

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – September 16, 2008

Time: Chair Bona called the meeting to order at 7:02 p.m.

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

ROLL CALL

Members Present: Bona, Borum, Carlberg, Potts, Westphal

Members Absent: Mahler

Members Arriving: Lowenstein, Pratt, Woods

Staff Present: Cheng, Foondle, Lloyd, Pulcipher, Rampson

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

None.

APPROVAL OF AGENDA

Moved by Westphal, seconded by Borum, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Potts, Westphal

NAYS: None

ABSENT: Lowenstein, Mahler, Pratt, Woods

Motion carried.

Enter Pratt.

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

Enter Lowenstein.

a. Memorandum regarding Metro 202 Administrative Amendment.

Lloyd described the process involved in an administrative amendment to an approved site plan. He explained the comparison chart that was provided in the memorandum regarding the proposed Metro 202 Administrative Amendment to Approved Site Plan and the proposed changes to the approved site plan. He stated that all administrative amendment proposals were distributed to City service units for review, similar to the procedure involved with projects going before the Planning Commission. He informed Commission that for this particular administrative amendment, the Planning staff, following review and thorough analysis, denied the proposal.

Potts asked about the portion of the administrative amendment that would require City Council involvement.

Lloyd stated that any changes to the development agreement, as a result of the administrative amendment, would have had to go before the City Council for consideration. If the administrative amendment had been approved, he said, the development agreement would have gone before Council for approval to proposed elevation changes.

Bona asked why floor area ratios were interpreted differently, referring to the exclusion of elevator shafts and stairwells.

Lloyd stated that deductions from stairways and elevator shafts were not part of the proposal submitted by the petitioner. Staff needed that information for consistency, but said it did not have a bearing on the decision that was made.

Borum asked what recourse the petitioner had now that the administrative amendment had been denied.

Lloyd replied that there was no appeal process for an administrative amendment, but said the petitioner could choose to go through the entire planning process again.

Potts reported that the Ordinance Revisions Committee will be meeting on Tuesday, September 23 at 3:00 p.m. in City Hall.

AUDIENCE PARTICIPATION

Karen Sidney, 100 Longman Lane, talked about the administrative amendment to an approved site plan process. She was appalled that the changes proposed to the Metro 202 project would even be

considered as an administrative amendment. She believed the public should have had the opportunity to provide input on the changes. She stated that City Council just adopted a citizen participation ordinance and if these kinds of changes could be made after a site plan was approved, she thought it negated the new ordinance. She thought the Planning Commission should revisit the rules governing administrative amendments so the public could continue to be part of the process. The public should have a chance for review and input on a revised plan, she said.

Christine Crockett, president of the Old Fourth Ward Association, expressed her support for the previous speaker's comments. She thought the magnitude of the changes proposed for the Metro 202 project far outweighed any possibility of even allowing an administrative amendment. She questioned how this could be done and why it was that the public would not have more input. Nothing had been said about the impact on adjacent historic properties, she said, adding that these types of impacts had to be considered. There should be public review and input on something like this, she said.

Pratt clarified that Planning staff indicated that an administrative amendment to an approved site plan was submitted for Metro 202 and that it was subsequently denied.

Lloyd replied that this was correct.

Alice Ralph, 1607 East Stadium Boulevard, stated that the A2D2 design guidelines advisory committee disbanded in November 2007 and nearly a year has gone by without sufficient time to fully examine the design guideline standards and review process that would be part of project review and approval. She thought it would be a much richer process if interaction among all three of the elements of the A2D2 process were being considered. She asked the Planning Commission to take this into consideration because many of the sticking points she found in the zoning amendments and Downtown Plan have been greatly reduced in impact of importance, which could be taken care of with a full review. She asked that this be taken into consideration before taking action on the A2D2 zoning revisions.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None.

REGULAR BUSINESS

a. Public Hearing and Action on Althoen Annexation and Zoning, 1.29 acres, 226 Sumac Lane. A request to annex this site into the City and zone it for single-family residential use – Staff Recommendation: Approval

Cheng explained the proposal.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City

Council approve the Althoen Annexation and R1A (Single-Family Dwelling District) Zoning.

A vote on the motion showed:

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

Motion carried.

Enter Woods.

b. Downtown Rezoning and Amendments to City Code to Implement the Ann Arbor Discovering Downtown Recommendations. (Properties within the Downtown Development Authority District (DDA) boundaries, excepting those zoned R2A, R4C, O, PL or PUD; properties zoned C2B on the west side of South Ashley between West Madison and West Mosley; properties zoned C2B on the south side of East Madison between the railroad and South Fifth Avenue; properties zoned C2B on the east side of South Fifth Avenue between East Madison and Hill; properties zoned C2A on the north side of Willard between East University and South Forest; properties zoned C2A on the east side of South Forest between Forest Court and the DDA boundary; and property zoned C2A on the south side of South University east of the DDA boundary.) A proposal to implement the recommendations of the A2D2 initiative, to include: 1) text and map amendments to Chapter 55 (Zoning) to eliminate the C2A, C2A/R and C2B/R districts and their references; 2) text and map amendments to Chapter 55 (Zoning) to add D1 and D2 downtown base district uses and area/height/ placement requirements; 3) text and map amendments to Chapter 55 (Zoning) to add eight downtown character overlay districts and related design standards; 4) text amendments to Chapter 55 (Zoning) to revise floor area premium options; and 5) text amendments to Chapter 59 (Off-Street Parking) to revise requirements for the downtown special parking district – Staff Recommendation: Approval

Rampson highlighted the changes to the draft ordinance revisions that were made subsequent to the previous Planning Commission meeting.

