

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – March 18, 2008

Time: Chair Pratt called the meeting to order at 7:03 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

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ROLL CALL

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Members Present: Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal

Members Absent: Bona

Members Arriving: Lowenstein

Staff Present: Cheng, DiLeo, Foondle, Kowalski, Lloyd, Pulcipher

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INTRODUCTIONS

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None.

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MINUTES OF PREVIOUS MEETING

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a. Minutes of February 21, 2008.

**Moved by Carlberg, seconded by Mahler, to approve the minutes as presented.**

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal

NAYS: None

ABSENT: Bona, Lowenstein

**Motion carried.**

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APPROVAL OF AGENDA

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**Moved by Carlberg, seconded by Mahler, to approve the agenda.**

A vote on the motion showed:

YEAS: Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Lowenstein

**Motion carried.**

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REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,  
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION  
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

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Mahler reported that the Master Plan Review Committee met on March 10 to discuss the Downtown Plan. He said each committee member volunteered to take a section of the plan and review it to determine if there were areas appropriate for revisions. He said the next meeting would be held on March 24, at which time they intended to decide if it would be feasible to revise the Downtown Plan into a document to move into the next 20 to 25 years.

Pratt stated that a focus group meeting on area, height and placement standards throughout the City would be held on March 24 at 1:00 in City Hall to look into anomalies and issues that the Planning Commission has raised. He said they also were obtaining input from the stakeholders and taking a look at the appropriateness of setbacks primarily in non-residential areas.

Borum reported that the Ordinance Revisions Committee would be meeting on March 25 at 3:00 p.m. in City Hall.

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AUDIENCE PARTICIPATION

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Jim Mogenson, 3780 Greenbrier, stated that he attends many City policy meetings and one of the things that he noticed was happening was that he was becoming more confused upon leaving the meetings. For instance, he said, when he heard people saying that there was a need to increase density in the downtown area in order to reduce sprawl and increase the tax base, he thought it made sense outside of the broader context. He wondered if doing this in a broader sense would have the opposite effect and increase sprawl and decrease the DDA tax base. With regard to bus routes, he said, there was a need to accommodate commuters who lived outside in the sprawl. However, he said, he would then attend another meeting and hear that it was too expensive to build affordable housing in the downtown. Then he learns that the DDA is going to build an underground parking structure at the library lot on Fifth Avenue because there were too many cars downtown. All of these things were true, he said, but when you put them all together, the worst of all worlds could happen. The City could end up with a very dense core area and still have the sprawl and still have the congestion because people would still drive into town and getting transit to and from Ypsilanti has not yet been figured out, and if the City were to go with the urban county approach, then low income people would end up with no way to get around. He thought the City needed to step back and think about what it was doing in the broader context.

Christine Jones, 443 Fourth Street, stated that she was getting close to retirement and she wanted to ask the Planning Commission to consider allowing her to turn a back building on her property into a rental unit. She said she has talked to a planner with the Planning and Development Services Unit, who explained the process. She said it would be a very costly process of \$10,000 to begin and, rather than investing all of this money, she would first like to obtain feedback from Planning Commission members as to whether they would be amenable to her doing this.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Pratt announced the public hearings scheduled for the April 1, 2008 Planning Commission meeting.

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REGULAR BUSINESS

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a. Public Hearing and Action on Mercedes Benz Planned Project Site Plan, 3.12 acres, 3953 Research Park Drive. A proposal to construct three additions totaling 6,663 square feet – Staff Recommendation: Approval

Cheng explained the proposal and showed photographs of the property.

Stephan Manger, CEO of Mercedes Benz, explained why they wanted to invest money in this facility. He said they were looking forward to the years ahead and the challenges involved with hybrid and other future projects. He said their headquarters were in Los Angeles, but they recognized the importance of making investments in other areas to fulfill development needs and abilities.

Brett LaVanway, of Boss Engineering, representing the petitioner, thanked staff for the work they had done on this project. He said he, the petitioner, and other representatives of the petitioner were available to answer questions.

Noting no further speakers, Pratt declared the public hearing closed.

**Moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Mercedes Benz Planned Project Site Plan, with proposed modifications to the front setback requirements of Chapter 55 (Zoning ordinance), Section 5:42, and subject to maintaining a minimum usable open space of 40 percent.**

Potts stated that this was a situation where the building already existed and its proposed expansion was reasonably placed within the existing zoning. She thought the expansion of this business was a public benefit, stating that she was glad to hear that the company would be staying in this location. She thought the slight irregularities were minor and would have no negative impact.

Emaus asked if the reason for the additional curb cut was to access the parking that would now be split by the warehouse addition. He asked if this were necessary because of the extensive detention at the

back and the inability to extend over the detention. He asked if the detention area was much more than what was necessary for the impervious surface on the site.

Cheng stated that there was a connection between the two parking areas through the warehouse addition, although it was not a public connection. He said this site was limited by the rear setback and the detention area, so it would be difficult to place the expansion any further to the east.

LaVanway stated that the detention basin itself was pre-existing and was in a very natural state. It took up almost a third of the eastern portion of the property, he said. He also stated that the detention area was designed for a 100-year storm and that there was no excess capacity available.

Emaus did not think the second curb cut would be a problem given the low amount of traffic.

Pratt confirmed with staff that this proposal involved the planned project process to avoid setting a precedent of putting the Zoning Board of Appeals in a position of granting a variance. He thought there was justification for locking in the open space, noting that 40 percent was a great upgrade of open space. It appeared that the petitioner could do everything that was proposed without a planned project, but that the planned project allowed the petitioner to follow some of the City's goals. He did not object to a planned project in this area with the public benefit.

Cheng stated that staff guided the petitioner toward the planned project, noting that the petitioner originally requested a variance from the Zoning Board of Appeals.

A vote on the motion showed:

YEAS:	Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS:	None
ABSENT:	Bona, Lowenstein

**Motion carried.**

b. Public Hearing and Action on 121 North Division Street Rezoning, 0.12 acre. A request to rezone this site from R4C (Multiple-Family Dwelling District) to O (Office District) – Staff Recommendation: Denial

Kowalski explained the proposal and showed photographs of the property.

