



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, February 6, 2018

7:00 PM

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

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 or delivered 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>) or on the 1st floor of City Hall on the Friday before the meeting. 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.

1 CALL TO ORDER

Chair Clein called the meeting to order at 7:00 p.m.

2 ROLL CALL

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

Present 7 - Clein, Mills, Milshteyn, Gibb-Randall, Trudeau,
Weatherbee, and Ackerman

Absent 2 - Woods, and Briggs

3 APPROVAL OF AGENDA

Chair Clein suggested taking action on item 10-a before item 9-a.

**Moved by Mills, Seconded by Milshteyn, and unanimously approved
with changes.**

4 INTRODUCTIONS

None.

5 MINUTES OF PREVIOUS MEETING

5-a [18-0228](#) September 6, 2017 City Planning Commission Meeting Minutes

Attachments: 9-6-2017 CPC Minutes with Live Links2.pdf

Moved by Milshteyn, seconded by Weatherbee, approved unanimously, and forwarded to the City Council.

5-b [18-0229](#) City Planning Commission Meeting Minutes of January 17, 2018

Attachments: 1-17-2018 CPC Minutes with Live Links.pdf

Moved by Milshteyn, seconded by Weatherbee, approved unanimously, and forwarded to the City Council.

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

6-a City Council

Ackerman explained that due to an inaccurate survey, City Council has referred the Rainbow Childcare site plan back to the Planning Commission.

Lenart explained that although the easement shown on the site plan does exist, it is not shown accurately on the site plan. He explained that it does not extend to the second curb cut shown on the site plan, which would impact access to the Rainbow Childcare site.

Ackerman added that the petitioner for 1140 Broadway is returning to the Planning Commission seeking to add conditions that tie the Site Plan to the Zoning.

6-b Planning Manager

None.

6-c Planning Commission Officers and Committees

None.

6-d Written Communications and Petitions

[18-0230](#) Various Correspondences to the City Planning Commission

Attachments: Feb 2018 Calendar.pdf

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.)

None.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Lenart read the Public Hearing Notices as published.

[18-0231](#) Public Hearings Scheduled for the February 21, 2018 Planning Commission Meeting

Received and Filed

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

10-a [18-0227](#) 1505 White Street Site Plan for City Council Approval - A proposed new single-family residence to be located at 1505 White Street on this 0.10-acre site. The residence will contain six bedrooms in total. Staff Recommendations: Approval

Attachments: 1505 White Staff Report with Attachments.pdf

City Planner Chris Cheng presented the staff report.

PUBLIC HEARING:

Rob Burroughs, representing the petitioner, briefly explained that the project will be a rental.

Moved by Mills, seconded by Gibb-Randall that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1505 White Street Site Plan conditioned upon issuance of a license agreement from the City of Ann Arbor to allow the existing driveway to remain in the vacated alley.

COMMISSION DISCUSSION:

Commissioner Julie Weatherbee inquired about the history of the Office zoning in the area.

Cheng answered that the area has been zoned Office since the 1970's. He also added that the area could be rezoned, however the process for rezoning can be long.

Weatherbee added that she is disappointed that there will no longer be a duplex on the property due to the flexible nature of duplexes.

Commissioner Shannon Gibb-Randall inquired about the trees near the driveway.

Burroughs answered that the trees will remain where they are.

Chair Clein inquired about parking at the site, as well as the direction of the front entrance of the house.

Cheng explained that there is only one parking space required, and that in the area there is an excess of on-street parking.

Lenart explained that more parking could be accommodated.

Burroughs explained that the entry isn't facing White Street due to the house having a greater presence on Stadium Boulevard.

Clein added that effort to address the streetscape on White Street would be welcomed by the neighbors.

Commissioner Mills inquired about the use of the Unified Development Code (UDC) to determine the appropriate setbacks for the discussed site.

Cheng explained the current method of determining zoning and setbacks.

City Planner, Alexis DiLeo explained the method for using the UDC to determine the appropriate zoning and setbacks.