Ted Annis, 2997 Devonshire, retired businessman and AATA Board member, spoke regarding the inclusion of a conference center and adult entertainment in the D1 zoning district. He asked that the Planning Commission remove these from the zoning plan at this time for consideration at a later date. He was very concerned that the adult entertainment use did not belong in downtown Ann Arbor, as well as the magnitude of a conference center that has been discussed. With regard to comments made about a conference center having a positive economic influence on the downtown, he stated that it might be a great economic engine for the owner of conference center and service providers, such as caterers, but based on his personal experience and studies that have been done, conference centers create a deadzone around them and work against the vitality of the area in which they are situated. He asked that this be removed for public discussion at a later time.

Susan Friedlander, 38500 Woodward Avenue, Bloomfield Hills, representing the owners of property at 1320 South University, wrote a letter to the Planning Commission which had been distributed earlier. She stated that her clients objected to the rezoning of their property as part of this project, noting that the application of the overlay regulations would interfere with the optimal redevelopment of their property. She said there was a unique situation here where part of the intent of these changes was a way to take under-utilized property within the City and allow for more optimal development, resulting in more residential units and other sources of development. When these regulations worked against that

optimization, she said, they were not doing their job. She said there was also an issue of form-based zoning. For any community taking its first foray into form-based zoning, she said, the recommendation was starting out with a smaller area to see how it worked. She stated that some problems other communities have had, which she hoped would be considered by Ann Arbor, was creating a whole class of nonconforming properties and people then neglecting them because it was too expensive and difficult to redevelop under the new ordinance.

Mark Gerstein, 1321 Forest Court, was strongly opposed to D1 zoning in the South University area, stating that it would allow much taller and bulkier buildings right next to the residential houses on his street and others nearby. Even with the proposed 120-foot maximum height, he said, new buildings could be totally out of scale with residential homes. He said these buildings would easily tower over the homes, blocking air, radiating heat and reducing the quality of life in this livable neighborhood. He stated that he has lived here for 26 years and was a regular shopper in this area. He valued this neighborhood and was concerned that permitting much larger, expensive buildings would drive out the small retailers. He did not think anyone knew what the consequences could be by allowing lots to be combined for redevelopment. He believed the proposed language on size, setbacks, etc. was difficult to understand and would be open to crafty interpretation by developers. He urged the Planning Commission to reject the proposal to designate the D1 zone for South University.

Lisa Jebbins, 1312 Cambridge, read a letter submitted by Tony Pennell of 1320 Minerva, which urged the zoning of the South University area to a classification that would clearly define height limits and retain the college town atmosphere. She stated that this area was a campus gem that could not be found in any other university cities; it had its own personality, a village surrounded by a campus and residential neighborhood. She stated that the neighbors in this area regularly walked through this area. She also stated that the recession was driving predatory interests to college towns like Ann Arbor, those who have caught the scent for areas such as this where there were no height limits. She stated that the proposed FAR premiums allowed for structures that were unimaginable and said this should be reassessed. D2 zoning for this area would provide more than adequate framework while maximizing potential and preserving character, she said.

Peter Nagourney, co-chair of the North Burns Park Neighborhood Association, said it seemed obvious to anyone who has walked across town to the South University area that this was an entirely separate area. He stated that Tony Pennell, who submitted a letter to the Planning Commission, spent a number of decades living in Europe and traveling around the country. He said Mr. Pennell talked about adopting a model of a three-block pedestrian mall along South University, such as what existed in other cities. He believed the South University area was the perfect environment for that, as it was a short distance with mixed uses that would attract the type business that merchants said they needed. To do this, he said, the area needed to be zoned something other than D1. The other cities where these pedestrian malls existed have turned into successful, profitable areas, he said. He stated that business owners would have incentives such as places to put café tables and free display space, and they would be able to expand their business contacts without additional cost. He believed there was an existing clientele here that was needed to make this work. It would take a now stagnant area and make it a live environment, he said, adding that an anchor tenant, such as a full-scale grocery, would make it even more successful. He hoped the Planning Commission would consider this as a successful option.

Steve Thorp, 124 Chapin, spoke about design review and downtown rezoning, asking that the Planning Commission do what it could to promote design review in this wonderful City. He stated that Ann Arbor's downtown was not just a central district with its own zoning and development pattern, but it was the entire City's neighborhood, home to more and more people. He said people saw the downtown as their backyard. He stated that the proposed changes may result in taller buildings and too many tall buildings would be too much, putting Ann Arbor's renowned aesthetic appeal in jeopardy. He noted that a few

years ago a building height cap was being considered by the Planning Commission and staff, but a departmental reorganization derailed it. Whatever was done, he said, retention of the pedestrian scale in the downtown should be a priority.

Bob Snyder, president of the South University Neighborhood Association, believed the South University area should be zoned D2. He thought it was virtually impossible for the average intelligent citizen, let alone the Planning Commission and City Council, to wallow through the code revisions and make sense of it all. He stated that South University was not the downtown; rather, it was a little spot on the map, an island. He found it interesting when looking at the maps that the original boundaries of the DDA only covered two-thirds of this island. He spoke about a pedestrian mall for this portion of South University.

Maggie Ladd, director of the South University Area Association, expressed her appreciation for the illustrations that have been done. She continued to believe that all of the elements of the A2D2 zoning and Downtown Plan revisions should be reviewed together. She stated that the South University area has always been a downtown core area and she was sure the Planning Commission would take into account the area's retail history. With regard to height, she said, the association was not opposed to a height maximum; however, they believed a 120-foot maximum was too restrictive. She said they also were in opposition to a reduction of the residential use premium by 25 percent and said there needed to be further clarification on public/private parking.

