

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – May 19, 2009

Time: Chair Bona called the meeting to order at 7:05 p.m.

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

ROLL CALL

Members Present: Bona, Carlberg, Derezinski, Mahler, Potts, Westphal, Woods

Members Absent: Borum, Pratt

Members Arriving: None

Staff Present: Bartha, Kowalski, Pulcipher, Rampson

INTRODUCTIONS

None.

APPROVAL OF MINUTES

a. Minutes of April 21, 2009.

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

A vote on the motion showed:

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

Motion carried.

APPROVAL OF AGENDA

Moved by Mahler, seconded by Potts, to approve the agenda.

Bona noted that Commissioner Pratt's motion to put a moratorium on demolition in R4C zoned districts would be on the next meeting's agenda, if Commissioner Pratt and staff were prepared.

A vote on the motion showed:

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

Motion carried.

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

Derezhinski noted that the budget had been approved the previous night by Council, with only minor changes. He noted two Commission related items of interest: first, a resolution to approve a memorandum of understanding between the City, AATA and the University of Michigan to conduct a transportation feasibility study was postponed; and second, a resolution to approve a six-month extension for Village Green, due to the fact that the poor economy has slowed financing. He noted that Village Green was a project supported by both the Commission and Council.

Pulcifer noted that a series of public meetings were scheduled for area, height and placement discussion to update the old ordinance. She said there would be a City-wide kickoff, one meeting in each of the five wards, and a final meeting. She noted that the public was welcome to attend any of the meetings, regardless of ward, and that the first meeting would be held Wednesday, May 27th from 6:30 to 9:00 p.m. at the CTN studio located at 2805 South Industrial. She also mentioned that there was a project webpage on the City website's Planning and Development Services webpage, called Area, Height and Placement.

AUDIENCE PARTICIPATION

Beverly Strausman, 545 S. Fifth Avenue, spoke on behalf of the Germantown Neighborhood Association about the upcoming motion recommending a moratorium on demolition in R4C district, noting that her association supported such a moratorium. She believed the moratorium be adopted before new developments are approved, noting City Place as a case in point. She believed that City Place, which was scheduled for Council action on June 1, violated setbacks, building height limits and allowable number of units.

Ray Detter, 120 N. Division, spoke about A2D2. He said a major item of discussion at Council's budget hearing the night before was parking meters in residential neighborhoods. He believed the need for revenue was causing meters to be proposed in places never before considered.

Bob Schneider, President of the South University Neighborhood Association, echoed Mr. Detter's concerns about parking meters in residential neighborhoods.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Bona announced the public hearings scheduled for the June 1, 2009 Planning Commission meeting.

REGULAR BUSINESS

(a) Public Hearing and Action on AATA Park and Ride Lot Site Plan, area southwest of the intersection of Plymouth Road and US-23. A proposal to construct a 245-space commuter parking lot that allows car/vanpooling and provides public transportation access via bus into the City – Staff Recommendation: Approval

Kowalski made a brief presentation and provided a summary of the proposal.

Noting no speakers, Bona closed the public hearing at 7:29 p.m.

Moved by Derezhinski, seconded by Westphal, that the Ann Arbor City Planning Commission hereby approve the following motion:

WHEREAS, the City Administrator is directed to obtain comments and suggestions from the appropriate City departments with regard to certain public projects meeting development regulations prior to City Council approval; and

WHEREAS, such public projects are to be reviewed by the City Planning Commission prior to City Council approval;

RESOLVED, that the Ann Arbor City Planning Commission finds that the Ann Arbor Transportation Authority Plymouth Road Park and Ride Public Project Adheres to private development standards, subject to Zoning Board of Appeals approval of necessary variances

Derezhinski asked whether there was a shelter on site to be used during inclement weather, and how often bus service would be offered at the site.

