

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

BUSINESS MEETING

7:00 p.m. – September 4, 2008

Time: Chair Bona called the meeting to order at 7:04 p.m.

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

ROLL CALL

Members Present: Bona, Borum, Carlberg, Lowenstein, Potts, Pratt, Westphal, Woods

Members Absent: Mahler

Staff Present: Foondle, Kahan, Pulcipher, Rampson

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of August 5, 2008.

Moved by Westphal, seconded by Lowenstein, to approve the minutes as presented.

Potts asked that on page six, the word "shot" contained in Susan Morrison's statement be changed to "short."

A vote on the motion showed:

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

Motion carried.

b. Minutes of August 19, 2008.

Moved by Woods, seconded by Westphal, to approve the minutes as presented.

Borum asked that on page eight, the first word of the last line of paragraph six be changed from “do” to “sustain.”

Potts asked that on page nine, paragraph seven, the words “overnight storage and inclement weather” be changed to “overnight storage in inclement weather.”

A vote on the motion showed:

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

Motion carried.

APPROVAL OF AGENDA

Moved by Carlberg, seconded by Lowenstein, to approve the agenda.

A vote on the motion showed:

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

Motion carried.

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

Potts reported that the next meeting of the Ordinance Revisions Committee would be held on September 23 at 3:00 p.m. in City Hall.

Bona noted that staff will be providing the Planning Commission with a report at the September 16 meeting regarding the administrative amendment issue for the Metro 202 project.

AUDIENCE PARTICIPATION

John Floyd, 519 Sunset, spoke about the previous 19 covers of the Ann Arbor Observer and how none of them contained a building over four stories tall, stating that no one thought of Ann Arbor as a city of large structures. He stated that the current edition of the Observer once again has such a building: the YMCA. He said the YMCA was a new, family-friendly building that served a much broader community than families. He said Ann Arbor was a small and friendly town and that it needed to retain its small town feel and big city vitality. He believed the changes proposed for the downtown would ruin that, that the zoning proposed in the downtown plan would push the family-friendly zone in Ann Arbor further out. Families indicated the health of the City, he said, stating that the proposed downtown zoning changes would hurt Ann Arbor's long-term economic viability.

Shirley Semple, 434 South Fourth Avenue, stated that she came to Ann Arbor in 1977 and for over 20 years walked or rode her bike along William Street to go to work at the hospital. When the Baker Commons development was being considered years ago, she said, it was said that the scale of the project would be in keeping with the surrounding area. The new building cut off a couple of hours of morning daylight for her, she said, and it was intrusive. She stated that another large building was now proposed on Fifth Avenue, which would eliminate light, create a wind tunnel, and be offensive.

Susan Morrison, speaking on behalf of the Michigan Historic Preservation Network regarding the Metro 202 project, expressed concern that a report on the final decision for a proposed administrative amendment had not yet been transmitted to the Planning Commission. During the August 5 discussion between staff and the Planning Commission about this process, she said, the Commission requested that it see the proposal before a final decision was made by staff. She said she was advised by staff that a determination would be made soon as to whether the proposal would be handled administratively, stating that she hoped this would be discussed by the Planning Commission prior to a final decision being made.

The resident of 205 Orchard Hills Drive expressed concern about the way the City was developing, stating that the very large buildings affected the image of the City and destroyed the sense of community. She thought the core of the City should be maintained at an acceptable level, noting that beautiful cities in Europe have preserved their core.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Bona announced the public hearings scheduled for the meeting of September 16, 2008.

REGULAR BUSINESS

a. Public Hearing and Action on City Place PUD Zoning District and PUD Site Plan, 1.23 acres, 407-437 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District), and a proposal to demolish seven existing buildings (total of 21 existing dwelling units) and to construct a 4½ story, 90-unit apartment building with 97 below-grade parking spaces – Staff Recommendation: Denial

Kahan described the proposal and showed photographs of the property.

Stewart Beal, of Beal Demolition Contracting, stated that he has been hired to demolish the existing buildings. He spoke about the specialized recycling plan his company was asked to implement. When his company demolished buildings, he said, they did everything that could be done to recycle as much as possible. He stated that they intended to work with three different groups on this project to salvage building materials before demolition took place, such as working with Habitat for Humanity to salvage wood doors, wood trim, wood flooring, kitchen plumbing, other fixtures, etc. He said they would separate all metals, cut stone, concrete, and wood framing with the goal of recycling over 70 percent of the buildings. They would take great care to recycle any specialized materials found on the site, he said.

Susan Wineberg, 712 East Ann Street, stated that she was still opposed to this project. She stated that the Central Area Plan was very direct about preservation of the central area, adding that the structures proposed to be demolished were truly historic buildings connected to several renowned citizens from the past. In addition to the preservation of the historic buildings, she also was concerned about the loss of landmark trees. She thought it was a bad idea to have a continuous wall of building along the whole block, noting that many people in this area were trying to convert it back to a single-family, owner-occupied neighborhood.

Piotr Michalowski, 451 South Fourth Avenue, did not think much had changed with this new plan. There was still the aesthetic problem of this large development taking the place of historic buildings, he said, which would negatively impact the ambiance of the area. He said it was not just the historical nature of the panorama, but also the significance of a cornerstone of this area, representing a whole vista of this part of the downtown. He stated that the City's taxpayers pay a tremendous amount of money to have these master plans implemented and this proposal did not conform to the master plan for this area. The logic of this escaped him, he said, referring to "Zeitgeist," a German expression meaning "spirit of age." He did not think the fact that this would be a green building or that the existing buildings would be properly demolished changed the concerns. He believed this was a barbaric destruction of part of Ann Arbor's legacy. He did not propose that Ann Arbor become a museum, but said there needed to be appropriate rationale for a project such as this.

Ellen Ramsburgh, 1503 Cambridge, concurred with the basis of staff's recommendation of denial, adding that the intangible value of this section of Ann Arbor was also an appropriate reason to deny the proposal. She thought salvaging to make up for the loss of the historic structures was an inappropriate direction in which to move. She stated that the existing buildings had an inherent environmental value, adding that the materials used many years ago to build these houses have prevented the use of new materials all these years. To create an infill development by demolishing what existed and then building out of scale with the neighborhood did not seem appropriate, she said. She did not want to lose the character and scale of this neighborhood.

David Meinhart, 411 South Fifth Avenue, resident in one of the houses proposed to be demolished, provided the perspective of a young urbanite living and working in the downtown. He thought the most pressing concern was the lack of modern, clean, affordable housing in the downtown area. This problem has caused him to consider living outside of the downtown, he said. He spoke to two major issues: Ann Arbor's seemingly inherent parking shortage and gasoline prices. This has kept him from moving outside of the downtown, he said, and, as a result, he has chosen to live near his work. However, he noted that even this option has become increasingly undesirable. He was faced with the choice of living with many strangers in a cheap, rundown house or much more expensive, upscale housing that he could not afford. He stated that he had no choice but to compromise his standards as a young professional and he saw the proposed City Place proposal as a viable solution. He said it was located in a prime location in the downtown, it would be modern and affordable for young professionals and others, and it would offer downtown parking to at least 90 residents. He carefully reviewed the plans, he said, and found it to be very attractive. He did not think the height was excessive, the trees would be preserved, and it seemed

to fit in well with the area. He hoped the Planning Commission would consider other views, such as his own.