On a voice vote, the vote was as follows, with the Chair declaring the motion carried unanimously. Vote 7-0

Yeas: 7 - Kenneth Clein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 2 - Wendy Woods, and Erica Briggs

9 UNFINISHED BUSINESS

9-a 18-0226 A continued public hearing for the adoption of the Unified Development Code (UDC).
 Amendments to repeal Sections 4:16 through 4:20 and Section 4:30 of Chapter 47 (Streets and Curb Cuts), and the entirety of Chapter 55 (Zoning), Chapter 56 (Prohibited Land Uses), Chapter 57 (Subdivision and Land Use Controls, and the Land Development Regulations and Attachments A, B, C and D), Chapter 59 (Off-Street Parking), Chapter 60 (Wetlands Preservation), Chapter 61 (Signs and Outdoor Advertising), Chapter 62 (Landscaping and Screening), Chapter 63 (Soil Erosion and Sedimentation Control), and Chapter 104 (Fences) and adopt a new Chapter 55 (Unified Development Code).

The proposed Chapter 55 (Unified Development Code) is a consolidation, reorganization and clarification of the eleven chapters of the City Code regulating development, including Sections 4:16 through 4:20 and Section 4:30 of Chapter 47 (Streets and Curb Cuts), as well as the entirety of Chapters 55 (Zoning), 56 (Prohibited Land Uses), 57 (Subdivision and Land Use Controls, plus the Land Development Regulations and Attachments A, B, C, and D), 59 (Off-Street Parking), 60 (Wetlands Preservation), 61 (Signs and Outdoor Advertising), 62 (Landscaping and Screening), 63 (Soil Erosion and Sedimentation Control), and 104 (Fences). The listed sections and chapters will be repealed and a new, consolidated Chapter 55 (Unified Development Code) will be adopted. More information about the work done to consolidate, reorganize and clarify the current regulations is available on the project website at www.a2gov.org/udc <<http://www.a2gov.org/udc>> including background information, working documents, and older drafts as well as the adoption draft of the UDC. Staff Recommendation: Approval

Attachments: UDC 2-6-18 Staff Report with Attachments.pdf

DiLeo presented the staff report for the Unified Development Code (UDC). Full presentation is available on the Legislative Information Center at <http://a2gov.legistar.com/Calendar.aspx>.

CONTINUED PUBLIC HEARING:

Ellen Ramsburgh, 1503 Cambridge Road, Ann Arbor, distributed a handout of comments from Wendy Carmichael to the Commission. Ramsburgh requested additional time for public comment. She added that comparing the new and old code is difficult. She requested that the process be slowed down to allow more clarity in the process.

Gwen Nystuen, 1016 Olivia Avenue, Ann Arbor, expressed support for continuing a public hearing for the Unified Development Code, and also requested that the process for approval be slowed down to provide more time for the public to learn about the UDC.

Sandra Sorini-Elzer, Attorney at Bodman, representing Cerca Trova LLC and Howard Fresche. She thanked staff and the Planning Commission for the new information on the interpretation of Floor Area Ratio (FAR). She shared suggestions for altering the new proposed definition to also exclude trash and recycling handling and storage rooms, below grade maintenance/custodial storage rooms, heating ventilation and air conditioning (HVAC) equipment rooms, electrical and mechanical rooms, water meter and sprinkler valve rooms, and below grade related hallways and access areas to the stated rooms. She explained that these areas should not be counted in FAR because they are required by building code and cannot be converted to habitable space. She also requested that "in all buildings" be added to the definition of FAR when relating to elevator shafts.

Motion from February 6, 2018 Planning Commission Meeting:

Moved by Milshteyn, seconded by Mills that Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Section 4:16 through 4:20 and Section 4:30 of Chapter 47 (Streets and Curb Cuts) and repeal Chapter 55 (Zoning), Chapter 56 (Prohibited Land Uses), Chapter 5 (Subdivision and Land Use Control, and the Land Development Regulations and Attachments A, B, C, and D), Chapter 59 (Off-Street Parking), Chapter 60 (Wetlands Preservation), Chapter 61 (Signs and Outdoor Advertising), Chapter 62 (Landscaping and Screening), Chapter 63 (Soil Erosion and Sedimentation Control), and Chapter 104 (Fences) and adopt a new Chapter 55.

CONTINUED COMMISSION DISCUSSION:

Ackerman suggested that City of Ann Arbor staff hold additional office hours over the next few months.

