



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
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## Meeting Minutes - Draft City Planning Commission

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Tuesday, January 15, 2013

7:00 PM

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

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10-c 13-0027

413 East Huron Site Plan for City Council Approval - A proposal to demolish two single-story commercial buildings and a residential building on this 0.92 acre site and construct a 14-story, 271,855 square foot mixed use building containing 216 apartments with 537 bedrooms, and ground-level retail and lobby space. 139 parking spaces will be provided in two underground levels, to be accessed from East Huron Street. 10 surface parking spaces will be provided at the rear of the building, to be accessed from a driveway on North Division Street. Staff Recommendation: Postponement

*DiLeo presented the staff report.*

**PUBLIC HEARING:**

*Conor McNally, Chief Developer of Carter, representing the owners, said several members of the development team were present to answer any questions from the Commission. He said this project will add to the downtown Ann Arbor core, and the project was designed to meet the requirements. He said they made sure to acquire the corner parcels so the building could be brought to the corner and a side setback of 25 feet and 35 feet in the rear could be created. McNally said they have gone through the Design Review process, which included thoughtful discussion, and they have since met with neighbors and made substantial changes. Some of those changes include a signature architectural element with a two-story retail feature, pulling the first floor retail facade back from Huron Street, moving the service area back along Division Street, breaking up the facade of the structure along with material changes, in order to help make the structure not feel so large in massing. He said they continue to work with staff and unfortunately, have not received comments back from the MDOT review. He requested that the Commission recommend the project for approval with the condition that the MDOT review comments come in.*

*Norm Tyler, 126 N. Division, Downtown Design Guidelines Citizen Review Committee, said this is a massive project. He presented an image of the building compared to his house, stating that this is a massive student warehouse. He said this is 100,000 square feet larger than the Varsity project, which is being built across the street. He went over a handout [401-413 East Huron Street Proposal; Comments of the Design Guidelines Citizens Review Committee, 3 January, 2013] that outlined the Downtown Design Guidelines and how this project failed to meet them. He presented an image of his own shading analysis that showed the three neighboring houses, one being his house, will be in shade most of year. Their number one concern is massing.*

*Norman Hyman, 300 East Long Lake Road, Ste 200, Bloomfield Hills, attorney representing Sloan Plaza, said his letter in the Commission packet covers many issues. He stated that density is only one of the factors to consider and another is impact on surrounding area. He said they asked for a shading study and were told by*

*the developer that they weren't required to do one. He asked that they consider the traffic impact of the project; the location of curb cuts in proximity to the intersection and the location of curb cuts in proximity to other properties on E. Huron. He said they don't see where this information has been provided by the developer. He said mitigation is in order, but he doesn't see any proposed, adding that it would be premature in terms of approval. He made a point of the fire issue, stating that this is a massive building on a constricted site and with 517 bedrooms and 216 apartments he felt it inconceivable that there should not be adequate access from the exterior to the interior site and adequate circulation within the site. He stated that we have a serious fire safety hazard both with respect to the residents of this building as well as the Sloan Plaza property. He said there is a setback issue, since the mentioned 25 feet is not a real setback because there will be a ramp on the east side leading to the underground garage. He said it isn't appropriate that the building should go right up to Sloan Plaza property line and doesn't take into account the Design Review Standards. He said he hasn't seen the development agreement and would like to see it to make sure it covers the necessary concerns of the residents. He said they are concerned about the streetscape and that the building juts out.*

*Christine Crockett, president of Old Fourth Ward Association, which she noted also includes the Ann Street historic block and the Division Street historic district. She handed out pages from the Downtown Plan and said this building is not consistent with the D1 zoning, and did not take into consideration the character areas in which it is located. She said the developers looked across the street and at City Hall and decided that was going to be their area, but failed to take into consideration the historic parcels and districts as well as the setback of the Campus Inn. She said the design does not respect anything in the character area and looms and lingers over some important historic districts that this City has chosen to protect. She referred to Page 33 of the Downtown Plan, noting that it says to create special overlay areas and incorporate design guidelines. She said the petitioners ignored the context, and the behemoth building does not belong there. She said this is a Lego building, with different colors, but still Lego. She said this is the first time the Historic District Commission has taken a position against new development. She stressed the tree disturbances that will occur, adding that there is lots of information available on the MSU site about what is required to make trees grow and thrive. She said they have several signature landmark burr oaks that are threatened by this development. She said regarding the buffer zone that they are required to put in, she doesn't know of any trees that can grow in shallow soil and without light.*