Ann Eisen, 422 South Fourth Avenue, stated that there was no guarantee as to the price of the proposed units. In response to the salvage plan, she thought it would be in financial interest of the petitioner, if this project were approved, to salvage the valuable wood and other things in the existing houses. All of these materials were far more valuable in the houses that were standing there, she said, and would never be reassembled to what they were currently. She noted that the existing houses on the site were quite rundown and it did not appear that the owner was properly maintaining them. She asked that the Planning Commission hold its ground to its earlier denial recommendation.

Lars Bjorn, 712 East Ann Street, was very concerned about what the proposal would mean in terms of overall development in the downtown, stated that he has seen a number of tall buildings proposed/approved near the neighborhood and he was worried about the trend that was developing. He stated that these structures were once protected through an historic preservation district, but that no longer was the case. These were very important buildings in the City's history, he said, stating that, together, they created a beautiful cityscape. It was his prediction that the proposed building would be filled with undergraduate students. He also noted that the price of the units would be driven by the market. In general, he said, the least expensive kind of housing was existing houses, not new development. Since these buildings were owned by the petitioner, he thought the petitioner should address the lack of maintenance.

Christine Crockett, president of the Old Fourth Ward Association, stated that she has been a part of the movement to live downtown, believing that a vibrant city needed young, hip people, but also families. She agreed that Ann Arbor was getting quite hostile to families in the downtown. She still heard comments that the downtown was not a good place to raise children, but noted that she raised her son living in the downtown. The best and greenest housing was housing that already existed, she said. She believed the loss of the existing houses would tear part of the heart of Ann Arbor. It was difficult for her to understand why a developer would do something like this for such short-sighted greed when so much could be done by selling the houses and investing where more density was permitted, or rehabilitating the houses so there could be a more balanced mix in the downtown. She stated that there was no guarantee as to the price of these units, noting how many times a developer has predicted a price only to see it skyrocket. There was also no guarantee as to who would live in this development, she said. She thought the existing houses were more valuable as they were with rehabilitation and said she supported staff's recommendation of denial. She hoped the Planning Commission would also support denial of the project.

Vivienne Armentrout, 920 Vesper, said she enjoyed the downtown and thought it was a major asset of the community. She was very concerned about the downtown remaining a viable business environment. She referred to a recent lecture by Donovan Ripkema, stating that she was impressed by studies he presented insofar that historic structures had an economic benefit to a community and that this block of historic structures so close to the downtown provided much more potential for continued prosperity of the downtown area. She stated that creative people were drawn to communities that preserved these types of structures.

Jeff Wessinger, a resident of Ann Arbor for 23 years, recalled many of the things he did while growing up in Ann Arbor. He lived here because he loved this City, he said. Unfortunately, he said, Ann Arbor could not provide a lifestyle that would cultivate the memories that residents desire. He said the City was filled with all kinds of people who needed affordable downtown avenues to pursue their dreams. If the community were interested in continuing to build the future of the City, he said, this type of housing was needed because of its affordability. He stated that the proposed energy benefits were state of the art and would provide a lifestyle that young professionals desire and that the City needed. He thought it was

most important to ensure that future generations could realize the dreams and that this proposal would help do that.

Alex Ball, 2104 Jackson Place, stated that he has been a student here for over four years and once he graduated, it was his hope that he could live elsewhere. The proposed City Place development was the type of place he would like to live, he said. He believed this type of housing was needed in the downtown area.

Ilene Tyler, 126 North Division Street, stated that she was opposed to this project and was glad to see that staff was recommending denial. She said she moved downtown six years ago for the variety and liveliness of the downtown area, stating that the diversity of the existing housing structures provided that. This was part of what made Ann Arbor great, she said. She asked the Planning Commission to keep in mind that a PUD proposal must provide a clear public benefit. She believed it was overwhelmingly clear that there was no clear public benefit with this proposal, which she hoped would give the Planning Commission confidence to deny the petitioner's opportunity to destroy the neighborhood. She stated that the greenest building was the building that was already built.

Kyle Ellicott, 426 Village Green, stated that he was a small business owner in the City and, as a young business professional, he believed Ann Arbor needed more housing choices in the downtown area. He stated that about a year and a half ago, he considered moving out of state because it was difficult to find a decent place to live in the downtown. He ended up moving out of the downtown because he was only able to find rundown housing in the downtown. He believed housing like this would bring more young professionals to the area. He thought people would be coming to live in the downtown area because of modern housing, not historic homes. He stated that condominiums in the downtown were too expensive and he believed the prices of the proposed units would be more affordable.

John Floyd, 519 Sunset, agreed with the staff recommendation of denial. He believed the removal of the historic homes would result in a catastrophe.

Glenn Thompson, 100 Longman Lane, a licensed engineer, spoke to the comments regarding affordability for these units. He stated that the price of steel and concrete has continuously risen over the past ten years. He believed the petitioner would be unable to build this relatively high-rise structure with expensive elevators without spending a great deal of money for the necessary materials. Even if the units were designed to be as small as possible to increase the return, he noted that they would still need kitchens and bathrooms, which were the most expensive rooms to build. It was simply not practical to hold this up as an inexpensive form of housing, he said, adding that the least expensive route was to slowly and steadily refurbish the existing homes.

Alex deParry, petitioner, stated that he has owned these properties for many years and there became a point where redevelopment was appropriate. He stated that this was not a quiet single-family neighborhood; rather, almost all of it was multiple-family uses on a major thoroughfare. He did not start this process without serious deliberation, he said. He first considered building within the existing zoning without variances, which would have resulted in a student project. The proposal before Commission tonight, he said, provided significant and real benefits to the City. He stated that he revised the plans to incorporate suggestions made the last time this was before the Planning Commission, such as reducing the number of units, adding parkland, and reserving 38 units for residents earning less than the average median income. He was disappointed in the staff report, which failed to state how this proposal met master plan goals. He believed this proposal met the PUD standards and that it should receive a positive recommendation. He believed this proposal was far superior to an earlier design under the R4C zoning.

David Birchler, president of Birchler Arroyo Associates, a community and transportation planning firm, stated that he was a certified urban planner and official spokesperson for the City Place proposal. He stated that the most important component of a neighborhood was the people, not the structures, as well as a mix of housing types with a variety of densities and income levels. This location was in the South Central Neighborhood, he said. He stated that the existing residential component of this piece of property was student rental buildings with no mix of housing, no range of income levels and no affordability element. A brownstone style apartment building with underground parking, he said, such as what was proposed, would provide character, variety and housing opportunities in this neighborhood. He said the type and quality of the proposal echoed the quality of materials used in other parts of Ann Arbor. While the form may be different, he said, it was compatible in character and appearance with the neighborhood. He stated that the 1992 Central Area Plan contained over 40 pages of problem statements, goals and actions, which could not be applied literally to a single lot or a particular grouping of lots. He believed the goals of the Central Area Plan were to encourage the development of new architecture, to protect and maintain the diversity of people and housing, to expand the supply of housing, to educate the public about affordable housing in order to minimize neighborhood resistance, and to facilitate private initiatives to develop affordable housing. He stated that the Downtown Residential Task Force was charged with developing strategies and recommendations to facilitate downtown residential development. This property directly abutted the area of the study, he said. The task force recommended a goal of 1,000 units in and near the downtown, he said, and this proposal would supply 9 percent of that goal. If single-family homes were to exist on these lots, he said, only those with higher incomes would be able to afford them. It was his professional opinion that this project was compatible with the neighborhood and that it provided an appropriate location for housing.