Steve Magnum, 34000 Plymouth Road, Livonia, replied that there would be a typical bus shelter. He also said there would be more frequent bus service during rush hour and in the latter part of the day, but was unsure what the actual frequency would be. He added that his team wanted the site to be as green as possible, utilizing LED lighting, and lots of landscaping. He said the site would incorporate infrastructure for electrical cars in the future and use bio-swales to make water cleaner before it enters the storm water system.

Potts, asked where the site's entrance and exit were.

Kowalski replied that driveway lined up with the traffic light.

Potts asked if buses and cars would use the same driveway.

Kowalski replied that this was the case.

Potts believed this was an important project. She noted that City had been expressing interest in park and ride lots since the 1980s. She hoped two or three more lots would follow.

Carlberg asked the petitioner what else was being done to clean the water on site.

Magnum replied that bio-swales would be used along the southern portion as well as on the opposite side to the corner. He said more plants would be introduced to filter the typical parking lot contaminants and that a floor bay would be installed before water entered the bio-swale. He said the project detained above the minimum requirements.

Carlberg said it sounded like the cleansing was iffy and incomplete. She asked if a vortex system was considered and whether the water would be partially or totally cleaned.

Magnum replied that it would be partially cleaned.

Carlberg asked if he could completely cleanse the water.

Magnum replied that he was unsure what else his team could do, and noted that vortex systems were not 100% guaranteed.

Carlberg urged him to consider somehow cleaning all water on site. She also noted a staff concern over the amount of asphalt used, but also noted that AATA felt the extra asphalt was necessary for safety on site. She said she preferred to err on the side of caution, and was okay with the extra paving.

Westphal asked if pervious pavement was considered.

Magnum replied that it was, but that the soil was clay, so the water would collect just under the surface of the porous pavement and ruin the surface. He said he had looked at this option with the City, and determined that it would not work in this case.

Westphal asked if there was any anticipated interaction with the University. He asked what impact this parking lot would have on the Green Road parking lot run by the University.

Magnum replied that he was unsure of any potential interaction, but he noted that AATA had received a lot of positive feedback about installing this park and ride lot.

Westphal said he was glad that the bicycle parking was enclosed, and asked if there was room to expand the bike racks in the event that more usage was generated than anticipated.

Christy Summers, of the development team, replied that the bicycle parking met requirements, and that there was extra space if more racks were necessary.

Woods was glad to see additional sidewalk to connect to the existing Plymouth Road site. She asked if pedestrians had to cross in front of cars entering the roadway from the southbound US-23 ramp. She asked if there would be adequate signage to warn oncoming traffic of the possibility of cyclists or pedestrians.

Magnum replied that these issues had been discussed, and that high visibility striping with high grid was going to be installed, as was the proper pedestrian signage. He noted that the pedestrian paths were ADA compliant, but that no signalization would be installed.

Woods commented that she, too, hoped to see coordination with University of Michigan busses. She said many of the potential commuters would be going to the University's campus.

Magnum replied that he was unsure of the AATA position regarding partnership with the University.

Woods replied that it was really important to see coordination. She asked staff if the traffic count was considered.

Kowalski replied that the traffic engineer reviewed the plan and saw no issues.

Mahler agreed with Potts that park and ride lots were beneficial, and asked whether the City or AATA would be responsible for snow removal.

Magnum replied that it would be contracted through AATA, because the parcel was an MDOT owned property, and AATA was a lessee. He said MDOT, and therefore AATA, had maintenance and upkeep requirements to meet.

Bona asked if the park and ride lot would be used for carpooling and bus pickup.

Magnum replied yes.

Bona asked what the future plan was for the sidewalk heading east of the site. She noted that there were subdivisions on the other side of the highway. She asked if there was the potential to create access across US-23.

Magnum replied that future planning was considered. He said the current bridge was too narrow, and therefore unsafe, for pedestrian traffic, but said a new bridge or another way to accommodate pedestrians could be an option in the future. He said they planned to put a pedestrian footpath along the site's frontage, accommodate future use.

Potts responded to Westphal's comment about the Green Road park and ride lot by saying she believed that the Green Road site was difficult to find and not well situated for current traffic patterns. She believed the proposed lot would be a big help, and would alleviate some of the parking pressures on the downtown.