Betsy Price, 905 Olivia, expressed her appreciation for the countless hours that staff and others have spent laboring over the details of the direction Ann Arbor should take. On the map, she said, the assignment of South University as solely D1 without a stepdown to D2 was striking. She stated that the South University area was a three-block long stretch of shops, parking structure and University buildings, with an 18-story tower towering over everything like a sore thumb. There was nothing "downtown" about this stretch, she said. She stated that this area was removed from the other six to seven D1 overlay areas, all serving purposes different from the South University area. She did not think the C2A zoning classification of this area should be the basis for considering this a downtown area. Because this area was so small, she said, the D1 zoning would provide no buffer zone between the core buildings and immediate residential buildings. She appreciated the 120-foot maximum building height, stating that it was a step in the right direction, but she believed all aspects of the D2 zoning were most appropriate here. She said the South University area was struggling and it was time to set aside acrimonious feelings and work together to enhance residential and retail attractions to the area. She asked that the Planning Commission set the stage for neighborhood-sensitive growth, noting that the D2 zone represented a substantial increase in density, yet would foster a pedestrian friendly character.

David Copi, 1601 Cambridge, owner of rental property in the campus area, recalled a letter from the South University Area Association in early 2004 regarding the association's desire to change the zoning to revitalize the area. Part of that, he said, was the belief that the zoning change would encourage a significant residential component. He did not believe that additional residents were needed to revitalize this district; rather, a merchant mix combined with parking would be more beneficial. There was no guarantee that future residents would shop in the South University area, he said, noting that added congestion would not improve things for South University merchants. He believed that added charm and additional parking would do much more to attract a wider clientele.

Gwen Nystuen, 1016 Olivia, was glad to see the new illustrations showing potential development under the different categories. She suggested that this was something that should be provided when considering how a development would impact a neighborhood. She thought the City needed to look at all of the edges and that the modeling of the maximum that could happen here was needed as well, especially because there was every reason to believe that anything could be done by assembling properties, which was easier to do on the edges of neighborhoods. With regard to a conference center,

she thought some control should be built into the ordinance so when a large project was proposed, special provisions would be in place to allow for more control.

Chris Crockett, president of the Old Fourth Ward Association, thanked staff for providing the building and sun/shadow illustrations. She stated that as a resident in this area, it was very disturbing to see the kind of shadowing effect that a large development on East Huron Street would have on the homes along Ann Street. She stated that these residents currently had light and air coming into their homes and yards, and to eliminate that for a good part of the year was not fair. Giving the advantage to developers and cutting off the rights to residents having light shine into their homes ignored the discussions that have occurred about buffers, she said, resulting in an undesirable environment along both East Huron Street and South University. She believed this issue should be studied further, stating that there was no sophisticated answer to the problem. She thought something better could be determined. Perhaps a different category should be sought if D1 and D2 did not fit all situations, she said. With regard to a conference center, she stated that she has never visited a city that has built its prosperity all or in part on a conference center. She noted that even the area surrounding the Amway conference center in Grand Rapids was dead space. In larger cities, she said, such as Los Angeles or San Francisco, the conference centers usually were incorporated throughout several existing hotels. She believed using a large parcel in the downtown for a large conference center would be a disservice to the citizens of Ann Arbor. She stated that the citizens should have their concerns and needs met before those of a developer wanting to build a conference center and asked that this be removed from the document. She suggested that the City study what good living meant for its citizens, and make sure that design review was part of this package before action was taken.

Jonah Copi, 225 Briarcrest Drive, knew that parking already was very problematic in the South University area, and that traffic in general was also a problem. He could not imagine what the situation would be with thousands more people living here. He stated that traffic and quality of life were reasons to consider a zoning other than D1 for this area. He experienced gentrification in San Francisco and, while Ann Arbor's situation was different, listening to everyone speak about neighborhood and quality of life was something important to consider. It seemed to him that if someone were proposing a residential highrise, a percentage of the units might be considered for affordable housing. He stated that taking time with this and further looking into the effects of the D1 zoning were important.

Alice Ralph, 1607 East Stadium Boulevard, sent a letter to the Planning Commission which reviewed some fundamental questions and described four areas of concern: fewer ugly buildings, trees, connections and active places. She spoke to the schedule of uses that seemed to replace standing text uses not expressly permitted or prohibited, and noting that if a use was not listed in the schedule, the use could then be assigned or classified by the Planning and Development Services Manager. She believed this placed a heavy burden on the Manager and was a conflict with the role of community participation with regard to planning review. She did not want to see the City placed in the position of being surprised by the judgment of a single person, stating that this was a perverse way of dealing with an exception. She believed the proposed massing standards for East Huron and South University were restrictive and represented spot zoning, adding that the City's goals involved better transitions.

Mark Zahn, 6431 Marshall Road, representing himself, his sister and his father, who owned the property at the northeast corner of East Huron and North Division Streets, believed the D1 zoning for this block of East Huron was appropriate in relation to how these properties were originally zoned and the perceptions of how they were purchased over 70 years ago. The proposed setback for this zone in this location seemed to fit, he said. He stated that the more recent plan with the drawings was much more descriptive and easier to understand. It was his understanding that some of the original thought processes for the base/street frontage was three stories, which he thought would be somewhat difficult to do in this area, suggesting something more in the 36 to 40-foot height range. He wanted to be supportive in trying to

work with adjacent residential owners, but said the property owners needed to be able to develop their properties in a cost-effective manner.

Bruce Thomson, 2682 White Oak, thanked the Planning Commission and staff for all of the hard work that has gone into this. He spoke regarding the provision that said the second floor needed to be at least 75 percent of the first floor. As many were aware, it was his intent to design a modest development on his property on East Huron Street and the 75 percent requirement would be limiting, he said. He suggested that the Planning Commission ask staff to prepare alternate language, such that a slightly different variation would be allowed for a three to four-story building, yet achieving the same density.