Brad Moore, of J. Bradley Moore & Associates, representing the petitioner, stated that the proposed building has been reduced in size, length and the number of dwelling units. It was also lower than other existing proposed buildings, he said, such as Ashley Terrace, Baker Commons, and many University structures. He stated that the building would have sloped and gabled roofs, it would use traditional materials, and the building mass would be divided into three separate areas with a notch in the building. The bays would be further broken down into modules of characteristics giving a brownstone appearance, he said. He stated that the building has been set back from the front property line to maintain a traditional green space and that the pedestrian orientation would be enhanced by the inclusion of three pedestrian park amenities on the site. There would be a row house appearance with sidewalks leading up to the front porches, he said. He added that the underground parking would be out of sight and the building's proximity to the downtown would help reduce motorized vehicular use. He believed the proposed building and design were appropriate for the site and compatible with the surrounding area.

Thomas Dowds, of J. Bradley Moore & Associates, spoke regarding energy issues. He stated that this proposal was designed to meet energy star ratings for apartment buildings, such as spray foam insulation for exterior walls, energy efficient windows, time-controlled lighting, programmable thermostats, high efficiency energy star appliances standard, and geo thermal heating/cooling systems. He stated that nearly 100 percent of the dwelling units would meet Type A or B accessibility requirements. He stated that this proposal would provide workforce housing in the downtown in a more safe and environmental manner than what was currently on the site.

Jamie Gorenflo, of Midwestern Consulting, representing the petitioner, thought there was a false belief that there were only two choices for this property: the proposed PUD or preserving the existing houses on the site. This was not the case, he said. He said the petitioner was in the process of establishing an alternative plan for the property using the existing R4C zoning, which would consist of two buildings with six bedrooms in each of the 24 units. This would result in 144 people in two square buildings with little architectural detail, he said. He showed a conceptual elevation of how that project might look. He

emphasized that there were a number of benefits offered through this PUD, such as energy efficient construction, affordable housing, modernization, open space, landscaping, and architectural interest.

Barbara Copi, 1601 Cambridge, stated that she has been interested in listening to this discussion and was curious as to what was considered affordable housing. She stated that nothing has been said about the sizes of the proposed units.

Bob Snyder, president of the South University Neighborhood Association, stated that he liked what he saw with this proposal: four and a half stories tall, 97 underground parking spaces, appealing architecture. He said he would like to see this at the corner of South University and South Forest.

Scott Munzel, 121 West Washington Street, representing the petitioner, believed that staff had failed to mention other City policies with which this plan was consistent. He noted that there were many consistencies with the Central Area Plan as well. He said the environmental issues of City policies had not been mentioned; for instance, this proposal was consistent with the Mayor's energy challenge and environmental master plan. He said there were two ways this project was environmentally sustainable: the geo thermal system would reduce the amount of energy and the carbon footprint, and it would house more people using the same amount of energy as the existing houses. He stated that this project was very important because SEMCOG (Southeastern Michigan Council of Governments) predicted an additional 5,000 jobs by the year 2015. He stated that the Urban Land Institute says greenhouse emissions cannot be reduced without reducing the number of miles driven. This meant that the City would have to deal with more compact development in urban cores, he said, noting that a project such as City Place would reduce vehicle miles traveled by approximately 30 percent. He was not unsympathetic to historic preservation concerns, but said addressing global warming would require sacrifice. If Ann Arbor was not willing to make the sacrifice, he questioned who would. He believed this proposal met the PUD standards.

Ray Detter, 120 North Division Street, was pleased with the staff recommendation of denial, stating that it was based on all the right reasons. He did not think the proposal provided an overall beneficial effect for the City, stating that he thought it would have a detrimental effect on public welfare and it was inconsistent with master plans. He believed this proposal ignored the R4C zoning district standards and stated that a PUD was not the proper method to change a zoning. This was not the downtown, he said, it was a neighborhood and it should be protected from inappropriate development. He stated that this project could be built in any other part of the country that did not have the same values as Ann Arbor.

Noting no further speakers, Bona 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 City Place PUD Zoning District and Supplemental Regulations, and PUD Site Plan and Development Agreement.

Bona asked for further explanation as to what was considered affordable, particularly the 80 percent and 90 percent AMI.

Kahan referred to page six of the staff report which contained information about the affordable housing issue. He said the proposal was to make 38 units affordable to residents earning less than 90 percent of the current area median income, which would be \$96,250 for a family of four and \$76,900 for a family of two. The proposal also included the provision of 14 units available to residents making 80 percent of the

AMI, which was \$61,500 for a family of four and \$49,200 for a family of two. He did not know the specific range of size of the units, but said there would be a mixture of two, three and four-bedroom units.

Potts thought it was probably true that the community would grow, but she hoped Ann Arbor would not become someplace else as the growth occurred. One of the things that made Ann Arbor what it was, she said, was the character of some of its older neighborhoods. She stated that the houses on this property had been here for 150 years, which was not accidental. They were valued by the community, she said, and she was sorry that they now had an owner who did not value them. It was true that a property owner had a right to tear down a structure; however, in this case, she said, a public benefit was required to be part of the proposed PUD. She said the petitioner has listed additional housing in the downtown as a public benefit, but she pointed out that this was not in the downtown. She did not classify 80 percent of the AMI as low income. She also did not think Ann Arbor was unaffordable. She failed to see how this proposal met the PUD standards. She did not see how stripping this block of its historic homes was a benefit. With regard to environmental aspects, she stated that every bit of the new construction for this project would have to be manufactured somewhere using energy. Huge amounts of energy and materials would go into any new building, she said. It was true that older houses required more money to improve energy efficiency, she said, but well-built historic houses could exist for years and years. She stated that if the houses were in poor condition, it was usually due to property owner neglect. With regard to affordability, she stated that this could not be regulated through the development agreement. Because these houses have existed for so long in this community, she would find it difficult to find anything as a worthy replacement. She believed the sections of the Central Area Plan quoted in the staff report were the heart of the plan and appropriate to use in making the denial recommendation. She found it disturbing that once again this project has come back before the Planning Commission in a very similar form without much revision, and the petitioner then threatening a more minimal design that met the R4C zoning if the PUD was not approved. She could not go along with a situation where it seemed as though Commission was being backed into a corner.

Lowenstein asked the petitioner to discuss comments made about affordability, such as how the affordability would be assured and how the petitioner was able to provide affordable units given the cost of construction.