A vote on the motion showed:

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

Motion carried.

(b) Public Hearing and Action on Downtown Plan Amendments – The Downtown Plan, adopted as an element of the City Master Plan in 1988 and amended in 1992, provides guidance for future land use and zoning, development character, open space, circulation and parking in the downtown. Amendments to the plan have been drafted to support the recommendations of the Ann Arbor Discovering Downtown (A2D2) initiative. Planning Commission will consider adoption of the proposed amendments as a subplan of the City Master Plan – Staff Recommendation: Approval

Rampson made a brief presentation and provided a summary of the specific changes proposed by Council to the plan adopted in February by Commission.

Lynn Dubinco, a resident at Sloan Plaza, spoke about the possibly significant increase in foot and vehicular traffic in her neighborhood if it were rezoned to D1. She believed the Sloan Plaza neighborhood should be zoned D2.

Lazer Greenfield, 505 E. Huron Street, requested rezoning for E. Huron Street based on the lack of an interface between downtown and his neighborhood.

Panos Tharouniatis, 514 N. Seventh Street, spoke about the types of buildings in the buildings in D1 and D2.

Ms. Floyd, a resident of Sloan Plaza, believed the proposed zoning would be difficult on the City and result in too much density. She was concerned that greenery and open skies would be lost. She said that what is permitted is what arrives.

Tony Pinell commended the Commission on its effort to promote urban density. He spoke against the South University zoning, saying he believed the height limits of 180 feet were far too tall.

Joan French, 505 E. Huron Street, asked the Commission to reconsider height limits on E. Huron Street.

Sean Ziata, 623 Church Street, spoke about the South University Area and in support of greater density. He noted that the Greenbelt has pushed urban sprawl further away from Ann Arbor, into places like Scio and Pittsfield Townships.

Grace Singleton, spoke on behalf of Zingerman's, and thanked the Commission for switching Zingerman's 322 Kingsley Street site from R4C to D2. She said Zingerman's wanted to add a building toward the rear of the deli site. She said they wanted to preserve the patio and the historic building that housed the deli.

Bob Schneider, President of the South University Neighborhood Association, spoke about the minimal demographic projections moving forward, but the relatively large increase in the 65-plus age group. He spoke against the mentality of building bigger and more, questioning who these larger buildings were being built for. He asked who would live and work in all these tall buildings. He asked why there was a push for bigger buildings if the City wasn't growing. He applauded the Commission for its hard work in a difficult process.

John Edder, 101 N. Main Street, representing the Sloan Plaza Condominium Association, spoke against the D1 zoning in their neighborhood. He noted that Sloan Plaza was a PUD from the 1980s, and that a lot of negotiation went into building it. His association requested D2 zoning for the area, which the association believed was far more appropriate.

Eleanor Linn, 1321 Forest Court, spoke about the importance of buffers between residential and commercial properties. She urged the Commission to vote to retain the D2 interface in non-DDA areas of South University.

Susan Friedlander, representing owners of 1320 South University, asked the Commission to reject modifying the Future Land Use Map for the South University Area. She believed the map reversed five years of Commission work.

Gary Silpanch, 1307 South Forest, spoke about the notion of rational development in Ann Arbor. He believed a balance between merchant and resident needs must be struck, and he spoke against the proposed size of buildings in the South University Area. He asked the Commission to consider Peter Nagourney's comments.

Christine Crockett, President of the Old Fourth Ward Neighborhood Association, spoke about 322 E. Kingsley Street, and the appearance of favoritism in allowing a residential property to be rezoned D2 at the last minute, based on a request. She said the property was never under consideration for rezoning during the long process, and it suddenly appeared on the table with the rest of the Downtown Plan. She believed this was unfair to residents, and that it should have been discussed by the public. She believed in the process, and said she had participated in it. She believed this last minute action was a bad move for the community. She also asked the Commission to reconsider the adoption of the Design Guidelines with new zoning.