Louisa Pieper, 408 Awixa, speaking on behalf of the Ann Arbor Preservation Alliance, urged the Planning Commission to deny the rezoning of this historic house from residential to commercial use. She stated that adopted policy plans consistently support the City's commitment to protect historical residential neighborhoods that border the downtown. Changes in zoning from residential to any form of commercial use would threaten that commitment, she said. She noted that neighborhoods that were adjacent to the downtown were especially vulnerable to this type of encroachment. She informed Commission that the Division Street Historic District was the City's first historic district and that this house and the others at this intersection were the crown jewel of the district. She believed allowing a commercial use here was unthinkable.

Norm Tyler, 126 North Division Street, stated that his home was one of the four historic houses at this intersection and he was concerned about changing the character of this historic district from residential to commercial. He stated that one of the reasons they moved here was because they believed this was a stable historic residential district. He believed that the construction of the North Quad on the university

campus could result in more homes in this historic area being converted to single-family occupation and that approval of this rezoning would be a step away from that direction. He said it was very important to preserve this downtown residential area, stating that these in-town residential neighborhoods were a precious commodity. He hoped the Planning Commission would vote against this rezoning.

Christine Crockett, president of the Old Fourth Ward Historic District (OFWHD), suggested that the Planning Commission read the policy statement of the Old West Side Association about conversion of neighborhood homes to commercial or office uses. At the time this house was purchased by the current owner, she said, the OFWHD made it clear that it wanted the residential integrity of the district kept intact. She stated that this was not the first request to have this house changed from residential to office use, nor was it the first request to change other houses on Division Street to other office or commercial uses. All of them were turned down by the Planning Commission, she said. It was their hope to see more owner occupants in the neighborhood, she said, in the desire to maintain the stability of the neighborhood. She stated that any chipping away at the residential character of the historic neighborhood close to downtown would create a domino effect. She said the City should want to keep a variety of residents in the downtown and be able to assure them that they were living in safe neighborhoods, not neighborhoods that were open to speculative development. She urged the Planning Commission to turn this rezoning request down, just as previous planning commissions had done.

Dan Dever, speaking on behalf of the petitioner, stated that the petitioner had an immense amount of respect for historic districts, but said there was an issue of balance here. He stated that the subject house was not in the midst of a residential historic district; rather, this house contained spot zoning on a commercial block. He said they were requesting office zoning because properties immediately adjacent to this house were zoned office. If the C2B/R zoning district were more suitable to the City, which would allow residential and office, the petitioner would be amenable to that, he said. He noted that fewer variances would be required if it were zoned C2B/R. He believed this area was changing and, because this house was on a commercial block and spot zoned, and because its use was inconsistent with the immediately surrounding area, the proposed rezoning was appropriate. He suggested to the Planning Commission that what they were trying to do was bring this house into conformity with the immediately adjoining property on this block, which was commercial and office. He said they were requesting consistency and the same treatment that has been provided to the other lots on this block. He did not see this rezoning as an intrusion on the neighborhood, stating that this block has been carved out from the neighborhood. With regard to parking, he said, the petitioner owned property to the south and if there were a need for overflow parking, that property could be used. He said it was the petitioner's desire to remain in the downtown.

Ray Detter, chair of the DDA Citizens Advisory Committee and resident of 120 North Division Street, stated that he lived directly across the street from this property. He provided historical background, going back to the original owner of the house, and said he believed this area has been residential for over 100 years. He stated that the citizens advisory committee participated in the Downtown Plan, Central Area Plan, the Downtown Residential Task Force, the Calthorpe recommendations and the A2D2 sessions, noting that these were all planning issues and policies that recommended preservation of the City's historic districts and preservation of the houses within those districts, particularly in the residential neighborhoods. He believed the residential zoning must be maintained in order to maintain the historic district. If this were to become an office building, he said, there would be no activity during the evenings and the building would no longer be part of the neighborhood. He stated that neither the petitioner nor a representative of the petitioner spoke with anyone in the neighborhood about this rezoning proposal. He hoped the Planning Commission would recommend denial of the rezoning.

Mohammed Issa, one of the owners of this property, stated that he made the deal to purchase this property with the owner of this house before she passed away. He said they have kept the property in

good shape and regularly provide maintenance. He said they were there to support their neighbors. It was not their intention to alter the house in any way, he said, but they needed more office space because their space at Huron and Division was no longer adequate. They were not planning on hiring additional employees, he said, and this would not be an office for visitors. He stated that it was his desire to maintain this house as an historical property.

Noting no further speakers, Pratt declared the public hearing closed.

**Moved by Potts, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 121 North Division Street Rezoning from R4C (Multiple-Family Dwelling District) to O (Office District).**

**Moved by Potts, seconded by Emaus, that the Ann Arbor City Planning Commission hereby waives the requirement for an area plan because no new construction is proposed.**

Potts stated that older neighborhoods in general and historic neighborhoods in particular were under pressure from others tempted to buy property and use it for something different that either fit within the zoning classification or that required a zoning change. She was concerned about chipping away at the edges from all sides of these neighborhoods. She understood the petitioner's intention to respect the building, but she noted that a rezoning was just step one to the land becoming more valuable than the house, leading to potential demolishing of the house. She did not support the rezoning because of the need for respecting historic districts, and also because she believed this rezoning would result in the property being nonconforming with regard to lot size and setbacks. She did not know the history of the adjoining houses came to be zoned office, but said they were mistakes made in the past and she did not think another one should be made.

Emaus stated that 328 and 334 Catherine were zoned office and asked if staff knew how they came to be spot zoned in this historic district.

Kowalski stated that staff did not have historical information on that.

