, or prior to the removal or disturbance of any Natural Feature, in accordance with the requirements and standards in this chapter.~~
- ~~2. Any development activity not included in Table 5.29-1 below shall be conducted through applicable City permits and regulations, without the necessity of a site plan. A site plan is required to construct, install or place any Building or site improvement or remove or disturb any Natural Features in accordance with the requirements and standards in this chapter, unless an exemption for that type of Building, site improvement, or activity is listed in subsection A below.~~

space

Applicability

~~An approved site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any Natural Features, except for:~~

- ~~1. Construction of or addition to one Single Family or Two Family Dwelling or Accessory Structure on a parcel zoned solely for residential purposes.~~
- ~~2. Removal or disturbance of any Natural Features on a Lot which contains one Single Family or Two Family Dwelling and is zoned solely for residential purposes.~~
- ~~3. Construction solely on the interior of a Building that does not increase Floor Area.~~
- ~~4. Construction, erection, or placement of the following:~~
 - ~~a. Signs.~~
 - ~~b. Retaining walls; Fences; buffer walls.~~

- ~~e. — Curb carts for solid waste; and dumpsters used for commercial recyclables and related screening that encloses up to 100 square feet.~~
- ~~d. — Fire escapes.~~
- ~~e. — Sidewalks.~~
- ~~f. — Wireless Communication Antennas and associated facilities located on Buildings or on other existing Structures or on previously approved and constructed Wireless Communications Towers; Dish Antennas and windmills located on Buildings.~~
- ~~g. — Lights; poles.~~
- ~~h. — Cooling, heating or mechanical equipment when located on a Building or occupying a ground area of less than 100 square feet.~~
- ~~i. — One Accessory Building up to 240 square feet and up to 14 feet in height, for storage or other nonhabitable use, subject to all dimensional standards of the zoning district in which it is located.~~
- ~~j. — Deck or patio, or a combination of both, up to a total of 240 square feet for a Dwelling Unit in an attached Single Family residential development.~~
- ~~k. — Awning of any size, or Canopy or similar accessory Structure for shade up to 240 square feet, when over existing Impervious Surface.~~

~~A. — Approving Body~~

~~1. — City Council~~

~~City Council approval of all site plans is required unless the proposed Development is exempt from site plan review as provided above or has been delegated to the Planning Commission or administrative approval as provided below.~~

~~2. — Planning Commission~~

~~Planning Commission approval of a site plan is required for one or more of the following:~~

- ~~l. — Accessory Buildings and Structures exceeding the size of those allowed with administrative approval. Common accessory buildings and structures include garages; carports; freestanding automatic teller machines; more than one Dish Antenna on a parcel; windmills and solar panels not located on a Building; Wireless Communications Towers.~~
- ~~m. — Cooling, heating or mechanical equipment occupying a ground area exceeding the regulations of Section h.~~
- ~~n. — Outdoor storage areas, permanent outdoor sales areas.~~

- ~~o. Paving an existing Parking Lot, increasing the area in square feet of a Vehicular Use Area, or construction of a new access road or Driveway.~~
- ~~p. Modifications to an approved Natural Features protection plan or Natural Features mitigation plan that are not covered under the Site Plan for administrative approval requirements.~~
- ~~q. Any minor change listed in Section 5.29.6B.3 when there is no approved site plan on file.~~

~~3. Administrative Approval~~

~~Administrative approval of a site plan is required for minor changes to an approved site plan including one or more of the following:~~

- ~~r. Building additions of 10% of the existing Floor Area, up to 10,000 square feet.~~
- ~~s. Extension of a valid site plan approval for periods up to two years if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.~~
- ~~t. One Accessory Building for storage or other nonhabitable use greater than 240 square feet of Floor Area, but not to exceed 5,000 square feet of Floor Area, 5% of the Lot Area, and 14 feet in height.~~
- ~~u. Change to or addition of Development phasing lines.~~
- ~~v. Change in Building Height that does not create new Floor Area.~~
- ~~w. Relocation of sidewalks.~~
- ~~x. Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20 , these elements may be reduced by no more than 20% of the additional amount originally approved.~~
- ~~y. Relocation of refuse collection stations.~~
- ~~z. Rearrangement or reconfiguration of the parking stalls and aisles within the Vehicular Use Area of an approved site plan, subject to the off-street parking standard.~~
- ~~aa. Decrease in Building size.~~
- ~~bb. Moving a Building no more than ten feet or 5% of the distance to the closest Lot Line, whichever is smaller.~~
- ~~cc. Relocation or addition of no more than 50% of the approved storm water detention capacity.~~
- ~~dd. Change in species or placement of plant material included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.~~

