



City of Ann Arbor

Formal Minutes

Planning Commission, City

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

Tuesday, August 15, 2017

7:00 PM

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

1 CALL TO ORDER

Chair Ken Clein called the meeting to order at 7:05 p.m.

2 ROLL CALL

Planning Manager Brett Lenart called the roll.

Present 6 - Woods, Clein, Mills, Gibb-Randall, Trudeau, and
Weatherbee

Absent 3 - Briggs, Milshteyn, and Ackerman

3 APPROVAL OF AGENDA

**Moved by Woods, seconded by Weatherbee, to approve the agenda
as presented. The agenda was unanimously approved.**

4 INTRODUCTIONS

None

5 MINUTES OF PREVIOUS MEETING

5-a **17-1215** July 18, 2017 City Planning Commission Meeting Minutes

**Moved by Mills, seconded by Gibb-Randall, to approve the minutes
with changes as noted and forward to City Council. On a voice vote,
the Chair declaring the motion carried unanimously.**

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

6-a City Council

6-b Planning Manager

Planning Manager Brett Lenart reported that at their last meeting, Council passed the rezoning of the 20 City initiated zonings that had previously passed through the Planning Commission for recommendation on Annexations and Zonings.

Lenart pointed out the current land division petition received by the department and noticed to the public as well as included with Commission communications.

6-c Planning Commission Officers and Committees

Sarah Mills provided the Ann Arbor District Library Summer Game code for today's challenge.

6-d Written Communications and Petitions

[17-1212](#) 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.)

Dave Diephuis, 2096 South State Street, Ann Arbor expressed his appreciation for the Planning Commission's extra work on improving the Homewood Suites project from its original design as well as focusing around the pedestrian safety and improvements to the site on South State Street. He thanked the Commission for asking for additional information on a potential added pedestrian crossing.

Diephuis commented that as he reads through staff reports on proposed ordinance revisions it isn't clear to him the purpose for such changes (what problem are we trying to fix and why) and he would like to see a little more detail added onto the description of the proposed ordinance amendments.

Darrien Rozdar, 508 East Ann Street, Ann Arbor, spoke about the need for more affordable housing within the City, noting an article written by Planning Commissioner Trudeau. Rozdar explained he is a student,

living in the City and he sees gross housing disparity and too many elected officials are doing nothing about it or are antagonistic about it. He said as having lived here he had had to navigate the housing market that exploits citizens like him as well as really underprivileged people, like homeless people, in the City by making the downtown uninhabitable by even non-student/working class citizens that are being pushed outside the City for affordable housing, Rozdar, referencing the article, said, "You crusade for diversity but mostly from an economic perspective, and that doesn't stick well with me on social justice, community and economic development." He rejected the notion of an anti-development faction existing in Ann Arbor, adding that people who come to these meetings are pro-development, just truly sustainable, that is affordable development for someone working at the hospital or schools. He said Trudeau and the City encourages exclusively expensive development, which isn't affordable to people who are struggling students whom are stuck between expensive housing units or being pushed out of the City. He urged the Commission to meditate on the need for affordable housing in the downtown because he was not going to just sit by and watch students and low income people being pushed out.

Roland Davidson, living on Catherine Street, Ann Arbor, addressing Commissioner Trudeau, said he is agnostic about the housing development downtown, and he found it very difficult to evaluate whether policies are good. He said he studies economics at the University of Michigan, and determining whether 40 units being set aside for lower income households would actually include those qualifying as low income. Davidson said the affordable housing trust fund would double; he is open to learning more, since he has not been able to find past allocations and benefits, and he does not see City Council or the City articulating a compelling case, which he would like to see as the City moves forward. He believes it will lead to a better Ann Arbor with less discourse from citizens when proposed policies and legislation are written in plain English and explained by City Council.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Lenart reviewed up-coming projects with the Commission and the public hearing notice as published.