Emaus stated that when he walked along Huron Street, he did not think of the corner at Huron and Division as something other than commercial. He said it seemed like a commercial district, with the Ahmo's restaurant, the tire store, etc., at the corner, and that continuing around the block did not seem to be a residential area. Therefore, the requirements for conflicting use buffers and setbacks for residentially zoned property placed within a commercial block seemed onerous to him. He did not envision the rest of this block being changed to residential use and, for the sake of consistency, he did not think the rezoning of this particular site would encroach into the historic neighborhood. He thought the rezoning would allow other property owners to use their property in a way that was consistent with what was going on along Huron Street and the commercial area there. Upon reading through the Central Area Plan, he did not find this rezoning to be as terrible an encroachment as it has been portrayed to be. He thought it made more sense that this property be consistent with the other properties on this block.

Carlberg stated that since the three houses at the corner were in an historic district, their form would be preserved and could not be changed without permission from the Historic District Commission. She said the form of the houses was more important than what actually went on in the buildings themselves. This was a lovely building and she would not like to see it go, but she believed that in time the issue of its removal would come up because this block was to become a City municipal complex and would totally dominate the block. She stated that this particular house did not contribute to the rest of the block, nor

would an office use change the appearance of the house; therefore, she found it difficult to insist that the house stay residential. She said there were many residential buildings in this area that were not likely to change without a huge community decision to do so. Changing the use of this house seemed relatively insignificant for the rest of the area, she said.

Mahler stated that he was not as concerned about changing the use of the house as he was about the Planning Commission, as a regulatory body, recommending something that did not meet the standards of the proposed zoning. He said he would not mind seeing this site become something other than residential but, as a regulatory body, he questioned how the Planning Commission could overlook the minimum lot size, parking, and other requirements not being met. He supported the request for an area plan waiver, agreeing that this was a commercial area and that the proposed use would be consistent with that.

Borum agreed with Commissioner Mahler's position about this not meeting the standards of the proposed zoning district, but said he also agreed that the residential form of the building could still retain its historical value if rezoned. When looking at a map of the area, he said, it was easy to distinguish the different blocks, but when he walked through an area, he tended to think of a block as being centered on the street and it containing both sides of the street. He said the houses that faced each other actually comprised the character of the block for him. When he walked down this particular street, he said, there were residences on the facing streets giving it a residential feel, but the compromising fact here was that Division Street was a major thoroughfare that severed that initial reading of the two sides facing each other being the center of the block. He was concerned about the lack of a minimum parking requirement and said that the property, if rezoned, could be leased to a different user who might need more parking, thereby creating a problem. He said he could not support this proposed rezoning.

Carlberg noted that the lots along Fifth Avenue that were zoned office were too small to fit the office zoning requirements, which was true for most of the downtown. She said people parked in available parking spaces and if there were no parking available, then this became the problem of the user. It was not a problem for the aesthetics, she said. She also pointed out that there currently were discussions about eliminating surface parking in the downtown. She thought denying the rezoning based on the size of the lot was illogical, given how many existing office uses in the downtown did not meet the zoning requirements.

Potts stated that the streetscape was a good deal of what held historic districts together. She noted that there were plans to narrow both Division Street and Fifth Avenue, making them more pedestrian friendly and providing parking along one side of the street, which would return both streets to more of a residential look.

Westphal thought that if the City wanted to allow office uses on parcels like this, the appropriate channel would then be to change the zoning requirements instead of adding to the quantity of nonconforming lots. He did not believe this rezoning and resulting nonconformance was supported in plans for this area and said he found it difficult to contradict recommendations contained in the master plan.

Emaus stated that this piece of property was currently nonconforming and that the proposed rezoning would make it less nonconforming. He thought office zoning would likely result in less of a need for parking because of the neighboring parking lot that could be used for the office; however, if the property remained R4C, which allowed up to six residents, then six parking spaces would be needed. He stated that this property would continue to be nonconforming regardless of the existing or proposed zoning, adding that any changes to the building itself would require either Historic District Commission or Zoning Board of Appeals approval. He believed arguing against changing the zoning of a nonconforming parcel because it would become a nonconforming parcel was a non-argument.

Carlberg stated that the petitioner has requested that Commission table action in order to pursue a more appropriate rezoning.

**Moved by Carlberg, seconded by Borum, to table action.**

A vote on the motion to table showed:

YEAS: Borum, Carlberg, Emaus, Mahler, Pratt, Westphal  
NAYS: Potts  
ABSENT: Bona, Lowenstein

**Motion carried.**

c. Public Hearing and Action on University Village Site Plan, 1.61 acres, southeast corner of South University and South Forest Avenues. A proposal to construct, in two phases, a mixed-use retail/residential development (retail on first level, 421 residential dwelling units on rest of floors) consisting of two mid-rise buildings, 15 stories and 22 stories tall, and a total of 256 parking spaces (238 underground) – Staff Recommendation: Table

Kowalski explained the proposal and showed photographs of the property.

Mark Gerstein, 1321 Forest Court, stated that his home was adjacent to this proposed development. He noted that the stairway of the south tower would be 10.4 feet from his garage, which he found to be unacceptable. He stated that if the alley did not exist, the proposed building would have to be set back an additional 49 feet because of the proposed height. While the 10.4-foot proximity of the proposed building was on a diagonal, he said, it did not lessen the degree to which he and his wife would be affected. He believed that allowing this building to be built so close to his property was a violation of the spirit and intent of the City's zoning regulations. He urged that the City protect the integrity of his and other homes on Forest Court before allowing something like this. He also called attention to a letter submitted to the City by him and his wife, which contained comments and concerns about the proposal.

