



City of Ann Arbor

Meeting Minutes - Draft

City Planning Commission

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

Tuesday, March 15, 2022

7:00 PM

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

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

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Enter Meeting ID: 977 6634 1226**

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Webinar ID: 977 6634 1226

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1. CALL TO ORDER

Chair Sarah Mills called the meeting to order at 7:00 PM, stating: Welcome to the Tuesday, March 15, 2022 meeting of the Ann Arbor Planning Commission. This meeting is being held in-person as well as electronically to protect public health and safety due to the COVID-19 virus and to comply with City orders and the Washtenaw County Health Department. Public comment can be made in-person or via telephone or Zoom. To speak during any of the public comment opportunities via phone, please call 877-853-5247, or another of the published numbers, and enter Meeting ID: 977 6634 1226. This information is also available on the published agenda, in the public notices section of the city website, and on the broadcast of this meeting on CTN channel 16, AT&T channel 99, and online at www.a2gov.org/watchctn, select "government channel."

Present 9 - Mills, Gibb-Randall, Sauve, Abrons, Hammerschmidt, Disch, Lee, Clarke, and Wyche

2. ROLL CALL

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

All Commissioners attended the meeting in-person in Council Chambers at City Hall of Ann Arbor.

Present 9 - Mills, Gibb-Randall, Sauve, Abrons, Hammerschmidt, Disch, Lee, Clarke, and Wyche

3. APPROVAL OF AGENDA

Moved by Lisa Sauv , seconded by Lisa Disch, to approve the Agenda. The Agenda was approved unanimously as presented.

4. MINUTES OF PREVIOUS MEETINGS

4-a. [22-0504](#) February 15, 2022 City Planning Commission Meeting Minutes

Moved by Ellie Abrons, Seconded by Wonwoo Lee, to Approve the February 15, 2022 City Planning Commission Meeting Minutes. Unanimously Approved and forwarded to the City Council.

4-b. [22-0505](#) March 1, 2022 City Planning Commission Meeting Minutes

Moved by Ellie Abrons, Seconded by Wonwoo Lee, to Approve the February 15, 2022 City Planning Commission Meeting Minutes. Unanimously Approved and forwarded 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

Councilmember Disch reported that at the last City Council meeting; TC1 State and Eisenhower zoning passed at First reading; 350 S Fifth Ave Concept Plan passed at First reading. She noted there would be final public hearings held, in April she believed. Council also passed a Resolution to establish an Industrial Park for Sartorius.

5-b. Planning Manager

No report.

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

5-d. **Written Communications and Petitions**

[22-0506](#) Various Communication to the City Planning Commission

Received and Filed

6. PUBLIC COMMENT (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

Tom Stulberg, (no address stated) said he was calling from Lowertown, Ann Arbor, said it would be helpful for the public if the Commission explained the difference between an ADU (Accessory Dwelling Unit) and a duplex. He said it would be interesting to know stats on ADUs since the owner/occupant requirement has been eliminated, to be able to gauge how their changes have impacted the City. He asked about potential noticing, potential conflicts with subdivision and association restrictions as they might relate to ADUs.

7. PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

7-a. [22-0507](#) Public Hearings Scheduled for Tuesday, April 5, 2022 Planning Commission Meeting

Received and Filed

8. UNFINISHED BUSINESS

Commissioner Wonwoo Lee recused himself from Council Chambers for the discussion of Agenda item 8-a. The Commission accepted.

8-a. [22-0525](#) Two Amendments to the Chapter 55 - Unified Development Code for City Council Approval are proposed as described below:

1. Religious Assembly Use in M1 district: Amendment to Section 5.15.1 (Primary Uses), Table 5-15-1 (Primary Use Table), to add religious assembly use as a permitted use in the M1 (Limited Industrial) zoning district.