Lenart added that staff is always willing to have appointments with individuals wishing to ask questions and get information on the UDC.

Ackerman explained that the UDC has been being discussed for at least over a year, and wished to ensure opportunity for the public to get information. He clarified the zoning differences between residential and non-residential as relating to FAR.

DiLeo explained the current definitions of FAR for residential and non-residential areas. She also explained the proposed definitions. DiLeo's full explanation is available for viewing on video at the Legislative Information Center at <http://a2gov.legistar.com/Calendar.aspx>. She explained that the differences in regulation will come into play when using zoning and building code.

Commissioner Scott Trudeau inquired about the new definition including below grade floor area. He also inquired about the spaces underground that are not habitable.

DiLeo answered that the definition includes spaces underground or below grade. DiLeo answered that the rooms and spaces mentioned as not habitable but below grade still will be measured and included in FAR due to the existence of a floor in those rooms.

Clein clarified that the basement spaces discussed have never been excluded. He also inquired about shafts, chases, and chutes, relating to the FAR definition. He added that those terms could create challenges due to not being defined in the UDC or the building code.

Lenart inquired about the definition of shafts in the building code.

Clein provided information on a shaft definition relating to the building code explaining that a shaft would be defined by size and be used for piping or wiring. He suggested tying the definition of "shaft" to the definition in the building code.

Lenart added that interpretation of items in the UDC can be made by staff, and that there is a mechanism for appealing an administrative decision on staff interpretations.

Senior Assistant City Attorney Kevin McDonald summarized the process of determining whether or not to include the terms chute, shaft, and chase and explained that he is comfortable with those terms existing in the definition of FAR.

Lenart added that staff recognizes that these clarifications are part of the reason for suggesting the previous and more simple FAR definition.

Commissioner Mills addressed her previous comment regarding non-conforming spaces and explained that through looking back in the UDC and staff report she found her requested information. She added that it is likely that the Commission will encounter situations where they find differences in the current code and the UDC, and that it's important to recognize that the UDC is a living document, and that might mean that items in it might have to remain the way they are currently in order to get to the next step of the process, even though the Planning Commission might not agree with the items. She referenced a letter from Brad Moore regarding building height and inquired about that being a topic for the next phase. Mills acknowledged the communication from Ethel Potts.

DiLeo explained building height in further detail and agreed that the topic can be discussed in the future. She also discussed open space relating to the UDC.

Commissioner Weatherbee commented that staff has been open and transparent throughout the UDC process. She added that she isn't sure there will be more community members at future meetings because members of the community might not be sure how the UDC impacts them. She explained that developers in the area are aware and present because they have a stake in the outcome. She inquired about the process for changing items in the future.

McDonald explained that the UDC is designed to have very little change for most homeowners. He added that if an occasion where a change needs to happen occurs, there are methods to make the changes if they're needed.

DiLeo explained that if an error is found in the UDC, then it would be handled immediately on a case by case basis.

Lenart explained that there is less flexibility for changes after the code is adopted.

Weatherbee suggested that anyone present at the meeting or watching the live stream tell anyone they believe to be impacted by the UDC. She also addressed the term "citizen" and its definition. She explained that although individuals might be residents of Ann Arbor, or renters in Ann Arbor, they might not feel or believe that they should attend meetings. She suggested it might be helpful to define citizen.

Clein agreed with Weatherbee's statements.

Mills commented on the analysis provided to the Commission and inquired about staff reviewing them.

Lenart explained that staff will address all statements.

Ackerman commented that there are areas that will require improvement.

Clein expressed appreciation for the community involvement up to this point.

On a voice vote, the vote was as follows with the Chair declaring the motion passed.

Vote: 7-0

(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.)

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

Gwen Nystuen, 1016 Olivia Avenue, Ann Arbor, thanked the Commission for their comments and their hard work on the UDC.

12 COMMISSION PROPOSED BUSINESS

None.

13 **ADJOURNMENT**

Unanimously adjourned.

Yeas: 7 - Kenneth Klein, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, and Zachary Ackerman

Nays: 0

Absent: 2 - Wendy Woods, and Erica Briggs

Ken Klein, Chair

kvl

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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.

/kvl