Bob Snyder, president of the South University Neighborhood Association, stated that 93 percent of the homes in the association area were student rentals, with the remainder being owner-occupied. He stated that current market lease rates were \$500 to \$700 per student per month, and the approximate number of students in the association area was 900. The average number of cars per each six-person unit was three to four, he said, meaning about 600 cars in the area. He said the average number of off-street parking spaces per each six-person unit was three and the on-street parking was limited to about 64 to 70, with no parking on Geddes or South University. Besides this project being inappropriate for this location, he said there were two major environmental concerns: one was that both on and off-street parking would be grossly inefficient, noting that students did have cars and they parked them either on the streets or in yards. There would be four to six cars per unit, he said. There also was a significant concern about a severe wind problem from the height of this, he said, and wondered if anything had been done to study what would happen if these two towers were built here. He noted that University Towers at the northwest corner of the intersection was 19 stories tall and 964 occupants with no parking. There was a capacity of 854 in the Forest Street parking structure, he said, one third of which was reserved for the University, leaving a potential capacity of 569 spaces. He said the DDA has indicated that when school is in session, the structure was virtually full between the hours of 10:00 a.m. and 3:00 p.m. He questioned the economic viability of this proposal, noting the proposed \$1000 monthly rate per student in an area where the average monthly rental rate was \$500-\$700, and the limited parking, for both vehicles

and automobiles, that would be available. He reiterated his concern about this proposal being grossly inefficient and asked that a wind study be done.

Mark Fisher, stated that he grew up in Burns Park and attended the University of Michigan, so he was familiar with the parking situation in this area. He believed this proposal was absurd, that it was a monstrosity, stating that he has never seen anything like this in Ann Arbor. He thought the Planning Commission needed to think about the surrounding community when making a decision, noting the vacancy rate that would occur with existing houses and how this would affect the entire community. He urged denial of this project.

Andrea VanHouweling, 920 Lincoln, provided two handouts to the Planning Commission (on file). The first consisted of two charts regarding the proposed buildings that she prepared from information she received while visiting City Hall. She said the proposed 22-story building would be the second tallest building in Ann Arbor and that the proposed 15-story building would be the fourth tallest building. The proposed square footage of the entire building would by far be the largest in the City, adding that it would be at least 65 percent larger than the next largest building. She stated that the proposed building was enormous according to Ann Arbor standards. The second handout was a letter she wrote, where she addressed the competition these new buildings would face if they were built. Currently, she said, there were four different student housing structures being built in Ann Arbor and they all would be completed and rented before this project was done. She said the four other buildings would total 1,954 bedrooms, with one of the buildings being the University's new North Quad, and the three others being private, for-profit, very similar in nature to what was proposed tonight. She hoped the Planning Commission would consider the comments contained in her letter and the information in her charts because this project could cause some very problems for Ann Arbor both now and in the future.

Enter Lowenstein.

Eric Meves, 1706 Cambridge, commented on the lack of building height controls. When the zoning for this property and others in the South University area was considered, he said, he did not think the potential height of the buildings had been considered. He read from an Ann Arbor News article that was published the day after Council approved the zoning change, and also read from the Planning Commission minutes when the rezoning was discussed. He said both referred to "several stories" or "seven stories." He suggested that perhaps Council should consider a zoning change so buildings over a certain number of stories would require Council approval. He thought it was incongruous that there was limited number of curb cuts that could be placed on a property, but not a height limit. He suggested that action on this project be tabled to allow consideration as to whether height limits should be placed in this area.

William Copi, 1012 Miner, owner of the building at 1315 Forest Court, proposed to the Planning Commission that while the design of this development may meet the letter of the law, the scale of the project was not a good idea here. The major reason, he said, was the impact of 1,400 beds and 250 more cars at this intersection and how this would affect the ability of anyone trying to enter or leave the Forest Street parking structure or just to drive within a few blocks. Anyone approaching the University during rush hour knew that it was to enter and leave the parking structure because the traffic was so dense, he said. He believed this building would have a deficit of about 1,000 parking spaces. He stated that the residents on Forest Court would have the same problem, entering and exiting their street. He believed this neighborhood would become dwarfed by this project if it were allowed to be built, and Forest Court would become more isolated and its charm would disappear. He stated that the Planning Commission needed to consider the impact this project would have on the entire community. He noted that the University was not adding 1,400 to its enrollment just so this development could be filled, so the tenants would come from other rental properties in the City, thereby causing a high number of vacancies.

This project would be negative for both landlords and the neighborhood, he said. He had doubts that these 1,400 beds would lead to the revitalization of the neighborhood. If ten stories were enough for Zargon Place on Church Street, he said, ten stories should be enough for this location as well.

Ann Larimore, 916 Olivia, said she walked along South Forest and South University nearly every day. She had questions about the University Village business plan, stating that she had a particular perspective on student residences, as she had been with the residential college for 12 years and was the liaison between the residential college and the University faculty division. She said she also was a geographer and was trained in urban planning. Her questions were: Who would rent and live in the units during June, July and August when the undergraduate students were gone? What was the market when the students were not there? Would the units be vacant when the students left for school in the summer? What was the market for students returning to school in the fall and living in the same building? What was the length of the leases the students would be required to sign? She said the proposal referred to peer resident advisors and full-time staff and stated that, in her experience, most students after their first year at college preferred to live in unsupervised housing. She wondered what the market was for students preferring to live in supervised housing and what the petitioners' plans were if students did not return. She questioned whether this building would actually be a hotel and what the proper zoning for that would be.

Gwen Nystuen, 1016 Olivia, stated that, unfortunately, there were no standards for this type of housing. She said the petitioners have indicated that University Village will have resident assistants, organized activities, and that the building would be non-smoking, yet it would not be affiliated with the University of Michigan. She said many of these types of private dormitories did have some kind of school affiliation. She, therefore, questioned what type of use this proposal was from the City's standpoint. She also questioned how amenities such as non-smoking buildings and managers for each floor could be enforced without some type of formal development agreement. She asked how the rents would be controlled. She said the petitioners have stated that University Village would be for student housing, but she wondered what would happen if non-students wanted to live here. She said this would then become a 421-unit apartment complex. If that were the case, she said, the project could house over 2,000 people because up to six unrelated people could live in each unit. Capacity limits would need to be set, she said.

