

**Ann Arbor Discovering Downtown
Downtown Zoning Advisory Committee**

13th July, 2007 Meeting
5th Floor Conference Room, City Hall

Members Present: Fred Beal, Bonnie Bona, Michael Concannon, Bob Johnson, Carol Kuhnke, J. Bradley Moore, Sonia Schmerl

Staff Present: Wendy Rampson, Lindsay-Jean Hard

Guests: Ethel Potts (Planning Commission), Alice Ralph (Design Guidelines Advisory Committee)

1) Discussion of Council Comments: Height Limit in the Core, Premiums, Other

Staff indicated that the purpose of this meeting was for the committee to respond to City Council concerns regarding zoning, and noted that Council had approved recommendations for all of the other A2D2 priority areas on June 18. Staff explained that some members of Council were concerned about the possibility of tall buildings with no height limit in the Core and wanted to set a maximum somewhere below 25 stories. The Mayor had expressed concerns with the proposed premiums, indicating that he felt additional FAR should only be given for green building and affordable housing. Staff opened up the discussion to the committee, beginning with the topic of height.

One member noted that the comments sent in from Carl Luckenbach and Dan Mooney at Luckenbach|Ziegelman Architects (LZA) suggested a maximum height of 175 feet, which would probably be around 15 stories. The member added that a maximum height somewhere around there, like 200 or 275 feet might be reasonable. A member questioned whether there would be a way to say that anything over that would be a special exception use approval. One member expressed a concern with the Brown Block site, questioning that if the committee set 15 stories as the limit, and then a project came up for the Brown Block site with 18 stories, how could the project move ahead? Staff noted that there would be three options for the project to pursue: it could proceed either with a variance, as a planned project, or as a planned unit development.

Committee members began discussing the variety of heights a story could be, and one member noted that a 9-story building could reasonably be 130 feet. A member questioned whether it was just a matter of educating Council on what will realistically be built. A member noted that from an engineering standpoint, the limit could be 1000 feet, but added that that wouldn't happen. The member suggested 225 feet as a more realistic maximum for what would likely be built. The previous member expressed concern that that would make Council think every building would be built to that maximum, and felt that education was a better option. One member suggested just setting 25 stories as the maximum. Another member noted that some members of Council felt that 25 stories was too tall.

Ms. Ralph from the audience prompted members to consider whether this was a topic that could be handled within design guidelines, or whether they could help flesh out height restrictions.

One member noted that it would be impossible to get a 25 story cube building due to the FAR restrictions, but that it would be possible to get a 9 story cube, and added that that would be part of the reason to allow greater height. Staff noted that if the committee decides on a maximum height, Council will ask for that to be translated into stories. A member suggested a maximum of 225 or 240 feet and 18 stories.

Staff confirmed that members were generally in favor of a height limit as long as it is flexible. One member noted that they are in favor of education. A member noted that in terms of the point towers that will come before council, the tall portions are a really small piece of the site, which means that the current FAR system is working. One member responded that they were okay with 600% FAR, but are now talking about 900%, and suggested that perhaps members should be looking at that instead. A member questioned whether the group could get consensus around a number, and suggested 225 feet and 18 stories. Another member said 20 stories, as an 18-story building and a 19-story building are currently already in the design stage. A member said that they would be okay with 20 stories and 240 feet. A member felt that it didn't make sense to include the restriction on stories. A member noted that the public issue seems to be with height. Another member suggested dropping a specific number of stories in the ordinance, and just translating how many stories the set height could be when asked. A member noted that 240 feet is certainly less than 900% FAR.

Ms. Ralph from the audience noted that she'd heard concerns from the public regarding shading and wind tunnel effects.

Staff noted that a recommendation for 240 feet is on the table. One member commented that it was too high of a maximum for them, and added that everyone looks to Tower Plaza as the example that is too tall. A member noted that if the height limit is set to much less than 20 stories, then Council will have to rethink the FAR limits. The member explained that right now the suggestion for 700% FAR isn't much higher than the current zoning, and that it is more of a token gesture towards increasing density. The member noted that if the height limit is set to 15 stories, the FAR limits will need to be readdressed, or the city will end up with blocky buildings. A member commented that many people are ignorant of the fact that current downtown zoning has no height limits.

- Members agreed to recommend a height limit of 240 feet for the Core, allowing a range of stories, with one dissenting opinion.

Staff moved the discussion to premiums, and questioned whether the committee was still comfortable with the premiums as they were, or whether they'd prefer to change any. One member noted that from their perspective they had to retain the residential premium. Another member expressed a belief that the parking premium needed to stay in. One member noted that she would be okay with giving up parking, based on the Nelson/Nygaard findings. Another member noted that there's a market need to provide parking, and felt that the premium encouraged below grade parking. Another member added that they felt public or shared parking is important. One member commented that if there are too many premiums, developers will do the easiest one, and that would be all that the city would see. A member noted that this is market driven.

A member noted that they had previously been okay with taking out the residential premium, but had subsequently realized that with the market ebbs and flows, realized that the ordinance can't respond fast enough to keep up with market changes, so now believes it needs to stay in. A member questioned if the market for residential isn't there, whether the premium would be enough of an incentive to get it. Another member said that it wouldn't be, but that the premium would help tip the balance if the market was there.

One member questioned whether a transfer of development rights (TDR) program could still be done if it was taken out as a premium, and subsequently questioned whether it would need to be contained within zoning. A member added that TDR was one premium they had been intrigued with, but added that if it was too complicated, that they would be okay with getting rid of that premium. Staff noted that if the City were to do TDR, there would be research to be done, and that, although it did not need to be a premium, it should not be totally separated from the discussion of FAR. Staff reviewed that the sending zone was recommended to be the Allen Creek Floodway or historic districts.

A member suggested prioritizing the premiums, and noted that just having a list made them uncomfortable. Another member suggested sticking with what they had already worked on, and noted that although creating priorities was a valid point, that should include public process.

Staff mentioned that a member had brought up the loss of the open space premium, and questioned whether the committee wanted to readdress that. Staff and members discussed that the current version of this premium hadn't been used at all, and previous projects hadn't used it very well, as well as the fact that talk in the design workshops had mentioned the need for parks and plazas. Members also discussed the park contribution process, and one member noted that they were not in favor of trying to create public space within private space, as it would always be private space. Another member noted that these spaces aren't designed well, because there is no public input.

- Members agreed to maintain premiums as originally recommended and acknowledged that TDR might become a separate process.

2) Review of Additional Comments

Staff briefly reviewed comments on the zoning recommendations provided by Carl Luckenbach and Dan Mooney from Luckenbach|Ziegelman Architects (LZA). The committee agreed that the side setback requirement for properties adjacent to residential zoning districts was excessive.

- Members agreed to change the recommendation for side and rear setbacks adjacent residential districts to that which is required in the adjacent district, to a maximum of 30 feet.

3) Next Steps

Staff indicated that the committee's additional recommendations would be summarized in a memorandum, to be transmitted to City Council in advance of their meeting on Monday, July 16.

4) Public Comment

There was no public comment.

Prepared by Lindsay-Jean Hard