Munzel said the PUD ordinance requires that 15 percent of the units of a residential PUD be made available to people earning at or below 80 percent of the AMI. He said the petitioner has designated units to meet that requirement. He said those units would basically be one-bedroom units. He has had conversations with Jennifer Hall, of Community Development, about the process for providing the affordable housing, adding that the units would be for people whose income did not exceed \$43,500 per year. This was actually 77 percent of the AMI because Ann Arbor's median income was higher, he said. He stated that a housing agreement would be created, which would be enforced by Community Development staff, which involved the petitioner demonstrating that the components are being met. He stated that the other 38 units the petitioner was making available to residents earning 90% of the AMI would involve a separate housing document with Community Development. He had no doubt that this would be enforced by the City, adding that this project provided affordable housing through a meaningful and enforceable process.

Lowenstein asked how the petitioner would provide the affordable housing given the cost of construction.

deParry stated that the building would not be a steel and concrete high-rise; rather, it would be a frame building, more like a four-story house. The mezzanine level would be utilized for additional living space, he said. He stated that an above-ground structure was not that expensive to build compared to a steel and concrete high-rise structure. He stated that the geothermal system would result in a payback over

time and the provision of parking allowed them to increase the cost. In addition, he noted that there would be one elevator only. An analysis of the project indicated that it would work, he said.

Lowenstein asked if the petitioner evaluated the rehabilitation of the existing historic homes and the market for single-family homes.

deParry stated that there was little interest from people purchasing and living in these homes for single families. He did not believe a market existed, adding that no one would ever buy these houses and convert them for single-use.

Pratt asked about the size of the units.

Moore stated that the smaller units would range between 750 and 790 square feet in size and the larger units would be around 1,200 square feet in size.

Lowenstein stated that she voted against this project the two previous times it was before the Planning Commission. At the time, she said, she talked about the heartbreak of removing these historic houses, adding that she still felt sad about the loss because they speak a great deal to the history of Ann Arbor. However, she believed that new history could be created and if a development were worthy of creating that new history, that would help to reduce the sad feeling. She stated that we, as a government, created historic districts to protect those kinds of houses, and these particular houses were not in an historic district. Where an historic district has not been established, she said, she did not see where the City could justifiably prohibit demolition of a property owner's house. She stated that many people this evening spoke about preserving these houses for families. She advised caution about this because everyone had different ideas of what a family was, stating that there were many different kinds of families in Ann Arbor. She said there would be an affordable housing agreement that would be made part of the PUD, adding that affordability was a typical reason to approve a PUD. She thought the affordability could be enforced. She stated that the existing houses were very large structures and she thought it was unlikely that they would be renovated into the stereotype of a single-family home. If any of them were renovated, she said, they likely would be renovated for rental properties; however, she did not think it would be economically feasible for someone to invest hundreds of thousands of dollars into an historic renovation and then rent the building. For all of these reasons, she said she would vote to recommend approval of the proposal, although with some sadness. She stated that these properties were not in an historic district and their demolition would likely happen regardless of what the Planning Commission did this evening. She would rather see a project that has been refined, something appropriate for this location a block from the downtown, something that would make new history. The people who would live in this development were the types of people Ann Arbor wanted in its downtown: people who both lived and worked in the downtown and who were able to walk to most places, thereby reducing the amount of vehicle usage. She noted that the public library would soon be renovated into a large, modern building. She thought this proposal should be approved because it met the criteria of the PUD ordinance.

Westphal commended everyone for taking time to come to the meeting tonight to provide their comments. He did not necessarily disagree with anything that had been said this evening, stating that he heard the need for more modern workforce affordable housing, higher density, attractive architecture, and a need for historic preservation and preservation of neighborhood character. It was his feeling that using the PUD process was a way of sidestepping the existing zoning and replacing it with different characteristics. The City has approved PUDs in the past, he said, recalling the African American Cultural/Historical Museum recommended for approval last month, which seemed appropriate for that location. Unfortunately, he said, the Zoning Ordinance in place in his mind prohibited the current proposal. He said it did not follow the underlying zoning, so he questioned what benefits were being offered to the community. He referred to the Central Area Plan, which governed this area. As he has mentioned in

previous meetings, it was clear to him that the community vision for this neighborhood and other R4C-zoned neighborhoods surrounding the downtown was to protect, preserve and enhance the character, scale and integrity of the existing housing in established residential areas. He stated that the scale of this proposal was so contrary to what was recommended in the Central Area Plan that he was unable to consider the notion of balance. He did not think it was appropriate to approve a PUD just because the alternative was undesirable, but he said this seemed to be a policy issue and not a point to be weighed on this project. With this in mind, he stated that he could not support the project. It seemed more appropriate for other areas of the City that were designated for higher density. He thought the recommendations of the Central Area Plan accurately spoke against this proposal.

Borum stated that this proposal operated on two levels. The first, he said, had to do with urbanism, as this proposal contained many features the City has sought, such as bringing more people into the pedestrian areas of the City. He said the Planning Commission has discussed issues of energy and consumption and the way planning affected that, noting that this proposal addressed those issues. He said the project went above and beyond in terms of energy consumption, reducing traffic, providing underground parking, and providing storm water management for properties that currently had none. He understood the concern about the loss of the buildings, but he believed the project would be a public benefit to all of the people coming to the community to live. He appreciated the reduction in the size of the building and the increased setback; however, he noted that there was still just a single entrance onto the street, which was a poor pedestrian feature. He believed the architecture of the building would be harmful to the City, calling attention to the faux historicism and stating that an attempt to replace an authentic historic structure with one that mimicked it was inappropriate. He said the reality of the situation of the existing houses was that they were already gone. He voted against this proposal the last two times, he said, but said tonight he would support it because, overall, he thought this would produce a greater viability for the downtown.

Pratt stated that he was more easily swayed by this type of architecture and echoed the comment that this proposal did look good, but he said it was not really what was intended by the master plan for this area. He said it has already been decided that the place for higher density was in the core area. One of his concerns had to do not so much with the density, but that there was not a substantial difference in the number of units between this proposal and what would fit by right. He also stated that the additional height proposed in this PUD would be so different from what surrounded the property, which caused him concern about setting a precedent for this area and for the whole City. He believed there were other properly zoned areas where this type of development would fit in more appropriately.

Carlberg agreed with comments made by Commissioner Pratt. She thought the proposal had many positives, such as energy efficiency, and said she liked the design because it reminded her of brownstones, which she thought was appropriate in this part of town. She thought this was an historically significant street in Ann Arbor and she had a difficult time supporting the removal of all of these houses, although she recognized the great expense required to rehabilitate them. She believed approval of this project would set a precedent and direction for other developers who want to come into the City and remove structures on a whole block and replace them with something else. There were some streets she would support such a development, but not this street, she said, because of its historic significance. She stated that this proposal also did not comply with the Central Area Plan and said she would not recommend approval.

Woods stated that many pros and cons have been raised this evening. Even though the design of the project has been scaled down, she was still not persuaded that it was appropriate to approve a PUD for this project in this location. She said it was unfortunate that the community was losing the houses, due somewhat to neglect, so to address those speakers who talked about it being difficult to live in areas that were rundown, she noted that even new properties could come to that demise if people did not take care

of them. It was her hope that the petitioner would be kind to the community and come up with a development that would be pleasing to the eye because she thought the houses would eventually come down. She was not persuaded by this proposal and said she would not vote in favor of it.