Ellen Ramsburgh, 1503 Cambridge, stated that at the Planning Commission working session last week she expressed her concern about the scale of this proposal being incompatible with the residential neighborhoods to the south and east. She said the petitioners countered by saying that the nearby residential neighborhoods were mainly student housing. Regardless of who resided in the area, she said, the neighborhoods were primarily single-family in scale with buildings no taller than 30 feet. She added that the existing fraternities, sororities and cooperatives were compatible in scale with the homes in the neighborhoods. She thought this proposal ignored the charm and character of the surrounding neighborhoods, questioning what this proposal offered to the South University area. She questioned whether it added stability to an area that has been stressed by too much instability. She did not object to change, she said, but she strongly objected to inappropriate change.

Kathy Sample, co-chair of the North Burns Park Neighborhood Association, said she believed the residents in this neighborhood would welcome a development that was compatible with the area, not something with a scale as onerous as this. She thought the architectural drawings were attractive and appealing on a certain scale, but said the problem was the height. She was not sure how restricting the development to student occupants could be enforced, stating that this needed to be addressed. She believed constructing such a large building would cause long-term disruption and wondered what the petitioners' plans were for mitigation. The South University retail area may suffer greatly from this, she said. From an operational standpoint for such a large building, she questioned how many delivery trucks would fit on this block from all the students who would be ordering fast food. She also wondered how

delivery trucks would enter and exit the development to serve the retail uses. She called attention to the lack of recreational facilities for 1,400 students. She also thought use of the alley would be inappropriate for refuse collection. She did not object to a nice development on this site, but said she could not accept such monstrous 15 and 22-story buildings.

Lisa Jevins, 1312 Cambridge, said she walked, biked and shopped this area every day and she could not imagine adding 1,400 pedestrians to the sidewalk coming and going at the same time. She could not imagine hundreds of extra cars that would far exceed the number of allotted parking spaces in the building, wondering how they would fit on the street and where they would park. She could not imagine traffic from delivery and service trucks coming and going from this building. She also could not imagine what could be up to five years of construction that would close traffic lanes, sidewalks, and generate constant dirt and noise. She realized that this project was legal under the current zoning, but pointed out that there was a difference between what was right and what was legal. She thought the role of the Planning Commission and City Council was to assess the impact of development related to health, safety and welfare. The consequences from this development would need to be clearly visualized and addressed, she said. It would be the neighbors and taxpayers, she said, not the students or developers, who would have to live with this for a very long time.

Kevin Hay, a member of the board of directors of the SAE Fraternity, stated that the fraternity sent an email to the City containing reasons why this proposal should be tabled. He discussed the human aspect and its impact on the fraternity and the residents of Forest Court. He asked Commission members to imagine stepping onto their back porches and facing a 22-story structure adjacent to their homes. He said the petitioners have indicated that this was a "by right" development, but he was not 100 percent certain that anyone had a right to do what would be done to this neighborhood by developing this project. He said they have been told that this development will be a boon for the South University merchant community, but he wondered how the merchants would survive when the students left each summer. He did not believe that this was an appropriate location or an appropriate environment for this size of project. It was too close to a residential neighborhood, he said, and the setbacks were unreasonable. He thought an acceptable building for this site might be achieved if the petitioners would take the concerns of the neighborhood into consideration.

Dan Ketelaar, one of the petitioners, agreed to the recommendation that action be tabled. He stated that the development team would be present at the Planning Commission meeting when this project was next scheduled and said they all would be available to answer questions at that time.

Noting no further speakers, Pratt declared the public hearing continued.

**Moved by Mahler, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the University Village Site Plan and Development Agreement, subject to providing adequate sanitary sewer capacity and to obtaining necessary variances.**

Pratt reiterated the concerns raised during the public hearing: scale, parking issues, traffic/number of cars in the area, height, pedestrian impacts on sidewalks, capacity of infrastructure, service deliveries, appearance, whether there was a standard for this type of residential development, the City's ability to obtain assurances for things that have been indicated will be part of the plan, and buffering for adjacent residential neighbors. He stated that the issue of financial feasibility was brought up, but said the Planning Commission did not have authority over financial aspects of a development proposal. He said it was the Planning Commission's role to determine whether a proposal met City ordinance requirements.

Generally, he said, Commission would assume that investors have done their due diligence with regard to financial feasibility.

Potts thought that, in general, this was one of the better-designed buildings proposed in town, but she thought it was in the wrong location. She wondered what went wrong with the rezoning process where many people were taken by surprise by something everyone should have all known about. When the rezoning of the South University area was proposed, she said, it was on a fast track at the request of City Council. She recalled visiting the area and discussing how it might not be a bad idea for the stores along South University to have a few more floors above them for residential use. When the rezoning came before the Planning Commission for a recommendation, she recalled that the possible height that went along with the proposed floor area ratio (FAR) was 300 to 600 percent, which was three to six stories. She did not think this was alarming at that time. She had no memory of any Planning Commission or City Council discussion about how a building could be as tall as the buildings proposed this evening with the proposed FAR and premiums. It definitely was not included the Schedule of Area, Height and Placement Regulations, she said. She stated that the public notices sent to citizens about rezoning proposals might contain the technicalities of the zoning that was proposed, but there was nothing indicating a potential height of 26 stories depending on the premiums. There was no notice to the residents that would inform them of this possibility, she said. She thought the public and City Council should be aware that there were a number of buildings going through the approval process that could have the same issue. She thought the fact that a building could be as tall as what was proposed tonight was not clearly contained in the Zoning Ordinance, which she thought was misleading. She thought the City could do a better job of providing proper notification to residents. She listed some items she would like more information about when this came back to Commission: exact setbacks for this site and the surrounding sites; how the green roofs and any other green amenities on the site were being calculated; if additional height was being allowed because of the green amenities, none of which were public, she said; and clarification on water and sewer capacity. She said the elevations of the proposed buildings showed nothing of the context of all the houses down the street and said she would like to see a context drawing to scale. With regard to brownfield reimbursement or the permission that Council would have to grant, she had ideas on how that should be worded.

