



City of Ann Arbor
Formal Minutes - Final
City Planning Commission

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

Tuesday, December 6, 2022

7:00 PM

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

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This meeting is accessible in person, via Zoom, or by phone, see agenda for details.

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1. CALL TO ORDER

Vice Chairperson Ellie Abrons called the meeting to order at 7:00 pm, in Council Chambers at City Hall of Ann Arbor.

2. ROLL CALL

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

All Commissioners attended the meeting in-person.

Others Present: Planning Manager Brett Lenart, City Planner _____

Present 8 - Mills, Sauve, Abrons, Hammerschmidt, Disch, Lee, Clarke, and Wyche

Absent 1 - Gibb-Randall

3. APPROVAL OF AGENDA

Brett Lenart recommended the Commission remove Agenda item 4-a, since the meeting minutes were added late.

Moved by Sarah Mills, Seconded by Lisa Disch, to Approve the Agenda as amended. On a coice vote, the Vice Chair declared the motion carried.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- 4-a. [22-1876](#)** October 18, 2022 City Planning Commission Meeting Minutes

Attachments: 10-18-2022 CPC Approved Meeting Minutes.pdf

The Commission unanimously recommended to postpone approval of minutes to the next regular meeting.

5. REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

- 5-a. City Council**

Councilmember Lisa Disch reported on the previous Council meeting; Council voted to pass a resolution to have the Planning Commission re-look at TC1 zoning to allow some auto related uses and address adequacy of right of way.

- 5-b. Planning Manager**

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

- 5-d. Written Communications and Petitions**

- [22-1966](#)** Various Communications to the Planning Commission

Attachments: Aaron.pdf, Barron.pdf, Breidenbach.pdf, Brown.pdf, Cedquist.pdf, Citizens Climate Lobby A2 Chapter.pdf, Clevey.pdf, Cline Planning Commission Communication 11-16-2022.pdf, Crockett.pdf, Endsley.pdf, Fagundes.pdf, Frank.pdf, Frisch-Gleason.pdf, Garber 1.pdf, Garber 2.pdf, Garton.pdf, Gerstein.pdf, Gillon.pdf, Gurk 1.pdf, Gurk 2.pdf, Linn.pdf, Lofy.pdf, Lucas.pdf, McCall.pdf, Mirsky.pdf, Morningside Broadway-Elect Ord-PH testimony.pdf,

Parnell McCarter.pdf, Pritts.pdf, Ritter.pdf, Rogers.pdf, Shellhaas.pdf, Tabaczka 1.pdf, Tabaczka 2.pdf, UWUA_AA-Wutka.pdf, Wineberg.pdf, Wohlever.pdf

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.)

Casey Kline, 304 North Timberwood Drive, Traverse City, Michigan, spoke about the 530 N Division project which was discussed at the previous Planning Commission meeting on 11/15/2022. Kline said one of the responsibilities of the City is to set and maintain standards. This project falls well outside of those current standards; when this is allowed to happen it sets a precedence. If the City intends to change this neighborhood, they need to do so on a much larger scale, by updating the Master Plan, with the citizens approving it and not piecemeal. She reference the Commission asking about adding a maximum setback and another about adding a maximum height, which only added to my concern that there is no set plan moving forward in this neighborhood. I believe that the proposed construction should be, at a minimum, contained to the existing footprint, if not total size, scale, and exterior finishes in order to maintain the characteristics of this neighborhood. The only thing to be gained by the larger structure is to allow the developer make money, and that is not the City's responsibility to make sure that happens. To allow the building in the same footprint, but built with energy efficiency, would be a win-win for everyone, since the City needs the housing. The Old Fourth Ward was not created as an energy efficiency district, but as a historic district. She asked that an archaeological evaluation be required for this site prior to development. Kline thanked the Commission for listening to her comments this evening, adding that she wishes she could have spoken at the previous meeting.

Noting no further speakers, Vice Chair Abrons closed the Public Comment period.