Bona stated that the last two times this proposal was before the Planning Commission, she emphasized her concern for the items in the Central Area Plan that the staff report has also identified. In reading the application from the petitioner, she did not believe those Central Area Plan issues had been addressed, such as the scale and character of the project. She stated that this building looked like the newly proposed D2 district with a front yard setback: the concept of a brownstone or rowhouse that was defined in the interface areas of the downtown. She did not think the architectural image at all reflected what was in this neighborhood, which was a significant drawback to this project. She appreciated how the scale had been broken up, but said this was an architectural image that did not exist in Ann Arbor, so to think it responded to the architectural or environmental character of the neighborhood was inaccurate. Relative to density, she said, the existing zoning for 24 units and 144 bedrooms was not significantly lower than the 164 bedrooms proposed. A PUD for 144 bedrooms that provided smaller two, three and four-bedroom units was a benefit, she said, and if this project did not go over what was allowed in the R4C district, that would be one obstacle that would be addressed for her. She thought the proposed height was a problem relative to how it would affect the neighborhood, stating that it would create a greater shadow. If this PUD were to be more palatable, she said, the three houses in the original historic district would have to be relocated, stating that they were worth preserving. The energy star rating for the building was significant, she said, and the third party verification of what energy efficiency really was was of value. She stated that the architectural proportioning in particular would need to respond to the neighborhood, adding that as proposed, the project was blatantly unresponsive to the Central Area Plan.

A vote on the motion showed:

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

Motion failed.

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: Table

Rampson explained the proposal.

Ilene Tyler, 126 North Division Street, stated that the change made to the previous version of the amendments regarding the block of East Huron Street between Division and State Streets was troubling. She stated that this block was now recommended for D1 zoning, whereas before it was D2. This was of concern to her personally and objectively because of the impact on the historic residential uses to the north that would be shadowed by tall buildings on this block. She saw no reason to extend the offending nature of Sloan Plaza and Campus Inn to the entire block just because they were already in existence. She believed this would be a threat to the residential district because the homes would be shaded so dramatically throughout the seasons, resulting in a loss of access to sunshine and decreased property values. She noted that other areas of the DDA adjacent to residential areas were given a different designation. She believed the D1 designation would give further strength to developers to sue the City if they were denied the opportunity to develop with a higher density. She also stated that the setback that would become part of the East Huron Street character overlay district needed further scrutiny.

Ray Detter, 120 North Division Street, agreed with the previous speaker. He spoke from a more general point of view of the DDA Citizens Advisory Council (CAC), noting that the CAC was involved in the process of developing both the 1988 Downtown Plan and 1992 Central Area Plan. The group also was part of the Calthorpe planning process and the A2D2 steering committee meetings. The CAC members were pleased with staff's recommendation to table action. He believed that there was not enough citizen participation involved in this process and recommended that the process be slowed down to make sure that well-intended actions would not produce unintended consequences. He did not want to see unavoidable surprises come up by adopting these changes prematurely. He stated that the CAC believed that the entire community needed to have a better knowledge of the changes proposed. The changes needed to be shown graphically, he said, such as using computer modeling with specific sites. He said the CAC therefore supported approval of the Downtown Plan amendments and zoning amendments only if they were passed at the same time and everyone could clearly see how they were related and how they would affect the downtown. They should be approved subject to design review standards, he said. He also believed that developers needed to have a clear understanding of what could and could not be done in the downtown. He suggested that the Planning Commission organize public hearings and provide illustrated presentations. He said it may be costly, but he believed it was absolutely necessary.

Eleanor Lin, 1321 Forest Court, stated that the properties adjacent to her backyard were proposed to be designated D1, without any buffering requirements to screen a development from their property. She believed this was totally out of scale with the homes on Forest Court, which were developed in 1910. She did not believe the proposed amendments contained adequate protection for the character of the neighborhood. The mysterious formulas for building coverage and density could have unintended and unfortunate consequences, she said. She stated that South University was not part of the downtown, but was a campus-related shopping street. She thought it should have its own character designation, not a D1 or D2 designation. She said she has attended the City's informational meetings on rezoning and has voiced her concerns, she has made individual appointments with City staff, and has emailed her comments, yet she was frustrated that her concerns have not been addressed in this latest version. If the City wanted to keep a vibrant residential neighborhood and foot traffic near central Ann Arbor, she urged the City to put zoning teeth into the character designations by limiting lot size, height requirements and setbacks, and building real buffer zones for protection.

Chris Crockett, president of the Old Fourth Ward Association, expressed a concern related to her that Ann Arbor was becoming so vertical and was in the process of losing its distinct character. In that spirit, she said, she supported what the previous three speakers have said about buffer zones and being careful about this process. She said she served on the design review committee, where there was extensive discussion about the exterior design of buildings and setbacks, and the importance of respecting the character of the older neighborhoods. One way to respect the neighborhoods was to not eliminate the light and air they receive, she said, which was what the D1 zoning would do on South University and East

Huron Street. These new zoning possibilities would deteriorate neighborhoods that the City has promised to protect, she said. She said the City has yet to see the ramifications and domino effects from the vertical housing already approved and suggested that the City not do anything precipitous with this plan. When it was adopted, she said, it should be adopted as a package with design review standards. She urged the City to take note of the ramifications of quickly turning South University into a core zoning and what has been done already to the small, adjacent neighborhood already. She said the different people who lived in the downtown needed to be protected, stating that they were good citizens who added stability and character to the downtown.

Stewart Nelson, 2975 Hickory Lane, believed there was a problem with the overall building height philosophy the City has taken. He stated that most of the streets in Ann Arbor were planned in the 1800's and he did not think they lent themselves to a density being envisioned by the City for parts of the downtown. The infrastructure may not lend itself to that density either, he said. He request a revisit of the building height philosophy of Zeitgeist. Some of the things he liked about Ann Arbor were the Farmers Market, sitting outdoors at Bar Louie, and attending the Michigan Theatre. He did not enjoy standing next to a big, tall building, such as University Towers. He thought something more respectful of what already existed was more reasonable. For preserving historic buildings outside of historic districts, he said, it would be helpful to identify them so everyone knew which were important and which may require a longer approval process. What he felt the most strongly about was the convention center, stating that this was a complex use that has not had much of a chance for public hearings and discussion. He would like that particular element removed from this package for a separate discussion.

Karen Sidney, 100 Longman Lane, said there were three things she would want to see in any zoning ordinance or master plan, one of which was the protection of the urban environment by prohibiting development in the floodplain, not just floodway. She stated that urban watersheds could not be ignored. The second was to keep neighborhoods family friendly by considering the impact of projects before they are approved. She stated that parents wanted neighborhoods safe for their children, which meant low traffic volume. Increased density should not come at the expense of families and children, she said. The third was to make developments pay their own way, meaning no more subsidized development. After the 1980's subsidized building boom, she said, properties lost value and didn't recover for ten years. She did not think the City should be asked to pay for upgraded infrastructure and parking structures in response to developments. She thought it was unreasonable to ask the citizens of Ann Arbor to pay the cost, especially when they did not want the buildings. She said the DDA was building two new parking structures and over half of the spaces have been promised to a developer. This would mean an increase in the parking rates, she said, which the citizens would have to pay. She believed developers of new buildings should have to provide all of their parking on-site, preferably underground.

