



# City of Ann Arbor

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

## Meeting Minutes City Planning Commission

---

Tuesday, December 6, 2011

7:00 PM

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

---

9-c 11-1492

Technical Amendments to Chapter 62 (Landscape and Screening) - Amendments are proposed to 1) revise the interior landscape island requirements to apply only to site plan extensions or projects that require City Planning Commission or City Council approval, and 2) revise the conflicting land use buffer standards to apply to the R3, R4A, R4B, R4C, R4D, and R4E zoning districts and exclude the R4C district. Staff Recommendation: Approval

*Kahan gave the staff report.*

### **PUBLIC HEARING:**

*Ethel Potts, 1014 Elder Boulevard, said that the proposed amendments are not an improvement to the code. She said that there is a need for screening in R4C districts. She said that 12 feet of side setback is not enough to screen residential houses from larger abutting buildings and they need a screening buffer in the side and rear. She suggested to keep the buffer requirement and include standards for modifications. She asked why R4C neighborhoods are being singled out for no buffering. She said these older liveable neighborhoods with attractive scale is where buffering is needed the most.*

*Noting no further speakers, the Chair closed the public hearing.*

**Moved by Derezinski, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 62 (Landscape and Screening) Sections 5:602 and 5:603 regarding interior landscaping and conflicting land use buffer requirements.**

### **COMMISSION DISCUSSION:**

*Briggs said that she felt new development requires buffering, while at the same time she can understand that flexibility is required for new developments. She said that City Place is an example of a new development in an existing residential area. She asked for further clarification from staff.*

*Kahan said that prior to amendments to Chapter 62, the City did not require a conflicting land use buffer or buffering of any residential developments. He said that one of the concerns after the amendments were adopted was that many of properties in R4C are quite small and if you exclude 15 feet on the periphery of the sites, you limit those that can meet the requirements, especially if you include a driveway. He explained that the amendments encouraged developers to assemble as many properties as possible for new construction. Kahan said that the R4C districts are unique and they didn't necessarily want to encourage the assembling more than the historical pattern.*

*Rampson said that since the average lot size is only 4,000 sq. ft in the R4C districts, imposing a 15 ft buffer on the sides and in the rear doesn't leave much of the parcel left. She said that even if it were limited to new development, it could impact small*

scale development. She explained that the conflicting land use buffer is primarily a suburban approach and not necessarily what they were hoping they would see in a very urban district such as the R4C districts, where they are, for example, looking for front porches to be closely situated.

Rampson said that because of the practical physical constraints of applying the buffer in the R4C districts, the committee felt it would be better to take out the requirement for now and if further zoning recommendations should come from the committee then they could incorporate the land use buffer issue if they felt it should be re-added.

Briggs asked about the possibility of providing exceptions in the code for those projects that are same in scale.

Kahan asked if she would like to see accommodations in the code for those bringing in something similar in character and scale.

Rampson said that something could be drafted, but the challenge would be to come up with something that is fair in terms of comparison.

Westphal suggested that the threshold could only kick in at a certain lot size or floor area, thereby if multiple lots were assembled the conflicting land-use buffer would apply. He said that a threshold could be called for example, The City Place exemption, in order to protect the neighbor.

Westphal questioned the notion and definition of 'conflicting land use' asking if it could refer to two similarly zoned parcels situated next to each other, such as in R4C districts. He said it would be important to make sure that the definition didn't conflict with any current definitions in the zoning chapter.

Rampson said that she believed it to be a term that is used but that there isn't a definition of what a 'conflict' is. She offered to look into the construction of the zoning language on this matter.

Westphal said he was curious to hear what other Commissioners had to say on the topic.

Bona said that she appreciates the concern for new construction in R4C districts, but she didn't want to solve the problem by making the problem worse. She would rather like to keep the pressure on the Planning Commission and the City Council to solve the R4C problem through having appropriately zoned and regulated buildings in R4C districts than try to instill a suburban solution onto an urban neighborhood.

Bona stated that she supports taking out the required buffer while she also supports having a clearly defined exception, whatever it might be. She didn't believe that such a definition could be clarified at the evening's meeting and suggested tabling the item in order to see if there was such a definition. She expressed the need to solve the R4C zoning problems and not simply band-aid solutions onto buildings that they don't want to see constructed in the first place.

Adenakan agreed with Bona about opening up another can of worms.

Derezinski agreed with Bona and said that staff is now working on the results of the last R4C advisory committee meeting and there will be an opportunity for a full discussion on the subject, stressing that the R4C is a major effort. He suggested that they take action on the amendments before the Commission, since they are based on addressing issues that have come up in real instances and will help to create

*more flexibility.*

*Mahler said that his concern with adding a threshold would be going beyond the scope of technical amendments and making substantive changes to the ordinance would require more than what the Commission could address at the meeting.*

*Briggs agrees with the Commission's intent. She said the fact that current zoning allows City Place to be built, and unless there are accommodations for that now, she felt they were ignoring problems today. She said that these provide protections for projects like City Place. She said she was open to table the item to allow them to find out if there is any language that can be developed for the middle ground.*

**A motion was made that action on the proposed technical amendments to Chapter 62 (Landscaping and Screening) Sections 5:602 and 5:603 regarding Interior Landscaping and Conflicting Land Use Buffer Requirements be postponed.**

**Woods offered a friendly amendment to the motion to exclude Section 5:602(2) (d) and (g) Vehicular Use Area Landscaping and Screening.**

**On a roll call, the vote was as follows with the Chair declaring the motion defeated.**

**Yeas:** 4 - Bonnie Bona, Wendy Woods, Erica Briggs, and Kirk Westphal

**Nays:** 4 - Eric A. Mahler, Tony Derezinski, Diane Giannola, and Eleanore Adenekan

**Absent:** 1 - Evan Pratt

*Westphal stated his concern about the timing of R4C moving forward, and would like to see a disaster proof threshold added until the R4C zoning is addressed.*

*Giannola said the buffer "protection" is new, and felt it was intended for projects built on the periphery. She said this is the unintended consequence and the Commission should pass the amendments now and go back to revisit the whole R4C zoning issue later and deal with the specifics at that time.*

*Derezinski agreed to get this amendment taken care of now.*

**On a roll call, the vote on the main motion was as follows with the Chair declaring the motion carried.**

**Yeas:** 6 - Bonnie Bona, Eric A. Mahler, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

**Nays:** 2 - Wendy Woods, and Erica Briggs

**Absent:** 1 - Evan Pratt