



## Development Scenario For D-1 Zoning

Comments:

- Proposed zoning should not be approved until ordinance is coordinated and cross-referenced with design review proposal.
- Design review is needed, especially in D-2 zoning, to ensure compatibility.
- Old Fourth Ward/ Ann Street Historic Districts should have a D-2 buffer zone along East Huron.
- Thirty foot setback in rears along Huron Street should not be reduced to 15 feet.

23 March 2009



Ann Arbor

Preservation Alliance

To: The Mayor and Members of City Council

From: The Ann Arbor Preservation Alliance

**Advisory Board**

Vivienne Armentrout

Sabra Briere

Christine Brummer

Christine Crockett

Ray Detter

Ina Hanel Gerdenich

Mary Hathaway

H. Mark Hildebrandt

Carol Luckenbach

Patrick McCauley

Carol Mull

Louisa Pieper

Alison Poggi

Ethel Potts

Alice Ralph

Ellen Ramsburgh

Kristin Schleick

Sonia Schmerl

Grace Shackman

Ilene Tyler

Norm Tyler

Susan Wineberg

**MEMORANDUM:** Proposed Changes to City of Ann Arbor Zoning Ordinances, Chapters 55 and 57

The City of Ann Arbor amended Downtown Plan, revised Zoning Ordinances and the Design Review Process and Guidelines should ultimately be cross-referenced and coordinated. There should be no conflict between these documents. A commitment to adopt all three of these essential parts should be made now. We believe that planning consultants Race/Winter should be invited back to complete the program by educating all of us as to the relationship between the Downtown Plan, downtown zoning, and the design standards and guidelines.

With regard to the Downtown Plan, Zoning Ordinance revisions, design guidelines and process, the Ann Arbor Preservation Alliance asks that you:

- Approve the Downtown Plan amendments and Zoning Ordinance revisions in tandem;
- Assure a clear relationship and cross-referencing between the Downtown Plan and Zoning in the adopted text;
- Include additional clear and accurate illustrations in the approved documents;
- Make approval of the Downtown Plan and Zoning Ordinance revisions contingent on adopting a process that includes design standards and guidelines.

Key points and concerns:

- Major concepts in the amended Downtown Plan and in the revised Zoning Ordinances should be graphically illustrated, wherever possible.
- Height limits for new construction should be reviewed against approved design standards that complement zoning. Height limits in D1 character areas are appropriate to mitigate the possible negative



Ann Arbor

## Preservation Alliance

### Advisory Board

Vivienne Armentrout

Sabra Briere

Christine Brummer

Christine Crockett

Ray Detter

Ina Hanel Gerdenich

Mary Hathaway

H. Mark Hildebrandt

Carol Luckenbach

Patrick McCauley

Carol Mull

Louisa Pieper

Alison Poggi

Ethel Potts

Alice Ralph

Ellen Ramsburgh

Kristin Schleick

Sonia Schmerl

Grace Shackman

Ilene Tyler

Norm Tyler

Susan Wineberg

affects on surrounding areas. If height limits are applied, then that height limit should include any allowed premiums.

- Prohibit transfer of development rights (TDR). These are an untested method in Ann Arbor for trading land uses and densities, and warrant further research as to how they are working and have been applied in other communities, before adding them to our local zoning ordinances.
- Buffer areas need to be included in all downtown zoning districts adjacent to residentially zoned neighborhoods, historic districts, or buildings listed on the National Register. While not necessarily a zoning issue, this illustrates the need for the design review process and design standards to ultimately reference the zoning ordinance. Examples are the historically designated properties on E. Washington between S. Fifth and S. Division and historic properties on the south side of E. Huron between Division and State.
- Setbacks in D1 zoning for all character areas that adjoin residential and/or historic neighborhoods should be maintained at 30 feet from all lot lines, with no provision for any structures at any point closer than 30 feet. All lot lines parallel to the street within one parcel shall comply with the 30-foot setback requirement. If the lot shape jogs, then so should the minimum setbacks for any structure.
- To protect the integrity of downtown and near-downtown residential use and historic properties, D1 zoning should not be applied outside the DDA district boundary. This would limit the assembling of land parcels outside the downtown area to create a project that would allow a developer to exceed limitations of height and setback as if the properties were all in the downtown area.
- Although D2 zoning is no longer being considered for the north side of Huron Street between N. State and N. Division Streets, specific design standards with illustrations for this character area should be included in the A2D2 documents.
- Corner parcels should require similar minimum side and rear setbacks as mid-block parcels, i.e. 30 feet from all lot lines, for all downtown parcels adjacent to residentially zoned property.
- Empty parcels adjacent to historic districts, or buildings listed on the National Register, should be reviewed according to approved design guidelines to mitigate negative affects of new construction within a 150-foot radius. This includes consideration of building height and mass, respectful setbacks, access to sunlight and fresh air, and other design criteria. National Register properties should be so-identified on the map of historic districts.
- As an example of the requirement that the design review process be cross-referenced throughout the revised zoning ordinance, add text to



