



City of Ann Arbor

Meeting Minutes

City Planning Commission

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

Tuesday, March 16, 2021

7:00 PM

Electronic Meeting

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

To speak at public comment call 206-337-9723 or 213-338-8477 or Toll Free 877-853-5247 or 888-788-0099 Enter Meeting ID: 990 9896 8122

1. CALL TO ORDER

Chair Sarah Mills called the meeting to order at 7:00 p.m. with the following statement: Welcome to the Tuesday, March 16, 2021 meeting of the Ann Arbor Planning Commission. This meeting is being held electronically to protect public health and safety due to the COVID-19 virus and to comply with orders issued by the governor, the Michigan Department of Health and Human Services, and/or the Washtenaw County Health Department. We intend to conduct this meeting similarly to an in-person meeting. However, please be patient if there are technical issues. Public comment will be via telephone only. To speak during any of the public comment opportunities please call 877-853-5247, or another of the published numbers, and enter Meeting ID 990 9896 8122. This information is also available on the published agenda, in the public notices section of the city website, and on the broadcast of this meeting on CTN channel 16, AT&T channel 99, and online at www.a2gov.org/watchctn, select "government channel."

2. ROLL CALL

Planning Manager, Brett Lenart, called the roll.

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

Absent 1 - Gibb-Randall

3. INTRODUCTIONS

None

4. APPROVAL OF AGENDA

Moved by Alex Milshteyn, seconded by Ellie Abrons, to approve the Agenda as presented. On a voice vote, the Chair declared the motion carried unanimously.

5. MINUTES OF PREVIOUS MEETING**5-a. 21-0555 March 2, 2021 City Planning Commission Draft Minutes**

Moved by Lisa Sauv , seconded by Alex Milshteyn, to Approve the March 2, 2021 City Planning Commission minutes and forwarded to the City Council. The minutes were unanimously approved.

6. REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**6-a. City Council**

Councilmember Lisa Disch reported on last night's Council meeting; Council approved the petitioner initiated annexations of 2731 Newport Road and 201 Scio Church Road with the R2A zoning, the Lewis Jewelers Site Plan was also approved. The first reading of 700 N. Main from PUD to R4C was also approved, with the zoning to return on April 19th for the second reading and public hearing for the rezoning as well as the site plan. She noted that some Councilmembers are looking forward to hearing more about the Planned Project revisions.

6-b. Planning Manager

Planning Manager, Lenart reported on the upcoming agenda items of the Ordinance Revisions Committee meeting scheduled for March 23, 2021, at 7:00 pm. He noted that the April 20th Planning Commission meeting would be a joint meeting with the City's Transportation Commission with public hearing of the City's updated comprehensive Transportation Master Plan, and the May 11th Planning Commission working session is looking more like the possibility of a joint session with the City's Energy Commission, where Dr. Stultz has secured presentation from the Rocky Mountain Institute on Electrification of new developments.

6-c. Planning Commission Officers and Committees

Commissioner Sara Hammerschmidt reported on last week's inaugural meeting of the Council of the Commons, which is the group that's been assembled to look at next steps for the Library Lot. She said it seems like a very great and passionate group of individuals that are all committed to looking at the future of the Library Lot in a way that equally benefits our community. She said meetings have been moved to the first Thursday of the month at 7 pm.

6-d. Written Communications and Petitions

[21-0556](#) Various Communication to the City Planning Commission

Received and Filed

7. 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.)

Caller ending in 534; Tom Stulberg, calling from Lower Town, I had an interaction on social media today where someone accused me of being against everything; I actually support most things; I'm for supporting transit zoning and planned project modifications; I prefer regulations that support affordable housing and sustainability done directly, not indirectly; I think we should do a master plan; Alexis DiLeo did a great job with her presentation at the last meeting; The master plan process would result in the right approach for transit zoning and would shake out other things as well. We should stick with the process because we get better results when we do.

Caller ending in 556; Ralph McKee, said he wanted to speak about looking at big picture and numerous viewpoints on general topic, such as zoning. I read with some interest the materials posted on ADUs, they illustrate something we should do here -- look at all sides of the issue; In all of the other places that we are comparing or looking at, there are other programs tied into the zoning programs, such as inclusionary zoning policies, in every single city there are such programs that are done with the zoning changes; Every urban planner that I have engaged with have concurred that will not get affordable units done by themselves -- alone; we need to think about the baking in concept of getting other programs which would work hand in hand rather than concentrating solely on the zoning changes.

8. PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

- 21-0557** Public Hearings Scheduled for Tuesday, April 6, 2021 Planning Commission Meeting
- Brett Lenart reported on upcoming public hearings at the next regular meeting.*
- Received and Filed**

9. UNFINISHED BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

- 21-0558** 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 PRESENTATION:**

Chris Cheng, City Planner, provided the staff presentation.

PUBLIC HEARING:

Caller ending in 411; James D'Amour, stated he's a former Member of the Planning Commission. We need to consider loss of open space, need to consider neighbors' trees; How does adding new units square with A2Zero goals of improving the canopy trees? If we eliminate the owner-occupied requirement it could result in changes and change the character of our neighborhood as well as environmental changes to the City; These changes should require sweeping public engagement and really needs to be folded into the master plan revision process. He added it looks like a lot of really good work is happening here.

Caller ending in 820; Victoria, Henry Street – I am not opposed to denser housing I am opposed to how the City Planning Commission is rushing through these sweeping changes; These changes will only enrich those who have the capital to build ADUs, I can see the benefits of density, but this proposal isn't strategic enough; Expensive builds lead to expensive rents; The City should rezone about transit corridors; This is a covert attempt to rezone property to single family properties; What is the rush to make these changes after only 2 years of the last failed attempt; This

would create rental properties.

Caller ending in 326; Jeff Crockett, 506 E Kingsley, Ann Arbor, stated 2 years ago when ADUs were brought up I asked how enforcement would happen, I was told it would be up to the neighborhood, which was very concerning to him. Several weeks ago, when amendments were brought up, I once again expressed my concern about enforcement and requested information about enforcement be included in the agenda; however, the provision included nothing about the provision. What is the enforcement plan, has a complaint form been created, Will a case number be assigned to complaints, will neighbors be informed beforehand of ADU construction intents, Will a description of each complaint be published as in A2 FixIt; has staff resources been allocated for enforcement; has an estimated time for enforcement been established as part of the ordinance. With added ordinances there will not be enforcement without the added resources.

Caller ending in 677; Michelle Hughes, I'm in favor of these ADU changes. We're in a housing crisis and anything that helps us expand housing being built is going to help our housing crisis; This is a thoughtful way to add density; It's been the City's intent to have ADUs, but we haven't seen very many being built. The proposed changes here would help.

Caller ending in 455; John Beranik, said he lives in an R4C zoned neighborhood. I support ADUs and density, Properties that are multiple units are not allowed; I feel the current abuse of the loophole of 6 unrelated people in the same group home, a single family property is converted into 6 leases that mascaaed as a single-family home; This would allow up to 12 or 14 people living on a property with an ADU. As a homeowner, these zoning laws are my contract with the City, that I expect them to enforce.

Caller ending in 077; Erik Zacker, 2435 Prairie, Ann Arbor, stated, I'm in favor of the proposed changes being proposed. I think an ADU would be a great place to age in place; I think it would be great for my neighborhood as well; ADUs are a small part of the solution; I don't agree that anything is being rammed through; We don't require notice to our neighbors to build a garage; so why are we making it easier to build a place for a car to be housed, than for a person? ADUs can be a great way to house people in our City and I hope it is approved and I think you for considering it.

Caller ending in 030; Stakes, lives on Belmont Road, Ann Arbor, said he is a homeowner and wants to express several concerns with the proposed changes; Many residential neighborhoods require off street parking, and having on-street parking would change the character of neighborhoods; Setbacks of residentially occupied buildings would also change noise and traffic, and would essentially amount to having the effect of allowing subdivision of lots and violate the basic assumption of zoning.

Caller ending in 556; Ralph McKee, 1116 Red Oak, Ann Arbor, stated I want to respond that eliminating the owner occupancy requirement would create more housing, but what type of housing and what would the cost of that housing be? The only people that can afford ADUs are high income people that will charge high rents. There are good arguments on both sides; We are assuming something, and I've heard the opposite of what is thrown around here. Avoiding investor buys keeps housing stock available for homebuyers; A lot of the other changes are positive; but you should keep the owner-occupied requirement.

Caller ending in 534; Tom Stulberg, Lowertown, said I've been in real estate for 30 years; That's why we have master plan process; and zoning creates expectations; You may buy next to a park, or next to an office building, This is why a master plan is important; 99% of people in the City are unaware of this discussion; I've contacted some of my clients; I can take my small house and add an 800 square foot house where both properties could be rental properties. Let's make sure we're achieving a goal we want to achieve.

