



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Minutes City Planning Commission

Tuesday, February 7, 2012

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

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1 CALL TO ORDER

Chair Mahler called the meeting to order at 7:05 pm.

2 ROLL CALL

Woods arrived at 7:07 pm.

Rampson called the roll.

Present 8 - Bona, Pratt, Mahler, Woods, Dereziński, Westphal, Giannola, and Adenekan

Absent 1 - Briggs

3 APPROVAL OF AGENDA

A motion was made by Pratt, seconded by Vice Chair Westphal, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

5-a 12-0173 Planning Commission Meeting Minutes of January 19, 2012

Adenekan noted that her name was misspelled in two places on Page 5.

**Moved by Westphal, seconded by Adenekan, that the minutes be approved.
On a roll call vote, the Chair declared the minutes approved.**

**6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING
MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES,
WRITTEN COMMUNICATIONS AND PETITIONS**

6-a City Council

Derezinski reported that City Council approved the Arlington Square PUD at the previous night's meeting. He said that there were questions about the parking, which were addressed by staff. He said the other issue discussed by City Council was the four party agreement for changing AATA into a countywide transportation system. He said the action was postponed to March 5 to allow for information on budgetary impacts to get to City Council. He said there were some changes to the narrative proposed to make the agreement clearer.

Derezinski reported that City Council also approved a notice of intent to proceed with a contract for construction of improvements to the Wastewater Treatment Plant. He noted that this action allows the City to take advantage of a low interest loan program with the State.

6-b Planning Manager

Rampson reviewed the Planning Meeting Calendar with the Commission.

12-0174 February 2012 Meeting Calendar

Received and Filed

6-c Planning Commission Officers and Committees

Derezinski reported that the magazine "Atlantic Cities" contains an article by Micky Manard about Zingerman's. He also noted that Saturday morning, there will be a "Puppets and Cupcakes" party for Festifools. He said that Festifools will actually be on April 1 this year. The party will be from 10 am to 12 pm in the parking lot next to Crisler Arena.

6-d Written Communications and Petitions

12-0193 Various Correspondence to the City Planning Commission

The Chair noted that several written communication regarding the 1320 South University Rezoning petition had been received and had been provided to the Commission this evening.

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

None.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

- 8-a 12-0176** Noodles Restaurant Site Plan for City Council Approval - A Proposal to demolish the existing restaurant building and construct a new 2,679 square foot restaurant building at 2161 West Stadium Boulevard, reconfigure the existing parking lot, and provide additional landscaping on this 1.15 acres parcel.

AAA Ann Arbor Branch Office Rezoning and Site Plan for City Council Approval - A proposal to construct a new 5,443 square foot building on a parcel north of the existing AAA office at 1200 South Main and demolish the existing building upon completion of the new office to accommodate parking. Rezoning of a portion of the 1200 S. Main Street parcel from "O" Office District to "P" Parking District is requested to allow a principal use of the parking on this 1.55 acres parcel.

Received and Filed

9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org.)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 9-a 12-0175** 1320 South University Rezoning and Area Plan for City Council Approval - A request to rezone this 0.81 acre parcel from D2 (Downtown Interface) to D1 (Downtown Core) with conditions. The petitioner has submitted an area plan in support of the rezoning request showing that a 145 ft tall, 148,876 sq ft mixed retail and residential building with surface and below grade parking could be built with the proposed zoning. Staff Recommendation: Denial

DiLeo presented the staff report.

PUBLIC HEARING:

Bob Snyder, president of South University Neighborhood Association, 1939 Jackson Avenue. He said he wondered when Ann Arbor decided to move to big-house, ugly boxes. He asked how big is too big and how tall is too tall, and where does the University town stop and the downtown start. He spoke to the D1/D2 classifications

and asked, What part of no, don't you understand?

Marc Gerstein, 1321 Forest Court, where he has resided since 1982. His house abuts the rear boundary of the 1320 property. He urges support of the Planning staff to deny the rezoning request, stating, D2 was, and continues to be, warranted. There was and is no error in its classification. There have been no changes in the neighborhood since the D2 was adopted, that would support the petitioner's claims. The D2 designation was intended to provide a buffer, and an interface, between the residential housing on Forest Court and the high-risers on South University, most directly the 14 story, Landmark building, which had already been approved at that time. He urged the Commission to deny rezoning.

Ethel Potts, 1014 Elder Boulevard, said she was one of the many involved in the A2D2 effort. She said the staff report accurately states action that lead up to the D2 zoning. She said she would have preferred this parcel to be rezoned residential, but if this was the decision, D2 is the only appropriate zoning. She said D2 would serve as a buffer between the high density D1 and the residential zoning. She said that the D2 was not made in error, and that D2 is what belongs here.

