

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes - Draft

Tuesday, March 19, 2019

7:00 PM

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

City Planning Commission

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

Vice Chairperson Sarah Mills called the meeting to order at 7:00 pm.

2 ROLL CALL

City Planner Alexis DiLeo called the roll.

Present 7 - Woods, Mills, Gibb-Randall, Trudeau, Weatherbee, Ackerman, and Sauve

Absent 2 - Briggs, and Milshteyn

3 APPROVAL OF AGENDA

Moved by Sauve, seconded by Gibb-Randall, to approve the agenda as presented. On a voice vote the Chair declared the motion carried.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

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

6-a City Council

Commissioner Ackerman reported on planning related issues at last night's Council meeting; the Mallett's Wood PUD passed on second reading; the Lockwood PUD failed on first reading; 2625 Valley Drive parcel was annexed into the City; two larger multi-parcel rezoning (S

Ashley and W Hoover areas) passed at first reading; City Council passed a resolution for the Planning Commission to review and revise the downtown affordable housing premium; trying to increase the utility of that premium and the public benefit of the premium; City Council also directed Planning staff to pursue regulations on short term rentals, such as Airbnb, because part of those recommendations could be zoning related.

Ackerman further reported that the City is entering into an agreement with Superior Township to add a property to the City's Greenbelt acquisition; the second to final steps on easements to build a pedestrian and flood management tunnel between Depot Street and Argo Pond was approved; three City properties are to be evaluated for affordable housing; a draft revision to the crosswalk ordinance has been approved by the Transportation Commission and the Disabilities Commission before making its' way to Council in April or May.

6-b Planning Manager

6-c Planning Commission Officers and Committees

Vice Chair Mills noted that next week's Ordinance Revisions Committee meeting will be rescheduled to another date.

6-d Written Communications and Petitions

19-0547 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 S. State Street, Ann Arbor, said he likes reading accompanying staff reports; however, suggested future reports should include how proposed land use ordinances and projects will affect the City's sustainability framework. He said certain expectations should be noted so we can measure if projects are successful or not.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

- 8-a [19-0546](#) Public Hearings Scheduled for the April 2, 2019 Planning Commission Meeting
Vice Chair Mills reviewed the Public Hearing Notice as published.
Received and Filed

9 **UNFINISHED BUSINESS**

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

(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 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 [19-0543](#) 2705 Newport Annexation and Zoning for City Council Approval - A request to annex this 1.19-acre parcel from Ann Arbor Township into the City for connection to utilities and zone the parcel R1A (Single-Family Dwelling). Ward 1. Staff Recommendation: Approval

STAFF REPORT:

City Planner Alexis DiLeo provided the staff report on the petition application.

PUBLIC HEARING:

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

Moved by Ackerman, seconded by Sauve, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Erb-Downward/Picazo Annexation and R1A (Single-Family Dwelling District) Zoning (2705 Newport Road).

COMMISSION DISCUSSION:

None

On a voice vote, the Vice Chair declared the motion carried unanimously. Vote: 7-0

Yeas: 7 - Wendy Woods, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 2 - Erica Briggs, and Alex Milshteyn

- 10-b** [19-0542](#) A petition to amend Chapter 55 (Unified Development Code) for City Council Approval to allow restaurant, bar and food service use in the Office (O) Zoning district under certain conditions, such as when there is already a large office building. Staff Recommendation: Approval ??

STAFF REPORT:

City Planner Alexis DiLeo provided the staff report.

PUBLIC HEARING:

Dave Diephuis, 2096 S. State Street, Ann Arbor, said there are some things still nagging him, relating to these definitions. He said it seems like the request is creating a zoning only benefitting two large landowners, which seems like spot zoning through the back door. Diephuis said the idea of a shared parking lot, while the word "shared" is not defined in the ordinance could led to unwanted situations; could you have a separate lot and the owners say you can park everywhere or expect contiguous lots to be shared? He said there is no limit on how many restaurants would be allowed by this change; we could end up with two or three restaurants up front of a parcel, and is that something you really want. There is also the possibility of an aggregation of office properties; someone buys three offices just to put up enough space to have a restaurant. He looked forward to Commission discussion on the issue.

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

Moved by Sauve, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified

Development Code, Sections 5.15 and 5.16 to allow Restaurant, Bar and Food Service use in the O Office district and provide use specific standards.