*Ellen Ramsburgh, 1503 Cambridge Road, said in December 2012 the Historic District Commission passed a resolution regarding their grave concern on the impact of the proposal on the adjacent Old Fourth Ward Historic District. She read the resolution to the Commission noting that the changes made will be irreversible and have a permanent damaging effect on the Old Fourth Ward district.*

*Doug Kelbaugh, who lives across the street in the Armory, said he is a professor in the Architecture and Urban Planning College and has a concern about the streetscape at the eye level on Huron Street. He said the new building will be hard on the sidewalk along Huron and as high as Campus Inn. He said going east on Huron, the building will jut out even further, because the street happens to narrow there by 10 feet. He said going east from City Hall you will be looking into a wall 14 stories tall. He said looking south on Division, the building will stick out 30 feet. He noted that this is permissible per code, but he believed they will come to regret it as a sore thumb.*

*Eleanor Pollack, 515 Detroit Street, said she was a member of the original Ann Street Historic District study committee. She said what pulled her out of her house was the matter of noise and sound. She said that they had to deal with the sound of*

mechanical equipment from Zingermans. She said in this situation, Ray Detter and others will be right next door and forced to listen to the sounds. She asked that they require the developer to buffer the sound, noting that it can be done and should be required. She said in 1988, the first Downtown Master Plan came out, and anytime development encroached on a residential neighborhood, it was spoken to be in character and to respect that neighborhood. She said in 2004, the DDA did a Huron-Division-Fifth study where, once again, they said when new development comes in, it needs to respect the character of the historic district. She asked for that to be kept in mind.

Susan Friedlaender, attorney representing the petitioner, said the question before the Commission tonight is whether the project meets the requirements and standards of your zoning ordinance and planning document. She said it does, and staff has said it meets the minimum and maximum requirements and the infrastructure is adequate, and the City's Traffic Engineer agreed with the petitioner's traffic report. She said the Fire Department wrote a letter, provided in the packets, that they stand behind their original comments and requirements. She said the city worked long and hard on the A2D2 zoning process, and all these issues involving the E. Huron area and it being close to the historic district were brought up, but the City made the decision to zone it D1. She said the project meets those requirements and it's hard to understand why there is a recommendation for postponement, adding that it is not the petitioner's fault that MDOT has not responded yet. She said if the review comments come back from MDOT and they recommend mitigation off site, it wouldn't affect the project. She said it is unfair to delay the project from moving forward when it can be recommended for approval contingent on the response from MDOT.

Alison Stupka, 225 Buena Vista, Old West Side neighborhood association, said that there have been four projects in their neighborhood; the YMCA, Liberty Lofts, 618 S Main, and the First & Washington apartment building, that they have reviewed and supported because the developer was sensitive to neighbors. She said she doesn't see this developer being sensitive to the neighbors with this project that is being put before them. She said for the 618 S. Main project, the developer scraped the whole plan and started over. She said she finds it inconceivable that no shade study has been done for this project.

Hugh Sonk, 505 E. Huron, agrees with comments about massing and setback. He said the proposed project is roughly 50% larger than The Varsity being constructed, and it created quite an overwhelming presence on that block. He said several of the neighbors have offered suggestions on ways that would lessen the impacts on the neighbors, but the development team don't seem interested and seem to be on a tight schedule. He said they will have to live with the results of the project for 100 years so he doesn't feel it unreasonable for the planning process to take a few months longer, if necessary. He said he would like to see modifications to the project so it has less negative impact on the neighbors and more of a positive impact in the community.