7. NO PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

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

- 8-a. [22-1962](#) Amendment to Chapter 55 - Unified Development Code (UDC) Sections 5.16.6.O Accessory Uses and Structures - Personal-scale Solar Energy System to remove restrictions for installation of solar energy installations in single and two-family zoning districts. Staff Recommendation: Approval

Attachments: Staff Report - Solar Accessory and Electrification - November 15 2022 Planning Commission.pdf, UDC Solar Accessory Structure Amendments.pdf, Staff Report - Personal Scale Solar Energy Systems - December 6 2022 Planning Commission.pdf

STAFF REPORT:

Brett Lenart, Planning Manager, provided a review of the ordinance as well as proposed amendments.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, Ann Arbor, spoke in support of the solar accessory structure amendments, noting we need to remove as many obstacles to solar as possible. He requested the Commission, please vote yes!

Virginia Rogers, spoke in support of the solar amendments, stating she is totally in support of reducing restrictions on solar to meet greenhouse gas emission goals; we need to make renewable energy as easy as possible.

Adam Jaskiewicz, Old Fourth Ward Historic District, Ann Arbor, echoed previous two speakers in wholehearted support of solar. Maybe you have better sun coverage in front yard; sometimes it doesn't work to place solar panels on a roof. He said it was a mistake for City Council to ban it in the in past. Thanks for separating the amendments. The other issue is more complicated. I have only heard aesthetic opinions in opposition to this, while I think solar panels look pretty cool.

Linda Brouwer in the 5th Ward of the City, expressed support for solar panels anywhere and everywhere, since we are in a climate emergency. She said sometimes the only sun we have is in a front yard.

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

Moved by Lisa Sauv , Seconded by Sarah Mills, to Approve An Ordinance to Amend Section 5.16.6 of Chapter 55 (Unified Development Code) of Title V Of Code of the City of Ann Arbor – (Personal Scale Solar Energy Systems)

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 Vice Chair declared the motion carried unanimously. Vote: 8 - 0

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

Nays: 0

Absent: 1 - Shannan Gibb-Randall

- 8-b.** [22-1967](#) Amendments to Chapter 55 - Unified Development Code (UDC) to add a new Energy section to Article IV: Development Standards that would prohibit natural gas connections in all new construction, and substantially renovated or expanded buildings. Staff Recommendation: Postponement

Attachments: Staff Report - Electrification - December 6 2022 Planning Commission.pdf, UDC Electrification Ordinance.pdf, UDC Electrification Ordinance alternate.pdf, Example Ordinances.pdf, Staff Report - Solar Accessory and Electrification - November 15 2022 Planning Commission.pdf, Letter of Support for UDC Amendment on Electrification_10.23.22.pdf

STAFF REPORT:

Brett Lenart, Planning Manager, provided a review of the ordinance as well as proposed amendments.

PUBLIC HEARING:

Richard Kligman, 18036 Ridgeview Drive, Northville, Michigan, residential builder and remodeler in southeastern Michigan. In addition to my day job, I'm also volunteer, incoming 2023 President for the Homebuilders Association of Michigan Organization, representing some 5,000 home builders, remodelers, subcontractors, and others providing housing related services to our state citizens. He expressed that Electrification is established on a state uniform basis and electrification requirements are clearly a code related requirement. He said a proposed code change under the guise of a zoning ordinance wouldn't comply with current state law. He said during hearings under state energy changes, under Michigan statewide energy code, earlier this year, representatives from your own City's government provided public comment, indicating

they were there to support requirements because that was the only way to require the City of Ann Arbor to obtain what you wanted to accomplish. He asked if recognition of that understanding has changed? He said the Commission needs to ask staff and legal counsel before proceeding with any vote on recommendations of this proposal. He noted that permitting and inspection authority for the enforcement in Michigan of uniform codes are extended by the State Bureau of Construction Codes and if a local unit of government proceeds to enforce code requirements that are not part of the Michigan Uniform Code, they could conceivably lose their code enforcement authority, granted to it by the State. He said we should agree that the process for addressing this should be State Building Code.