Nancy Latrondress, 1415 Packard, addressed the South University concerns from a business standpoint. She stated that she has seen businesses come and go and one of the problems associated with this was the seasonal clientele in this campus area, yet the merchants had year-long expenses. The majority of income was generated when the students were in town, she said, but the income needed to be evenly spread out. Business all year long needed to occur, she said. She did not believe a larger student population during the peak season followed by a large drop in the summer would be beneficial. This area needed to be made more attractive to people in the summer, she said, encouraging the idea of a pedestrian mall.

John Floyd, 519 Sunset, stated that the residents in the South University area have voiced their concerns about the potential amount of density that would be allowed in this area and said it was disappointing to see a lack of consideration of their concerns, as there has been an increase in the density. He was concerned that this process was not for the residents who lived here.

Lou Glorie, 827 Brooks, stated that there were many commendable elements in these proposed changes, primarily considerations for pedestrian experience and encouragement for retail space. However, she did not think the entire plan was of benefit to the City, citing criticism based on the probability that the future would bring a shortage of oil and no significant recourse to other kinds of energy. She did not think there should be a belief in plentiful energy to run elevators and air conditioning units that would be necessary for high rise buildings. It was her preference to send this plan back to the community for extensive renovation. She offered suggestions, such as eliminating premiums altogether. Rather than using FAR or height limits, she suggested that story limits be used to avoid a monotonous cityscape and help to maintain a human scale. She also suggested that the DDA line be pushed back, as it extended past what many considered the downtown. With regard to honoring greenways, she did not understand how Allen Creek and the greenway could be undervalued.

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

Moved by Lowenstein, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) to implement the Ann Arbor Discovering Downtown recommendations.

Moved by Lowenstein, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed D1, D2 and PL District Rezoning, the Character Overlay Zoning District Rezoning, and the Building Frontage Rezoning as shown on the attached maps.

Moved by Lowenstein, seconded by Westphal, that the Ann Arbor City Planning Commission hereby directs Planning staff to collect data about the impacts of the downtown Rezoning and Amendments to City Code and further, that staff report back to the City Planning Commission about these impacts one year from adoption of the amendments.

Potts stated that this work effort has involved a great deal of work by many people. It was such a large effort covering an important part of the City and, she said, what she was looking for was community benefits and things that would improve the livability of Ann Arbor and not interfere with its identity. She said she had a number of amendments that she thought would steer the plan closer to her idea of what the community benefits would be. Some of the things that were not included about which she was disappointed were protections for historic districts, such as no setbacks or buffers. She was concerned that this plan would the assembly of lots and demolition of historic structures. She thought developers would move toward that action in order to have taller buildings. She thought the assembly of lots was a major change and went against the City's description of character areas. One of the goals, she said, was to take the large hodgepodge of zoning categories and simplify it; however, she wondered if it had been simplified too much. She suggested more fine-tuning. Her largest concern was to protect the edges of neighborhoods. While some effort had been made toward that direction, she did not know if it was enough. In reading the character reference for South University, she did not think it reflected what was written about it. She noted that the Calthorpe plan recommended six to eight-story tall buildings for the South University area. She thought the proposed D1 zoning for the South University area went against the description of this area.

Moved by Potts, seconded by Borum, to change the designation of the South University area from D1 district to D2 district.

Carlberg objected to this change because the height limit in the D2 district was too low for what could possibly fit in the area along South University. She thought it would be too restrictive for a residential redevelopment in that area. She did not think a developer would build a residential development if only five stories were allowed and she believed residential redevelopment was critical to pulling students out of the single-family homes in the surrounding neighborhoods. Unless the students were housed elsewhere, she said, the City would continue to see them encroach into the single-family neighborhoods, which would force families out of the downtown neighborhoods and out of town. There was also the expectation of population growth, she said, and to accommodate that there needed to be an increase in housing. She stated that density in existing neighborhoods would not increase, since they were already built out, and it was important to provide adequate housing for young professionals who have graduated and want to stay in the City.

Bona agreed with Commissioner Carlberg's comments. She said some of the suggestions that have been made for this area were the desire for a grocery store and a movie theater, adding that because everyone normally drove to those types of uses, the only way for them to survive in a downtown area was to have residents living there all the time. She believed the most appropriate place for students to live was adjacent to the university they attended, where cars were not required, thereby reducing traffic and the need for parking. She stated that she could not support reducing the floor area ratio (FAR) for this area.

Potts stated that there were people currently living here within easy walking distance of South University and, if there were something like a grocery store, hundreds of people who would be patronizing it. Her largest concern was that the City would be paying too high a price for density, where neighborhoods would suffer negative impacts and the quality of life and identity of Ann Arbor would be jeopardized.

Allowing such high density in the form of bigger, taller buildings right next to a neighborhood was not a direction she believed the City should be heading.

Westphal echoed Commissioner Carlberg's and Bona's comments and said, for those reasons, he would be making a motion this evening to move in the other direction. He said he was unable to support the D2 zoning.

A vote on the amendment to change South University to D2 showed:

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

Motion failed.

Westphal said it was not uncommon to see neighborhood reaction that conflicted with a portion of a plan going forward. He knew that many speakers were among those who participated in the Calthorpe planning process. He saw this, and the rezoning of the South University area that occurred a couple of years ago, as a robust expression of community interest. During that process, he said, he heard explicitly that the change of character of that area was desired and that people looked at South University as being a core area on par with other major commercial areas of the downtown. He appreciated remedying part of the concern with a new setback from residential uses, stating that he believed this addressed some of the immediate concerns for those living nearby. For these reasons, he would propose either removing the building height limitation or increasing it.