- ~~cc. — Substitution of areas to be preserved in an approved Natural Features protection plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan.~~
- ~~ff. — Removal of a tree identified on the site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Administrative amendment.~~
- ~~gg. — Addition of carports over existing legal Parking Spaces.~~
- ~~hh. — Replacement or enhancement of a Wireless Communications Tower to accommodate co-location, provided that the Tower is not relocated more than 15 feet from the Base of the original Tower, nor is increased in height more than 20 feet above the original Tower height and meets all other applicable regulations.~~
- ~~ii. — Addition of Canopy Structures over Vehicular Use Areas.~~

Table 5.29-1

	Use	5 or 6 dwelling Units - Residential	7+ Dwelling Units - Residential	All Other Uses (e.g. group housing, commercial, office, research, mixed-use)
<p>Find Use and Activity to determine review required:</p> <p>M = Site Plan Approval by Planning Manager</p> <p>P = Site Plan Approval by Planning Commission</p> <p>C = Site Plan Approval by City Council</p> <p>n/a = Site Plan not Required</p>	<p>1-4 Dwelling Units - Residential</p>	<p>5 or 6 dwelling Units - Residential</p>	<p>7+ Dwelling Units - Residential</p>	<p>All Other Uses (e.g. group housing, commercial, office, research, mixed-use)</p>
<p><u>Activity Accompanying Legislative Action</u></p>	<p>-</p>	<p>-</p>	<p>-</p>	<p>-</p>
<p>Any Site Plan, Area Plan, or Concept Plan accompanying a Rezoning Petition</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>
<p>Any Site Plan accompanying a Special Exception Use Permit Petition</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>P</p>
<p><u>Work/Modifications on Existing Buildings</u></p>	<p>n/a</p>	<p>M</p>	<p>M</p>	<p>M</p>
<p>Additions greater than 300 square feet, but less than 10% of the existing Floor Area (maximum 10,000 square feet)</p>	<p>n/a</p>	<p>M</p>	<p>M</p>	<p>M</p>
<p>Additions greater than 10% of the existing floor area, or 10,000 square feet</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>P</p>
<p>Interior construction that results in a higher number of dwelling units</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>P</p>
<p><u>New Construction</u></p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Construction of Residential Building(s) in Residential Districts</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>N/A</p>
<p>Construction of Residential Building(s) in Mixed-Use or Special Purpose Districts</p>	<p>P</p>	<p>P</p>	<p>P</p>	<p>n/a</p>
<p>Construction of Mixed-Use or Non-Residential Buildings</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>P</p>
<p><u>Other Site Improvements</u></p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p><u>Sidewalks</u></p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Removal of Installed Sidewalks</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>P</p>
<p><u>Parking</u></p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Rearrangement or reconfiguration of the parking stalls and aisles within the existing limits of Vehicular Use Area</p>	<p>n/a</p>	<p>M</p>	<p>M</p>	<p>M</p>
<p>Paving an existing Parking Lot, increasing the area in square feet of a Vehicular Use Area</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>P</p>
<p>Construction of new access road or Driveway, or relocation of existing</p>	<p>n/a</p>	<p>M</p>	<p>P</p>	<p>P</p>
<p>Construction of new private street</p>	<p>P</p>	<p>P</p>	<p>P</p>	<p>P</p>
<p><u>Accessory Buildings and Structures</u></p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>

clarify- does "existing floor area" only apply to one building on a site rather than the total SF if there are multiple buildings on a site?

