



## MEMORANDUM

TO: Ordinance Revisions Committee  
THROUGH: Hank Kelley, Deputy Planning Manager  
FROM: Alexis DiLeo, City Planner  
DATE: April 23, 2024  
SUBJECT: Petition for Text Amendments related to TC1 Standards

### Introduction

A petition has been submitted requesting five amendments to the Unified Development Code related to the TC1 district as attached. In summary, the amendments are:

1. Increase the number of curb cuts allowed in the TC1 district for sites on more than one street
2. Increase the building dimensions allowed in the TC1 district for larger sites
3. Allow some exceptions to minimum building frontage requirements in the TC1 district for certain open spaces
4. Allow some exceptions in the use specific standards for parking structures for design and uses at the street level based on site size or street frontage designation
5. Add a definition for block

### Background

In addition to the normal development standards provided in the Unified Development Code, buildings in the TC1 district must comply with additional standards provided in Table 5.17-8 of Section 5.17.7.

Certain uses also have use specific standards, as noted in the permitted use tables in Section 5.15 and provided in Section 5.16. Parking structures are among the uses with specific standards.

### Preliminary Analysis

Foremost, staff acknowledge that the petitioner – part of a development team working to prepare the first site plan application for any project in the TC1 district at 2845 South State Street – raises reasonable and valid concerns from a practical standpoint after attempting to apply the codified standards. It should be no surprise that some challenges have been brought to light about this untested district with its first proposed design.

**Curb cut limits – Table 5.17-8**

- Currently, smaller sites in the TC1 district (those less than 250 feet in lot width) may have one curb cut and larger sites (those with more than 250 feet in lot width) may have two curb cuts.

<b>TABLE 5.17-8: TRANSIT CORRIDOR ADDITIONAL STANDARDS</b>	
<b>SITES</b>	
<b>Curb Cut Limits</b>	<i>Lots 250 ft. in Width: No more than one curb cut for a two-way driveway or two curb cuts for a pair of one-way driveways.</i> <i>Lots 250 ft. or more in Width: No more than two curb cuts.</i>
<b>Parking Lot</b>	

- Outside of the TC1 district, Section 5.21.2 allows one opening with up to 100 feet of street frontage, two openings with between 101 and 200 feet of street frontage, and one additional opening is permitted for every 600 feet of street frontage beyond 200 feet.

<b>TABLE 5.21-1: MAXIMUM NUMBER OF OPENINGS</b>			
	<b>TOTAL STREET FRONTAGE</b>		
	<b>UP TO 100 FT.</b>	<b>101 FT. TO 200 FT.</b>	<b>201 FT. OR MORE</b>
<b>NUMBER OF OPENINGS</b>	1	2	2 for the first 200 ft. plus 1 for each additional 600 ft. of total <i>street frontage</i> after the first 200 ft.

- The additional standards for the TC1 district provided in Table 5.17-8 were put in place to help achieve the intent and goals of the district. The additional standards encourage downtown-like streetscapes by placing limitations on the number of curb cuts as well as regulating minimum building frontage relative to lot width and building dimensions.
- The petitioner requests an amendment so that the limitations on curb cuts apply per street frontage rather than per site. In this scheme, (assuming a site has more than 250 feet of frontage on each side) corner lots would be permitted four curb cuts and double-corner lots would be permitted six curb cuts.
- Upon reflection, the most important aspect curb cut limits is not restricting the total number per site but ensuring that spacing of curb cuts and blocks across a site's street frontage mimics the grid pattern of downtown streets and blocks. The curb cut limitations provided in Table 5.17-8 could be changed as the petitioner has suggested, or to some version of "one for every 250 feet of lot width" with no impact to the intent or outcome of the additional standards while providing needed flexibility to unusually large sites.
- Staff support the request to amend the curb cut limits in Table 5.17-8 as long as the intent and outcomes to mimic downtown-like development patterns remain intact.
- Staff also suggest considering moving the curb cut limits in Table 5.17-8 to Table 5.21-1 for improved consistency overall.



site size allows, additional blocks could be up to 500 feet wide (mimicking the downtown blocks between Fifth Ave and Division) and a corresponding maximum diagonal dimension of 720 feet. Eligible sites that could consider the proposed larger block size would have to be more than 250,000 square feet (about 5.5 acres).