Pratt agreed with Commissioner Westphal's comments in general, but said he was not supportive of changing the height restriction. Based on comments made by residents during this process, he thought it was important that there be an appropriate balance with new development to see this area revitalized. He did not think a 120-foot height restriction for buildings in the South University area was out of line with what it seemed people were looking for. He viewed a 120-foot height restriction as a ten-story building, adding that he believed using the word "story" instead of feet would be ambiguous and create loopholes. One could not argue with a tape measure, he said. He believed the plan represented the best reaction to competing interests. With regard to the comment about gentrification in San Francisco, he believed that was the result of scarce housing. Given that Ann Arbor has seen a long-term trend toward increased population, the only alternative to redevelopment within the City was moving out of the City and creating sprawl, he said, noting that he would rather see the City doing its best to balance an area like South University and focus energies and the bulk of density in the core area. He thought a good job had been done with that.

Lowenstein asked for an explanation of the difference between the minimum setback for the building base and for the tower.

Rampson stated that the minimum setback for the tower would push the tower away from a residential zoning district. For a 120-foot building, she said, the setback would be 60 feet.

Lowenstein asked if this would push the tower closer to the street.

Rampson stated that it would push the tower away from the residential zoning district, but not necessarily closer to the street. She presented an illustration to show from which point the measurements would be taken to determine the tower setback.

Lowenstein asked if the only regulation for the tower would be the five-foot offset if there were no specified setback for the tower.

Rampson believed an interpretation could be made to require a 30-foot setback for any part of the building.

Lowenstein asked if there were a diagonal measurement for the South University area.

Rampson replied no. With the height limit, she said, a diagonal would become very difficult. She stated that the height limit would set the building mass.

Moved by Lowenstein, seconded by Westphal, to amend Table 5:10.20C (Downtown Character Overlay Zoning Districts Building Massing Standards) by adding “Above Base” after “Max. Building Height” and striking the lower tower setback from a residential zoning boundary.

Lowenstein stated that this amendment would make it so the maximum building height was 120 feet above the base and the side and rear setback would be a minimum 15 feet for the base up to 30 feet in height, or a 30-foot minimum setback for a base greater than 30 feet in height. She stated that the offset requirement for the tower would still apply.

Rampson clarified that the offset requirement would be applied at the street wall, not on the side or rear of a building.

Woods asked for a description of the type of structure that could be built at the corner of South Forest and Forest Court.

Rampson stated that a zero to 10-foot front setback on both South Forest and Forest Court would be required, with no setback along the north property line and a 15-foot setback along the east property line if the building base were less than 30 feet in height. A building base exceeding 30 feet in height would require a 30-foot setback, she said. In this case, she stated that there would be offsets on the street frontages at the top of the base.

Carlberg referred to Table 5:10.20C, where it stated in “(1)” that there was a minimum setback of 15 feet for a base of up to 30 feet in height or a minimum 30-foot setback for a base greater than 30 feet in height. She asked if this meant that a tower would have to be set back 30 feet from the lot line.

Rampson replied that this was correct.

Carlberg stated that this was more than a five-foot offset.

Rampson stated that this was true, but said the offset was applied to street frontages only.

Carlberg asked why this was an advantage to the South University area, given the requirements that already existed.

Lowenstein stated that the reason for the zoning changes was to increase density in these core areas, particularly residential density. She was concerned that the proposed height limitation and the limitation on the tower setback would discourage development of residential density because those limitations would make it difficult to build anything that had enough space for residential density. She said the

concern was that the tower would become too squeezed by the setback requirements. She thought the space needed to be maximized for residential buildings. She did not object to the absence of a height limitation, but if there were going to be one, she thought the limit should be reasonable to allow adequate residential density.

Borum stated that the Zaragon Place development could be used for comparison purposes, stating that it was a 10-story, dense residential building. He believed ten stories was an appropriate scale, stating that a reasonable amount of density could be achieved with a 10-story building. He did not think he would support increase the height to more than 120 feet above the building base. A compromise to that would be to reintroduce the diagonal, he said, because when the diagonal was removed, there was a wider, chunkier mass to the building. He stated that the problem with residential use was that bigger and wider a building became, the greater the chance of having bedrooms without windows, because there was more depth.

Carlberg asked if the requirement that each bedroom had to have an exterior window addressed Commissioner Borum's concern without introducing the diagonal.

Borum replied yes, if that has been added to the premium.

Pratt noted that this would only be true if a developer took advantage of the residential premium. If it were not used, he said, the exterior windows for residential units would not be required.

Westphal said he could support the amendment, but he was torn between diagonals versus less setback.

Pratt said he was most comfortable with the 120-foot height limitation as proposed. He could see there being a problem with the tower setback of one-half of a foot per foot of height. He could possibly support removing that, but said there were many competing concerns.

Bona said she supported this proposed amendment and would support an even greater height limit. Since this South University D1 area was north of the residential areas, she was not as concerned about the setback. She thought it was odd to impose a greater restriction here than the East Huron block. She believed the 120-foot height limit above the base was an improvement and said she would also reconsider the diagonal if that would require a greater height limit. She supported the diagonal because it would discourage a significant number of assembled lots, since development would be allowed on smaller-sized lots.

A vote on the amendment to revise Table 5:10.20C showed

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

Motion failed.

Moved by Carlberg, seconded by Pratt, to amend Table 5:10.20C by deleting the “(1) Base” from the first sentence and having that sentence read, “A minimum 15-foot setback for building of up to 30 feet in height or a minimum 30-foot setback for a building greater than 30 feet in height;” by eliminating all of “(2);” and by changing the title of that column to “Minimum Distance from the R Zoning District Boundary.”

Pratt thought this was an improvement, as the inclusion of “(2)” might have encouraged the assembly of parcels for redevelopment.

Potts did not support this, stating that she thought it was a step back from neighborhood protection.

A vote on the amendment to Table 5:10.20C showed:

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

Motion carried.

Moved by Potts, seconded by Pratt, to designate the South University commercial frontage as D1 zoning and the remainder of the South University area as D2 zoning.