John Floyd, 519 Sunset, stated that he showed the maps of the D1 and D2 zones to many of the residents along Spring Street, indicating the lack of protection of the Old Fourth Ward and Burns Park. He stated that the 601 Forest project proposed for the corner of South University and Forest was a very large development and people could no longer expect the City to protect their neighborhood. He stated that the City of Birmingham allowed a maximum of nine stories along the seven-lane portion of Woodward Avenue and that the new development could not touch the other residential parts of town. He thought the proposed density would create canyons in the downtown, which would be depressing. Everything that made Ann Arbor so unique would disappear, he said, and it would become another Southfield-type of city with a university. He did not want to see the quality of life of Ann Arbor impacted.

John Nystuen, 1016 Olivia, addressed the proposed D1 zoning for the South University district. He said the D1 core district included the largest retail area downtown. He did not see how this fit the South University area, quoting from the overlay zoning district section of the proposed amendments for South University: "This is an area characterized by a mix of building types and sizes, with retail uses at the

street level and relatively narrow lot widths. The intent for this district is to maintain a variety in scale, with design that reflects the small-scale widths and heights of buildings in the area at the streetwall and locates taller portions toward the interior of the lot.” He did not see how this description of South University fit the description of the D1 core district. He questioned why this area would be designated as D1 when it was clearly a small three-block, student-oriented district. He has not heard a good justification for a D1 designation and said this was an opportunity to improve the situation and recommend the D2 interface district for South University.

Ann Larimore, 916 Olivia, spoke about the D1 and D2 zoning districts as they pertained to the South University area. It was her understanding that zoning codes were based on grouping land uses and she did not understand what land use criteria was used in including South University in the D1 core downtown zoning district. She stated that downtown was a colloquial term for what has been technically called the central business district, adding that central business districts had specific land uses. She read quotations regarding master plans from the Michigan Planning Enabling Act, PA 33 of 2008, which governed municipalities and smaller units of government. She said the general purpose of a master plan was to guide and accomplish development that satisfied specific criteria contained in the Act, such as consideration of the character of planning jurisdictions and suitability of particular uses and promotion of present and future needs regarding public health, safety, and general welfare. She stated that site plans could be required to conform to a master plan, but only if the standards to implement the master plan were included in the zoning ordinance. She questioned the suitability for D1 zoning for the South University Area.

Alice Ralph, 1607 East Stadium Boulevard, spoke with regard to the protection of neighborhoods. She stated that the 1988 Downtown Plan talked about neighborhood edges and protecting the livability of downtown neighborhoods. It referenced maximum floor area ratios in interface zones, giving special consideration to neighborhood edges, she said. She stated that the plan was amended four years later to protect the integrity of established residential areas that extend over neighborhood edges. She stated that the 2004 Downtown Residential Task Force Report spoke to extending the downtown to generally allow four to six-story buildings. Then in 2006, she said, the Calthorpe plan stated that the South University area should be three to eight stories with about 500 percent maximum floor area ratio. She stated that City Council then approved the rezoning of the South University area to C2A. This eroded the protection of our neighborhood edges, she said, adding that necessary protection was not recognized in the proposed amendments.

Glenn Thompson, 100 Longman Lane, stated that many years ago, Allen Creek was a small polluted stream, similar to the river that existed in San Antonio. He stated that Ann Arbor put Allen Creek in a pipe, but San Antonio had true visionaries who worked to clean up the river, increase its flow, and build flood retention ponds. Today, he said, the San Antonio riverwalk was a major environmental and economical boon to the city, adding that the Allen Creek in Ann Arbor was still buried in a pipe. He stated that it was not too late to right this wrong, but that the guidelines needed to be reworked.

Nancy Schiffler, 2877 Sorrento, vice chair of the Huron Valley Group of the Sierra Club, stated that if the City were going to successfully meet the goal of a vital residential downtown, it would need to consider what made people want to live in the downtown, what made the City livable. In revising the zoning, she said, the City would need to be sure the zoning standards reflected what it wanted the downtown to be. She said there was a need to pay close attention to what was done with the zoning, noting that a developer could declare the right to build a 20-story building in the downtown. She believed a cap should be set on the number of stories per building, stating that while it may be effective to allow additional stories for various premiums, the height of the buildings should not be unlimited. She stated that a transition between the downtown and nearby neighborhoods needed to be carefully tended or there would be encroachment upon vital neighborhoods and potential endangerment. She also stated that the

impact on watersheds needed to be carefully considered, noting that the City's floodways and floodplains needed to be protected. She thought the City was at a point now where lightsheds needed to be considered, referencing the building height issue. She reinforced earlier comments that citizens need to be able to see the implications of the zoning plan so they could envision what the range of possibilities were.

Bruce Thomson, 2682 White Oak, expressed his appreciation for all of the hard work that has been done on this. He wanted to point out that all of the same arguments that have been made apply to what sort of zoning criteria are put on the area of East Huron between Division and State Streets. He stated that it was not an attempt by property owners to get something they didn't already have; rather, they already had it: their properties were zoned for dense, tall commercial use. He said this zoning has been in place for years and years, and that it likely was in place when most of the adjacent homeowners bought their homes. As the City tried to find a compromise to protect homeowners and protect sunlight, which he supported doing, he asked that Commission keep in mind that it did not make sense to grant a D1 core zoning but with so many restrictions that it resulted in a smaller development than what would be allowed in the D2 interface district. He asked that the City not grab at a solution just to get it done. There should be a solution that met some of the needs of the homeowners and some of the needs of the property owners, he said.

Mark Zahn, 6431 Marshall Road, representing himself, his sister and his father, who owned the property at East Huron and North Division Streets, echoed the previous speaker's sentiments. He said his family's property has been owned for over 70 years, probably longer than the people living in the adjacent neighborhood have owned their homes. He supported the D1 zoning for this property, as it more closely resembled the original zoning of these properties, but he expressed concern about setback requirements being too restrictive. He did not want to end up with buildings that were more restrictive than what they would have been if they'd been zoned D2. He was more comfortable with a 15-foot setback for the first 3 stories and then a tower with additional setbacks added to that. This made more sense to him. He said he would like to see special consideration for the lot at 110 North Division, which was separated by an unowned 10-foot wide strip. He stated that a 35-foot frontage on North Division for that lot would make it unbuildable. He said they would propose a building envelope of not less than 25 feet which would make some sense financially. His family wished to help address the concerns of adjacent property owners, but they also needed to be able to develop their property in an appropriate manner.

Vivienne Armentrout, 920 Vesper, supported the suggestion by a previous speaker about slowing down this process and providing more visualization so it was clear to the public what the actual results of these zoning changes would be. She said many people were concerned about the mass and height of buildings, especially where they affect neighborhood edges. She thought the final zoning plan should optimize the mass and height of new buildings in the downtown to what was considered appropriate for the City. She wondered about the whole issue of premiums, stating that it seemed illogical to have floor area ratios and height premiums. If zoning was being designed so there was optimal height and mass, she questioned, how could there then be premiums that went beyond the optimal height and mass. She questioned the need for residential premiums, stating that it seemed as though the market was driving this. She did not think the affordable housing premium was very well defined. With regard to the surface parking premium, she thought it seemed more like a special project since it would require an agreement with the City Attorney.