2. Minimum Lot Size in R2A District: Amendment to Section 5.17.3 (Residential Zoning Districts), Table 5-17-2 (Two-Family Residential Zoning District Dimensions) to change the minimum lot size from 8,500 square feet to 5,000 square feet, to change the minimum lot width from 60 feet to 40 feet, and to change the minimum lot area per dwelling unit from 4,250 square feet to 2,500 square feet. Staff Recommendation: Approval

STAFF REPORT:

Alexis DiLeo provided the presentation of the proposed Unified Development Code amendments.

PUBLIC HEARING:

Bradley Moore, J. Bradley Moore and Associates Architects, (no address provided) urged the Commission to also reducing the rear yard setback of the R2A setback to mostly align with the R1D Zoning.

Tom Stulberg, (no address provided) said he was calling from Lowertown, Ann Arbor, said he manages duplexes, and likes them, having found them a great way for people to get a start in homeownership. He said he will personally benefit from these changes through getting more yield from their properties. He said people generally are aware that duplexes are allowed in R2 districts, but more surprised that a second dwelling unit is allowed. He wishes this change would've been done earlier, before the ADU change, so more people might've been able to understand the zoning.

Louis Vasquez, 909 Barton Drive, and 1442 Pontiac Trail, Ann Arbor, expressed support for the lowering of the square footage that needs to be put into the zoning. He asked how this amendment would deal with him proposing to build a 4-plex on one of his properties, zoned R2A. He expressed support for both amendments.

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

MAIN MOTION:

Moved by Lisa Sauv , Seconded by Sadira Clarke, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code as proposed and generally described as:

Table 5.15-1, to allow religious assembly use in the M1 (Limited Industrial) district; and,

Table 5.17-2, to decrease the minimum lot size, minimum lot area per dwelling unit, and minimum lot width in the R2A (Two-Family Dwelling) district;

COMMISSION DISCUSSION:

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

AMENDMENT I TO THE MOTION:

Moved by Lisa Sauvé, Seconded by Donnell Wyche, to amendment the rear setback from 30 to 20 feet in the R2A Zoning District.

COMMISSION DISCUSSION ON AMENDMENT I:

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

Shannan Gibb-Randall, Lisa Disch, and Sarah Hammerschmidt expressed hesitation on taking action on the amendment before allowing staff to review the matter further; however, they didn't want such added staff work research to hinder overall progress of these amendments or other projects they are working on for the Commission and Council. She asked the research to be kept to a minimum.

Brett Lenart explained the Commission could also take action on the amendment, allowing their recommendation to proceed to City Council, and in the meantime staff could review the matter further and provide additional information to Council to assist them in reaching their decision on the setback details.

VOTE ON AMENDMENT I:

On a roll call vote, the amendment to the motion passed unanimously.

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

Nays: 0

Recused: 1 - Wonwoo Lee

VOTE ON AMENDED MAIN MOTION:

On a roll call vote, the Chair declared the amended motion carried unanimously. Vote: 8 - 0

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

Nays: 0

Recused: 1 - Wonwoo Lee

8-b. [22-0524](#) Three Amendments to the Chapter 55 - Unified Development Code for City Council Approval are proposed as described below:

1. Marijuana License Types and Numbers of Licenses Per Lot: Amendment to Section 5.16.3.G (Marijuana Facility use specific standards) to delete paragraph d (Number of State Marijuana Licenses Per Lot) and paragraph e (Types of Marijuana Facilities Per Lot).

2. Street Tree Escrow: Amendment to Section 5.20.10.B (Street Trees Required With Site Plan Developments) to remove references to street tree escrow and instead require a street tree planting fee.

3. Landscape Modifications: Amendment to Section 5.30.1 (Landscape Modifications) to add standards of approval for flexibility in street tree requirements to the list of other landscaping and screening requirements that can be modified on a proposed site plan, and other minor changes for consistency and clarity. Staff Recommendation: Approval

The Commission requested Wonwoo Lee to be informed he could rejoin the meeting.

Wonwoo Lee re-entered the Chambers.

