

MINUTES  
**ANN ARBOR CITY PLANNING COMMISSION**  
REGULAR MEETING  
7:00 p.m. – August 15, 2006

Time: Vice Chair Lipson called the meeting to order at 7:05 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: Bona, Borum, Carlberg, Emaus, Lipson, Potts

Members Absent: Kunselman, Pratt

Members Arriving: D'Amour

Staff Present: Foondle, Kahan, Lloyd, Vaughn

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INTRODUCTIONS

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None.

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MINUTES OF PREVIOUS MEETING

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None.

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APPROVAL OF AGENDA

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

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lipson, Potts

NAYS: None

ABSENT: D'Amour, Kunselman, Pratt

**Motion carried.**

Enter D'Amour.

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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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D'Amour reported that the next meeting of the Allen Creek Greenway Task Force would be held Wednesday, August 16 at 7:00 p.m. He noted that a public meeting was held August 2 and that the task force would continue to work on its conclusion, taking into consideration the input received at the public meeting. He said the last two meetings of the task force would be held on September 6 and September 20.

Bona stated that she attended the Downtown Implementation Steering Committee meeting yesterday, during which a presentation was made by Coy Vaughn on design guidelines. She said a report on the status of the parking study was also provided by Susan Pollay. She stated that a communication plan proposed by Community Services included each downtown implementation committee providing information on the City's website in August. Members of the committees would be added in September, she said. She said the committee also talked about an official name for the implementation of the Calthorpe recommendations.

Potts announced that the Ordinance Revisions Committee would meet Friday, August 18, from 3:00 to 5:00 p.m.

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AUDIENCE PARTICIPATION

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None.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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Lipson announced the public hearings scheduled for the Commission meeting of September 7, 2006.

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REGULAR BUSINESS

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a. Public Hearing and Action on South University Avenue Rezoning. City-initiated rezoning from C1A (Campus Business District), C1A/R (Campus Business/Residential District), R4C (Multiple-Family Dwelling District) and O (Office District) to C2A (Central Business District) and P (Parking District) of parcels currently zoned C1A, C1A/R, R4C and O on the east side of East University Avenue between Willard Street and South University, on the north side of Willard Street between East University Avenue and South Forest Avenue continuing north to the parcels fronting the north side of South University

Avenue between East University Avenue and Washtenaw Avenue, the parcels on either side of South Forest Avenue between Willard Street and Washtenaw Avenue – Staff Recommendation: Approval

Kahan explained the proposed rezoning.

Marc Gerstein, 1321 Forest Court, stated that his home, which he has owned and lived in for 25 years, was adjacent to the district proposed to be rezoned. He stated that although the Ordinance Revisions Committee met with stakeholders, the list of stakeholders was restricted, noting that he was not included despite his property being adjacent to the boundary. He expressed concern about an assumption being made with this rezoning that the proximity to campus would reduce the need for students to own vehicles. He believed this assumption was unsupported by the reality that most students brought vehicles to school with them, which had an enormous impact on the neighborhood. He questioned why new development should only be encouraged to provide parking, rather than required to provide parking. He also expressed concern about the lack of setbacks for new development abutting residential zones. The lack of setbacks would have a powerful and negative impact on the quality of life, space and air, he said. While this rezoning might have significant features in revitalizing the South University Area, he said, it did not take into proper account the impact it would have on adjacent residential areas.