Any Accessory Building, Structure, Canopy, equipment or similar Structure greater than 300 square feet, not specifically listed below	n/a	M	M	P
Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet	n/a	M	M	M
Outdoor Deck, Patio, Plaza, or combination greater than 1,000 square feet	n/a	M	P	P
Outdoor Storage Areas; Permanent Outdoor Sales Area	n/a	M	P	P
Natural Features				
Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.	n/a	M	M	M
Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.	n/a	M	M	M
Substitution of areas to be preserved in an approved Natural Features protection Plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan	n/a	M	M	M
Removal of a tree identified on a site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Level 3 Review.	n/a	M	M	M
Modifications to an approved Natural Features protection plan or Natural Features mitigation plan that are not covered under the Site Plan for administrative approval requirements.	n/a	M	P	P
Revisions, Extensions, Site Plan Administrative Actions				
Change to, or addition of Development phasing lines.	n/a	M	M	M
Extension of a valid site plan approval for periods up to two years, if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.	n/a	M	M	M
Moving a Building no more than ten feet (Under Construction)	n/a	M	M	M
Relocation or addition of no more than 50% of the approved storm water detention capacity.	n/a	M	M	M
Addition/Reconfiguration of Sidewalks on Approved Plan (Under Construction)	n/a	M	M	M

Where is Level 3 Review defined?



Reviewed by Planning Manager or Storm Water Engineer?



<u>Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan (Under Construction).</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
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B. Approval Procedures

4.1. Preliminary Procedure

jj.a. Before submitting a site plan for formal review, the Applicant shall meet with the Planning Manager to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other materials required by Section 5.28.1 shall be filed with the Planning Manager. A site plan shall not be considered filed until all drawings and other required materials have been submitted, and a site plan may be rejected if these materials are inadequate to confirm compliance with the requirements of this chapter. The Planning Manager shall review the site plan with other appropriate City departments and the Applicant and, except in the case of a site plan for administrative approval pursuant to Subsection 5.30.1, shall make a report and recommendation on the proposed site plan to the Planning Commission.

kk.b. Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed conceptual site plan and development program. The staff may provide the Applicant with their comments regarding compliance with required site plan information, the appropriate approving body, and the type of citizen participation required consistent with Section 5.28.4.

ll.c. Before submitting a site plan application for formal review, the Applicant shall comply with the citizen participation requirements in Section 5.28.4.

5.2. City Council Approval

For development activity described in Table 5.29-1 for City Council approval, ~~F~~the Planning Commission shall hold a public hearing and, within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the site plan. Upon receipt of the Planning Commission's recommendation, the City Council shall approve (with or without conditions) or deny the site plan within a reasonable time following the close of the public hearing. If approval is conditioned on changes to the site plan, the Applicant shall submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by the City Council or the site plan approval shall lapse. Any changes to a condition placed on the site plan by City Council shall require City Council approval.

what is the difference between these two tracks? They appear to be the same.

how about 45 or 60, considering the holiday season could delay a 30 day resubmittal?

6.3. Planning Commission Approval

~~For development activity described in Table 5.29-1 for Planning Commission approval, the Planning Commission shall review and approve (with or without conditions) or deny a site plan. that proposes one or more of the minor modifications in Section 5.29.6B.2. If a site plan proposes any modification that would require City Council approval, then the Planning Commission shall make a recommendation to the City Council and the site plan, including the minor modifications, shall be considered in the manner provided for site plans for City Council approval. If approval is conditioned on changes to the site plan, the Applicant shall submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by the Planning Commission or the site plan approval shall lapse. Any changes to a condition placed on the site plan by Planning Commission shall require Planning Commission approval.~~

7.4. Administrative Planning Manager/Administrative Approval

~~For development activity described in Table 5.29-1 for Planning Manager approval, the Planning Manager shall review and approve (with or without conditions) or deny the site plan. site plans that propose one or more of the minor changes to an approved site plan provided in Section 5.29.6B.3 if the CSA Administrator and PSA Administrator verify in writing that the minor change will not significantly alter Natural Features shown to be preserved nor alter or conflict with the stated conditions of site plan approval. Planning Manager approval of site plans, or amendments to site plans previously approved by City Council or Planning Commission shall be reviewed and approved (with or without conditions) or denied, so long as the scope of proposed modification is consistent with the authority granted in Table 5.29-1.~~

What does Planning Manager/Administrative Approval entail? Review by staff in natural features, fire, storm water, traffic, etc.? Will this be any different than going through Planning Commission Review, except just without the Planning Commission?