Emaus added a concern to the list, which was information on an engineering wind study. He said he would like clarification from staff that the above ground parking was not included in the FAR. One of the things that could lead to a reconfiguration of the height of the buildings, he said, could be reconsideration of how the FAR was calculated when the parking was situated above ground. With regard to the parking places that were designated on the drawing on the ground floor, he said, 18 of them were metered and seven were identified for move-in day. He asked what happened to those spaces on non-move-in days, noting that the semi-circle was three lanes wide for move-in day, which could allow for parking when residents were not moving in.

Carlberg said she would like information as to why the proposed building was not located so the open end of it faced Forest Court, which would help mitigate the impacts to the residents on Forest Court. She also wondered if there were other designs that could be considered, including the quadrangle being enclosed, which would require less building height. She pointed out that the courtyard would not receive much light anyway. All of the City's plans talked about compatibility with neighborhoods, she said, and while there was no definition of "compatible," she found it difficult to say that a building of this height and disjointed appearance would be compatible with the surrounding neighborhoods. She said she would be looking for a different design altogether, one that would not require as much height. Several people mentioned that the building should be set further away from the Forest Court property line, she said, and asked what this would mean. She asked how this proposal fit in so far with the design guidelines currently being created by the City. She did not want to see a building of this size built that did not conform with the new design guidelines. She also said that she would need more complete information about vendors coming onto

this site. It was her understanding that the petitioners could not restrict the rental of these units to students only and asked how the petitioners intended to handle that.

Mahler said he would like more information on the traffic impact report and information on which the assumptions contained in the staff report were based.

Pratt said it would be helpful to know the amount of traffic at the intersections before the buildings were constructed, as well as the anticipated traffic once the buildings were completed. He did not think the entire discussion from the traffic impact study was needed.

Mahler stated that whatever assumptions were used would be good to have, not just the before and after.

Pratt added that if there were a way to provide this type of information related to pedestrian numbers, that also would be helpful.

Lowenstein said she would be interested in more information about the types of impacts during construction, such as about staging areas and traffic lane and sidewalk closures, noting that there were many projects going on around the City that required these types of closures.

Pratt said it would also be helpful to have information about noise disruption from both phases.

Westphal mentioned the compatibility of this project with the upcoming design guidelines and said he would like to see a more complete list of how this project did and did not fit with the guidelines.

Borum stated that in addition to the amount of information already provided, for which he expressed appreciation, he would like to see material designations on the elevations, including transparency of the glass at street level. He said he also would like to have an understanding of the interior courtyard elevations.

Pratt asked the petitioner if there were a willingness to amenities in the development agreement, such as a workout facility and a smoke-free environment.

Ketelaar replied yes, stating that the development agreement would be part of a combination of agreements that take into consideration the whole project. He said their intent was to work as well as they could to accommodate this, but said they would need to see the whole package. He said they did not object to tying the various components to which they were committed into the development agreement. With regard to finances, he said, they were comfortable with the financial aspects of this project based on current considerations. He clarified that rental price of the units was all-inclusive, that it included everything from heat, water, electricity, as well as Internet access and cable.

Pratt stated that one thing Commission considered important was the unbundling of parking from the rental rate, so a prospective tenant would stop to think about whether they really wanted to spend money to rent a parking space.

Exit Lowenstein.

Ketelaar stated that the cost of the parking spaces would be separate from the rental of the units. He said there were other ways of getting around than using a car, and the community was changing in that direction. He said young people were much more open to new ideas, such as using newer modes of transportation, adding that they were considering the use of zip cars.

Pratt asked if the petitioner would agree to a minimum number of zip cars in the development agreement.

Ketelaar replied yes, stating that they were committed to this.

Pratt said he would like to have a better understanding of the street level improvements, specifically what the building would look like from both Forest and South University. He also would like more information on specific energy saving amenities. It was good that brownfield cleanup would be done on the site, he said. He thought it was helpful to point out that there were two different worlds when talking about building heights. On one hand, he said, if you specify a maximum height, what you're guiding people toward was a uniform appearance with a solid chunk of height. He pointed out that there was no zoning in the 1940s or 1950s and the City never had a height limit. Since then, he said, the FAR was developed to help prevent a wall-to-wall situation of building height. He said the planning philosophy has been that having these wall-to-wall buildings was what happened with prescriptive requirements. Although it made it clear to people what would happen with that, he said, planning involved diversity. Everyone had a different view of when a building height started to create an impact, he said. The sense he has gotten from talking to people was that it was difficult to tell the difference with buildings between 8 and 12 stories tall, but that 15 stories versus 12 stories was quite tall. Different people would have a different opinion, which he respected. He said there was a concern about the conversion of single-family homes to rental properties, which was not necessarily bad, but there was a lot of great housing stock that was once residential and those involved in the A2D2 process have said that existing residential neighborhoods can help with some of that pressure. A lot of people in the community have expressed a desire to relieve that pressure, he said.

**Moved by Carlberg, seconded by Potts, to table action.**

A vote on the motion to table showed:

YEAS: Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Lowenstein

**Motion carried.**

Enter Lowenstein.

d. Public Hearing and Action on Tierra on Ashley Site Plan, 0.11 acre, 200 South Ashley Street. A proposal to construct an eight-story mixed-use building with retail uses on the first and second floors, office uses on the third through sixth floors, and residential uses on the seventh and eighth floors (four dwelling units total), with a garden room on the rooftop and four parking spaces at ground level – Staff Recommendation: Table

DiLeo explained the proposal and showed photographs of the property.

Damian Farrell, architect representing the petitioner, stated that he would be available to answer questions. He stated that this proposal was one that his firm volunteered to the A2D2 Downtown Guidelines Committee and he felt confident saying that it was unanimously accepted as a modern building.

Jen Palmer, a resident of Northside Glen, spoke about the differences between traditional developments, as discussed earlier this evening with another development proposal, and more contemporary buildings,

as proposed with this building on South Ashley Street. She found it interesting that architects could consider how to create a façade that provided more historical, aesthetic value for Ann Arbor.

Noting no further speakers, Pratt declared the public hearing continued.