Eleanor Linn, 1321 Forest Court, stated that not only did she live in the downtown area, she also worked, shopped and found entertainment in the downtown area. She welcomed the City's plan to address the problem of deterioration on South University, but she believed this proposed rezoning did not adequately consider many important issues. With regard to parking, she said, she found it necessary to own a car in this neighborhood, even though she walked to most destinations. She noted that she was unable to buy food, hardware or linens in the area, necessitating the need to drive elsewhere. She stated that if this rezoning were to be approved without requirements for parking, the existing parking problems in this area would be greatly increased. She did not think the setback requirements for parcels abutting residential uses were clearly stated. Her home abutted the existing Park Plaza apartments, she said, and if a future development were allowed to build up to her property line, it would greatly diminish her quality of life. Currently, she said, the existing parking lot for the apartment served as buffer, but said the rezoning would no longer require the parking for a new development. She expressed concern that this rezoning did not take into account green areas behind buildings along South University or on the street. This was visually important, she said, as well as important for air quality. She expressed concern about the wind tunnel effect not being taken into account, and questioned the claim that additional student housing in this area would take care of the lack of foot traffic during the summer. She believed this rezoning should be made appealing to people from all walks of life.

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

**Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the rezoning of the South University Avenue district from C1A (Campus Business District), C1A/R (Campus Business/Residential District), O (Office District) and R4C (Multiple-Family Dwelling District) to C2A (Central Business District) and P (Parking District).**

Bona stated that text amendments, which were important to the rezoning decision, were also discussed by the Planning Commission during its last working session and said they would be presented to Commission at a subsequent meeting. She stated that one important component of the proposed rezoning was that the Calthorpe recommendations would be addressing all of the downtown neighborhoods in more detail and that it was not the intent of this rezoning decision to usurp that. She

stated that this rezoning was viewed as a quick fix and if there were concerns about additional public discussion or extensive master plan revisions, they should be addressed as part of the Calthorpe report process. She stated that the boundaries being considered this evening were part of the current commercial districts and were evolving. She said the master plan for this area was written since those boundaries were defined and the recommendations in the master plan were more generalized and did not give direct guidance. She said this would be discussed as part of the Calthorpe recommendations. She stated that Commission spent a considerable amount of time at its working session discussing Willard and Forest Streets. She said they currently were zoned C1A/R, which allowed a higher density than what was allowed on South University. She said this rezoning was the first step toward responding to that and that Commission would be seeing more of these quick fixes.

Potts expressed concern about rezoning some of the areas presently used for residential to commercial, such as along Willard and Forest, because the residential uses provided a little bit of protection with the setbacks. She was concerned about this because she wanted to protect the neighborhood fringes in this area. Her solution to this concern was to follow the DDA boundary along South University for this rezoning, which would remove the parcels on Willard and Forest from the rezoning proposal. She said she supported the rezoning proposal for the properties along South University, but believed it was premature, as the implementation of the Calthorpe recommendations was just beginning.

Carlberg was not sure of the rationale used in coming up with the boundary for the area to be rezoned. She said the buildings on Church Street south of the DDA boundary contained commercial uses on the first floor that have evolved over time. Willard Street was still residential, she said; however, the units were challenged in terms of age of the buildings and the continued usefulness as housing. She thought a better use of the land would occur if the lots could be combined to construct more efficient housing with updated electric service. She thought the rezoning made sense in order to allow this, which would help preserve the residential neighborhood further to the south. She said the residential units on Forest have been rental units for over 50 years and were in serious need of upgrading, but it was too expensive in their present configuration. She thought the current setback requirements, especially along Forest Street, made it impossible for someone to put a higher use on the property. She said this housing should be upgraded, but it could not be done under the present circumstances. She favored bringing better housing for all kinds of people close to South University with the hope of saving the area further to the south. Careful residential design would be necessary to attract people of all ages, she said, adding that merchants would like to attract all types of people, not just students. She believed the only way to do this was to combine lots to get a sizeable enough footprint and then go up several stories to make it economically feasible. She was not sure about how to address the concerns of the owners of 1321 Forest Court, which abutted a large housing project that could eventually expand. She said she generally favored allowing increased density in this block south of South University.

Bona clarified that there basically were no setback requirements for the C2A district except when abutting residentially zoned land.

Kahan stated that the C2A zoning district, when abutting land zoned R4C, required a 30-foot rear setback, and at least one side required a 12-foot setback with a total of 26 feet for the two sides. In the case of the apartment building at the northeast corner of Forest Court and Forest Avenue, he said, the required front setback would be 25 feet along Forest Court, and the rear setback of 30 feet would be along the eastern boundary.