B. Criteria for Site Plan Approval

~~5.1. The City Council, Planning Commission or City Council Planning Manager shall make its decision on the site plan based on the following criteria:~~

- a. The contemplated Development shall comply with all applicable local, state, and federal law, ordinances, standards and regulations.
- b. The Development shall limit the disturbance of Natural Features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section 5.29.6F.
- ~~e. The Development shall not cause a public or private nuisance and shall not have a detrimental effect on the public health, safety or welfare.~~
- ~~6. The Planning Manager may approve a site plan for administrative approval if the change will not significantly alter natural features shown to be preserved nor alter or conflict with the stated conditions of the site plan approval and if the site plan is in compliance with current laws and regulations. For a PUD site plan for administrative approval, the~~

Is City Council the best group to evaluate these standards?

~~Planning Manager shall also determine that the proposed change does not alter the fundamental design, conceptual integrity, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations.~~

~~7. The following restrictions shall also apply to Administrative Approval of a PUD site plan:~~

~~d. Adjustment in approved phase lines shall not result in a change greater than 10% of the land area in any phase, or 10% of the number of approved Lots, or 10% of the approved maximum Floor Area.~~

~~e.c. Any decrease in Building size or changes in bedroom counts per Dwelling Unit shall not reduce the size or number of affordable housing units approved as part of the PUD site plan.~~

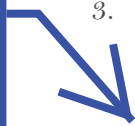
C. Effect of Site Plan Approval

1. For three years from the date of approval of a site plan, permits may be issued and the land developed consistent with that plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved Developments. After three years from approval, if Development activities have substantially ceased during the previous year, then no permits shall be issued unless the site plan is reconsidered in the manner provided for new site plans. Nothing in the section shall prevent permits, such as Grading and Building permits, from being issued after three years from approval provided that substantial and good-faith progress has been made during the previous year.
2. An approved site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of Natural Features.
3. To obtain permits for any Building or site improvement, the property owner shall agree to construct, install or place all required site improvements in compliance with an approved site plan. All public improvements must meet current City PSA Standards and Specifications. Prior to the issuance of any Building permit, site improvements necessary to meet the requirements for fire coverage and emergency access must be installed and approved by the fire service unit.
4. The property owner shall have a continuing obligation to maintain required site improvements, Natural Features to be preserved, and Natural Features mitigation in a good condition.

D. Criteria for Review of a Traffic Impact Analysis

5. The traffic and/or parking impact analysis shall be reviewed by the Public Services Area for completeness and accuracy.

where does one find these? The engineering standards have been hard to find online in the past



6. Proposals that will contribute traffic to streets or intersections that are or will be as a result of this proposal at a level of Service D, E, or F as defined in the Highway Capacity Manual may be denied by Commission and Council until such time as necessary street or traffic improvements are scheduled for construction.

E. Criteria for Review of Natural Features Plan

In determining whether a proposed disturbance or removal of Natural Features is limited to the minimum necessary to allow a reasonable use of the land, the approving body shall apply the following criteria:

1. The importance and overall value of a Natural Feature, both on the Site and on a city-wide basis. In general, the importance of a Natural Feature increases with its rarity, size, age and condition.
2. The existence and overlapping Natural Features in one area. Overlapping Natural Features increase the importance and overall value for preservation of the area.
3. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between Natural Features. Whenever possible, ecological systems and continuity between Natural Features should be preserved.
4. The amount of disturbance in relation to the scale of the proposed development and to that permitted by this chapter.
5. The adequacy of the mitigation plan.

From: Tom J. Covert <tjc@midwesternconsulting.com>
Sent: Monday, August 02, 2021 10:12 AM
To: Darren McKinnon <dmckinnon@firstmartin.com>; Theresa Angelini <tangelini@angeliniarchitects.com>; kjkeinath@yahoo.com; dan@mavendevlopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com; Lenart, Brett <BLenart@a2gov.org>
Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Gale, Mia <RGale@a2gov.org>; Tom J. Covert <tjc@midwesternconsulting.com>
Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Happy Monday all! Hope you had a great weekend.

Thank you for sharing the information and documents regarding the amendments to section 5.29.6 of Chapter 55 – Unified Development Code. These look like good improvements toward the goals of amending the thresholds for development proposal review, and improvements to improve usability and efficient communication.

The use of tables to describe regulation such as Table 5.29-1 will be very useful, and is easy to understand. One thing I would suggest it under sidewalks, I would like to have a column noting sidewalk installation, and not just removal. Previously sidewalk installation had been site plan exempt and I think this would be the same. We receive from our clients many times questions about adding sidewalk either during construction, or just after construction.