9 UNFINISHED BUSINESS

9-a **17-1210** Proposed Amendment to Chapter 55 (Zoning Ordinance) For City Council

Approval

An amendment to add standards and requirements for ground based Solar Energy Systems (SES) located in single or two family districts or associated with single family uses in the R3 (Townhouse) or R4C (Multiple-Family) Zoning Districts. At this time, all SES are regulated the same as accessory buildings. This ordinance will create a dedicated section with code requirements specifically for SES and related equipment. With this code amendment, a SES will be required to be screened in the front yard and will not be permitted within the required front setback area of a parcel. Staff Recommendation: Approval.

City Planner, Matt Kowalski presented the staff report.

PUBLIC HEARING:

Henry Vanderploeg, 2808 Brockman Blvd, Ann Arbor, stated he is an ecologist and strongly agreed with making the Ann Arbor a solar city; however, the proposed ordinance is at odds with numerous other progressive cities that don't allow ground-mounted solar systems in the front yard, and many of these cities still describe themselves as solar cities. He explained that one city in Pennsylvania, requires solar collectors to be placed behind, or on the side, of the principal structures (the house). He said Ann Arbor deserves an ordinance that is respectful, and that prohibits solar systems in the front yard; he reiterated that good ordinances make good neighbors.

Irma Majer, 2809 Brockman Boulevard, Ann Arbor, said all the neighbors she contacted on Brockman and throughout Ann Arbor, oppose ground-mounted solar arrays in front yards. She disagreed with the staff report that the impact of front yard solar systems would be minimal, since the ordinance would allow for the installation of large systems, in her case, up to 1,600 square feet. She stated that the screening ordinance is inadequate; no screening is required for rear or side yard arrays, that would seriously impact neighbors, and in south facing lots, screening would compromise the arrays thereby defeating the purpose. She stated, "We believe that ground mounted solar systems should not be allowed to damage the integrity of neighborhoods."

Dave Kennard, 2801 Brockman Boulevard, Ann Arbor, said he is pro-solar, but believes that there has not been adequate public notice or effective public notice to allow for meaningful input from citizens. He said he felt that passing this ordinance would create hostility towards the Commission. Kennard said 32 residents, representing 19 households on

Brockman that were all opposed to ground mounted solar systems signed a petition last April that was provided to City Council . He felt that the process has been rushed and not adequately addressed to many issues associated with ground-mounted solar systems.

Michael Fahy, 1531 Packard Road, # 7, Ann Arbor, stated that he thinks there is a question of process and citizen input, and he is less than confident that adequate input has been solicited to proceed with a project of this impact. He said he is emphatically in support of alternative energy and the promotion of solar energy.

Dave Diephuis, 2096 South State Street, Ann Arbor, said it is difficult to approach this issue in a coherent fashion. He said we can now put up anything, like a sculpture, in the front setback area, except for solar systems, and it feels like solar might be singled out, maybe because it is something new. He explained that he, personally, can understand some screening along the side, and less along the front; however, as the draft amendment is written it is going to be difficult to measure landscaping and perhaps more specific guidance could be provided.

Peter Nagourney, 914 Lincoln Avenue, Ann Arbor, Co Chair of the North Burns Park Association, (read from a statement) expressed his appreciation for the goals of the City to encourage more solar systems; however, he is very puzzled with the approach. Adding rooftop solar adds to the tax assessment, which is a detriment to installation. He said he thinks this will have the effect of putting an oil well in a field of flowers, where no one sees the flowers anymore, and the neighborhood will forever be identified with the intruding eyesore. He said few homeowners are willing and able to invest ten of thousands of dollars on solar installation with the hope of gradually recovering their investment in the next decade or two; however, for their neighbors the next decade will see their property values decline because they are unfortunate enough to live near a front yard solar array. The issue shouldn't be that you can only install a solar array unless you have a 40-foot front setback - the issue should be that in Ann Arbor, you can't have a solar array in any front yard. He said he hoped that the Commission would reject this threat to the homeowner's aesthetics and home values.

John Godfrey, 2809 Brockman Blvd, Ann Arbor, said the need for solar energy is long overdue and not in question; however, the proposed solar ordinance will pose issues that will compromise the City's goals to achieve solar growth. He said if a front yard solar system is installed, the 400 square foot ground-mounted solar system provides minimal energy,

but divides neighborhoods, and creates tensions, which would redound on Planning staff, the Planning Commission, and destroy the vitally important community consensus needed to ensure City wide renewable energy. Godfrey said by comparison, the proposed 14-acre solar farm near the municipal airport would be better, providing enough energy for 234 houses. He encourages the City to develop medium and large scale solar farms and provide incentives for rooftop solar. In conclusion, he stated large ground mounted solar collectors do not belong in front yards more than they belong in parks and playgrounds.