Ilene Tyler, 126 N. Division Street, Ann Arbor Preservation Alliance, met with developers three times. She said they listened, but did not offer modifications that responded to their concerns. She said the developers don't care about our important landmarks or the impact this project will have on the historic district. She said the opinions summarized in the packet from public input session do not accurately represent comments. She said there were 50 people at the meeting and all that spoke at the meeting, spoke against the project. The comment in the report does not address the issue of alignment of building's line of sight. She had stated that the building should be reviewed in the round, with the space around it. She read from the code that outlines the purpose of overlay districts. She also read from a prepared

statement why she believed the project did not comply. She said she didn't understand why premiums are by-right and would like that explained. Tyler felt that housing designed for students alone wasn't flexible design, affordable or diverse and shouldn't be counted as an incentive to give developers extra building height, adding that it hurts and ghettoizes their neighborhood. She said surface drainage and run-off are a serious threat to their property. She stressed that access to sunlight is a human need, and she is very concerned with the loss of sunlight and the reverberating sound that will come onto their property will be horrendous living conditions. She said they have just completed a refurbishing on their house and she is crushed to think that their property value will diminish. She said they depend on the sunlight for solar heating in their house and is an inherent green feature in an historic house. She asked why that should count less than LEED certification at the silver level for the proposed building, adding that she feels that her solar gain is just as important as her property value and needs protection. She asked the Commission to give that consideration tonight.

Scott Reid, 721 E Kingsley, said he has lived in different places in Ann Arbor for five years and stated that this project is desperately needed in this area. He said he walks past this lot every single day and the current lot is pedestrian hostile. He said if we had a large mixed use building, we would have a lot more density and vibrancy, with people walking around. He said the developer had informed him that this building is not just for students, but for anyone. He said this area needs this project, and with Google located just one block away, there are people that will benefit from living and working so close. He said referring to this as a student warehouse is a gross mis-characterization of this property. He said in terms of historic district objections, he felt there were a lot of misleading fears and doubts being sown in these types of developments; NIMBY-ism, where people don't want to see this in my back yard. He said we need to look at the benefits of this project to the entire City and not just the ones living nearby, adding that we need to look at the intrinsic benefit to the entire city.

Don Buchette, resident of Sloan Plaza, said he and his wife moved to the downtown because they liked the urban experience. He said this project will be massive. As one drives up Huron Street, you will see 150 feet of darkness that will dominate the City. He said it will be the most massive building in Ann Arbor and it will be ugly and it will be dangerous. He said there will be The Varsity building and the churches that will use the one lane for parking on Sundays, and students will jaywalk across the street heading for campus, creating dangerous congested conditions. He said Ann Arbor has a tradition of intergenerational living and if the project was aimed at the boomer generation, like him, they would want to move downtown, but they don't need this mass. He said it would be folly for the City to approve this, and we will regret this. He said it will be a nuisance and he hopes that they can stop the project and vote it down, because it isn't good for us or our City.

Peter Nagourney, Co-Chair of the North Burns Park Association, read a quote from Huxtable, and asked if their response in viewing the new building will be delight and dignity, and will it improve their experience or will it be revulsion as an eyesore for decades that will make citizens wonder what went wrong with the Ann Arbor's planning and design review process. He said Ann Arbor's architecture represents its appeal and identity and is its most public art. He said this proposed structure violates this art's appeal in too many ways. He said it provides no graduated step downs to the neighboring 2-story houses, but leaves them in a permanent winter shade. He said this is a wrong building for this important corner and in no way satisfies Ann Arbor's future planning and design needs.

Dr. Phyllis Boneface, said she owns a commercial unit facing the proposed project

and would be the closest unit to the foundation of the new building. She said the noise level will impact her psychiatric practice as well as three other practicing psychiatrists in the building, noting that they require a reasonable quiet environment. She said the foundation will be on the lot line, which is where her window is. She said there are many elderly residents living in Sloan Plaza and the construction will impact their health.

Steve Kaplan, 418 E. Washington, landlord, stated that his observation while listening to the arguments in favor of the building are density with a capital D – yet very general. He said comments are very specific about how they are trying to achieve this density. He said he is hearing that this project does not achieve the density that allows people to live in their houses the way they are used to, and that needs to be considered. He said a building with over 519 beds will be student housing from his experience.