[As sidewalk installation is not listed in the table, it does not require a site plan under the proposed ordinance. If an item is not listed (i.e. installation of sidewalks), it requires a zoning compliance permit.]

Through these revisions it seems that the Planning Manager will have more demands on their time. One way to help with this may be to include a designed Planner as an acceptable stand in for the Planning Manager for the Preliminary Meeting, and for the pre-petition conference.

[This happens currently, and the delegation of these activities can continue, without any changes to the language.]

As Theresa points out, it seems that departmental review will continue to be relied upon. As noted, these reviews through the various departments have the opportunity to be subjective and unclear as to how they correlate with code, and standards. It has the opportunity to lead to inconsistent direction, poor communication, rework, and much effort to resolve. Should the Planning Manager have the ability/authority to “override”, or take comments “as advisement” and allow a project forward with approval? To this resolve, should departments have opportunity to submit comments in a required timeframe and if they do not, then the Planning Manager has discretion to comment on these items, or move forward without the comments? Does this discussion go beyond the goals of the group? Is an unintended consequence of these proposed modifications may lead to more projects and in turn more municipal review effort being required. Which in turn may/will lead to more backlog and more time to approval for all projects... You may save having to attend a City Council meeting, but you may have the same amount time to approval due to backlog and/or municipal review timing. Brett, are there internal discussions about programmatic elements of implementing these modifications in practice for a shorter turnaround?

[Yes, site plan review will continue to include other departments. While not always clear in communication, these departments are reviewing site plans in accordance with adopted standards and regulations. To the extent that these reviews are consistent with regulations, no the Planning Manager would not have the ability to override a comment or approve a site plan inconsistent with regulations.]

Thank you for the opportunity to share my thoughts on this,
Tom

Thomas (Tom) Covert, RLA, AICP, LEED AP

Principal | c 734.389.5303

MIDWESTERN CONSULTING

3815 Plaza Drive | Ann Arbor, MI 48108 | 734.995.0200

From: Darren McKinnon [<mailto:dmckinnon@firstmartin.com>]

Sent: Monday, August 02, 2021 9:06 AM

To: Theresa Angelini <tangelini@angeliniarchitects.com>; Gale, Mia <RGale@a2gov.org>; Tom J. Covert <tjc@midwesternconsulting.com>; kjkeinath@yahoo.com; dan@mavenddevelopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

All-

It appears the latest version of what is now Table 5.29-1 has many changes from the previous draft version (both are attached). Many sections were deleted from the draft version and many brand new sections were inserted! I doubt we will have time to review all these changes in detail at a Planning Commission meeting but I am concerned that so many changes were made without this group's input or even notification and now it appears PC will be voting on it tomorrow. At what point are we supposed to provide input? This is frustrating.

Darren McKinnon, PE

First Martin

[115 Depot Street, Ann Arbor, MI 48104](#)

O: [734.994.5050](tel:734.994.5050)

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From: Theresa Angelini <tangelini@angeliniarchitects.com>

Sent: Sunday, August 1, 2021 5:42 PM

To: Gale, Mia <RGale@a2gov.org>; tjc@midwesternconsulting.com; Darren McKinnon <dmckinnon@firstmartin.com>; kjkeinath@yahoo.com; dan@mavenddevelopment.com;

brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Hello Brett, Matt, and Mia,

Thank you for sharing these documents in advance of Tuesday evening's meeting. In general, I am in support of these changes and this would be a significant improvement to the current Site Plan Review process.

My review and markups of two of the documents are attached. There are a few minor edits suggested for a missing comma and word choices. There are other larger questions that would be good to discuss as a group – or be clarified by your team. It would appear that the Site Plan Review under the Planning Manager/Administrative Review would still entail staff reviews with various departments where the reviews appear subjective to unclear standards and that system is fraught with poor communication from the other departments, based on my past experiences – is this the situation? Or does the Planning Manager have the ability to evaluate what other staff departments must review the project? (which could also appear to be subjective)

Perhaps others in the group will also give feedback.