Ernesto Figueroa, 2815 Brockman Blvd, Ann Arbor, said he appreciates the Planning Commission not treating solar panels substantially different than other accessory structures in a front yard. He believed that solar panel systems can be installed in front yards according to existing accessory structures can have high aesthetic appeal, and can strike a balance between visual impact and functionality. Figuero said he is not interested in lowering his own property values, and if community solar were offered, this issue would be a moot point. He said the issue of climate change is urgent and he will do anything that is not negligent to leave a better world to his children.

Noting no further public speakers, the Chair declared the public hearing closed unless the item is postponed.

MAIN MOTION:

Moved by Woods, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, the addition of Section 5:83 (Solar Energy Systems) regarding solar panels and related equipment in residential zoning districts.

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]

Clein provided procedural information specifically as it relates to the amendment before the Commission.

Lenart provided clarification on issues brought during public comment.

Mills discussed her research on wind turbines and how it parallels with solar systems. She said these solar array systems are newer technology

and therefore being addressed. She expressed that just like the 500 foot tall wind turbines, people will get used to the solar panels and they won't stick out. She wouldn't anticipate any impact on property values based on solar panels. She felt our city is better suited to solar than wind systems. Mills believes that the proposed screening and height are modest for a front yard placement.

Commissioner Clein expressed that he didn't buy the argument that solar arrays will devalue property values. Clein discussed the balance of cultural values between how existing neighborhoods look, and have historically looked, with property rights, the ability for people to do what they want with their house. Clein said it presents a conundrum to the Commission because we generally do not regulate aesthetics, and what he has heard from the public this evening is almost all about aesthetics. He said the Commission might comment on aesthetics as projects come before them, in order to push them to look better, but they have no purview over aesthetics, only what's best for the community from a health and welfare perspective. He commented that the Ordinance Revisions Committee, staff, and the Commission has done a good job with the proposed amendments to address the key issues, and he encouraged the community and public speakers to continue to be involved at Council and through Council representation since they will be the ultimate body to approve, or adopt his amendment.

Commissioner Gibb-Randall explained that the Commission has been getting correspondence for an estimated 6 months related to this issue. She explained the build in language in the amendment that limits the solar systems as well as specially trained City staff that will review each project before they are installed. Gibb-Randall noted that other communities, like Madison, WI, and Seattle, WA, do allow front yard systems, as outlined in the staff report. She directed the public to review the staff report, which provides some other comparisons.

Commissioner Weatherbee expressed it is ok if the City is an outlier, because it is an opportunity to lead and innovate. Weatherbee said it was quite different than having an oil well in your front yard; however, she understood how it felt to be the neighbor and not liking what one was seeing. She indicated that solar arrays/panels are an emerging technology that will likely change in the next decade and since we don't know how it will evolve. Weatherbee stated there is no noise, no waste, and she believed this ordinance is a good one, where the City is taking steps both to be a good leader, as well as be sensitive to the neighbors with screening. She did not feel that this amendment would contribute to

the detriment of a neighborhood or the City – in contrast, she felt it would be contributing towards something that is good for the City and probably for a neighborhood. Weatherbee said she knew people who are looking for a house to buy that has solar installation, which means the technology is not a detriment.

Commissioner Woods discussed early adopters in this context. All the comments discussed how solar is good, sustainability is a good thing, but now that someone has stepped forward and installed a solar array in their front yard, it created concern that quickly made its way to City Council, who in turn gave it to the Planning Commission to review and come up with something. She expressed that this draft ordinance, has been vetted by: The Ordinance Revisions Committee, City staff, City Attorney, and several others, and they've come up with this ordinance that while it creates a tension in how early adoption/implementation will work, it will also show if the benefits will outweigh the detriments. She thanked every public speaker for sharing their thoughts, noting that the Commission has heard their eloquent words and understands how they feel.