**Moved by Potts, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Tierra on Ashley Site Plan and Development Agreement.**

**Moved by Potts, seconded by Emaus, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council reduce the premium floor area off-street parking requirement from 14 spaces to 4 spaces.**

Emaus recalled the previous proposal for this site not having a door on the Washington Street side, which was criticized by some Commission members. He said the current proposal now had a door on the Washington Street side of the building and asked about the reason for this.

Farrell replied that because the basement was removed, they needed to accommodate utilities in a different location. He said a good deal of the southwest area of the building that fronted the alleyway was removed for the utilities and the door would provide access to that.

Emaus asked if this door would provide access to the stores in the building.

Farrell replied no, stating that it would be a service entry only on Washington Street.

Emaus stated that every era of time made its own history and one of the pleasing things about this building was that the design took environmental concerns into consideration. He thought an attempt was made to look at a number of the motifs in the area and carry them into this particular building through its design, which he appreciated.

Lowenstein stated that comments were often heard about why new construction could not be designed to be more compatible with the great amount of history in the area. She thought a problem with this was that when attempts were made to recreate the history, the result was something like an Ann Arbor theme park, as the new construction was a poor copy of the historical elements in the area. She thought this particular building, with its brick elements, would make one think about the historical elements that came before, yet it was completely new and modern and would make its own history. She said the Design Guidelines Committee did look at this and one of the issues they discussed was how buildings would have a top, a middle, and a bottom. When looking at this building, she said, it was clear that it did contain that type of element, where it was not just a solid wall of brick or glass. She said it articulated sidewalk elements, it had a middle, and it had a crown. This was what the committee looked at, she said, when reviewing this design and determining that it did meet the draft design guidelines. If all buildings provided a standard step-back in design, she said, it might give the downtown a uniform staircase look, which might not be desirable. She believed this proposal was compatible with the design guidelines.

Potts stated that this was a small lot and the proposed building had an overall simplicity that did not clash with the older buildings in the area. The building did not try to match the other buildings along the street, she said. She was glad to see the turbines on the roof, stating that they provided the possibility for an outdoor sculpture. She was also glad to see that the changes to the previously approved site plan were relatively minor, having mostly to do with the function of the building.

Carlberg asked if the change in the use of the space reflected the owner's needs.

Farrell replied yes, stating that the owner needed more space for the office function.

Carlberg said she would like to see more information on how this met the design guidelines.

Westphal asked about the transparency of the first floor from Washington Street. He said this was a heavily traveled route and he wondered what people would be looking at from the street.

Farrell described the façade. He said the first floor would be transparent and that pedestrians would be looking into retail space.

Pratt asked about the impact on parking and if the owner was able to make up the ten spaces that were previously planned.

Farrell stated that they were providing one space per unit and that the owner would be investigating the possibility of obtaining additional parking next door.

Pratt said he would like to have a better understanding of whether the sewer system would have a major impact on the project.

Westphal said he was slightly uncomfortable with the change in parking without taking a more holistic approach. He questioned why the policy did not agree with what the petitioner was asking, especially if more of these projects were coming online and a shortage of parking resulted.

DiLeo stated that staff would look into this. She stated that parking was exempt in the DDA area for standard floor area and that any premium space must provide parking at the rate of one space per 1,000 square feet. She believed that almost every project that used the premiums had requested a reduction in the parking requirement, for various reasons. She said the 14 parking spaces required for this project were for the office portion. The spaces for the residential portion of the building had to be provided in order to receive the premium space, she said.

Pratt asked for additional information about what the practice has been for parking for non-residential uses.

**Moved by Borum, seconded by Mahler, to table action.**

A vote on the motion to table showed:

YEAS: Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona, Lowenstein

**Motion carried.**

e. Public Hearing and Action on North Sky Annexation, Zoning and Planned Project Site Plan, 31.77 acres, west side of Pontiac Trail north of Skydale. A request to annex a 3.43-acre portion of the 31.77-acre site into the City, a request to zone 1.91 acres from TWP (Township District) to R1D (Single-Family Dwelling District) and 29.86 acres from TWP and R3 (Townhouse District) to R4A (Multiple-Family Dwelling District), and a proposal to construct 196 residential units and 240 parking spaces – Staff Recommendation: Approval of Annexation and Zoning, Table of Site Plan

DiLeo explained the proposal and showed photographs of the property.

Scott Betzoldt, of MCI, representing the petitioner, stated that the previously approved North Sky project is being proposed for revision to add the two parcels at the front of the property along Pontiac Trail and to add 14 more residential units. He said staff was recommending the site plan be tabled because two service units were unable to complete their reviews; however, he said their comments have now been provided and they were very, very minor. He said they have addressed all of these comments and asked the Planning Commission to consider recommending approval of the site plan contingent on staff confirming that the comments had been adequately addressed.

Paul Spemmer, 2853 Pontiac Trail, stated that he lived one lot away from this development site. He expressed concern about the City's policy to notify property owners and occupants within 300 feet of a proposal. He lived within 300 feet of this proposal with the lots along Pontiac Trail being added to the project; however, he did not live within 300 feet of the project as originally proposed. He suggested that the 300-foot measurement was inadequate and that the area affected by this proposal was much larger. He stated that other residents in the area were not present this evening because they did not receive a 300-foot notice, yet they would be affected by this project. He said a traffic study was done in 2004, but now there was a new high school that was constructed, which would affect children in this area going to school. There was no direct access to that school from this area, he said. He believed this whole area needed to be considered, not just this particular piece of property.

Jen Palmer, president of the Northside Glen Condominium Association, supported the comments of the previous speaker. She said she was speaking on behalf of many of the Northside Glen residents, but not all of them because they received notice of this project on March 3 and it took time for them to obtain a majority decision with such a large association. However, she said, there were a significant number of residents who contacted the association board about concerns. She questioned the possibility of notifying residents about development proposals sooner. She spoke about access to M-14 and offered suggestions for improvements, such as writing on the road itself that says traffic should move to the left in order to let the cars entering from Main Street and Barton Drive onto the highway. She said residents also expressed concern about how this project might impact property values.