The resident of 621 Fifth Street questioned whether the consensus taken during the A2D2 process truly represented what took place during the process. She stated that people need to be aware of what the City will end up with through these amendments. She suggested a specific moratorium on building in the floodplain of Allen Creek, stating that the City needed to take care of its neighborhood edges. The first proposal on the agenda this evening indicated how neighborhood erosion could occur, she said. She

thought the zoning should portray what it felt like to walk on the street so, if in the future there was a dense downtown, Ann Arbor would still be a walkable, livable city.

Maggie Ladd, director of the South University Merchants Association, agreed that it was important to take time to carefully work through all of the recommendations to know the effects on neighborhoods and the downtown. The association board asked her to express eight different points, which were contained in the letter provided to Commission, she said. She stated that she has listened carefully to what the campus neighbors have been saying over the last few weeks and she could understand their anxiety over the proposed change in the South University area, but she noted that the area around South University was not a neighborhood of single-family dwellings, with the exception of a couple of homes. She said this was a neighborhood of commercial residents and student rentals. She did not believe 8 to 12-story high buildings would affect the sunlight for most of the residents in this area, except for a small number of people.

Bob Snyder, president of the South University Neighborhood Association, stated that his neighborhood consisted of families, elderly people who have raised their families here, and students. He stated that the South University area appeared to be an orphan when looking at the entire map of the A2D2 area. It was not the downtown, he said, yet D1 zoning was proposed for it. He did not know what the answer was as far as D1 or D2 zoning in order to revitalize the area, but said South University is and has been a viable commercial district. He thought there should be some sort of transition.

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

Moved by Woods, 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 Woods, 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 Woods, 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.

Carlberg stated that she continues to believe that the South University area should have a height limit. She spoke with Ms. Rampson about the best way to achieve this, which was to include it in the character overlay district. She thought the FARs for the D1 district were appropriate for a small lot, stating that someone could use the premiums to construct a 6 to 7-story building, which she thought was appropriate. As far as a limit, she was thinking in the vicinity of 10 stories, but she thought that was open to negotiation. What she saw changing in this area with the D1 zoning was that it may become an area of more dense, student-centered housing. This would be an advantage, she said, because it would take students out of the single-family homes in the surrounding neighborhoods and move them closer to campus where they could walk to classes and shopping. She thought a height limitation would allow

increased density, but not overwhelm the adjacent neighborhoods. She did not think the fraternities on Washtenaw Avenue would be overwhelmed by taller buildings. She believed that if residential premiums were to be allowed, a requirement should go along with them that all bedrooms must have a window to the exterior of the building. She said the building code did not currently require that, but she thought it was essential to good health. She thought this was an appropriate condition for this ordinance.

Potts was not pleased with the proposed setbacks from residential lot lines. She thought the setback should be a minimum of 30 feet, with an additional one foot for each additional story. She also thought that the use of premiums should be made clear with regard to street wall height, upper and lower tower massing, etc. She was not sure she agreed with a 10-story maximum for the South University area, noting that she was thinking of proposing the South University area be zoned D2 instead of D1.

Westphal said it appeared as though there was a conflict in the southern area of the South University D1 zone and asked if any thought had been given to introducing D2 zoning in that specific area.

Rampson stated that this was discussed by the steering committee and the Planning Commission following the public hearing last May. She said the conclusion from those discussions was that there was no support for D2 zoning for the few parcels in that area.

Pratt said he was supportive of Commissioner Carlberg's ideas, stating that they helped with some of the issues. His recollection of D1 and D2 in the South University area was that there were pros and cons for both. He thought one suggestion was to add a requirement for a significant buffer, such as 30 feet where adjacent to a residential district. He asked if that was the intent.

Rampson replied that this was the intent, noting that page 14 of the current draft talked about a setback that would be a stepping back. The Ordinance Revisions Committee discussed a slightly different approach last week, she said, which would be a 15-foot setback for the base of a building, unless the base was taller, such as 40 feet, then the setback would be 30 feet. She stated that there was a proposal for the East Huron Street area for buildings to be located a specific distance from the right-of-way line.

Pratt stated that coming up with a mechanism to increase the setback when buffering a residential area was ultimately some of the justification for allowing D1 zoning in the South University and East Huron areas. It was important, he said, to provide proper buffering from residential areas.

Woods supported Commissioner Carlberg's comments. She recalled the Zaragon Place discussion regarding interior bedrooms lacking exterior windows, which was a concern. If there were a way to add exterior windows for all residential units, she said, it would make for a more pleasant living environment. She also agreed that establishing a maximum height for the South University area was important, although she was not sure what the number would be.

Borum also supported a height limit for the South University area and exterior windows for residential units.

Lowenstein thought requiring exterior windows for bedrooms was a good idea, but she was not sure it could ever be achieved if there were a height limit because the practicality of these buildings was if the height was lower than ten stories, the best product would be a big box, so she suggested caution. She suggested that some modeling be done to see if what was being asked would be possible.

Westphal stated that if there were a compromise on addressing nearby residential, he would be more in favor of a buffering setback that was graduated rather than a blanket remedy for the entire area.

Bona thought the intention of the buffer being drafted was to deal with all properties adjacent to residential lot lines. She was more concerned on East Huron Street because buildings in that location would shade properties to the north. Taller buildings on South University would not shade the adjacent residential properties, she said. She was not sure how she felt about exterior bedroom windows, other than a requirement for that would reduce flexibility.

Potts stated that all along she has wanted the South University area changed from a core area to an interface area. She felt the same for the South First Street area, stating that these areas were outside of the DDA boundary.

Rampson stated that staff could draft a height limit for the South University area and how that would work with massing standards, and then include in the residential premium a requirement for exterior windows. She said staff also would be working on buffering, following direction last week from the Ordinance Revisions Committee.

Bona asked if anyone supported eliminating the South University area from the downtown rezoning.

Woods asked for an explanation of the rationale for why it was as is.

Bona recalled that when the South University area was rezoned to C2A, it seemed like a contiguous area, adding that the DDA boundary was difficult to move. She said the DDA boundary and what the Planning Commission was reviewing were not necessarily related because of the difficulty in moving that boundary.

Rampson agreed, stating that the area outside of the DDA in the South University area was zoned commercial, with the exception of the easternmost parcel, which was zoned residential. When the C2A rezoning proposal moved forward, she said, the thought was to consolidate all of it into one zoning category.

Woods asked if the same rationale was used for the First Street area.

Rampson stated that this area, which was zoned C2B, was pulled in as part of the Calthorpe plan discussion. She stated that the D2 interface zone was very similar to the C2B zoning district, so there was not much of a change there.

Potts said her reason for limiting downtown zoning to the areas within the DDA boundary was to eliminate residential properties from becoming part of the downtown zoning.