Caller ending in 269; Curt Taylor, 2055 Marchand Drive, Ann Arbor, said I want to thank you Planning Commissioners for your dedicated service without payment or perks. I only heard of the proposed changes because a friend told me about it; Local Government can be pretty arcane. You shouldn't have to be arcane to understand what is going on; no one I know wants to have a 2 story building put up in your backyard; Can you really not get what a big change to citywide policy would be; Do you want to drive families with children out of Ann Arbor, then you can't call yourselves progressive; I ask that you tell homeowners what you're proposing and how wide ranging the impact will be. I'm tired of government deciding which voices matter and which ones don't. It's not right that these huge changes are going under the radar. I appreciate your work and I appreciate you listening.

Caller ending in 644; Kathy Boris, 1726 Charlton, Ann Arbor, stated I want to thank the Planning Commission for their hard work and long hours they

put in. She thanked the previous caller. There should have been a broader discussion of whether the changes will bring more affordable housing or more gentrification; Investors from around the world will not make ADUs out of the goodness of their own hearts – they will want to recoup their investments and there is no reason to think they will charge anything less than market rate rents. I am disappointed that there was no broader discussion as to whether the proposed amendments to the ADU ordinance will be more affordable housing or more gentrification to Ann Arbor.

Caller ending in 043; Cynthia, 810 Henry Street, Ann Arbor, stated she agrees with all the points brought up this evening; There was discussion brought forth about whether a public notice should be sent out to some 20,000 people, which could be challenging; what has been decided on that issue? The other issue I have is parking. If you have 9 separate units, you need 18 parking spaces; We have a situation of 9 units, with 6 bedrooms each, still requires the same number of parking spaces, instead of 54 spaces. What will happen with street parking with these ADUs? Who brought this to the City's Planning Department that makes it so urgent? I urge you to send out public notices so everyone truly knows what's at stake here.

Caller ending in 340; Luis Vasquez, 1442 Pontiac Trail, Ann Arbor, stated he is in support of ADUs, and in fact speak in support of up-zoning all of Ann Arbor, getting rid of parking minimums. Thank you for the work you do, your time and efforts, with the criticism you hear about ADUs and other master plans that are needed in our City. We have a very severe housing crisis going on that we need to address.

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

Moved by Alex Milshteyn, seconded by Lisa Sauvé, that The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 (Zoning), Section 5.15 (Table 5.15-2) and Section 5.16.6. Accessory Uses and Structures

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 rollcall vote the Chair declared the motion carried

unanimously. Vote: 8-0

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

Nays: 0

Absent: 1 - Shannan Gibb-Randall

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

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

Caller ending in 534, Tom Stulberg stated, thank you to Sauvé for correcting me on the issue of the duplexes. One thing that I think is important to mention, I do feel these are significant changes. The average person sees the tip of the iceberg of this, and maybe there only was the tip of the iceberg in 2016. Now we've made the 90% of the iceberg under the water, real, not hypothetical. This is not what the average person thinks an ADU is; technically these are accessory dwelling units, and we can call this an ordinance revision technically, and go to the technical notices that are technically required for an ordinance revision, but in the end what do we want as a community – we want the citizens to be well informed, to understand what these changes mean, and to be able to weigh in with their opinions, and if the citizens want this, that's great, They bought into this, because they understand it! I'm convinced that the vast majority of citizens have no clue the extent of these changes, which are very significant changes. This is something more impactful than an ADU and if the citizens want it, then great! I think it's wrong to not notify the citizens because these are such drastic changes; these are so far from what the people understand an ADU to be and I don't understand why we don't notify the citizens, educate them. The City is all of us - all of the citizens – they have a right to know and to understand these changes. It's up to Council now how we are going to notify the citizens so they can tell us what they really think about these changes, because they don't know!

Caller ending in 556; Ralph McKee stated, I want to start by expressing that I'm disappointed with several items. I am a little bit amazed at the result; I wonder why we have public engagement, to be frank. The vast majority of commenters wanted more notice; you said no. Many commenters wanted greater setbacks; you didn't want to change that. The majority (25-9 according to my list) wanted to retain the owner-occupancy

requirement; nope not doing that. There were lots of good comments made by commenters and a lot of them didn't even get addressed; if you are going to make decisions that pretty much go against all the public input that you get, why are we wasting our time. I would have suspected that would have increased the severity of numbers if you had notified more people. The lack of arguments bother me. If you're going to take one data point of Vancouver, without getting into any detail, like maybe those units were affordable because they were built a long time ago when building costs were lower. Commissioner Milshteyn did his homework, which I appreciate. Older owners will take out home equity loans to build one of these and if the rent isn't going to get paid, you're going to get foreclosed out of your house. These comments are contrary to each other and totally intellectually dishonest if you look at them, but you accept them both; you really need to apply some better critical thinking skills here.