Peter Nagourney, Co-Chair of Burns Park Neighborhood Association, spoke against D1 zoning in the South University Area. He believed there would not be a demand by students for high rises in the area, and supported multiple smaller projects in the area, instead of a few huge projects.

Dan Kaplan, owner of 625 Church Street, supported D1 zoning in the South University Area. He believed D2 designation would make his and several other properties unbuildable, rendering the properties valueless. He asked the Commission to restore the D1 designation.

Ray Detter, of the Downtown Area Citizens Advisory Council, spoke about the importance of character areas and design review processes. He was shocked by the last minute, spot zoning at 322 E. Kingsley Street. He believed a PUD would be appropriate there, and he was afraid that if D2 zoning were granted to Zingerman's, it would set a poor precedent.

Bruce Thomson, 2622 White Oak, thanked the Commission for its hard work. He spoke in support of the zoning on E. Huron, noting that it always has been zoned commercial.

John Galiston Jr., 331 E. Kingsley Street, spoke against the rezoning of 322 E. Kingsley Street. He said he lived almost directly across from Zingerman's, and he did not believe shifting the zoning was good for the neighborhood. He also believed the notion of super high density in Ann Arbor was a bad idea.

Maggie Ladd, Director of the South University Area Association, spoke against the amendment to the Future Use Map for the South University Area. She said low rise or PUD development had not been proposed there for 50 years, and that D1 zoning was necessary to attract development.

Dick Soburn, believed the issue he was hearing raised about 322 E. Kingsley Street was the notion of fairness. He said amendments by nature were last minute, and that the issue had been proposed and debated, and would continue to be discussed by Council at the next meeting. He said some were opposed and some were in favor, but he believed the process was fair and done in accordance with how the process was supposed to work.

Betsy Price, 905 Olivia Avenue, appreciated Commission's hard work. She said she lived 3 blocks south of South University, and she supported growth, but opposed large scale development on South University. She hoped for a pedestrian friendly South University Area.

Kevin Kleiner, 1331 Culver Road, spoke as an architect against the concept of tall buildings, but in support of design guidelines. He believed design guidelines would result in better buildings and a more livable city. He also spoke in favor of 322 E. Kingsley Street, noting that the physical layout of the site was so constrained that it could not be effectively used. He thanked the Commission for its hard work.

Ellen Ramsburg, 1503 Cambridge Road, spoke against the rezoning of 322 E. Kingsley, stating that it felt like a circumvention of the process. She spoke in favor of buffers next to high density areas, and thanked the Commission for its hard work.

Judy Zwas, owner of 625 Church Street, spoke against rezoning of her property from D1 to D2. She believed her property value would be reduced to zero in the future if the street were returned from D1 to D2. She asked for D1 zoning all the way to Willard Street in the South University Area.

Noting no further speakers, Bona closed the public hearing at 9:05 p.m.

Moved by Mahler, seconded by Westphal, that the Ann Arbor City Planning Commission hereby adopts the Downtown Plan, as amended, as a subplan of the City Master Plan and hereby incorporates the Future Land Use Map and Zoning Plan for the downtown into the City Master Plan.

Moved by Mahler, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council adopt the Downtown Plan, as amended, as a subplan of the City Master Plan and hereby incorporates the Future Land Use Map and Zoning Plan for the downtown into the City Master Plan.

Bona asked Commission to focus first on proposed changes, then on other issues.

Potts spoke about height limits in core areas, noting that the Council voted to impose 150 and 180-foot height limits in core areas, after Commission had voted for no limits in those areas.

Bona reminded Commissioners that zoning was before Council, and that the Commission was to focus the current discussion on the Downtown Plan amendments.

Derezinski agreed with Bona, stating that what was before the Commission was the language in the Master Plan. He noted that Council was reviewing zoning, and suggested that the Commission should be cognizant of staff recommendations.