Pratt clarified that the commercial frontage was the parcels abutting South University.

Potts replied yes.

Woods asked about any businesses on Church or South Forest.

Bona said they would all be commercial districts, but there would be a distinction between D1 and D2 zoning.

Potts stated that if South University was going to be called part of the core, the only part she could remotely think of as part of the core would be the commercial part, not the other areas.

Carlberg said it would be very difficult to draw a boundary line here, stating that the edges of the lots were not all in same place. She said this would result in lots being zoned D1 but too small to be redeveloped, so this would negatively affect redevelopment goals.

Potts said she was trying to get back to intent for this character area.

Lowenstein did not believe this amendment made sense. There was an interface in this area, she said, which mainly was the existing multiple-family student rental buildings. She said this was not a neighborhood, except for one or two houses that abutted this area. When talking about buffers to other properties, she said, it was landscaping, trees, fences and walls. She did not think buildings should be considered as a buffer to other buildings. She did not think there was anything to protect here and said she was opposed to this amendment.

A vote on the amendment to separate the South University area into D1 and D2 zoning showed:

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

Motion failed.

Westphal asked what the zoning advisory committee originally recommended for the South University area.

Rampson replied that the committee recommended the core area zoning.

Westphal asked if the proposed height limit in the South University area was the reason the diagonal requirement was removed.

Rampson replied yes, stating that it would be difficult to develop larger lots with both a 120-foot height limit and a diagonal requirement.

Moved by Westphal, seconded by Borum, to maintain the 120-foot height limit above the base and reintroduce a 200-foot diagonal requirement above the base for the South University area.

Westphal stated that based on discussions so far, it seemed as though capping the height at 120 feet would result in aesthetically oppressive buildings. He stated that the sidewalks along South University were shaded in the winter regardless and adding more flexibility for the upper floors of taller buildings could result in less of a block appearance.

Bona stated that the Ashley Terrace building at the corner of Ashley and Huron Streets had a diagonal of 230 feet.

Rampson added that Ashley Mews, the McKinley Towne Centre and Baker Commons all had 200-foot diagonals.

Potts thought Ashley Mews was one of the blockiest buildings in the area and if a 200-foot diagonal produced that, then she did not think it was desirable anywhere.

Pratt stated that the Ashley Mews diagonal was not a restriction; rather, it was built on a lot shaped that way. He said a 200-foot diagonal requirement would not necessarily mean a box-shaped building would be built. He said the diagonal could have a slenderizing effect depending on the shape of the lot. He still preferred the 120-foot height limit, he said.

A vote on the motion to reintroduce the diagonal requirement showed:

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

Motion failed.

Potts moved that the area outside of the DDA boundary be removed from the A2D2 recommendations.

There was no second for this motion.

Potts moved that the Residential Use Premium be amended to change the 0.75-square foot of floor area exceeding the normal maximum usable floor area to 0.50-square foot of floor area. The reason she was suggesting this change, she said, was because the City has failed to make use of all of its premiums because the residential premium has been so generous. There was no incentive to use the others, she said.

There was no second for this motion.

Potts stated that with regard to the affordable housing premium, as desirable as affordable housing was, it seemed rather extreme that one small affordable unit would gain a developer five market-rate units of the same size. This was quite generous for only one affordable unit, she said.

Moved by Potts, seconded by Pratt, to amend the Affordable Housing Premium in Section 5:65 in the D1 and D2 districts from 3,000 square feet to 1,500 square feet.

Pratt asked staff to explain how the proposed premium for affordable housing was arrived at.

Rampson stated that when this process began, Jennifer Hall of the Office of Community Development (OCD) reviewed the types of units that had been developed through PUDs and other means to determine what it would take for a developer to provide an affordable housing unit. She said it was determined that in order for a developer to move forward with the provision of affordable units, a substantial premium would be needed.

Carlberg stated that the proposal was to increase the premium from 700 to 900 percent and asked if the 200 percent difference was to be all affordable housing.

Rampson replied yes, this was the intent for the D1 zone. She said there was no super premium in the D2 zone.

Carlberg asked if it was the OCD's expectation that allowing 3,000 square feet of additional floor area would motivate a developer to provide affordable housing. She also asked what the downside would be that amount was changed to 1,500 square feet.

Rampson stated that depending on the unit mix a developer was seeking, it may or may not be motivation to provide affordable housing. She said 1,500 square feet was one market rate unit, so it would be a one to one arrangement.

Carlberg stated that this did not provide the developer with enough funding to make it worthwhile.

Rampson stated that this was the thinking behind that rationale, taking into consideration the cost of developing in the downtown.

Carlberg said she would prefer trying the proposed premium for a year or two to see if any developers took advantage of it, and then assess the situation at that time.

Potts stated that if the City's premium for housing in general were not so generous, she would be inclined to be generous with the affordable housing premium.

A vote on the motion to amend the Affordable Housing Premium showed:

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

Motion failed.

Potts questioned the requirement for plazas to be on a corner lot, stating that this could inhibit creativity. She saw no reason why the front entrance for a building in the middle of a block could not be designed as some type of plaza space.

Moved by Potts, seconded by Borum, to amend the plaza premium in Section 5:65 to allow plazas to be located anywhere along public street frontage.

Carlberg shared some of the same reservations about plazas, stating that it may be possible to design a plaza mid-block and have it meet all other anticipated benefits. She did not see why it had to be at a corner.

Borum said he did not like plazas at corners, stating that he thought buildings should mark the corners of streets. Losing the corner would result in a street losing its definition, he said. He liked a plaza when it had a building on either side and said he would support this amendment.

Bona asked staff if there were any history behind the plaza premium that Commission should know about.

Rampson stated that this language currently existed in the City Code. She stated that when urban design discussions were held with Winter & Associates, the thought was that a successful mid-block plaza would be an exception, not a rule. If the corner limitation were eliminated, she said, design guidelines would be in place at some point to guide plaza development.