Lipson stated that the panhandle-shaped property adjacent to Forest Court provided a little separation with its parking use, but said this did not preclude it from changing ownership and/or use in the future.

Kahan stated that the easternmost part of the panhandle-shaped property, if developed, would be required to have rear setback, the southern portion would be required to have a side setback, and the northern portion would be required to have a side setback. Because of this, he said, it was difficult to imagine this being used for anything other than parking. If the property were combined with the property to the north, he said, a rear setback of 30 feet would still be required.

Lipson did not see the use changing, as the parking contributed to the viability of the current building. He did not think it was likely that the panhandle-shaped parcel would be separated from the property to the west.

Carlberg asked where people would park if some of the lots were joined together and a larger apartment building were constructed. She noted that underground parking most likely was not feasible.

Kahan stated that properties within the DDA boundary were parking exempt which, in the case of C1A/R, meant that no parking was required for the first 300 percent of floor area ratio. Anything over that floor area ratio required one space per 1,000 square feet of non-residential use and two spaces per 1,000 square feet of residential use. He said parking could be accommodated on-site in different ways, such as under the building, on the first level, or on an upper level. Another way of providing parking, he said, was through a parking agreement with the DDA at the Forest Avenue parking structure.

Emaus stated that in reviewing the various zoning districts, it appeared that C1A and C1A/R were designed for this particular area, so at some point in the past people felt this area of the City required its own special consideration. He did not think the motivation for that special consideration existed any longer and that trying to come up with an overall systematic design for the zoning in the downtown area with consistent definitions and premiums was appropriate. He supported rezoning these properties to C2A and incorporating them into the design and planning for the whole downtown area as part of the Calthorpe recommendations

D'Amour stated that the South University was an appropriate area for higher density, noting the high buildings that already existed. He believed greater density in this South University area would free up the market and provide the opportunity for the neighborhood to the south toward Burns Park to be used as single-family residential. He supported the work of the Ordinance Revisions Committee and the proposed rezoning.

Bona stated that in trying to figure out the intent of the Central Area Plan in terms of the properties along Willard and Forest, it appeared there was a strong desire to keep commercial space off of Willard and maintain the residential use with some office. She said rezoning the properties to C2A would not change that, as the zoning would allow residential and office without forcing commercial use. As long as Willard Street remaining narrow, she did not think a property owner would have a strong desire to lease the space for retail use. She stated that the Central Area Plan also attempted to preserve the scale of the buildings in this area. When the South University Merchants Association first proposed its changes, she said, it was important to maintain the scale of the neighborhood and not let a whole block become one big building. She saw the C2A zoning as allowing some of the smaller sites to be developed and accomplishing some of the goals of the Central Area Plan. In addition, she agreed with other Planning Commission members that the rezoning would help to preserve the historic residential neighborhood by indirectly providing higher density of student housing on South University, thereby easing some of the pressure for student housing in the older homes. She said those homes would not survive if they were continued to be used by students. She stated that many of the properties to the north, south and west were University properties and it was difficult to save small pockets of buildings; therefore, she thought staff's recommendation to create a cohesive block out of this area made sense.

Potts expressed concern about the level of public notice that occurred, stating that changing the zoning of property was an important change.

D'Amour stated that additional changes regarding this issue were going to be made to the text of the Zoning Ordinance and asked about the timeframe for that.

Vaughn replied that this should be before Commission next month.

Lipson wondered if this rezoning, if tabled, could be joined together with the text amendments coming to Commission next month.

Potts said she would prefer this be tabled tonight, as she thought more discussion should occur about the boundaries. She recommended that each property outside of the DDA boundary be separated and explained and voted on separately. Each of them had a different set of conditions, she said, and she did not think redrawing the line would solve the problems.