Ellen Thackeray, National Trust for Historic Preservation, Michigan Historic Preservation Network, stated that she came to request that the Commission reject this proposal, as it stands. She said it is not because historic preservationists are against density or new development. She said the organizations she represents accept that really good complementary development can happen on the edges of historic districts and they can enhance the quality of life and add to the neighborhood. She said the scale and mass of this project is not going to add anything, noting that there is no step back in the design and they request that they reject the proposal in its current state.

Eleanor Linn, Forest Court, said she is opposed to the construction of the monolithic building proposed for 413 E. Huron Street. She said it makes sham of historic district designation. She said she walks to Kerrytown several times a week and there are many routes she can take to get there and she usually chooses to go past the many lovely historic homes on Division Street and Ann Street. She said the property owners take on costs of maintaining their houses and we enjoy them without cost. She said the least we can do is to allow them fresh air and sunlight. She noted that when the Landmark building was built they needed to pull the building away from the lot line and provide a green buffer. She urged the Commission to vote against the project and have developers rethink the north face.

Ben Bushkuhl, 3186 Bolgos Circle, and Historic District Commissioner, said his experience on the HDC has shown petitioners that come with a project and after receiving the review and feedback from the Commission, they have stated that they ended up with a much better project in the end. He recommended that the project be postponed to give the applicant time to improve the project. He commented that they should take it as a compliment that they paid large sums to assemble parcels.

Marcelle Pasquelle, 602 E Ann Street, moved from a suburban area to Ann Arbor a decade ago. She said the concern is the quality of life that such a project can affect. She asked what will happen to this neighborhood when people in the historic district decide this is not where they want to live or continue maintaining their homes. She said they can move out.

Ray Detter, 120 N. Division, Downtown Area Citizens Advisory Council, said they are very opposed to the project because it fails to give consideration to design guidelines and the character area. He said the Design Review Board comments were ignored as was the opposition from the public. He said they proposed a planned project, but the developer did not want to consider that. He said the Design Review Board has watched the commitment to good architecture through the Connecting William Plan. He said the best art that the City has is in pedestrian friendly streetscapes, and 413

*E. Huron is not good architecture. He hopes that the Commission's review of the Design Review Board can extend the commitment to assist in putting teeth into the design guidelines. He said architecture that has a negative impact on its context can never be good architecture. He referenced the unprecedented comments from the Historic District Commission and asked the Commission to postpone the project indefinitely or to let them come back and negotiate a planned project.*

*Noting no further speakers, the Chair closed the public hearing, noting that if this item was postponed, the public hearing would be continued and there would be an opportunity to speak when this item came back before the Commission.*

**Moved by Briere, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street Site Plan and Development Agreement,**

**and further,**

**that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street alternative natural features mitigation for off site planting or cash contribution equivalent to six caliper inches of required tree replacement.**

*COMMISSION DISCUSSION:*

*Mahler asked if the bylaws allow for an agenda item to be discussed after 11:00 pm without a vote from the Commission to continue.*

*Rampson read from the bylaws, noting that it would be up to the Commission how they wanted to proceed, since the agenda item had been taken up before 11:00 pm.*

*Derezinski said that while there is ambiguity surrounding the agenda item, it would make sense to postpone taking action in order to allow time to receive comments from MDOT and others, as outlined in the staff report.*

*Bona said typically the Commission wants to get concerns on the table so at the following meeting they are not starting over; however she was not sure there was any harm in postponing.*

*Clein said his concern is that discussion may take an hour or more.*

*Mahler said if they postpone the item, they will have another public comment period.*

*Bona asked about possible agenda items for upcoming meetings.*

*Rampson responded that the next meeting would be February 5th, and there was currently one agenda item scheduled.*

*Westphal said another option for the Commission is to email requests for specific information to staff, or postpone the item for a limited amount of time.*

**Moved by Derezinski, seconded by Woods, to postpone this item. On a roll call, the vote was as follows, the Chair declaring the motion carried and the item postponed.**

**Yeas:** 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

**Nays:** 1 - Kirk Westphal