Randall Whitaker, Business Manager of Local Union Auto Workers (UAW) 190 spoke on behalf of Plumbers Pipefitters, Gas Distribution and Service Technicians of Ann Arbor and Washtenaw County. He applauded the Planning Commission for taking a closer look at the original ordinance and having discussion on how to best move forward with the plan. This will affect many different groups. He said he would like to offer the Commission some exceptions that he hopes they would consider before moving:

- Natural gas back-up heat and domestic hot water heaters in builders that exceed three stories in height. Those heating sources have up to a 97% burn efficiency. Natural gas for water and air tempering for areas requiring high ventilation rates is about half the cost of full electrification due to the power grid that is primarily being powered by coal or natural gas. Full electrification of these buildings would take a small amount of emissions out of Ann Arbor while introducing a lot of emissions at the power source.*

- This will raise the cost of living by raising construction costs, which will conflict with Ann Arbor's goal to provide affordable housing.*

- UAW 190 is certainly on board to work towards carbon neutrality, and we're signed onto A2Zero, along with the Electricians, Local 252, for the geothermal grant to dig low, de-carbonized neighborhoods here in Ann Arbor. I urge the Planning Commission to take time to move this ordinance in a direction that works towards both carbon neutrality in keeping within the affordable housing goals as well.*

Ken Garber, 28 Haverhill Court, Ann Arbor, said he has great respect for the UAW 190 Heating, Ventilation, and Air Conditioning (HVAC) Technicians and their skills, since they are the ones that keep us warm in the winter. Garber spoke in support of the electrification ordinance, adding he disagrees this affects affordability; referencing the 1815 N Maple project, which he said shows electrification is compatible with affordability. Same with other projects. Since projects are arriving piecemeal before

the Commission, better to handle via comprehensive amendment. New buildings have good energy retention - many restaurants use induction cooking. All electric lab buildings now exist. Need to start designing from ground up.

Greg Woodrow, President of Ann Arbor Public Power spoke in support of the ban on natural gas in new construction. Of utmost importance that we model what we need to be doing as a society in order to stop catastrophe. Necessary to move forward aggressively. Hope to avoid delays. He said we need to stop accruing debt of future retroactive renovations ("future ready" buildings).

Ginny Rogers, 1332 White Street, Ann Arbor, spoke on behalf of herself, and as a member of The Citizens Climate Lobby, with over 1,000 local members. She said she wants to provide their strong support for proposed update to zoning code to disallow natural gas connections in new developments and major renovations. We really applaud your efforts to reduce emissions and speed the use of renewable energy. She emphasize points from their written comments: A2 zero will not be successful if we build with natural gas infrastructure which will lock us into those emission for 15-20 years into future or even more. Our goal is to be carbon neutral by 2030, and that's just 7 years from now. Switching our appliances was one of the action items in the A2Zero plan that we adopted as a City. According to many studies we can reduce emission by moving to heat pumps now, even while our electricity is produced in large part by burning fossil fuel. We look forward to you continuing to look for ways for us to become more efficient and for buildings to be constructed highly efficiently and with low carbon.

Linda Brouwer, Ward 5, says she lives near the downtown in Ann Arbor. She spoke in support of this amendment, saying she assumes it only applies to new construction or major rehabilitations. She looks forward to hearing the discussion as it is a very complex subject. She expressed concerns with alternate resolution that kicks the can down the road for another nine months. Why 9 months from now? I understand there needs to be exceptions for in-progress buildings, but the cut-off should be for those who don't yet have a building or grading permit. She said you will be lobbied by all the construction folks, but I think you need to resist that; look at this carefully. We need to have a cut-off at some point. Example from Berkeley said that newly constructed buildings should have sufficient electric capacity and wiring conduit to facilitate future full-building electrification. That way it can be up to the developer to do that in the future. Passing this stops excuses that "our hands are tied"

Adam Jaskiewicz, 1413 Las Vegas Drive, Ward 4, Ann Arbor, spoke in general support of the direction of the amendment but has some reservations about possible issues with the building code. He wonders if we can require this in zoning. He said we are in a climate emergency but we are also in a housing shortage and we need to make sure we are not impacting our other goals, such as transportation within the City of Ann Arbor, or people living outside of the City causing them to have to commute. He said there are many different things that need to be balanced, with this; I think we need to be careful, yet aggressive and we should really try to solve our problems with the climate crisis with this, but there are many other pieces to the puzzle to consider, while not causing other problems at the same time.

Kathlyn Murphy, 315 Linda Vista Street, Ward 5, Ann Arbor, expressed being very concerned about the climate crisis. I believe it is important to reduce the use of fossil fuels, in any way we can. Banning the use of fossil fuels in new home construction seems like a necessary step to take if we're concerned about reaching zero carbon goals in our City. Housing built now, if they aren't electrified, would give the City a commitment to fossil fuel throughout this century. It would be a very bold step to require new housing to be electrified, but it seems like a necessary step if we want to slow the use of gas and implement our own goals for averting a climate crisis. It seems imperative that we pass this so we won't have to retro-fit new homes for electricity in the future. She urged the Planning Commission to pass this as we step forward and struggle to come in line with our climate goals - it's all about concern for the future or having a future to sustain.