Sincerely,

Theresa Angelini, AIA, NCARB, Partner
Angelini & Associates Architects
200 Huronview Blvd.
Ann Arbor, MI 48103
734-998-0735

From: Gale, Mia <RGale@a2gov.org>

Sent: Friday, July 30, 2021 8:05 PM

To: tjc@midwesternconsulting.com; dmckinnon@firstmartin.com; kjkeinath@yahoo.com; dan@mavendevdevelopment.com; Theresa Angelini <tangelini@angeliniarchitects.com>; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Dear Site Plan Review Thresholds Stakeholder Group:

Please note the meeting starts at 7:00 PM. The agenda contains specific directions as well as the Zoom link if you want to be an active participant during public comment time, or provide written communication to the Commission. Please let us know if you have any questions.

Please note Planning Staff continue to work remotely and are committed to responding to your email as soon as possible.

Mia Gale, Administrative Assistant

Planning Services

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 1st Floor · Ann Arbor · MI · 48104
734.794.6265 (O) · 734.794.8312 (F) | Internal Extension 42665

mgale@a2gov.org | www.a2gov.org

Hello-

Thanks for your comments, your email and attachments will be shared with the Planning Commission. I've attempted to address your questions and comments here as well, but welcome any additional comment or questions:

- “amending approval authorities” does refer to who has the power to approve a site plan (i.e. City Council, Planning Commission, or Planning Manager). The internal staff reviews will be conducted for all site plans, regardless of approving entity, as all site plans are evaluated against the same standards.
- “construction of the ordinance” is intended to communicate the foundation of site plan requirements changing. Currently, the framework of the ordinance is that all development activity in the City requires City Council approval, unless explicitly exempted or delegated to another entity (i.e. Planning Commission, Planning Manager). This draft ordinance alters this approach in the fundamental way that only those activities listed in the table require site plan approval. Any activity not listed requires a zoning permit/building permit.
- “no change to the staff review requirements for any site plans”. We have discussed this at length, and I know that your experience was extremely frustrating. However, I believe that the City staff has more opportunity for improvement in communication of standards. City staff works hard to be fair, professional, and consistent in applying the City’s standards.
- “existing floor area” - This has not changed, and would still apply to all of the floor area on the building for which work is proposed. I know that this is feedback that has been received, but thus far, staff and the Ordinance Revisions Committee believe that the current language is appropriate.
- “Level 3” Level 3 is intended to be Planning Manager, we will clarify in the table.
- “relocation or addition of stormwater detention capacity” – This would be a site plan for Planning Manager approval, but would continue to involve other city departments in review.
- “preliminary procedures” item a requires that all drawings and materials be submitted and filed before formal review of a site plan commences. Item b requires that a pre-submittal meeting be held with City staff prior to the submittal of the materials in a.
- “changes within 30 days” typically, we have not experience this to be an issue, but this feedback could be suggested to the Planning Commission.
- “planning manager review” Any site plan, whether ultimately approved/denied by the City Council, Planning Commission, or Planning Manager will be reviewed in the same fashion, with review by applicable City departments, to the same established standards and criteria.
- “criteria for approval” City staff, Planning Commission, and the City Council all have a role and responsibility to meet the standards for approval.
- “current City PSA Standards and Specifications” These can be found here: [Design, Building and Construction Resources](#)

Thank you for your review and comments.

Sincerely,

Brett Lenart, AICP | Planning Manager
City of Ann Arbor Planning Services
301 E. Huron Street, P.O. Box 8647
Ann Arbor, MI 48107-8647

blenart@a2gov.org | Direct (734) 794-6000 #42606 | General (734) 794-6265 | www.a2gov.org

From: Theresa Angelini <tangelini@angeliniarchitects.com>

Sent: Sunday, August 01, 2021 5:42 PM

To: Gale, Mia <RGale@a2gov.org>; tjc@midwesternconsulting.com; dmckinnon@firstmartin.com; kjkeinath@yahoo.com; dan@mavenddevelopment.com; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: RE: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hello Brett, Matt, and Mia,

Thank you for sharing these documents in advance of Tuesday evening's meeting. In general, I am in support of these changes and this would be a significant improvement to the current Site Plan Review process.

