



City of Ann Arbor

Meeting Minutes - Final

City Planning Commission

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

Tuesday, August 18, 2020

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: 877 853 5247 (Toll Free) or 888 788 0099
Meeting ID: 985 7778 7699

1 **CALL TO ORDER**

Chair Sarah Mills called the meeting to order at 7:04 p.m. with the following statement:

Welcome to the Tuesday, August 18, 2020 electronic meeting of the Ann Arbor Planning Commission. This meeting is in accordance with executive orders from the Governor to effect social distancing and mitigate the spread of the COVID-19 virus. 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 and enter Meeting ID number 985 7778 7699. 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.

2 **ROLL CALL**

Planning Manager Brett Lenart called the roll.

Present 8 - Woods, Briggs, Mills, Milshteyn, Gibb-Randall, Ackerman, Sauve, and Abrons

Absent 1 - Hammerschmidt

3 **INTRODUCTIONS**

None

4 **APPROVAL OF AGENDA**

Moved by Lisa Sauve, Seconded by Wendy Woods, to Approve the Agenda as presented. On a voice vote, the Chair declared the motion carried unanimously.

5 **MINUTES OF PREVIOUS MEETING**

5-a **20-1179** July 21, 2020 City Planning Commission Meeting Minutes

A motion was made by Ellie Abrons, seconded by Shannan Gibb-Randall, that the July 21, 2020 Meeting Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

5-b **20-1265** August 5, 2020 City Planning Commission Meeting Minutes

A motion was made by Ellie Abrons, seconded by Shannan Gibb-Randall, that the August 5, 2020 Meeting Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

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

6-a **City Council**

Councilmember Zach Ackerman reported on the previous Council meeting; rezonings and site plans for two hotels and drive-through restaurant proposed at 3600 Plymouth Road (Red Roof Inn and former Big Boy Restaurant parcel) as well as two hotels on the former Michigan Inn site on Jackson Avenue were approved. He noted that the Plymouth Rd owner volunteered two conditions to be added to the rezonings. City Council adopted a new Affordable Housing Waitlist Policy, as well as the City purchasing the Lurie Terrace Senior Apartment complex to add to the City's affordable housing stock.

6-b **Planning Manager**

None

6-c Planning Commission Officers and Committees

None

6-d Written Communications and Petitions

[20-1266](#) Various Communication to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION/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.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

8-a [20-1267](#) Public Hearings Scheduled for the September 1, 2020 Planning Commission Meeting

Brett Lenart reported on upcoming agenda items for the next business meeting.

Received by the Commission and Filed.

9 UNFINISHED BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item

9-a [20-1259](#) An Amendment to Chapter 55 Unified Development Code, section 5.25 Lighting for City Council Approval - Amendment to replace the existing exterior lighting standards with new standards that minimize adverse impacts of lighting on the built and natural environment, promote energy efficiency, and support/enhance commerce and lawful nighttime activities. Staff recommendation: Approval

STAFF REPORT:

Brett Lenart provided the staff report.

This ordinance was postponed without discussion at the July 14, 2020 City Planning Commission meeting. Since then staff has reviewed the ordinance with an eye toward legality and enforceability and made several revisions. In particular:

- *The applicability section had two paragraphs removed that are implicit to the ordinance. Applicability was merged with Exemptions, per UDC formatting norms.*
- *The exemption for lighting only U.S. and State of Michigan flags was changed to lighting all flags to avoid issues of regulating content.*
- *Questions have been raised about the Color Rendering Index ratings for lightbulbs. This information may not be readily available and therefore difficult to enforce.*
- *References that apply lighting restrictions on PL Public Land Zoning districts has been removed. Public land is exempt from Chapter 55 (references are maintained for impacts to these areas).*
- *Staff has removed linkages from electrical permits to non-conforming status/rights to outdoor lighting.*

SUMMARY:

Section 5.25 of the Unified Development Code (UDC) currently regulates outdoor lighting. The standards are basic and apply mainly to parking lots in site plan projects, where minimum light levels are required throughout the night while allowing only a few site-planned exceptions in residential neighborhoods. Non-parking lot lighting has general requirements for shielding and screening.

A working group comprised of Planning Commission, Energy Commission, Environmental Commission members, and others have collaborated to create a draft ordinance with the assistance of several local lighting activists and experts. Staff reviewed and revised the ordinance for consistency with Chapter 55. The amendments were presented at the November 26 Ordinance Revisions Committee meeting and at the May 12, 2020 Working Session of the Planning Commission. Comments from Planning Commissioners have been incorporated into the current draft, including the removal of language that would limit the brightness of temporary commercially-installed light displays such as holiday building wrapping and tree wrapping.