Westphal commented on the South University Area. He supported the public processes, and participated in the Calthorpe process, which he called a thoroughly robust citizen participation process involving hundreds of citizens throughout the City. He noted that Council had accepted the report in 2006. He also noted that the Commission had initiated the rezoning of the South University Area to its current C2A zoning. He described the process as discreet and focused, and that had all public notices and participation requirements had been met. He said he attended the Council meeting where a motion was made to change a portion of the South University Area to D2, and he recognized that tweaks and corrections would be made, but he said that he had yet to hear a change in philosophy for the South University Area for density or anywhere else in downtown. He said many of the recommendations from

Calthorpe process recognized that the greenest thing the City could do is allow density in areas where people do not need cars, like South University. He said another rationale for density in the South University Area was to relieve pressure on historic areas by adding more student housing near campus. Out of respect for the planning process that took place in that area, he said he was unable to understand the rationale for an amendment in the South University Area. He recognized the special niche in the South University Area along Forest Court. He noted that the height was already down to 150 feet in the area, and he believed that rezoning by amendment went against the public processes in the study.

Carlberg was concerned about the South University Area and the viability of Forest Court. She believed Willard Street was the appropriate cutoff, and she supported removing the D2 designation from Forest Court. She noted the large parking structure there, and the student quad and she believed it made sense to make that a dense area of student housing. She believed it made sense to have the whole area zoned D1. She said the South Forest parcel was already set aside for D1, and she believed one property on South University Avenue and one on the corner of South Forest and Forest Court should be kept D2, with the remainder D1.

Moved by Carlberg, seconded by Westphal, to revise Figures 9 and 14 to designate the two westernmost blocks in the South University area as Core/D1 for the entire block, including the properties south of the DDA boundary line to Willard Street.

Potts was pleased with the action of Council on this issue in understanding where development was possible and would have minimal impact on the South University Area. She did not view the area in question as a core area, like some Commissioners. She supported Council's D2 designation.

Woods supported the proposed amendment, stating she saw Willard Street as the buffer. She had a problem with dividing up a block, and understood the concerns of property owners about the impact on the value of their properties with arbitrarily drawn lines.

Westphal asked Potts what she felt would be an adequate buffer, and for whom.

Potts replied that from residential and student housing on South Forest and Forest Court, a buffer was needed. She supported following DDA lines and applying the D1 or D2 designation, making use of existing boundaries.

Westphal supported the amendment and noted that of any of the parcels to exclude from D1, he understood the rationale for excluding the R4C property on the corner of South Forest and Forest Court.

Mahler asked how many other areas outside the DDA were currently dual zoned.

Rampson replied that there were no other areas.

Mahler asked if a portion of South University was zoned C1A.

Rampson confirmed that this was the case.

Mahler asked about floor area ratios and height limits in the area.

Rampson replied that there was no height limit, but that there was a higher floor area ratio than in other areas, and had been from the late 1960s until the C2A zoning designation.

Mahler questioned whether the D2 zoning actually amounted to a taking of a property value, and he noted that this amendment would result in the only piece of property outside of the DDA boundary zoned D1.

Derezinski noted that his main interest was to get the Downtown Plan to Council. He noted that the Commission had already had full discussions on these issues, but for the purposes of collegiality and keeping the Plan moving to Council, he would support the amendment.

A vote on the amendment showed:

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

Amendment carried.

Mahler thanked everyone who came to speak, and thanked in particular residents from the E. Huron and South University Areas. He noted that there were a lot of stakeholders with competing interests, and that this had been a difficult process. He said his preference was to have D1 zoning on E. Huron Street. He believed D1 zoning in or near downtown was important if Ann Arbor were to continue to grow as a city. He was leery of 30-year population projections, and believed that to remain vibrant, D1 zoning on E. Huron was important.

Potts said it was clear that issues like height, etc., were not before the Commission. She asked anyone who was interested in these issues to talk to Council. She said she had a problem with the E. Kingsley Street amendment.

Moved by Potts, seconded by Westphal, to return 322 E. Kingsley Street to R4C from D2, and to remove the map changes to 322 E. Kingsley Street as added by City Council.