Ann Arbor

Preservation Alliance

### Advisory Board

Vivienne Armentrout

Sabra Briere

Christine Brummer

Christine Crockett

Ray Detter

Ina Hanel Gerdenich

Mary Hathaway

H. Mark Hildebrandt

Carol Luckenbach

Patrick McCauley

Carol Mull

Louisa Pieper

Alison Poggi

Ethel Potts

Alice Ralph

Ellen Ramsburgh

Kristin Schleick

Sonia Schmerl

Grace Shackman

Ilene Tyler

Norm Tyler

Susan Wineberg

section 5:3 as a direct reference to approved Design Guidelines and the design review process.

- Usable floor area definitions in Chapter 55 should NOT include stairwells, ramps, elevators, or mechanical shafts.
- Minor changes to a site plan may be approved administratively, according to Chapter 57, but we request removal from the list any changes in building height, moving building footprint, increasing building size, and adding free-standing accessory structures as being **major** changes that therefore should be returned to the Planning Commission for review and action.
- Invite consultants Race/Winter back to complete the design guidelines and standards, train staff, and integrate these new documents into the revised zoning ordinance. This step should include public education regarding the changes and the new process incorporating design review. This process should be reassessed after one year, when the zoning ordinance could again be revised.



*BRUCE H. THOMSON*  
*President*

## **Analysis of 413 E. Huron, Ann Arbor, Michigan relative to the 1988 Ann Arbor Downtown Plan and the 1992 Central Area Plan.**

The Ann Arbor Downtown Plan was adopted as a part of the City Master Plan in 1988. The Central Area Plan was adopted in 1992.

### **In Summary:**

We do not resemble the proposed Interface areas. We have all of the characteristics of the Core area, which is why we are included in the Core for the Master Plan.

- We are not a Pedestrian or Open Space area.
- We are in an office/hotel/government corridor.
- We are bounded by 2 major traffic arteries – Huron and Division.
- We are surrounded by tall buildings to the east and west. Several tall buildings are proposed or under construction to the South.
- We are next door to Sloan Plaza and the Campus Inn – Massive, tall buildings.
- We are within ½-2 blocks of City/County government, high-rises, and hotels.
- We are an opportunity area for removing surface parking and adding density.
- We are zoned C2A/R, the densest zoning, like much of the Core area, and unlike much of the Interface area.
- We have a FAR density more than double the average for the other Interface areas.

We are not asking for something new. We simply want the continuation of our current entitlements. Changing the zoning for this area will require removing it from the Core area in the Master Plan. This is a down-zoning with enormous financial ramifications for the property owners. Is the city planning on providing compensation?

Given the small area in question (1 block out of the entire stretch of Huron Street downtown), and given the fact that half of this small area is already built far beyond the proposed specifications (Sloan Plaza and Campus Inn), the net effect is half a block that will be kept 180 feet lower than the rest of Huron Street. This is plain and simply spot zoning.

For the last 20 years it has made sense to include our site in the Master Plan as a Core area. It still made sense in the Central Area Plan. And it still makes sense today to conform to the City's Master Plan and include this intensely used, high-rise, urban block in the Core area. The very understandable neighborhood concerns should be addressed through the use of design criteria, not a change in zoning.