Woods stated that she also was in favor of removing the corner limitation for plazas, adding that she did not think a plaza must be at a corner in order to be successful.

Westphal stated that he was conflicted. He was worried about encouraging plazas in inappropriate places, stating that when they work well, they were appropriate, but said he could only think of a couple of places where they work.

Pratt stated that he had no expertise in this area. What he recalled was that sometimes having a plaza mid-block could be a detriment to activity and safety. On page 37, he said, where it talked about the plaza premium, there were a couple of sentences added about safety and limitations of the premium. He wondered if that was helpful.

Westphal said he appreciated the language contained on page 37 about avoiding the creation of isolated areas, but said he was concerned about having such language in the code versus waiting until the design guidelines were in place. He would prefer to err on the side of caution and perhaps delay action on the plaza premium until something more definitive was in place regarding design guidelines. Until then, he said, a developer could propose a planned project if a plaza were desired.

Bona stated that she also was not an expert on plazas and rather than allowing more potential for them, as she thought there were more bad plazas than good plazas, she would be more in favor of perhaps removing the plaza as a premium until design guidelines were in place. She was not in favor of expanding their use at this time.

Carlberg stated that given the questions that have been raised, it seemed appropriate to leave the plaza premium language as is, because there seemed to be some agreement that a plaza at a corner had potential for being successful. She supported looking into whether plazas in different areas could be added in the future so they would not just be limited to a corner.

Potts stated that plazas at corners tended to be shortcuts and walk-throughs. She said they normally did not have plantings or benches. She thought the standards contained enough control so the plaza design would not be abused or unworkable. This was her effort to encourage pedestrian comfort and living green, she said.

Westphal stated that given the ambiguity surrounding this topic, he thought it should wait until the design guidelines were completed.

Pratt stated that he would not vote for the amendment, but he thought the concept was good. He favored putting the design guidelines in place first.

A vote on the motion to remove the corner limitation for plazas showed:

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

Motion failed.

Moved by Westphal, seconded by Potts, to remove the plaza premium in Section 5:65, to be revisited at a future date.

Woods asked if the plaza premium currently existed in the City Code.

Rampson replied yes.

Woods stated that she would not support this amendment, as the plaza premium currently existed in the code. She believed the design guidelines were important, but said she would not like to see the plaza premium removed in its entirety.

Potts said she would like to keep this in the code as an option for developers interested in providing plaza space.

Westphal believed it was more dangerous to keep the language in the code.

Bona supported this amendment, stating that she would prefer no plaza over a bad plaza.

Woods asked what mechanism would be used to return the plaza premium to this document if it were to be removed at this time.

Rampson stated that if the desire was to tie the plaza premium to the design guidelines, the premium could be added when action was taken to adopt the guidelines.

A vote on the amendment to remove the plaza premium showed:

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

Motion failed.

Westphal said he would like to revisit the active use categories on page 14, particularly the notion that a bank lobby was an active use. He believed the strength of the downtown was tied to continuity of retail uses and restaurants. If not for window shopping and the ability to stroll along the streets, he did not think Ann Arbor would have the successful downtown it did. He was interested in protecting the independent retailers who depended on walk-by traffic. He stated that the danger of bank lobbies as active uses began when they were grouped together. He looked into the regulations that other cities have enforced after the citizens expressed outrage at the inclusion of banks as retail uses. He thought the 60 percent active use requirement was one of the lighter restrictions he has seen. He disagreed with classifying bank lobbies as an active use.

Moved by Westphal, seconded by Potts, to delete “A – Active Use” for Bank or Credit Union, Customer Lobby, in Table 5:10.1aA on page 14.

Potts did not think a bank lobby was a good, active use along a downtown street, stating that she pictured an active use as having a lobby that was all glass with a lot of activity and people within. She envisioned a bank lobby as a small door within a sea of marble.

Carlberg asked how this would impact the existing banks on Main Street.

Rampson said it would depend on the individual buildings. She stated that 40 percent of a building frontage could be non-active use, so if an existing bank met that requirement, there would be no impact. However, she said, if the frontage of a bank exceeded the minimum, it would be considered a nonconforming use and treated as such. If the bank were to leave and remain vacant for a certain amount of time, she said, the bank would lose its nonconforming use status.

Bona stated that the main benefit to this amendment was that no new inactive spaces could be created.

Carlberg said she would support this amendment.

Pratt said a property owner would have six months to find out if the marketplace were interested in the same use, stating that he thought the six-month timeframe was a reasonable amount of time.

Woods was concerned with the six-month window, given the economic problems this country was currently experiencing. She could see a situation arise where a bank might need to close and then have the ability to reopen after six months. She asked what a bank would have to do if it were in the position to reopen after the six-month window passed.

Rampson replied that the bank would have to go before the Zoning Board of Appeals for approval through existing standards.

Woods said she would not support this amendment because she was not convinced about the concern that a bank lobby was not an active use.

Westphal stated that this amendment would not prohibit banks, but would limit the amount of inactive space along the street. Given how the number of blocks to which this would apply had been reduced, he thought this was more favorable. He generally was not in favor of regulating something that was not a problem or did not need regulation, but he said the presence of banks at the street level was not a revenue return, as they did not make a profit in return for what was spent on rent per square foot. It was more the recognition of the bank putting its name on the building. He believed this was somewhat unfair to independent retailers who depended on this first floor space for their revenue.

Bona stated that she supported this amendment.

A vote on the amendment to remove “A – Active Use” for bank services showed:

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

Motion carried.