John Nystuen, 1016 Olivia, read a letter from one of his neighbors. The resident noted opposition to the rezoning request and indicated the current zoning was discussed at earlier meetings. Any attempt to depict the South University area as being inhabited by only students is discriminatory. D2 acts as a transition buffer. Throwing away safeguards would set a crumbling precedent.

Steve Kaplan, owns property on Church Street. He said he was part of the discussion several years back. He said that this is exactly what D2 should look like, and its purpose would be served. He said he has no affiliation to the Landmark, but felt Landmark contributed to the pattern of development in the area, and a change would be harmful to them and the sense of integrity that a developer would rely on. He said D2 was right in the first place.

Christine Crockett, president of the Old Fourth Ward Association, said that the A2D2 plan is not a mistake. Every aspect was carefully considered. She said it was shocking to have someone come forward and say this plan has an error in it. The plan expresses the intention of the community. She said they need to look at this request as setting a precedent; if this was an error, could not anyone assert this? This plan represented a well thought out compromise. She thanked Planning staff for presenting the case so clearly.

Betsy Price, 905 Olivia, acknowledged all the work that went into the planning and zoning process, working together to achieve a compromise. These guidelines were not made in haste or were they serendipitous. She stressed the strong multi-neighborhood, citywide support of the Planning staff recommendation. She stated it's time to adhere to existing regulations and guidelines.

Brad Moore, architect for property owner petitioner, pointed out that Planning Commission recommended that this be a D1 parcel, and it wasn't until Council asked the Commission to change their recommendations that this changed to D2. He said the D2 zoning allows 200% FAR, and 400% with premiums. He said that due to unique conditions of the site, it is very difficult to do this. He outlined that the required setbacks take about a third of the site. He noted that the building code will not allow building windows within 10 feet of the west property line. He illustrated a storm sewer that crossed the site. The building would only be 60 feet/5 stories in height, and with required driveways you end up with a small footprint, with building above. He said that on this site you will not be able to get 200% FAR, and that it does not reflect the

realities of the site.

Susan Friedlander, representing petitioner, noted that this property was rezoned from R4C to C2A, which was a more intense use. She said that the City Planning Commission and staff recommended D1 zoning. When this came back to City Planning Commission in May, the City Planning Commission decided to keep all parcels in South University as D1, except for this parcel and another adjacent parcel to the south as D2. She said the City's Master Plan is inconsistent with respect to this parcel. She said it shows in the Central area plan as core property and not an interface property. She said the Transportation plan, adopted in 2011, shows this parcel for the highest possible density. She said the Downtown Plan shows the parcel as interface, noting there is an inconsistency in regards to this specific parcel. She said they saw this parcel for so long as D1, and overnight it changed. She disagrees with Planning staff that this is economically feasible. She said there are 1718 people in the same census block group as the petitioner with 1712 of them being renters. She said in making their decision, the Commission should not be looking at the expectations of 6 people. She also offered to further restrict the permitted uses to exclude industrial and transportation uses.

Jim Valenta, Midwestern Consulting, Traffic engineer for project, noted that the common thread of projects he has worked on is non motorized transportation. He said this project works closely with the City's non-motorized plan and is supported by the AATA.

Gwen Nystuen, 1016 Olivia, said that she is representing near neighborhoods and it is important to have edges between commercial and residential. It's important to be a step down from Main Street to a neighborhood. She urged the Commission to follow the outline from staff

Peter Nagourney, 914 Lincoln, spoke as a representative of Burns Park, saying he supports the findings of the staff report. He said the original rezoning of the parcel to D2 came after many years of neighborhood meetings and City discussion and negotiations. Any change would set a precedent, threatening other D2 neighborhoods, like Kerrytown. Why should someone go to considerable expense when previous efforts did not prevail? Even with previous actions, there is perceived wiggle room based on interest in increasing density. He said he would like to maintain faith in the integrity of the planning process. He said if the motion is approved, he would have to conclude that the City of Ann Arbor has sold out to private interests, and the needs and interests of neighborhoods have no relevance.

Earl Barr, 1320 Forest Court, agrees with the denial of the zoning change.

Ray Detter, Downtown Area Citizens Advisory Council, supports staff recommendation for denial. He said there has been no change or mistake, or changing conditions. The proposed D1 zoning is not consistent with the city's plans. He said the intent of the D2 zoning designation is meant to preserve as incremental transitions between neighborhood edges and the core area. He said the Downtown Area Citizens Advisory Council is committed to careful planning and they were part of the first Downtown Plan in 1988 and the most recent one, Central Area Plan and other initiatives. He said they want to make downtown planning even better. He said the Commission is being tested if you are going to continue to follow adopted plans, or support or reject projects based on whether or not you like them. He said if they allow this rezoning to be approved, it would undermine community expectations for downtown development following carefully adopted City plans and encourage future developer to get around our adopted plans. He asked that the Commission reject the proposal.

