

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 8, 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 based on the following conditions. 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.

- 1) That Stormwater requirements be modified to ensure that development is appropriately regulated. (Staff will provide additional information in this regard).

UPDATE FOR 9/8/21 MEETING:

This ordinance was postponed at the August 3, 2021 City Planning Commission meeting. The CPC asked several follow up clarifications on the proposed ordinance revisions and staff has addressed the issues in the revised ordinance attached. A summary of responses to the issues identified by the Planning Commission:

- Footnotes were added to the chart – The first note clarifies that additional code requirements apply if no site plan is required. The second footnote

applies to accessory structures and refers to an additional code section for review.

- Additional language added to clarify that, work/modifications to existing buildings is calculated on a per building basis and not based on total of all buildings on site.
- Construction or replacement of Wireless Communication Towers added under ‘New Buildings’ section.
- Removal or disturbance of any regulated Natural Feature added in the ‘Natural Features’ section.
- Eliminated category “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”. No longer relevant, if the species is an invasive species, no mitigation is required.

An additional item was noted for follow up discussion with the PC. At the August 3rd PC meeting, Planning Commission proposed the modification that any ‘Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet’ be exempt from site planning. As previously proposed, this item would need a site plan for Planning Manager approval and would result in patios being reviewed to the same standards as accessory buildings of the same size (greater than 300 sf) Accessory buildings of less than 300 sf are exempt and decks, patios plazas of any size would require Planning Manager approval.

As presented at August 3rd PC meeting:

Any Accessory Building, Structure, Canopy, equipment or similar Structure greater than 300 square feet, not specifically listed below [2]	n/a	M	M	P
Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet	n/a	M	M	M

As requested by Planning Commission:

Any Accessory Building, Structure, Canopy, equipment or similar Structure greater than 300 square feet, not specifically listed below [2]	n/a	M	M	P
Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet	n/a	n/a	n/a	n/a

While it is shown in the table above for illustrative purposes, if it is exempted, it would be removed from the chart like other items that do not require a site plan, only applicable permits. Planning Staff wanted to highlight this item to ensure the Planning Commission has a clear understanding that, for example, a 301 square foot canopy will trigger a site plan for Planning Manager approval which includes review for compliance to all site plan requirements and as proposed by the Planning Commission, a patio of up to 1,000 square feet would be exempt from site plan requirements. Note that this, or any additional exempt activities would have the effect of removing storm water treatment from these

improvements. However, if any regulated natural features are affected (for uses greater than 4 units) a site plan will still be required.

The chart below illustrates the corresponding levels of review for a 1,000 square foot patio if it is exempt compared to a site plan requirement.

Level of Review for Approval - For 1,000 square feet of impervious surface and uses of greater than 4 units and non-residential projects. X = required		Site Plan Not Required	Planning Manager
Public Hearing			
CPO			
Parking	# Spaces Total		X
	Bicycles		X
	EV		
AHP*		X	X
Special Dimensional and Site Layout Standards		X	X
Landscaping and Screening			X
Streets and Access			X
Storm Water Management			X
Soil Erosion		X	X
Natural Features		X	X

* AHP= Area, Height and Placement – includes setbacks and height

The potential impact of an accessory building aesthetically as well as to the function of the site is different than an unenclosed at grade structure such as a patio or deck. However, staff responsible for storm water review expressed concerns over an exemption of up to 1,000 square feet of impervious surface. The subsequent absence of storm water treatment could produce a drainage nuisance and was not supported by the stormwater review staff. While Soil Erosion protections would still be required, there is no code mechanism that would enable staff to require storm water treatment without a site plan required.

Planning Staff would support a revision to allow decks, patios and plaza of up to 300 square feet be exempt, over 300 square feet would require a site plan for Planning Manager approval. This would align the patio requirements with Accessory Buildings and require storm water treatment for areas over 300 square feet. Planning staff could

continue to work with other City Staff to examine potential modifications that would permit patios of a large size (without a site plan required) while still requiring some treatment for storm water.

Prepared by Matt Kowalski

Reviewed by Brett Lenart

8-31-21

Attachments:

Ordinance to Amend Chapter 55 Unified Development Code, Section
5.29.6 (Site Plans)

c: City Attorney's Office