Commissioner Trudeau referenced the City's Master Plan, which included The Sustainability Framework, which calls for maximizing renewable energy sources within the City. He also noted the City has A Climate Action Plan, included in the Resource Documents of the Master Plan.

Lenart clarified that the action before the Commission was as a direction from City Council and not from a petitioner or application.

AMENDMENT:

**Moved by Woods, seconded by Clein to amend the language to include the following on Page 3, Subsection (b) Ground Mounted SES, 1. Setbacks, if staff and City Attorney agree with the addition:
... A Solar Energy System may be permitted in the front yard, "if it is the least preferred location"**

VOTE ON AMENDMENT:

On a voice vote, the Chair declared the motion defeated. VOTE: 3-3

Yeas: 3 - Wendy Woods, Kenneth Clein, and Scott Trudeau

Nays: 3 - Sarah Mills, Shannan Gibb-Randall, and Julie Weatherbee

Absent: 3 - Erica Briggs, Alex Milshteyn, and Zachary Ackerman

DISCUSSION ON MAIN MOTION:

Woods asked for an explanation and timing on future steps if the Commission approves or denies the motion before the Commission.

Lenart provided a detailed timeline.

VOTE ON MAIN MOTION:

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 3 - Erica Briggs, Alex Milshteyn, and Zachary Ackerman

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

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org.)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 10-a** **17-1213** McCowan Lots 27, 28 and 30 of Scioto Hills Subdivision Annexations and Zonings for City Council Approval - Proposal to annex three individual lots from Scio Township into the City and zone each lot R1C (Single-Family Dwelling District) as follows: a vacant 7,920-square foot lot at 2633 Dexter Road, a vacant 9,857-square foot lot at 2647 Dexter Road, and a vacant 10,822-square foot lot at 2651 Dexter Road. Staff Recommendation: Approval

Planner Matt Kowalski presented the staff report.

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed unless the item is postponed.

Moved by Mills, seconded by Trudeau, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the McCowan Lot 27, 28 and 30 Annexations at 2651, 2647 and 2633 Dexter Road, and R1C (Single-Family Dwelling District) Zonings.

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]

Mills asked if the annexation and zoning request was initiated by the owner or City initiated.

Kowalski responded that it was owner initiated in order to hook up to City utilities.

Clein asked if utility connection needed to happen before they could start building.

Kowalski said yes.

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 3 - Erica Briggs, Alex Milshteyn, and Zachary Ackerman

- 10-b** [17-1214](#) Proposed Amendment to Chapter 55 (Zoning Ordinance) For City Council Approval- Amendments to the Zoning Ordinance, Chapter 55, Section 5:1 (Definitions) regarding Fraternity or sorority house and Section 5:10.4 (3) (a) (Fraternity and Sorority Special Exception Standards). Staff Recommendation: Approval.

Planning Manager Bret Lenart provided the staff report presentation.

PUBLIC HEARING:

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

unless the item is postponed.

Moved by Mills, seconded by Gibb-Randall, to approve the Proposed Amendments to Chapter 55 (Zoning Ordinance) Section 5:1 (Definitions) regarding Fraternity or Sorority house and Section 5:10.4 (3) (a) (Fraternity and Sorority Special Exception Standards) as outlined in the City Planning Commission Memo, dated August 11, 2017.

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]

Weatherbee asked if the amendment needed to specify “and other accredited post secondary college or university” in order to establish some legitimacy.

Lenart asked if the Commission felt that all current campuses should in listed, noting that City Council has the authority to adjust the language.

The Commission expressed that they didn’t feel it was necessary, but other colleges and universities.

Clein called the addition a friendly amendment.

Clein asked if someone coming before the Planning Commission received a Special Exception Use, they would need to be affiliated with a university.

Lenart said yes.

Clein asked what would happen with a sorority or fraternity that loses their affiliation with a university, would their Special Exception Use remain in place.

Lenart responded, under this amendment, they would not have the Special Exception Use (SEU) for that particular organization, and while the property could still be used for a sorority or fraternity, it would have to be used by an organization that still retained that affiliation with the university. He explained that the SEU still runs with the land, however, the occupant would no longer be meeting that task and they would have to identify a new sorority or fraternity that had that affiliation.