Eleanor Linn, 1321 Forest Court, said it has been a long slog as the owner of this property has come back repeatedly to build a big building behind her 2-story house. The A2D2 process was carefully thought out for core buildings, stepped down commercial buildings, and the preservation of residential homes. She said her street has a dozen such homes that were built in 1900-1910 and are all well maintained. The petitioner represents this street as being trashy and occupied only by students, which is far from the truth. She asked the Commission that they affirm the A2D2 designation and uphold the judgment of Planning Staff.

Moved by Pratt, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1320 South University Avenue rezoning from D2 Downtown Interface base/South University character overlay district to D1 Downtown Core/South University character district, with conditions, and Area Plan.

COMMISSION DISCUSSION:

Bona responded to the petitioners concern about conflicting plans. She noted that the Downtown Plan prevails, and the other plans are complementary. She said that she started her term on the Planning Commission by going through the A2D2 process, and that she is not at the same place today as when she started. She said there was a very in depth process and a lot of work that went into the process. Even though she didn't agree with every single decision, it was a community decision. She offered some context on what happened in the process: one of the original intents of the Land Use Plan was a desire not to encroach the downtown into the residential neighborhoods. She said the property had been redeveloped to a density that was higher than what they believed should be allowed in the R4C designation.

Bona continued, this property was incorporated in the C2A because it was considered to be an outlier and should be part of the downtown. At that time, the interface zone was an idea that had not been implemented, and they didn't have an option to zone to an interface when they zoned it to C2A. While it might seem illogical that they up zoned the parcel then down zoned, it did fit with the way the downtown was being looked at, at that point in time. She said the idea of stepping down fit with the concept.

Bona added, that with the development challenge, she believes the Planned Project option is intended for sites such as this, to allow flexibility without having to rezone the property.

Pratt agreed, adding that C2A was desirable at the time, but that was the only tool they had. He agreed that site specific challenges could be addressed through other processes. He said there was a lot of time spent on this area, and he would not want to undo the consensus on this.

Adenekan thanked Commissioner Bona and Pratt for the history, since she is new to the Commission.

Derezinski said this was an incredible process that represented a compromise. He noted that this is the process, where you come up with the best you can. He is happy to hear the staff gets praised and agrees with the praise. He said that it is not unheard of for the property owner to want to try this, but the neighbors are also looking for certainty. He said that the certainty of zoning is for property owners and neighbors, as to what they can expect. He said the D2 zoning designation is reasonable and is sufficient for now, and should be left alone for some time to see how it works out. He said he supports the staff recommendation and will not support

the rezoning request.

Westphal said that the Commission shares in the excitement of the changes on South University and supports the merchant association's efforts. He said it would be nice to have more development in the South University area; yet, he concurred with the comments thus far. There is a strong track record of working out compromises where a certain parcel does not fit, such as PUDs and Planned Projects. He said it was unusual that this parcel got bounced around, through either too low zoning or too high zoning. He hopes this won't be taken as a rejection, but rather as a willingness to work harder to make it work.

Woods agreed with comments presented this evening. She said she thinks they got it right the last time. She said she is reluctant to make changes until they see what the effect of having the Landmark building will have on the area. She applauded staff and appreciates their work and history on the development. She said that if the petitioner wants to come back with another proposal, she is sure staff and the Commission will be happy to review it.

Giannola also agreed with comments. She said that she wasn't on the Commission at the time, but she watched the Council meetings, and there was no doubt that this parcel was intended to be D2. She said she sees this as being appropriate for D1, but her personal preference of wanting the whole block to be consistent does not override the master plan and the will of the public.

Mahler said that he initially supported D1 for this site, but they went through a robust political process and they worked out a compromise. He said he didn't see any appealable errors that were made in the decisions. He agreed with the staff recommendation. He said it wasn't within the City Planning Commission's purview to make economic considerations, about the viability of a parcel under various zoning designations, a part of their deliberations.

DiLeo noted that the petitioner offered additional conditions if the parcel would be rezoned to D1, which included limiting uses to D2 uses, except no transportation and no industrial oriented uses

On a roll call vote, the Chair declared the motion defeated, and the Commission recommendation for denial be forwarded to City Council.

Yeas: 0

Nays: 8 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Absent: 1 - Erica Briggs

10 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)

None.

11 COMMISSION PROPOSED BUSINESS

None.

12 ADJOURNMENT

A motion was made by Adenekan, seconded by Secretary Giannola, that the meeting be Adjourned. On a voice vote, the Chair declared the motion carried.

Meeting was adjourned at 8:37 pm.

**Eric Mahler, Chair
mg**

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