Bona clarified that the Ordinance Revisions Committee asked that the proposed boundary be brought back to the Planning Commission at this time, even though the text amendments were still being reviewed by the Attorney's Office, noting that Commission requested it be brought back within 60 days. She did not think the decision on this would get any easier by tabling it for a month. She said she was ready to vote on it. She explained that the upcoming text amendments would not only benefit developers, but also the use of small sites, such that she could not imagine anyone wanting a development proposal reviewed under the current C2A zoning. She explained the text amendments that were being considered, such as elimination of the side setback in the C2A district; elimination of the five-dwelling minimum to take advantage of the residential premium; a pedestrian amenity premium, currently contained in the C1A and C1A/R districts, not being required in the C2A district; and expansion of the parking exempt district.

Lipson clarified that this rezoning would not expand the DDA boundary.

Vaughn stated that this was correct, that the DDA boundary was not proposed to be changed. The only thing changing, he said, was an extension of the parking exempt allowance in the DDA to go beyond the DDA boundary to anything that was zoned C2A.

Lipson said he was not as concerned about rezoning the Willard Street properties as he was about the Forest Court properties. He saw Forest Court as an urban enclave, a jewel in many ways, stating that it added a certain flavor to the City. He asked approximately how many of the properties on Forest Court were owner-occupied.

Gerstein stated that two were owner-occupied and that there was a 50-50 mix of stable adults and students living on Forest Court.

Lipson expressed his support for the rezoning of this area to C2A, citing the reasons already stated. He supported trying to unify zoning to make it easier to understand. While he was concerned about Forest Court, he did not think this rezoning would create an impact that would destroy the court.

Potts moved that the Forest Avenue parking structure be rezoned to P (parking). She expressed concern about the boundary, especially since one or two of the houses along Willard were removed and the parking structure enlarged.

There was no second to this motion.

Lipson noted that the rezoning of the parking structure to P was already part of the motion.

Potts moved that each section of the area proposed to be rezoned that was not included in the DDA boundary be voted on separately.

There was no second to this motion.

Carlberg stated that there was a motion in front of Commission and if there were a desire to remove a portion of it, Commission could then vote on that.

Potts moved to remove the properties that were outside of the DDA boundary from the motion.

There was no second to this motion.

Kahan stated that there were three areas outside of the DDA boundary that were proposed to be added to the C2A rezoning proposal: 1) the lot at the northwest corner of South University and Washtenaw Avenue; 2) the Park Plaza apartment complex at 1320 South University, and 3) the Forest Avenue parking structure.

Potts noted that there were also four properties along Forest Street and properties on Willard that were outside of the DDA boundary. To begin with, she said, she object to rezoning the Park Plaza apartment complex, stating that she did not understand the rationale for doing so.

Borum and Lipson both expressed concern about the rezoning of the Park Plaza apartment complex.

**Moved by Potts, seconded by D'Amour, to amend the main motion by removing the Park Plaza apartment complex at 1320 South University.**

A vote on the amendment showed:

YEAS: Borum, D'Amour, Lipson, Potts  
NAYS: Bona, Carlberg, Emaus,  
ABSENT: Kunselman, Pratt

**Motion failed.**

**Moved by Potts, seconded by D'Amour, to amend the main motion by removing the properties along Forest Street between the DDA boundary and Forest Court.**

A vote on the amendment showed:

YEAS: Potts  
NAYS: Bona, Borum, Carlberg, D'Amour, Emaus, Lipson  
ABSENT: Kunselman, Pratt

**Motion failed.**

D'Amour believed the P (parking) district for the Forest Avenue parking structure was restrictive to potential uses. Perhaps it was not viable to have commercial uses on the ground floor at this time, he said, but a C2A zoning would provide flexibility should the market opportunity arise in the future.

**Moved by D'Amour, seconded by Bona, to amend the main motion by changing the proposed zoning of the Forest Avenue parking structure from P to C2A.**

Bona asked if the C2A zoning would allow parking.

Kahan replied that parking would not be allowed as a principal use in the C2A district.