Clein asked about the process involved in such situations, and if there is a timeframe involved.

Lenart explained the zoning enforcement process; a violation letter would be sent to the occupants providing a specific time restraint and they would need to vacate the house and let another sorority or fraternity occupy the house. Lenart said with this amendment at least the City could seek zoning compliance, which is currently not possible.

Clein said it would not affect sororities and fraternities that currently have a Special Exception Use even if they were to lose their affiliation with the university.

Lenart said, Correct, nor would it impact fraternities or sororities that don't have a SEU and are of a legal non-conforming status because they were perhaps in place before the Special Exception Use standard was put into place.

Mills asked if existing fraternities and sororities want to expand occupancy would they need approval.

Lenart said they would need to seek Special Exception Use from the Planning Commission if they wanted to stay at the same location.

Gibb-Randall suggested that the City keep a lens on the particularity of the "accredited" universities so that groups calling themselves sororities and fraternities might be able to create a university on-line, for the sake of legitimization.

Lenart said they believed they covered that through affiliations and groups.

On a voice vote, the vote was as following with the Chair declaring the amended motion, carried unanimously. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 3 - Erica Briggs, Alex Milshteyn, and Zachary Ackerman

10-c [17-1216](#) Master Plan Resolution for Treeline-Allen Creek Urban Trail Notice to Plan

Planning Manager Brett Lenart provided the staff report. He explained that this item was before the Commission only as a kick-off and would return at a later date to the Commission with a public hearing and discussion.

PUBLIC HEARING:

Noting no public speakers, the Chair declared the public hearing closed unless the item is postponed.

Moved by Weatherbee, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council authorize distribution the Treeline – Allen Creek Urban Trail Master Plan, an amendment to the City Master Plan, for review and comment to adjoining jurisdictions and stakeholders in accordance with MCL 125.37b of the State of Michigan Municipal Planning Act (PA-285 of 1931 as amended).

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]

Weatherbee asked if the Ann Arbor Railroad should be included on the contact list.

Lenart said they would receive it as well.

Woods asked if Ypsilanti Planning Commission should be on the list.

Lenart said we would be happy to share it, but technically only adjoining jurisdictions need to be notified.

Woods asked if notification would be in the form of an email with links to the draft report.

Lenart explained that if the story-map project was far enough along at the stage of public hearing notice, the City would, otherwise it would be sent out as a paper version.

Clein asked for an explanation of the concept of a 'story-map'.

Lenart explained that it could be either a map containing hyperlinks to

pictures, documents, explanations, etc., when clicked on or it could be text containing hyperlinks to maps, pictures, documents, etc.

Mills asked if MDOT should be on the list.

Lenart said yes, adding that the City has had detailed discussions with project teams regarding right-of ways (ROW) as well as detailed discussions with WhatGo.

Gibb-Randall asked if notification at this stage was only planning agencies, because other government entities would include the University of Michigan. She commented that she would like to know if they could get student feedback, since they are a large chunk of our population.

Lenart said there would be public dialogue during meetings, adding he would look into it.

Mills added that a list of groups whom should be contacted at the university had been identified and provided to the project team.

Mills asked if the Huron Parks folks should be added to the list.

Lenart agreed and further suggested that the Commission contact him with additional contacts during this process.

Clein noted that AAATA should also be on the list.

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 6-0

Yeas: 6 - Wendy Woods, Kenneth Clein, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 3 - Erica Briggs, Alex Milshteyn, and Zachary Ackerman

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

Commissioner Trudeau said he wanted to clarify for the record that the article referenced by public speakers that he was asked to write before the elections, was providing his personal opinion and in no way did he intend his comments to be portrayed as a Planning Commissioner or as speaking on behalf of the Planning Commission.

12 COMMISSION PROPOSED BUSINESS**13 ADJOURNMENT**

Moved by Trudeau, seconded by Gibb-Randall to adjourn the meeting at 8:10 pm. The motion was unanimously passed.

Ken Klein, Chair

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 Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.