Carlberg believed the lot was unbuildable under R4C zoning, at only 40 feet wide. She foresaw a growing concern, questioning whether a burned out building next to a downtown landmark was a benefit to the City. She saw a huge benefit in rezoning this property to D2, and believed it would benefit the entire Kerrytown area.

Derezinski echoed Carlberg's arguments, and read a letter from Second Ward residents in support of the rezoning that spoke to the uniqueness of the businesses on the adjacent property.

Mahler agreed with Derezinski and Carlberg. He believed the neighborhood would benefit greatly from having this as D2. He believed the arguments were not persuasive for keeping 322 E. Kingsley Street as residential, noting that a PUD would be very difficult to pass on that lot. He did not see this rezoning as an expansion of downtown. He said it was a unique parcel, and believed D2 was appropriate. He did not see this as a precedent setting issue, noting that if a property owner wished to have their parcel rezoned to D2 in the future, they would be welcome to make a presentation and be heard by the Commission.

Potts said it was hard to argue against Zingerman's, because everyone loves Zingerman's. But, she believed the burned house was restorable, and one of the oldest in the City. She also noted that whether it was in an historic district was factor to consider, as well.

Woods believed, that as a good community partner, Zingerman's would consider much more than just business. She was confident that Zingerman's would look to salvage the building or use the site

appropriately and work with the Historic District Commission. She supported the D2 designation, believed the deliberations were fair, and was confident that Council gave fair audience to issues like this. She said disagreement on an issue did not render a process unfair.

Westphal concurred with all sentiments about Zingerman's as a responsible neighbor and contributor to the City. He recognized the difficulty of the PUD process, but was troubled by a last minute rezoning in conflict with the Central Area Plan. He said if the issue had been brought up a year ago, he could see the merit, but he was uncomfortable with rezoning at this late date, and in conflict with the Central Area Plan. He believed that to rezone according to what particular business owns which parcel becomes tricky. He said he would be in favor of looking at the parcel if it came back as a PUD, but he believed this rezoning was too much of an add-on to the A2D2 process.

Bona agreed with Potts and Westphal, and asked if there were any other comments.

A vote on the amendment showed:

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

Amendment failed.

Potts thanked people for attending and encouraged them to speak to Council.

Westphal commented on record as disagreeing with the removal of language about street level active use requirements, noting that it made him wonder what types of projects could be introduced on Main Street that people would be okay with.

Bona noted that when Council returned the Downtown Plan to the Commission, they came to them with these changes, they implicitly agreed with everything that Commission approved last time. She cautioned against changes to things implicitly approved by Council and previously approved by Commission.

Potts said she would support and second Westphal's concern.

Bona said the Downtown Plan was unique in that it required approval from both Council and Commission. She said Council had final say on zoning and could modify anything recommended by Commission.

A vote on the main motions as amended showed:

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

Motions carried, and read as follow:

Moved by Mahler, seconded by Westphal, that the Ann Arbor City Planning Commission hereby adopts the Downtown Plan, as amended, as a subplan of the City Master Plan and hereby incorporates the Future Land Use Map and Zoning Plan for the downtown into the City Master Plan, with revisions to Figures 9 and 14 to designate the two westernmost blocks in the South University

area as Core/D1 for the entire block, including the properties south of the DDA boundary line to Willard Street.

Moved by Mahler, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council adopt the Downtown Plan, as amended, as a subplan of the City Master Plan and hereby incorporates the Future Land Use Map and Zoning Plan for the downtown into the City Master Plan, with revisions to Figures 9 and 14 to designate the two westernmost blocks in the South University area as Core/D1 for the entire block, including the properties south of the DDA boundary line to Willard Street.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

Bona reminded the Commission that Pratt's motion for a moratorium on demolition in R4C zoned districts would be on the next agenda.

ADJOURNMENT

Bona declared the meeting adjourned at 10:16 p.m.

Mark Lloyd, Manager
Planning and Development Services

Kirk Westphal, Secretary

Prepared by Steve Bartha
Management Assistant
Planning and Development Services