Adam Goodman, 400 Virginia Ave, Ward 5, Ann Arbor, stated he has similar thoughts to the last few callers. Think this is a good idea, it is necessary and inevitable to put a policy like this in place. My concern; however, is timing. I don't want us to make 'perfect' the enemy of the good, in the short term. Don't want to create more emissions, in totality, than less. Dense housing built next to where people work is better than sprawl developments 20 miles away from where people need to get to. If these rules end up making it prohibitive for developers to build the kind of housing in the City that we want, that would be a bad outcome. I'm concerned about that. Previous caller mentioned future-ready wiring. Another idea is to phase in over time to start with smaller structures like single-family homes since they are less energy efficient anyway than apartment buildings. Simpler installation of air pumps on single-family. I trust the Commission to find the right path forward. Just want to make sure the outcome is what we want.

Moved by Wonwoo Lee, Seconded by Lisa Disch, to Approve An

Ordinance to Add Sections 5.27-5.29 to Chapter 55 (Unified Development Code) of Title V of Code of the City of Ann Arbor – (Electrification)

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]

AMENDMENT I:

Moved by Donnell Wyche, Seconded by Lisa Sauv , to amend original motion to postpone vote to March 7, 2023 and hold Planning Commission Working Session February 14, 2023.

VOTE ON AMENDMENT:

On a voice vote the vote was as follows with the Vice Chair declaring the amendment carried.

VOTE ON MAIN MOTION AS AMENDED:

On a voice vote, the Vice Chair declared the amended motion carried unanimously. Vote on Main Motion Postponed to March 7, 2023.

9. OTHER BUSINESS

- 9-a. [22-1965](#) Approval of 2023 City Planning Commission Meeting Schedules**

Attachments: 2023 DRAFT CPC Meeting Schedule-rev.pdf, 2023 DRAFT CPC - ORC Meeting Calendar

Moved by Donnell Wyche, Seconded by Lisa Disch, to Approve the 2023 City Planning Commission Meeting Schedules.

On a voice vote, the Vice Chair declared the motion carried.

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

Ken Garber, 28 Haverhill Court, Ann Arbor, thanked the Commission for their thoughtful discussion, adding comments on benefits of electrification versus natural gas.

Linda Brouwer, Ward 5, says she lives near the downtown in Ann Arbor.

She thanked the Commission for their discussion and looks forward to their decision in March. It was good to see so many points raised. She commented being present at last night's Council meeting, and was pleased to hear them send the TC1 amendments back to the Planning Commission as she feels TC1 needs to be further discuss the front easements and narrow sidewalks and the CPC should listen to staff recommendations and public input as were previous given on the matter.

11. COMMISSION PROPOSED BUSINESS

Wyche asked process questions: What if a commissioner wanted to look at something that is on workplan but not for upcoming year. How do you make recommendation to Ordinance Revisions Committee (ORC)?

Lenart explained CPC can appoint subcommittees. This has happened in past; you can also work with members of other commissions to the ORC. Sounds like this would need an action by CPC to appoint committee to do work. Need recognition of timing for work program. Will warn that Transit Corridor Zoning (TC1) amendments, electrification, premiums, being on the verge of comprehensive planning process are all going to be time consuming.

Wyche asked if such committees would trigger Open Meetings Act.

Lenart responded that City Council has required all meetings of subcommittees to be noticed.

Wyche expressed feeling momentum, adding there are several commissioners interested in more things than the commission adopted workplan. I'd like to help advance some things so that they are ready in the pipeline. I don't want to overtax staff.

Lenart suggested having a follow-up conversation on the matter.

12. ADJOURNMENT

A motion was made by Mills, seconded by Wyche, that the Meeting be Adjourn at 9:29 pm. On a voice vote, the Vice Chair declared the motion carried unanimously.

Shannan Gibb-Randall, Chairperson
Ellie Abrons, Vice 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. Persons 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.

Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>). Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

(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 - City Hall is mask friendly. 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.