Bill Kinley, one of the petitioners, stated that the annexation of the additional property would make it consistent with the remainder of the site. He said the portion of the property where they were proposing the "cottage-style" units was most appropriate for this type of unit, stating that they were an overwhelmingly desired type of home.

Noting no further speakers, Pratt declared the public hearing closed.

**Moved by Carlberg, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the North Sky Annexation and Zoning from TWP (Township District) and R3 (Townhouse District) to R1D (Single-Family Dwelling District) and R4A (Multiple-Family Dwelling District).**

**Moved by Carlberg, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the North Sky Planned Project Site Plan and Development Agreement.**

Pratt summarized the concerns expressed during the public hearing: traffic on Pontiac Trail, impact on property values, and public process.

Carlberg stated that the City recently undertook an extensive community process to revise the Northeast Area Plan, a four-year process that included a transportation component. She said the zoning proposed for this site was appropriate, noting that it related well to the Master Plan with its recommendation for a mixture of fairly dense housing. During deliberations on the plan, she said, there was consideration as to whether Pontiac Trail could handle this much traffic. She said this road was used less frequently than other similar corridors in the City and that this type of housing could be accomplished here. She believed it was appropriate to support the annexation and zoning of this property.

Potts asked how the land came to be cleared of all its vegetation.

DiLeo stated that clearance of the land was done with appropriate permits issued by the City based on the approved site plan for the property. After the land was cleared, she said, the petitioners reconsidered and submitted a revised proposal for the land, adding the parcels along Pontiac Trail. She said there were no natural features on the parcels along Pontiac Trail.

Spemmer (resident) asked where the traffic from this development would go, stating that the streets in this area were not large streets and this was an area where residents did not appreciate additional traffic.

Pratt explained about the lengthy community debate about traffic that took place for about six years during the Northeast Area Plan process. He noted that the school board did not consult with the City about routes to the schools. He thought it would be helpful to have more current information about the volume of traffic in this area. Although the traffic study said there was an acceptable level of service, he wondered if there had been any change to that with this development.

Betzoldt stated that a 24-hour count was not necessarily a useful piece of information when looking at intersection capacities. He said planning staff provided the traffic count information based on existing City records to illustrate the magnitude of traffic on Pontiac Trail relative to other streets in the City. He said a traffic study was done in 2004 and was updated several months ago, resulting in traffic levels having been reduced. He stated that this development would not reduce the level of service for any of the intersections.

Pratt did not recall if the Capital Improvements Plan contained anything relative to Pontiac Trail and said it would be helpful to know about proposed improvements to the road. He said the road was not in the greatest of condition and he did not entirely understand the City's jurisdiction. He stated that coming from Barton Drive and turning left onto Pontiac Trail seemed to be problematic and he wondered about a future left turn lane at that intersection.

Mahler expressed concern about the setbacks and the big discrepancy in terms of what was being asked relative to the concession. He said the justification contained in the staff report did not necessarily persuade him to agree to such a significant reduction in setbacks.

Betzoldt stated that they were unable to develop a traditional neighborhood here with the setbacks required under existing zoning and, through cooperation with City staff, they were able to resolve the setback issues. He said staff and the petitioner were able to negotiate a new, modern setback for a more urban setting, with front porches close to the sidewalks. It was through these negotiations, he said, that certain concessions would be made to the public street standards.

Mahler stated that a traditional neighborhood design could mean something else entirely to someone else.

Westphal echoed staff's concerns about the usefulness of the open spaces and asked the petitioner to comment on that. He said it has been his experience that irregularly shaped, sloped spaces provided a lawn buffering only, that they were not active spaces.

Betzoldt stated that the proposed open space layout was responsive to the bowl depression on the site and the existing topography. He said they thought it would be valuable to have two community open space areas at each end of the site.

Kinley stated that there would be no garages facing the street, noting that they wanted to design a neighborhood with a community feel, similar to homes in the Old West Side and Burns Park. He said they were not trying to follow a suburban kind of design, adding that this proposal was consistent with the density encouraged by the Northeast Area Plan. He said the R4A zoning was suggested by staff to make it consistent with the rest of the neighborhood.

Westphal asked if the open spaces would be usable.

Betzoldt replied that the grade of the open space areas would be level and that they would be usable.

Pratt was surprised that there was no tot lot in this proposal.

Kinley said they have not yet finalized what they were going to put in those spaces.

Potts expressed concern about limited space for parking and said people who have lived in these similar situations have complained about the lack of parking. She said people stop entertaining because there was not enough parking for their guests. She acknowledged that it may be too late to change this on the plan, but she hoped there would be adequate guest parking somewhere besides in front of the garages.

Pratt asked staff about the outstanding items.

DiLeo stated that they were relatively minor. She said the details asked to be added by Systems Planning staff had been added and it was just a matter of confirming that they were adequate. A full review was not required, she said.

A vote on the first motion (annexation and zoning) showed:

YEAS: Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt, Westphal  
NAYS: None  
ABSENT: Bona

**Motion carried.**

A vote on the second motion (site plan) showed:

YEAS: Borum, Carlberg, Emaus, Lowenstein, Pratt, Westphal  
NAYS: Mahler, Potts  
ABSENT: Bona

**Motion carried.**

Pratt expected that the outstanding site plan issues would be addressed, including play equipment in the open space area.

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AUDIENCE PARTICIPATION

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Jen Palmer, resident of Northside Glen, wondered about her recommendations to install something along M-14 to alert drivers to the entrance onto M-14 at Main Street and Barton Drive.

Carlberg suggested that Ms. Palmer speak with Planning and Development Services staff, who would provide her with the name and phone number of the contact person at the Michigan Department of Transportation.

Palmer stated that with regard to the Tierra on Ashley project and historical buildings/new design, what she was suggesting was that two of the development proposals she saw this evening lacked something in creativity in her opinion and that she thought there were more out-of-the-box, creative designs that could be achieved.

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COMMISSION PROPOSED BUSINESS

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None.

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ADJOURNMENT

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Pratt declared the meeting adjourned at 11:44 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Jean Carlberg, Secretary