MAIN MOTION:

Moved by Lisa Disch, Seconded by Lisa Sauvé, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code as proposed and generally described as:

Section 5.16.3.G, to eliminate marijuana license type and numbers of licenses per lot as well as reorganize for clarity;

Section 5.20.10, to exclude curb cuts from street tree planting frontage calculations and remove references to street tree escrow;

and,

Section 5.30.1, to add eligibility and conditions to modify street tree planting requirements by landscape modifications, as well as clarifications and reorganization.

STAFF REPORT:

Alexis DiLeo provided the presentation of the proposed Unified Development Code amendments.

PUBLIC HEARING:

Jeff Benko, 213 W Madison, Ann Arbor, spoke in opposition to the proposed marijuana amendments. He read from a statement, "Increasing the number of marijuana licenses for any lot would not be in the best interest of Ann Arbor; increasing them in commercial and industrial zoned sites would only be an inequitable capacity. Any discussion of increasing overall capacity needs to really involve the potential altering of the limits on the number and separation of distance between sites as well. It's unfair to the residents not to consider such. Being a resident who lives near one of these facilities, I object to removing these restrictions. My neighbors also object to removing these restrictions and we believe Council would not receive support from the residents for this amendment. The motivation that was mentioned to allow growers to more fully utilize their lots does have some substance and could be further considered but obviously the amendment goes much further and should be reworked."

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

COMMISSION DISCUSSION:

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

On a roll call vote, the Chair declared the motion carried unanimously. Vote: 9 - 0

Yeas: 9 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

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

Commission Break at 8:46 pm.

Reconvened at 8:53 pm.

- 9-a. 22-0508** Ann Arbor Chinese Church Expansion for City Planning Commission Approval - Proposal to expand existing church by 9,200 square feet to provide a social gathering area and classrooms. The stormwater management detention basin is being expanded to provide required storage. Additional landscaping is being provided for the conflicting land use buffer to the adjacent residential areas of this 8.51-acre site zoned R4A (Multiple-Family Residential) located at 1750 Dhu Varren Road. Staff Recommendation: Approval

PROJECT PRESENTATION:

Sue Dickinson, PE, Midwestern Consulting, LLC, 3815 Plaza Drive, Ann Arbor, Project Engineer and Howard Huang, Chinese Christian Church Petitioner, 1750 Dhu Varren Road, Ann Arbor, were available via Zoom to answer any enquiries.

STAFF REPORT:

Matt Kowalski provided the presentation of the proposed project.

PUBLIC HEARING:

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

Moved by Wonwoo Lee, Seconded by Sara Hammerschmidt, that the Ann Arbor City Planning Commission approves the Ann Arbor Chinese Christian Church Site Plan dated March 8, 2022, as the site plan complies with all applicable requirements of the Unified Development Code, and other applicable laws, ordinances, standards, and regulations.

The Planning Commission approves the following Landscape Modifications:

- 1. Allow existing landscape islands to remain without bio-retention capacity.**
- 2. Allow parking lot to continue with greater than 15 spaces in a row**

without a landscape island.

COMMISSION DISCUSSION:

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

On a roll call vote, the Chair declared the motion carried unanimously. Vote: 9 - 0

Yeas: 9 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

- 9-b.** [22-0509](#) Public Hearing Only
Maple Cove II for City Planning Commission Approval - Proposal to construct a 70 unit apartment complex consisting of 3 buildings (79,482 square feet). Construction will include 86 vehicle parking spaces, 38 bicycle parking spaces, underground stormwater detention and associated utilities on this 2.56-acre site located at 1577, 1605, 1633 North Maple Road and 2510 Miller Road zoned O (Office).

STAFF REPORT:

Matt Kowalski explained that the Wetland Use Permit had been omitted from the public notice, resulting in a re-noticing and the project would come before the Commission at their next meeting.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, said the proposed project looks like a parking lot strewn with three blocky buildings, surrounding a small wetland - not great, but acceptable. There is no affordable housing; Maple Cove I charges \$1,400 per month for a 1-bedroom apartment and I doubt Maple Cove II will go lower. He said this price is crazy expensive, but the petitioner can charge whatever they want and however much the market will bear. He expressed great concern with the use of gas to heat these buildings, saying, "This is 2022, we're in a climate emergency and the City has a Climate Action Plan that assumes no natural gas in new construction. Gas heating at Maple Cove II will generate 910 metric tons CO2 annual fuel equivalent emissions." He expressed projects like this really undermines the City's de-carbonization goals. He suggested the developer use fully electric air source heat pumps or VRF systems for

heating this residential project, so it won't have to be retro-fitted in the near future. He provided contact information (as included in meeting file - Communications) for the developer of other projects that have successfully used all-electric heating systems.