My review and markups of two of the documents are attached. There are a few minor edits suggested for a missing comma and word choices. There are other larger questions that would be good to discuss as a group – or be clarified by your team. It would appear that the Site Plan Review under the Planning Manager/Administrative Review would still entail staff reviews with various departments where the reviews appear subjective to unclear standards and that system is fraught with poor communication from the other departments, based on my past experiences – is this the situation? Or does the Planning Manager have the ability to evaluate what other staff departments must review the project? (which could also appear to be subjective)

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Sincerely,

Theresa Angelini, AIA, NCARB, Partner
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200 Huronview Blvd.
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From: Gale, Mia <RGale@a2gov.org>

Sent: Friday, July 30, 2021 8:05 PM

To: tjc@midwesternconsulting.com; dmckinnon@firstmartin.com; kjkeinath@yahoo.com; dan@mavenddevelopment.com; Theresa Angelini <tangelini@angeliniarchitects.com>; brad@jbradleymoore.com; dfarrell@damianfarrelldesigngroup.com

Cc: Kowalski, Matthew <MKowalski@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: Invitation to Tuesday's 8/3/2021 Planning Commission Meeting

Dear Site Plan Review Thresholds Stakeholder Group:

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Please note Planning Staff continue to work remotely and are committed to responding to your email as soon as possible.

Mia Gale, Administrative Assistant

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From: Kirk Westphal <writetokirk@gmail.com>

Sent: Tuesday, August 03, 2021 4:10 PM

To: Planning <Planning@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>

Subject: Please deny the Stadium bank drive-through special exception use

Dear Commissioners:

Please exercise your discretion to deny the special exception use permit for the proposed drive-through bank on Stadium Boulevard. Stadium is in the queue for rezoning to TC1, which would prohibit drive-throughs and the excessive amount of parking proposed. It is also highly unlikely that, if zoned to TC1, this small development would proceed while leaving the north half of the site fallow.

We made drive-throughs "special exception uses" many years ago because of their inherent undesirability along corridors that we wanted to see evolve into walkable, urban districts. You have final discretion over whether to approve or deny every SEU. If you approve the SEU, the development as planned will go to council by-right.

Can you deny the SEU? Yes. Your criteria for approving special exception uses include the following:

D. Criteria for Approval

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following criteria and, if the decision is to approve or approve with conditions, shall make a finding that these criteria have been substantially met.

1. The proposed use(s) shall be of such location, size and character as to be compatible with the appropriate and orderly Development of the zoning district and adjacent zoning districts in which the Site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:

- Will be consistent with the general objectives of the City Master Plan.
- Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.
- Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.
- Will not be detrimental to the use, peaceful enjoyment, economic value or Development of neighboring property, or the neighborhood area in general.
- Will not have a detrimental effect on the natural environment.

While failing one of these five criteria would be disqualifying, there are four that arguably are grounds for denying this SEU:

- We know that the economic value of a low-density, drive-through parcel is significantly lower than mixed-use, urban properties. The development of a drive-through on this parcel will most certainly limit the value of surrounding parcels. Who wants to live next to that?
- We know that drive-throughs encourage driving, and that driving has a detrimental effect on air quality and climate. The adopted Carbon Neutrality Plan calls for a 50% reduction in driving in the city.

- We know that drive-throughs are not compatible with the planned character of the general vicinity, in fact it would not be permitted until the planned TC1 zoning. Why is TC1 not even mentioned in the staff report?

- Lastly and perhaps most importantly, the SEU application fails on the "consistency with the Master Plan" general objectives:

From the Land Use Element (2009):

"Auto related uses such as gas stations, auto repair shops and car washes should be prohibited and **businesses with drive-throughs should be discouraged**... Evaluate the feasibility of reducing parking requirements or establishing maximum parking limits."

From the Comprehensive Transportation Plan (2021):

"Adopt transit-supportive zoning and site design principles that encourage active transportation and transit, particularly along signature transit corridors. **Good site design principles could include restricting auto-oriented land uses such as drive-throughs**, setting parking maximums, or incorporating bike share stations."

From the Non-Motorized Transportation Plan Update (2013):

"**Use zoning to restrict additional development of auto-oriented design**..."

I urge you to deny the application, and more importantly please use your influence to address our climate and housing emergencies as urgently as possible. This means preventing further ill-advised development along corridors from being submitted while TC1 is being worked on. This should include not just a ban on all new drive-throughs, but also a citywide maximum parking ratio similar to TC1 (in addition to the needed minimum parking elimination).

Thank you for your careful consideration and hard work.

Best,
Kirk