Bona stated that this amendment would then create a nonconforming structure. She suggested that it would be more appropriate to revise the Zoning Ordinance so commercial was allowed on the first floor in the parking district. She thought this would be appropriate for any parking structure.

Lipson believed parking was the most appropriate zoning at this time. He would like to see commercial uses on the first floor and, when that time came, he did not think the City would object.

D'Amour withdrew his proposed amendment.

Potts stated that as much as she favored the rezoning of South University, she could not vote for it because the proposed boundary extended into the adjacent neighborhood. She was concerned about putting existing housing in jeopardy.

**Moved by D'Amour, seconded by Potts, to table action until the City Attorney's Office reviewed and approved the proposed text amendments to the Zoning Ordinance.**

A vote on the motion showed:

YEAS: D'Amour, Lipson, Potts  
NAYS: Bona, Borum, Carlberg, Emaus

**Motion failed.**

A vote on the main motion showed:

YEAS: Bona, Borum, Carlberg, D'Amour, Emaus, Lipson  
NAYS: Potts

**Motion carried.**

b. Update regarding Urban Design Guidelines by Coy Vaughn.

Vaughn provided an update on the implementation of the urban design guidelines. He distributed an outline of the proposed work plan, which identified different phases. He also distributed a chart containing existing design guidelines from the following cities: Dana Point, California; Huntington Beach, California; Pasadena, California; Denver, Colorado; Hopkins, Minnesota; Raleigh, North Carolina; Portland, Oregon; Austin, Texas; Seattle, Washington; Boulder, Colorado; Berkeley, California;

Kalamazoo, Michigan; and Milwaukee, Wisconsin. He explained potential amendments to Chapter 57 that would require the submittal of architectural elevations with site plan applications and that they be part of the approved site plan. He explained different phases of the work plan, such as working with the community to design a series of essential design characteristics, addressing design elements, implementing a process for design review, establishing an expedited review and permitting process, and developing and implementing an evaluation tool. He said it was their intent to create an urban design guidebook for public and private development proposals.

D'Amour asked if there were more than two Planning Commissioners interested in serving on the committee that would be working on design guidelines.

Lipson believed there were more than two, but he did not know how it was prioritized. He said Chair Pratt would have more knowledge about this.

D'Amour said he hoped Council would allow the Planning Commission to sort out which members would sit on the different committees working on the Calthorpe recommendations. He expressed his gratitude for the status report and to the steering committee for all the work that had been done so far. He stated that public participation would be critical. He looked forward to seeing this good work progress.

Carlberg suggested that staff look into Tempe, Arizona, recalling that they had quite an extensive design review process.

Emaus stated that he was interested in walkability of urban design, so he would be looking to see how that progressed. In looking at areas that had an emphasis on non-motorized transportation, he came across places like Kansas City and said he did not see those examples here. He wanted to see walkability as part of the guidelines being reviewed, such as if a new development were in the area of schools, shopping, churches, day care, etc.

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#### AUDIENCE PARTICIPATION

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None.

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#### COMMISSION PROPOSED BUSINESS

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D'Amour stated that with regard to his memorandum he circulated among Commission members following action on the Northeast Area Transportation Plan, he clarified that he did so in order to solicit input from Commission, as well as any concerns. He said his intent in preparing the memorandum was to provide clarification to Council regarding the options Commission chose and the reasons behind them.

Bona stated that while she did not suggest major changes to the memorandum, she thought it would be beneficial if Commission had a discussion about it.

D'Amour did not know if he would be continuing as a member of the Planning Commission, so he wanted to share some thoughts about trends he has seen in terms of the Commission. He thought everyone has done a tremendous job in bringing their professional expertise and thought processes to the table. It was

his hope that Commission would continue to listen to what neighborhoods had to say. He believed he had worked hard as a Commission member to listen to neighborhood concerns and hoped Commission members would keep this in mind as they moved forward.

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ADJOURNMENT

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Lipson declared the meeting adjourned at 9:09 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services