- Staff would also discuss increasing the maximum building width dimension from 250 feet to 264 feet to exactly match the scale of the central blocks in the original plat of Ann Arbor if the Committee express interest.

**Building Frontage – Table 5.17-8**

- Buildings in the TC1 district are required to span 70% of the lot width. This standard is intended to achieve the solid streetwalls found downtown with some allowance for driveways since rear alleys are almost non-existent outside of downtown.

sidewalks, plazas, drives, private streets or proposed public rights-of-way separating the blocks

ALL BUILDINGS	
<b>Building Frontage</b>	The minimum <i>building frontage</i> shall be 70% of the <i>lot width</i> provided this allows 30 ft. between the <i>building</i> and <i>side lot line</i> normally or 45 ft. between the <i>building</i> and <i>side lot line</i> when adjacent to residential zoning. If the <i>site</i> is divided into smaller blocks as required above, the minimum <i>building frontage</i> shall apply to each block.
<b>Building</b>	

- In the D1 and D2 districts, there is no separate standard for building frontage but with both minimum and maximum required front setback standards, it is implied. Reinforcing the clear expectation and implied standard, there are provided exceptions for maximum required front setbacks on Primary Streets. Up to 20% of the building frontage may exceed the maximum required front setback at the streetwall for an entry court or plaza area.

TABLE 5.17-7: DOWNTOWN CHARACTER OVERLAY ZONING DISTRICTS BUILDING FRONT SETBACK STANDARDS		
STREET TYPE DESIGNATION	REQUIRED FRONT SETBACK	ADDITIONAL REQUIREMENTS AND EXCEPTIONS
Primary Street	Min. 0 ft. Max. 1 ft. at the <i>streetwall</i>	(1) Up to 20% of the <i>building frontage</i> may exceed the maximum required front setback at the <i>streetwall</i> for an entry court or plaza area, except in the Main Street Overlay Zoning District. (2) The maximum required front setback at the <i>streetwall</i> may be exceeded to provide up to 16 ft. between the back of curb and the <i>streetwall</i> to allow for pedestrian circulation. (3) Vehicle access shall be provided from a public <i>alley</i> , if accessible. (4) Recesses and alcoves on the level of the adjacent street to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks, provided the <i>streetwall</i> of upper stories complies with the maximum <i>required front setback</i> .
Secondary Street	Min. 0 ft. Max. 10 ft. at the <i>streetwall</i>	Up to 20% of the <i>building frontage</i> may exceed the maximum <i>required front setback</i> at the <i>streetwall</i> for entry court or plaza area.
	Min. 15 ft.	The average of the <i>established front building line</i> within 100 ft. may be used.

- The TC1 district also has minimum and maximum required front setback standards.

TABLE 5.17-4: MIXED USE DISTRICTS								
Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.								
DISTRICT	MAX. FLOOR AREA	MAX. FAR	MIN. OPEN SPACE AND MAX. BUILDING COVERAGE (% LOT AREA)	REQUIRED SETBACKS		HEIGHT FEET AND STORIES	LOT DIMENSIONS	
				FRONT	MIN. SIDE AND REAR		MIN. AREA	MIN. WIDTH
TC1	None	None	None	Min: 18 ft. on designated Transit Corridor (D), otherwise 0 ft. Max: 28 ft. on designated Transit Corridor (D), otherwise 15 ft. for Mixed Use or 20 ft. Townhouses/ Apartments (A)	50 ft. when abutting R district, otherwise 0 ft.	Min: 2 Stories (B) Max: 55 ft. within 80 ft., 75 ft. between 80-300 ft., 120 ft. between 300-1000 ft., 300 ft. more than 1000 ft. from R district.	None	None

- The petitioner requests an amendment to provide exceptions in the TC1 district for “public open space, natural features preservation, plazas, park areas, gathering spaces, and public art installations.”
- Upon reflection, the TC1 district standards could be amended to be more consistent with the D1 and D2 district thus achieving the intended and required development patterns while allowing flexibility for desired features and improving regulatory consistency and clarity.
- Staff preliminarily recommend a concept to change the building frontage standards in Table 5.17-7 from the current format to providing the permitted exceptions to maximum required front setback. The exceptions for up to 30% of the maximum required front setback could include: driveways, sidewalks, plazas, open space and parks, natural features and natural feature buffers, and required buffers.