Major points of the proposed amendments include:

- *New residential construction, and site plan projects, shall submit a lighting plan that is compliant with Section 5.25.*
- *Temporary light installations on private property are allowed for 90 days in the exemptions. This could include holiday lights, art installations, special event lighting, etc.*
- *Light trespass is limited to certain levels at the property line.*

Properties abutting residential zones have the strictest limits; D1 and D2 districts allow higher levels of light.

- New light fixtures are to be fully or partially shielded, depending on the type of installation.*
- Decorative building and landscaping illumination is largely prohibited between midnight and 6 am, except for businesses open during those hours.*
- Parking lot lighting is limited to 6 Foot-candles and must be extinguished beyond business hours for non-residential uses. Currently, the UDC requires less than one Foot-candle of lighting minimum, but it must remain on all night. No maximum is specified.*
- Nonconforming lighting must be brought into compliance when an application for a site plan is made or an exterior electrical permit is applied for. Examples of this work might include installing new exterior light fixtures, replacing an illuminated sign, or adding/replacing an air conditioning unit or other mechanical unit.*

PUBLIC HEARING:

Heather Good, 3468 Fernwood Ave, Ann Arbor, Director of Michigan Audubon Society, thanked the Commission and everyone who has worked on this effort, noting whatever is good for the birds is also good for humans. She expressed the Society's support for this ordinance saying it reflects a commitment to sustainability and to bird conservation.

John Mirsky, 505 Burson Place, Ann Arbor, urged the Commission to unanimously recommend the lighting ordinance be approved by City Council, saying it will achieve the points outlined in the Introduction. He said the City as a whole, needs to reconsider how amortization is handled in the UDC (Unified Development Code) if Ann Arbor is to achieve important goals, such as the A2Zero Carbon Neutrality Target of by 2030 and other environmental sustainability targets. He said having no or very long drawn out amortization process or clauses, simply won't get us to where we need to be, given that new or re-development only impacts a small percentage of our built environment. Mirsky said he thinks we need a new paradigm. He stated we are too slow at developing and implementing new ordinances and UDC updates, adding that he has been working on UDC updates and they have been worked on for over two years. He said if we are not fast in producing high quality ordinances and updates, we will fall behind other high performers which means we become a higher cost to deal with; this not only applies to new businesses and municipalities but to all of us. He thanked everyone involved in the work of this ordinance as well as the Commission.

Sally Oey, representing Michigan Dark Skies Initiative, as well as the joint group who drafted this ordinance. She noted the individuals and groups who provided their support to this ordinance at the July 21, 2020 Planning Commission meeting; Michigan Bird Society, Audubon Society, and others. She agreed with previous speakers noting that we the need for amortization of lighting fixtures.

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

MAIN MOTION:

Moved by Wendy Woods, Seconded by Alex Milshteyn, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code: replace Section 5.25 Outdoor Lighting; add Section 5.33.6 Nonconforming Lighting Installations; and add thirteen definitions to 5.37.2 Specific Terms; in order to more effectively regulate outdoor lighting throughout the City.

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:

Amendment by Sarah Mills, Seconded by Zach Ackerman, to clarify that temporary lights, outside of residential districts, are subject to the restrictions on flashing, strobing, blinking lights in Section 10. On a voice vote the Chair declared the amendment passed.

On a roll call vote, the Chair declared the Amended Motion approved. Vote:8 - 0

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, and Ellie Abrons

Nays: 0

Absent: 1 - Sara Hammerschmidt

- 9-b** [20-1260](#) Proposed Amendments to Chapter 55 Unified Development Code for City Council Approval - An ordinance for several amendments to Chapter 55, Unified Development Code: 1) amendments to Table 5.15.-2 Permitted Accessory Use Table and Section 5.16.6 Accessory Uses and Structures

to allow accessory dwelling units in the R2A district; 2) amendment to Section 5.28.8 Security for Completion of Improvements to allow security to be posted for all required site improvements prior to issuance of a certificate of occupancy; 3) amendment to Section 5.17.6.C Building Design Requirements on Primary and Secondary Streets to prohibit fiber cement products as façade material; 4) amendment to Section 5.17.4 Mixed Use Zoning Districts to allow area dedicated as right-of-way for new or widened public sidewalks to be considered as part of lot area; 5) amendment to correct fence graphic label in Section 5.26 Fences; 6) amendment to correct footnote D reference in Table 5.17-4 Mixed Use Zoning District Dimensions; 7) amendment to correct marijuana-infused product processor as permitted use in M1, M1A, and M2 districts in Table 5.15-1 Permitted Primary Use Table; 8) amendment to reformat Tables 5.17-1 through 5 to landscape orientation and incorporate more footnotes into the table body for simplification. Staff recommendation: Approval

STAFF REPORT:

Alexis DiLeo, City Planner provided the staff report.