Carlberg understood that Ms. Rampson was meeting with neighbors of the East Huron Street area to try and figure out what was going on. She encouraged continuation of those meetings. She said there were some peculiarly shaped parcels and that imaginative descriptions would be necessary to meet the needs of both the neighbors and property owners.

Westphal stated that he would like to see bank and/or credit union lobbies removed from the list of allowable active uses. He said these uses were classified as non-active in the original version, which he thought was the most appropriate option. Existing uses would be able to continue operating, he said, but his concern was that as surface lots were redeveloped and tenant usages changed, an entire block could be taken over by a bank. From the feedback he has heard and the best practices he has looked at, he said, it was not so much the bank lobby use, but the perception of a pedestrian that a block or portion of a block was closed off, the pedestrian would not walk there. Downtowns thrive if they are walkable, he said. He would like to keep the dead space of lobbies and offices from taking up so much of the active use area, he said.

Carlberg stated that a bank lobby could be a very busy place, as this was where customers came to take care of their bank business. It also was a definite convenience for people living and working in the downtown to be able to walk to their bank, she said. She agreed that office lobbies were unfriendly to the pedestrian, but not bank lobbies. Perhaps there was a way to limit the size of a bank lobby as an active use, she said.

Westphal was concerned that the 40 percent of a building frontage that would be allowed as inactive use did not meet the intent of an active use, which was a place where people would be interested in walking by and looking in. He wasn't sure this would provide the strolling experience that the City sought to encourage. He said the design guidelines would address facades and blank walls, but stated that even from a block away, a pedestrian can sense if a third of a block is a dead area taken up by a bank.

Lowenstein recalled there being a concern about potential restrictions and how that would affect the ability to rent property in the downtown. Vacant space was not a desired result, she said. Her preference would be to allow bank lobbies as an active use and to control it through the design guidelines, such as requiring a certain amount of glass to create a transparent street frontage. She stated that European cities had a lot of banks along streets and they were completely clear. She would prefer not restricting people commercially anymore than was necessary and use the design guidelines to indicate the appearance of street frontages.

Bona stated that the amount of active use frontage has been significantly reduced in this version, so it was now the length of Main Street, the corner area of State Street, the connection on Liberty between State and Main, Washington Street and South University. She thought it was important that these main retail areas have an active use requirement, especially Liberty Street so there were no dead zones connecting Main and State, as well as Main Street, State Street, and South University. Including Washington Street was not as important to her, she said, but said she would like to see Fourth Avenue put back in to create a connection from Liberty to Kerrytown. With regard to the bank lobby issue, she could go either way, but said she supported keeping active uses on the streets.

Potts raised the issue of rezoning the block of East Huron between Division and State to D2. Until she better understood the buffer requirements, the ability to build a 25-story building right up against the rear property lines was of concern to her. She thought it was unacceptable to allow a building of that height so close a residential property line.

Pratt stated that the logic behind recommending D1 zoning for that block of East Huron had to do with it being more in line with the existing downtown zoning. He thought it would be more appropriate to stay with the D1 zoning and include extra controls to keep new construction away from the residential property lines.

Bona said she stated many times that she thought that block should be zoned D2, but said she was willing to go along with the D1 zoning with a buffer provision. Creating a buffer adjacent to the residential area was her original goal, she said. Another issue raised this evening, she said, had to do with a building height restriction for the entire downtown.

Rampson stated that a 60-foot height limit was proposed with the D2 zone.

Bona stated that some people wanted to consider a height limit for the D1 zone and asked if there were additional support for that.

Pratt stated that if it helped move this effort forward, implementing a height limit in the D1 zone, such as up to 180 feet, could be reassuring to people. He was not proposing, but said he could live with it as long as flexibility in accomplishing goals was still there.

Bona asked if there were restrictions relative to floodway and floodplain areas.

Rampson stated that Jerry Hancock, the City's Stormwater and Floodplain Program Coordinator, was working on an ordinance that would deal with floodways and floodplains, which would then be an overlay included in this. For this proposal, she said, any property or a portion of a property within a floodplain, which included the floodway, would not be eligible for premiums.

Bona stated that the conference center issue was raised and asked if this was something that would be allowed as a special exception use or by right.

Rampson stated that it would be a special exception use in the D1 zone and not permitted at all in the D2 zone.

Potts stated that a conference center would require a large piece of land and she could think of only one in the downtown. She questioned whether this was a use the City wanted in that much space, stating that a great deal of extra land would be needed for parking, which could cause traffic congestion. She was not sure this would be an asset to Ann Arbor and said she would like to see a market study done. She did not have enough information to say she favored this.

Carlberg said she would like to leave the conference center in the document, noting that the special exception use standards would protect the City from the types of questions being raised. Before such a proposal could move forward, she said, the petitioner would have to demonstrate and conform to the standards. She said there also would be a great deal of community interest and discussion.

Westphal asked about the rationale behind the reduction in the residential premium.

Rampson stated that it seemed appropriate to ease back on the residential premium, since this was something being directed by the market, and focus on green premiums instead.

Potts said she would like to reduce the 75 percent premium for housing back to the original 50 percent premium.

Bona stated that concerns were raised this evening about slowing down the process. In theory, she said, the Planning Commission should be voting on this tonight; however, some groups had difficulty organizing because of the long holiday weekend and it was a good idea to make sure there was adequate feedback. It was her opinion that this should be put back on the September 16 agenda so it could come to a conclusion.

Carlberg stated that the lack of visuals affected the comfort level for people. She thought it would be important to have a deadline that reflected people having enough time to study the visuals and gain a clear understanding. It was valuable for Ms. Rampson to meet with the different groups, she said, and it may be a month before that happened. She stated that there was not a generic graphic that would work for all of the parcels; rather, each lot had its own configuration, which was why it was difficult to come up with a specific definition that fit.

Bona asked if staff thought some of the sketching could be done before the September 16 meeting.

Rampson said staff would find a way to get that done, though meeting with property owners may involve more time.

Woods stated that being ready to take action on September 16 may be pushing the envelope somewhat. Many people this evening suggested slowing the process down, she said, and waiting a month would give staff enough time to do everything Commission was asking.

Bona stated that if Commission wanted to request an extension from Council, it should be done tonight. She asked Commissioner Lowenstein about this, as Council had asked for this in September.

Lowenstein stated that the Commission deadline for this has been extended once already. Part of the problem, she said, was that by the time this got to Council, half of the Council would consist of new members, which meant that basically the process would be starting from scratch. She questioned whether this was a good idea.

Westphal stated that Commissioner Lowenstein's point was well taken. He thought the provision that this would be revisited in the year was an acceptable safety factor.

Bona thought Commission was not far from a solution, based on the discussions that have occurred. She did not think resolving the buffer issue would be any easier with additional time. She thought simple sketches could be done and that Commission could make a decision on September 16. She took a straw vote to see how many Commissioners supported tabling action until September 16 (seven out of eight members supported it).

Moved by Pratt, seconded by Borum, to table action.

A vote on the motion to table showed:

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

Motion carried.

ADJOURNMENT

There being no motion to proceed with the meeting past 11:00 p.m., Bona declared the meeting adjourned at 12:02 a.m.

Mark Lloyd, Manager
Planning and Development Services

Kirk Westphal, Secretary