**Parking Structure Use Specific Standards – Section 5.16.3.L**

- Parking structures have use specific standards, referenced in Table 5.15-1 Primary Uses and provided in Section 5.16.3.L The standards are tailored depending on whether the parking structure is located in the D1, D2, or TC district but all generally require another permitted primary use such as retail sales, office, or restaurant use, to be on the ground floor of the parking structure along the street. These standards seek to ensure there is an active use at the street-level of parking structures so development in commercial and mixed-use zoning districts remains vibrant, pedestrian-friendly places.

## **Parking Structure**

### **1. D1 District**

In the D1 district, an off-street *parking structure* is not permitted at the level of the adjacent street unless separated from the street by a portion of the *building* that is occupied by a permitted use or uses, with the exception of the portion of a *parking structure* that provides vehicular or pedestrian access to the street. Permitted uses shall be located within the *building* and have a minimum depth of 25 feet from the exterior of the front wall. On *corner lots*, this requirement shall apply to *lot frontages* on primary streets, as defined in Section 5.17.6 B. If none of the *street frontages* are a primary street, an off-street *parking structure* must be separated from at least one *street frontage* by a portion of the *building* that is occupied by a permitted use, with the exception of the portion of a *parking structure* that provides access to the street.

### **2. D2 District**

In the D2 district, an off-street *parking structure* shall be located a minimum of ten feet from the *front lot line* at the level of the adjacent street and provide a landscape buffer or screening wall between the *building* and the *front lot line*.

### **3. TC District**

In the TC district, an off-street *parking structure* in any *building* adjacent to the street must be separated from the street on the first floor by a permitted primary use at least 25 feet in depth from the exterior front wall, with the exception of the portion of the *parking structure* that provides vehicular or pedestrian access to the street.

### **4. All Districts**

In all districts, any wall of an off-street *parking structure* that abuts a residential zoning district shall not contain openings, or if it contains openings shall be separated from the *lot line* by a *building* other than a *parking structure* occupied by a permitted primary use or uses.

- The petitioner requests an amendment to allow exceptions in the TC1 district. Two options are suggested, one proposes allowing up to 30% of street level building frontages to be parking structure for larger sites and the other proposes only apply the ground floor active use requirement to transit corridor street frontages.
- Staff feel strongly that parking structures should not be part of the streetwall in pedestrian-oriented developments in general. That said, there is perhaps room to distinguish appropriate active ground floor uses between street hierarchies or between the interior and exterior of a site. An exception of sorts is already allowed in the D1 district, requiring only one side of a parking structure on a corner lot to have active ground floor uses. Of the two suggestions offered by the petitioner, staff support the concept to allow parking structures without active ground floor uses on non-transit corridor street frontages.

### **Definition of Block – Section 5.37.2**

- The petitioner requests a definition for “block” be added to the code to help alleviate any confusion over the nuanced differences of a block, lot, parcel and unit of a site condo.

- Staff agree that all regulations should be clear and easily interpreted. Staff further support to the consistent and correct use of any defined term, phrase and descriptions.
- Staff's preliminary suggestion is to first carefully review Section 5.17.7 for consistent use of terms such as site, lot and parcel, all of which are defined, to see if a definition of block is needed. It may be found that, after the other requested or staff suggested amendments are incorporated, any ambiguity may be resolved.
- Staff's second suggestion is then to re-review the TC1 additional standards for potential redundancy or inconsistency. For example, the development arrangement standard calling for blocks may be unnecessary with clear requirements on individual building widths and diagonals, and clear requirements for site standards on the number of curb cuts and exceptions to the minimum and maximum required front setbacks. As another example, rephrasing standards using existing defined terms such as streetwall may ensure desired character in the same way as the undefined term block.
- Finally, staff are not opposed to adding a definition for block if truly needed. However, making regulations clearer, consistent, and easily applied should be the first response.