Several changes and corrections are proposed to the Unified Development Code. Changes including: reformatting existing ADU requirements for improved clarity, Title and reference amendments to Table 5.15-2, expanding the site improvements for which security can be posted prior to issuance of a temporary certificate of occupancy, prohibiting fiber cement products as a primary façade material in the D-1 and D-2 districts, allowing areas dedicated for public sidewalks to be considered as part of the lot area for FAR calculations, and amendments to presentation of dimensional tables.

Corrections include: allowing accessory dwelling units in the R2A district, correcting a fence graphic label, correcting a footnote reference, correcting marijuana processor use permissions, and correcting errors in dimensional tables.

PUBLIC HEARING:

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

Moved by Lisa Sauve, Seconded by Wendy Woods, 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 5.16.6.D, 5.28.8, 5.17.6.C, 5.17.4, and 5.26.2.A, including Tables 5.15-1, 5.15-2, 5.17-1, 5.17-2, 5.17-3, 5.17-4 and 5.17-5 to allow accessory dwelling units in the

R2A district, expand security for the completion of improvements, regulate fiber cement boards, provide right-of-way for sidewalks in FAR determination, correct a fence graphic, correct marijuana processor use permission, and correct dimensional standards tables.

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]

Mills explained that zoning and the Unified Development Code (UDC) is a living document where sometimes entire sections are reviewed and other times a single sentence might be stuck or added in order to keep moving forward.

The Commission expressed their appreciation to staff for their continuous work on the code in order to keep it continuously reflecting the City's current values.

On a roll call vote, the Chair declared the Motion Approved. Vote: 8 - 0

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, and Ellie Abrons

Nays: 0

Absent: 1 - Sara Hammerschmidt

9-c [20-1261](#) Review of City Planning Commission Bylaws

Moved by Alex Mishteyn, Seconded by Ellie Abrons, that the Ann Arbor City Planning Commission moves to approve the By-Laws as presented.

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]

The Commission agreed to revisit the By-Laws section on potential

missed meetings next year.

On a roll call vote, the Chair declared the motion carried. Vote: 8 - 0

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, and Ellie Abrons

Nays: 0

Absent: 1 - Sara Hammerschmidt

10 **REGULAR BUSINESS - Project Presentation, Staff Report, Public Hearing and Commission Discussion on Each Item**

- 10-a** **20-1262** 559 Riverview Dr Annexation and Zoning for City Council Approval - A request to annex this ~1-acre parcel from Ann Arbor Township into the City of Ann Arbor and zone it R1B (Single-Family Dwelling) in order to obtain City water and sewer services. Staff recommendation: Approval

STAFF REPORT:

Brett Lenart, Planning Manager, provided the staff report.

The petitioner requests annexation of this 2,600-square foot house on 0.4-acres from Ann Arbor Township and zoning to R1B (Single-Family Dwelling District). The petitioner is requesting annexation of this parcel since it is within the contiguous bounded limits of the City.

The parcel was platted in Ann Arbor Township. The existing home was built in 1954. The Northeast Area Plan recommends residential use for this site.

A study analysis for the area north of Geddes Avenue was completed in 2000 to determine the appropriate zoning for the township parcels in the area. R1B zoning was recommended over R1A zoning as it accomplished more conforming lots and the smaller lot size could lead to an increase in households to help reduce the overall cost of each unit connecting to utilities.

PUBLIC HEARING:

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

Moved by Alex Milshteyn, Seconded by Zach Ackerman, that the

Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wade Annexation (559 Riverview Drive) and R1B (Single-Family Dwelling District) Zoning.

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 Chair declared the motion carried. Vote: 8 - 0

Yeas: 8 - Wendy Woods, Erica Briggs, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Zachary Ackerman, Elizabeth Sauve, and Ellie Abrons

Nays: 0

Absent: 1 - Sara Hammerschmidt

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

None

12 COMMISSION PROPOSED BUSINESS

None

13 ADJOURNMENT

Moved by Shannan Gibb-Randall, Seconded by Ellie Abrons, to adjourn the meeting at 8:58 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