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]

Moved by Ackerman, seconded by Trudeau to postpone this matter to a future Planning Commission working session. On a voice vote, the Vice Chair declared the motion carried unanimously. Vote: 7-0

Yeas: 7 - Wendy Woods, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 2 - Erica Briggs, and Alex Milshteyn

- 10-c** [19-0544](#) Proposed Amendments to Table 5-15: Permitted Use Table and Section 5.16.6.D Accessory Dwelling Unit (ADU) specific standards in Chapter 55 Unified Development Code, Article V of the City of Ann Arbor Code of Ordinances for City Council Approval. Staff Recommendation: Approval

STAFF REPORT:

City Planner Alexis DiLeo provided the staff report.

PUBLIC HEARING:

Dave Diephuis, 2096 S. State Street, Ann Arbor, thanked staff for their work on revising the ADU ordinance to make it a reality. He suggested adding 'No subleasing allowed', as well as considering offering the same opportunity to renters as to owner-occupied properties; allowing one person to rent the entire property. He said this would provide the same opportunity to let renters have their parent or adult child live close but not too close.

Jessica Letaw, 533 Fifth Street, Ann Arbor, said she is a renter in the Fifth Ward and had attended a workshop last fall about ADUs. She said what we are going through is what other communities have gone through – it's an evolution, trying something for a limited time and reworking it if it

doesn't work. Letaw said she appreciated the WORD documents showing track changes from people's input at the working session. She expressed appreciation that the City is trying to make it easier to have ADU in the center of the City. She appreciates the change as well as appreciating the City's process.

Jeff Crockett, 506 E Kingsley Street, Ann Arbor, said most people present this evening are here in support of affordable housing, noting that he is in favor of ADUs. He complimented planning staff for improving the ordinance on time requirements and said he has the following concerns about ADUs becoming Airbnbs, which will decrease the housing stock:

- There is no requirement that designs of ADUs be compatible with primary structures, which could give us ADUs that will look incompatible; design is a factor in beauty and a sense of community.*
- Enforcement needs to be established, how will time limits will be monitored and tracked by the City. He noted that his neighborhood is very sensitive to temporary signage, the enforcement aspect needs to be outlined, such as having enough inspection staff to do the enforcement. He said, I'm a fan of more planning staff to respond to the community.*
- The affordability issue of constructing ADUs in the first place. He said if the City takes this seriously they need to provide support to people considering building them, since it's likely that the middle class can't afford a second mortgage, so only those people without a mortgage would be able to get additional funding to build an ADU.*

Tom Stulberg, 1202 Traver Street, Ann Arbor, said he wanted the Commission to pause for a moment and think about the worst-case scenario of creating a by-right to build something in ones back yard without any design regulations. He mentioned a neighbor who builds things with salvaged materials, noting that somebody is going to end up with the worst-case in their backyard. Stulberg said the working session provided good comments but there were just four present, so he expressed the need for more public engagement on this issue, focusing on how this change will affect every homeowner. He suggested possibly giving notice to neighbors that they plan to build a new structure instead of the issue going under the radar. He reiterated the need for more work on the issue, with more public engagement and input, including worst-case scenarios, because there will always be someone wanting to game the system. Stulberg said as we move one step at a time, maybe we're not ready for this step of brand new structures, because after this

change we could be one step away from going over the cliff of up-zoning every neighborhood for detached duplexes.

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

The Ann Arbor Planning Commission recommends approval of amendments to the Unified Development Code as presented to increase the opportunity for Accessory Dwelling Units in the City of Ann Arbor.

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 voice vote, the Vice Chair declared the motion carried unanimously. Vote: 7-0

Yeas: 7 - Wendy Woods, Sarah Mills, Shannan Gibb-Randall, Scott Trudeau, Julie Weatherbee, Zachary Ackerman, and Elizabeth Sauve

Nays: 0

Absent: 2 - Erica Briggs, and Alex Milshteyn

11 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

12 COMMISSION PROPOSED BUSINESS

Vice Chair Mills requested to add the discussion on how to incorporate measures of the Sustainability Framework into staff reports.

13 ADJOURNMENT

Moved by Weatherbee, seconded by Sauve, to adjourn the meeting at 8:50 p.m. Without objection the meeting was adjourned.

Alex Milshteyn, Chairperson
/mg

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 Thursdays at 8:00 AM and Saturdays at 8:00 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.