Appendix A – Excerpt from Unified Development Code

**5.17.7 Transit Corridor Districts**

*Buildings* and *building* additions zoned TC1 shall comply with the following additional standards in Table 5.17-8 as applicable.

<b>TABLE 5.17-8: TRANSIT CORRIDOR ADDITIONAL STANDARDS</b>	
<b>SITES</b>	
<b>Curb Cut Limits</b>	<i>Lots 250 ft. in Width:</i> No more than <i>one curb cut</i> for a two-way driveway or two <i>curb cuts</i> for a pair of one-way driveways. <i>Lots 250 ft. or more in Width:</i> No more than two <i>curb cuts</i> .
<b>Parking Lot Placement</b>	No placement exception provided in Section 5.19.6.B may be applied.
<b>Parking Lot Design</b>	In addition to the maximum parking standards provided in Section 5.19.3, the portion of the <i>site</i> devoted to <i>vehicular use area</i> may not exceed: <i>Lots 250 ft. in Width:</i> 100% the total <i>building</i> footprint area. <i>Lots 250 ft. or more in Width:</i> 125% of the total <i>building</i> footprint area. If this limitation on <i>vehicular use area</i> cannot accommodate the maximum number of permitted spaces, the remaining amount must be provided in a <i>parking structure</i> or within a <i>building</i> .
<b>Development Arrangement</b>	When the <i>site</i> is more than 62,500 sq. ft., the site must be designed as two or more blocks, with sidewalks, plazas, drives, private streets or proposed public rights-of-way separating the blocks.
<b>ALL BUILDINGS</b>	
<b>Building Frontage</b>	The minimum <i>building frontage</i> shall be 70% of the <i>lot width</i> provided this allows 30 ft. between the <i>building</i> and <i>side lot line</i> normally or 45 ft. between the <i>building</i> and <i>side lot line</i> when adjacent to residential zoning. If the site is divided into smaller blocks as required above, the minimum <i>building frontage</i> shall apply to each block.
<b>Building Dimensions</b>	The <i>building</i> width parallel to the street may not exceed 250 ft. The <i>building maximum diagonal</i> dimension may not exceed 360 ft.
<b>Building Entrances</b>	<i>Buildings</i> at the <i>front required setback</i> must have a functional entrance door facing the street. Entrances at corners are acceptable.
<b>Building Access</b>	<i>Buildings</i> must have a sidewalk adjacent to all sides with main entrances.
<b>One Story Building Exception</b>	<i>Buildings</i> more than 750 ft. from a public street may be 1 <i>story</i> .
<b>SPECIFIC BUILDING TYPES</b>	
<b>Townhouses and Apartment Building</b>	Are not permitted within 100 ft. of a signalized intersection. Townhouses must have street-facing doors and stoops. Garages may not face any public street.
<b>All Other Buildings</b>	<i>Buildings</i> that are not townhouses or apartment <i>buildings</i> must meet the design requirements provided in Section 5.17.6.C.2. Residential uses are not permitted on the first <i>floor</i> within 100 ft. of a signalized intersection.



## Appendix B – Excerpt from Unified Development Code

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### 5.16.3 Commercial Uses

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#### L. Parking Structure

##### 1. D1 District

In the D1 district, an off-street *parking structure* is not permitted at the level of the adjacent street unless separated from the street by a portion of the *building* that is occupied by a permitted use or uses, with the exception of the portion of a *parking structure* that provides vehicular or pedestrian access to the street. Permitted uses shall be located within the *building* and have a minimum depth of 25 feet from the exterior of the front wall. On *corner lots*, this requirement shall apply to *lot* frontages on primary streets, as defined in Section 5.17.6 B. If none of the *street frontages* are a primary street, an off-street *parking structure* must be separated from at least one *street frontage* by a portion of the *building* that is occupied by a permitted use, with the exception of the portion of a *parking structure* that provides access to the street.

##### 2. D2 District

In the D2 district, an off-street *parking structure* shall be located a minimum of ten feet from the *front lot line* at the level of the adjacent street and provide a landscape buffer or screening wall between the *building* and the *front lot line*.

##### 3. TC District

In the TC district, an off-street *parking structure* in any *building* adjacent to the street must be separated from the street on the first floor by a permitted primary use at least 25 feet in depth from the exterior front wall, with the exception of the portion of the *parking structure* that provides vehicular or pedestrian access to the street.