Caller ending in 764; John Floyd stated, arguing that investors are key to increasing ADUs, and arguing that investors won't make much impact, it just looks silly. Companies like Oxford properties already manage large portfolios of rental properties in Ann Arbor. Arguing that they don't exist when they already do, looks silly. The friends and family argument about who lives in ADUs assumes they are owner occupied; if they are investor occupied they are not friends and family. Vancouver is a large, metro, land locked City between the ocean and mountains; Ann Arbor is a small community in a middle of a prairie. A crisis is an imminent bad event or fallout from a bad event; eviction is a housing crisis. I wish I lived in a different zip code is not a housing crisis. Misusing language does not improve credibility of government. If it walks like a zoning change, and it talks like a zoning change, it's not a duck, it's a zoning change. Just because your social set lives online does not mean your population lives on line, so just because you put out a lot of online notice, doesn't mean the homeowners read it, and doesn't mean it is realistic. Thank you for your service on the Commission, but there is a lot bad process on this and false analogy that doesn't enhance your credibility.

Caller ending in 326; Jeff Crockett, 506 E Kingsley, Ann Arbor stated, I appreciate the brief presentation on enforcement, but I feel it missed my point. There is an easy process in place to identify if you have a problem with your trash – the A2 Fix It system, where you can go and report it, and it gets responses and gets plodded. What I understand from the reporting of ADU problems and zoning is much less transparent, Whenever I've reported on signage problems it was given to a person and I was not given a number. I'm requesting that Mr. Lenart develop a step by step

procedure of ADU enforcement, so that a person whom encounters a problem in their backyard knows what to do. Right now, you go to the Planning website and you send an email, that's it, we deserve more. I don't understand why you simply couldn't just expand that system involved into zoning enforcement to A2 Fix It. It's a good system. You can't see a plot on etrakit like you can on A2 Fix It. I encourage Mr. Lenart to develop a set of guidelines specific to the reporting of ADU violations.

Anne Bannister, stated, thank you for your service. I want to echo concerns of residents who have been calling in. I serve on the natural features subcommittee. This ordinance makes no mention or protection for natural features; it's a violation of our best interests for A2Zero. I'm worried about unintended consequences of drainage. It is better to build on Brownfields, areas that are already covered in asphalt and concrete, transit areas like down by Sears, and we've got plenty of good places to incentivize building, rather than in these established neighborhoods, with our dwindling, remaining tree canopy and natural features. This is so contrary to our climate crisis values. I'm also concerned about lack of public notice; I didn't see the press release that was referenced. 99% of the people aren't familiar with what ideology is being laid down upon us. I hope Councilmember Ramlawi will bring forth a resolution to at least send forth a postcard to these 20,000 properties. I hope the tree and natural feature advocates will come forth as this process moves forward.

Caller ending in 059; Cynthia Price, 2800 Page Avenue, Ann Arbor, stated, thank you for passing this ordinance; I think it brings Ann Arbor better into the future and what it holds. I agree with Chair Mills that there is nothing preventing future revisions to this ordinance.

Caller ending in 828; Kathy Stracken, stated, I live in Ward 1 and I'll be very interested to see how many ADUs will come after these changes. I think taxes will be the most significant factor why it's not done; taxes may go up 50, 75, or 100%. Taxes in this city are incredibly high and I've lived in my home for 30 years; There is no way I would have my taxes jump to the assessed value. I couldn't afford those kinds of taxes. It will be interesting to see how many ADUs are put in with that uncapping ones' taxes. This will be a strong consideration and I hope people will be notified of their tax increase when they put in for these ADUs.

Caller ending in 180; Brandon Dimcheff, stated I live in the 4th Ward, and I like these changes, I don't feel like I'm being tricked. I feel the amount of input has been average. My experience in listening to City Council meetings is there's a small subset of people that often participate. Ann

Arbor may not be landlocked, but in the future with people moving further out, and needing to commute it will be way worse than building something on a plot of grass in your backyard. I don't feel there was a lack of public notice; I appreciate all of the work you've done and appreciate this going forward, I'm not concerned about the setback thing. You'll make it work.

12. COMMISSION PROPOSED BUSINESS

None

13. ADJOURNMENT

Moved by Alex Milshteyn, seconded by Lisa Disch, to adjourn the meeting at 9:44 pm. Without objection the meeting was adjourned.

Sarah Mills, Chairperson
/mg

eComments for the Commission may be left via our Legistar calendar page (column to the very right)
<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. 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 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.