Tom Stulberg, (no address provided) said he was calling from Lowertown; he agreed with Ken Garber's letter and comments to the Commission and thanked him for his hard work on his efforts to lower gas emissions in Ann Arbor in new construction. He said he doesn't know how we can continue building like this and still meet the City's goals on emissions. He mentioned another proposed project that is promising affordable housing as well as meeting sustainable goals, adding that we need to be meeting our A2O sustainable goals with every project. He asked the Commission if the City can require projects to be electric ready even if they install gas in their projects.

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

10. OTHER BUSINESS

10a. [22-0510](#) Commission Review of Proposed UM Workforce Housing Resolution

COMMISSION DISCUSSION:

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

They expressed their limited available time and felt their energies would be better spent on their Workplan and this resolution seems more like it should be included in a broader discussion of the City's Comprehensive Plan (also known as Master Plan).

They agreed that Brett Lenart should write a memo on their behalf to City Council.

Moved by Ellie Abrons, Seconded by Lisa Disch, to provide the following feedback via a memo, to City Council in considering the proposed resolution: The Planning Commission believes that housing is important and that this conversation goal would be better housed within a Comprehensive Planning process.

The motion passed unanimously. 9 - 0

Yeas: 9 - Sarah Mills, Shannan Gibb-Randall, Elizabeth Sauve, Ellie Abrons, Sara Hammerschmidt, Lisa Disch, Wonwoo Lee, Sadira Clarke, and Donnell Wyche

Nays: 0

10-b. [22-0545](#) Planning Commission Review of FY23 City Council Policy Agenda

COMMISSION DISCUSSION:

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

Clark expressed caution on the City's advocacy of inclusionary zoning, which includes rent control, given that it hasn't been successful in many other cities and might not be in the best interest for Ann Arbor in attracting developers to the City. She suggested the City and State might need to do more research on the topic.

Sauvé suggested point 9. should read, 'Advocate for the inclusion of non-binary bathrooms in the Michigan Building Code'.

The Commission expressed they wanted to amend the list before it moved on to City Council.

Lenart said he would re-work the list to include the Commission's comments and suggestions and bring it back to them at their next meeting.

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

Tom Stulberg (no address mentioned) said he was calling from Lowertown, Ann Arbor. He said the University of Michigan has added 8,000 beds in the last decade and there is a demand for more housing to meet the demand. He said UM is a player in the housing need and he felt there needs to be a conversion including them. He spoke about the need for the City to complete a new Comprehensive Plan (Master Plan) where the City's direction can be codified; he hoped that would happen soon.

12. **COMMISSION PROPOSED BUSINESS**

Shannan Gibb-Randall expressed missing any discussion of churches being allowed to be located in industrial zones, when it came up in the

proposed amendments, this evening. She noted that setbacks are really different for manufacturing than for some of the other zoning districts; she wanted to vocalize for the record that churches need to realize that if they located in a manufacturing zone, they would literally have an industrial facility located right next to them with a 0-foot setback. She said when someone buys land to build something they want, they might not think about the reality of the combination between loud manufacturing and their beautiful music coming from parishners, or a funeral parlor, or daycare.

Chair Sarah Mills explained that she could request the agenda item to be called for re-consideration at the following meeting if she felt she wanted to add anything or re-vote.

13. ADJOURNMENT

Moved by Donnell Wyche, Seconded by Sadira Clarke, to adjourn the meeting at 10:10 pm. Without objection the meeting was adjourned.

Sarah Mills, Chairperson

/mia gale

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<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.

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(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 indoors. 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.