##### 4. All Districts

In all districts, any wall of an off-street *parking structure* that abuts a residential zoning district shall not contain openings, or if it contains openings shall be separated from the *lot line* by a *building* other than a *parking structure* occupied by a permitted primary use or uses.

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March 22, 2024

City of Ann Arbor  
Planning Department  
301 E Huron Street  
Ann Arbor, Michigan 48104

Attn: Hank Kelley, Deputy Planning Manager

Re: 2845 S. State Street – Arbor South Project  
Zoning Code Change Request  
**Midwestern File No.: 23142A**

Dear Hank:

Midwestern Consulting, on behalf of our clients Crawford-Hoying, and Oxford Companies are respectfully requesting a text amendments to the TC1 zoning code as follows.

**1 - Amendment to Table 5.17-8 Transit Corridor District Additional Standards**

1. Curb Cut Limits - Bullet point 2 – Lots 250 feet or more in width: No more than 2 curb cuts **per public road frontage**

**2 - Amendment to Table 5.17-8 Transit Corridor District Additional Standards**

6. Building Dimensions

- The Building width parallel to the street may not exceed 250 feet **unless the lot or block is more than 3 acres and greater in size then the maximum building dimension parallel to the street may exceed 250 feet but less than 300 feet**
- The Building maximum diagonal dimension may not exceed 360 feet **unless the lot or block is more than 3 acres and greater in size then the maximum building diagonal dimension may exceed 360 feet but must be less than 450 feet**

**3 - Amendment to Table 5.17-8 Transit Corridor District Additional Standards**

5. Building Frontage - The minimum building frontage shall be 70% of the Lot Width provided this allows 30 feet between the Building and Side Lot Line normally or 45 feet between the Building and Side Lot Line when adjacent to residential zoning. If the site is divided into smaller blocks as required above, the minimum building frontage shall apply to each block. **Public open space, natural features preservation, plazas, park areas, gathering spaces, and public art installations may count toward frontage requirements adding to the building frontage dimension.**

**4 - Article III: Use Regulations 5.16 Use Specific Standards – 5.16.3 Commercial Uses**

4. In the TC1 district, an off-street Parking Structure in any Building adjacent to the street must be separated from the street on the first floor by a permitted primary use at least 25 feet in depth from the exterior front wall, with the exception of the portion of the Parking Structure that provides vehicular or pedestrian access to the street.

***Lots/blocks 3 acres and greater in size and adjacent to the street could have 30% of the building frontage as parking structure.***

Or consider...

***Allowing parking structure frontages on non-transit corridor street frontages.*** In the case of the Arbor South project this would mean that there would be no structures fronting on S. State and Eisenhower (both designated transit corridors), but the project could have parking structure along the frontage of Boardwalk.

**5 – Block definition addition to definitions section**

Add block definition to definitions in code. We see many urban areas using the curb line as the block limit measuring point. This would help alleviate any confusion over the nuanced differences of a block, lot, parcel, and unit of a site condo.

These requests come from conceptual design work that has been completed while considering the application of the TC1 code to our contemplated Arbor South Project concept. The Arbor South project is the redevelopment of 23 acres of office use into a vibrant mixed use environment by introducing residential, commercial and open spaces into the office environment. This development will replace the over 10 acres of surface parking with a unique urban grid style layout including unique pedestrian spaces for social gathering and programming. Other unique site features include:

- Frontage along 3 public road rights of way, two of which are designated transit corridors
- Location of existing iconic office buildings in 777 and 789 Eisenhower
- Location of existing storm water features / ponds
- Existing public utility easements and infrastructure
- Existing private utility easements and infrastructure

We are hopeful that with this request that staff, the City Ordinance Revisions Committee, and City Planning Commission would consider these modifications to the code.

Please note that with this request we have included the application fee of \$2,000.

Sincerely,  
MIDWESTERN CONSULTING, LLC



Thomas J. Covert, RLA, AICP, LEED AP  
Principal

Recorded in Liber 7 pages 89 + 82.

Union Creek

Range 1



Protected on a scale of 16 feet to an inch.