Pratt stated that with regard to conference centers, they would only be allowed as a special exception use, so there would be an opportunity to determine if a proposed center contained a public benefit. He said some business owners near conference centers have been asked if having a conference center nearby was beneficial. The business owners have responded that it was beneficial depending on the kind of conference center, so, he said, there were some business owners who believed having a conference center nearby was a good thing. With regard to the adult entertainment use, he was not proposing an amendment this evening, as there was much to consider, but he suggested that the legalities of either requiring a special exception use approval in the D1 zone or prohibiting the use altogether in the D1 zone be investigated prior to this going to City Council for final consideration.

Potts stated that as long as a conference center required special exception use approval, it would provide the community with the opportunity to express concerns and discuss negative impacts. This was satisfactory to her. She said the proposal of a conference center would not be able to avoid community attention. Regarding adult entertainment uses, she said, the downtown area near the courthouse currently was the only location these types of uses were allowed. Her concern with the current proposal was that there were residential uses in the same zone these uses would be permitted.

Bona suggested that after staff prepared this information for City Council, it also be provided to the Planning Commission for discussion at a working session to see if there was any interest in potential changes.

Westphal suggested that the definition of bank or credit union in the chart on page 14 be changed to become more generalized, such as banks or financial services. This would keep it separate from business services, he said.

Potts moved that new construction abutting residential uses should be no taller than the average height of the adjacent residential structures and that it be set back no less than 30 feet from the residential lot line.

There was no second for this motion.

Bona stated that there already was a setback requirement for buildings adjacent to residential uses.

Pratt stated that with regard to the East Huron Street area, he was not sure there could be agreement that nothing was done for this area. He noted that the buffer adjacent to residential uses was doubled. The way the properties have been zoned for quite some time would permit a greater impact to the adjacent residents, he said, also noting that many of the residents on Ann Street moved in after Sloan Plaza and the Campus Inn were built. There were already tall buildings there, he said. He understood that not everyone moving into the City looked at the zoning maps, but he did not have a great deal of sympathy for those moving in when they could see the tall buildings. He felt the best had been done for the East Huron Street area.

Potts moved to designate the north side of East Huron Street between State Street and City Hall as D2 zoning, extending south to Washington Street to follow the lines of the Old Fourth Ward Historic District.

There was no second for this motion.

Carlberg asked about the status of the design guidelines.

Rampson stated that in August, the steering committee asked that additional work be done on the design guidelines; however, given the immediacy of the zoning component, the guidelines were set aside. She hoped it would be possible to set aside some time to work on the design guidelines during the six to eight weeks that would be used for public presentations on the A2D2 implementation.

Potts wondered if action on the Downtown Plan Amendments could be postponed to another meeting, as she had amendments to propose but the hour was getting late to continue this tonight.

Rampson stated that based on the sense that the zoning component should be presented to the public she thought it would be appropriate to table action on the Downtown Plan Amendments.

A vote on the three main motions showed:

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

Motion carried.

Moved by Pratt, seconded by Borum, to continue the meeting past 11:00 p.m.

A vote on the motion showed:

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

Motion carried.

d. Resolution of Appreciation for Commissioner Ron Emaus.

Moved by Pratt, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby tenders it sincere appreciation to Ron Emaus for his valuable contributions to the City of Ann Arbor through efforts as a member of the City Planning Commission.

Potts stated that it was a pleasure to work with Mr. Emaus, stating that she was glad to get to know him.

Borum stated that Mr. Emaus was a great colleague and he learned quite a bit listening to him and having conversations with him.

Woods stated that just a couple of days ago, Mr. Emaus was continuing to give good advice, adding that she would always appreciate his ability to do so. She said it was beneficial to hear his thoughts, particularly about environmental impacts.

Bona stated that she worked on the area, height and placement standards with Mr. Emaus and one of the things she appreciated the most about his input during meetings was his great appreciation for balancing density with the preservation of natural areas. She thought he was one of a few who understood this at a sophisticated level and said she would miss that.

Westphal stated that he already missed Mr. Emaus' perspective. He stated that Mr. Emaus put a lot of time into his committee work and at meetings, adding that it was a pleasure to work with him. He looked forward to carrying the energy efficiency flag in Mr. Emaus' place.

Pratt stated that Mr. Emaus was a tireless volunteer, thanking him for his many hours of service. He said Mr. Emaus' thoughtfulness was appreciated, oftentimes being able to eloquently say something that might otherwise not be said in a crowded room. Mr. Emaus was thorough, he said, and capable of initiating text amendments that focused on the context. He appreciated him being a proponent of urban development and his support for pedestrian accessibility. He expressed his appreciation for all of Mr. Emaus' efforts.

Lowenstein appreciated Mr. Emaus always bringing common sense to the table, in addition to his great amount of expertise. There were not many topics Mr. Emaus did not know about, she said, so it was good to have him as an encyclopedic reference.

Carlberg stated that the Commission members spoke about all of the qualities she would have raised. She noted that Mr. Emaus was always very well prepared, doing extra research. She said he had a set of values that helped put the City in a better place.

AUDIENCE PARTICIPATION

Alice Ralph, 1607 East Stadium Boulevard, believed a plan should drive the zoning, not the zoning driving the plan. She showed the difference in thickness between the current Downtown Plan and the proposed Downtown Plan. She did not think there was enough to drive the major changes that have been discussed regarding zoning. She presented a few things worth thinking about: revise the housing goal by deleting the word "new" before downtown housing; add to the Allen Creek Greenway section "discuss or ban building construction in the floodway;" and retain public land in the floodplain. She also suggested that the City clarify and restore language that addressed neighborhood edges, such as encouraging compatible transitions. She referred to the letter she provided to the Planning Commission.

COMMISSION PROPOSED BUSINESS

None.

ADJOURNMENT

Bona declared the meeting adjourned at 11:21 p.m.

Mark Lloyd, Manager
Planning and Development Services

Kirk Westphal, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services