Respectfully yours,

Bruce Thomson

2682 White Oak Drive, Ann Arbor, Michigan 48103 734/994-8120 734/994-0467 (fax)  
brucethomson@comcast.net

**Will allowing tall buildings (up to the currently proposed 176 feet) *promote or defeat* the mutual goal of the merchants, the neighbors, and the City to revitalize the South University retail area?**

The newly modified D1 zoning for South University would allow buildings about 15 to 16 stories high--8 times taller than the mostly two-story buildings there now.

One of the arguments for allowing this building height is the prevailing opinion that developers can only afford to build tall or not at all, because of high land prices. *However, enacting this zoning may be a self-fulfilling prophecy, because the legal right to build that tall will drive the land prices even higher.* It practically ensures that only tall buildings will be deemed profitable to build there far into the future.

**Might the City be zoning a Catch-22 situation?** Setting a building height limit of 176 feet may mean that no new development will take place in the South University retail area. If local competition from a number of soon-to-be-opened luxury apartments and dormitories is too great, if student demand for this kind of housing turns out to be low, or if few students will be able to afford this type of living in our new economy, it is conceivable that no more large residential structures will be built in the area. As long as the property owners on South University hold out hope of selling their land to a developer for a future high-rise, land prices will remain too steep for more modest developments—those that are more financially realistic and less likely to fail.

If, instead, the maximum height of buildings were to be capped at 6 or 8 stories, land prices would reflect this reality and smaller apartment buildings with ground-floor retail would be built. Development on this scale would preserve the unique character of this local retail area, blend into the surrounding neighborhoods, and help achieve the mutual goals of the merchants, neighbors, and City to develop and revitalize the South University area, while increasing the number of residents.

Another “unintended consequence” of D1 zoning for South University is that it may severely limit the types of buildings built there. D1 zoning includes very generous premiums for developers to include a large residential component in anything they build. This virtually ensures that any new tall buildings will be primarily residential. Any 10- to 15-story residential building that directly abuts the UM campus in the South University area (where parking is at a premium or simply unavailable) most likely will attract only one portion of Ann Arbor's population - undergraduate students. This creates a “development marketplace” that favors large private dormitories/student apartment buildings and not much else. Is this a realistic development plan? Consider the following:

***How many more private luxury dormitories/large student apartment buildings are likely to be built on these 2-1/2 blocks of South University if very tall buildings are permitted?*** Any new structures would be competing for occupants not only with Zaragon Place (248 beds) and 601 Forest

(600+beds) that anchor the street at either end, but also 4-Eleven Lofts (350 beds, on Washington), The Courtyards (896 beds, on North Campus) and the U of M's new upscale, suite-style dormitory that is part of North Quad (460 beds).

***How high will the demand for this type of housing be?*** Large private dormitories are a recent nationwide experiment and the results on their viability are not yet in. Most students are anxious to move out of large supervised settings by the time they are sophomores or juniors. Some of the new small-scale apartment buildings on the edge of campus have filled quickly and become popular. They are not luxury high-rises. In addition, according to area landlords, the most in-demand amenity for students living off-campus is parking space—something not found in most high-rises.

***As America adjusts to our new economic realities, how many students will be able to afford this type of living?*** Rooms in the private luxury dormitories are significantly more expensive than those in existing dormitories, not only because they are new. Bedrooms are private, baths are private or semi-private, kitchens are luxurious with granite countertops, living rooms have flat-screen TVs, and more.

After examining the issues of this potential residential marketplace, it seems unlikely that any luxury high-rises would be built there, yet the cost of land would be prohibitive to anything else under the proposed zoning. It would be wise for the City to cap building heights in the South University retail area at 6 or 8 stories. With the reduced expectations for the price of land, smaller, less expensive structures might be built—and filled. Encouraging this type of building will meet everyone's goals for South University, revitalizing business while preserving its character.

Submitted on 03/23/2009 by Andrea Van Houweling, 920 Lincoln Avenue, Ann Arbor