



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Tuesday, July 19, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

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. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. 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 'Subscribe to Updates' envelope on the home page.

1 CALL TO ORDER

Chair Ken Clein called the meeting to order at 7:03 p.m.

2 ROLL CALL

Planning Manager Ben Carlisle called the roll.

Present 6 - Clein, Briere, Mills, Milshteyn, Gibb-Randall, and
Weatherbee

Absent 2 - Woods, and Trudeau

3 APPROVAL OF AGENDA

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

4 INTRODUCTIONS

Chair Clein introduced new Planning Commissioner, Julie Weatherbee.

Weatherbee introduced herself and gave a few words on her interest in serving on the Commission.

5 MINUTES OF PREVIOUS MEETING**6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS****6-a City Council**

Councilperson Briere stated that City Council approved two projects at the meeting the previous night, 615 S. Main and Balfour Senior Living. She noted that there was little discussion of the senior living residence, but significant discussion about 615 S. Main, much of it centering on brownfield remediation, the design and function of the building, and whether the stated public benefits of the project were sufficient to warrant its planned project status. Briere said she would like the Commission to discuss the relationship between public benefits and the amount or percentage of deviation from the zoning code in these planned projects at a later date. She noted that the City has received a growing number of planned project applications in recent years and they need to be deliberate about the precedent they are setting for future developers.

6-b Planning Manager

Ben Carlisle welcomed the new Planning Commissioner. He noted that 2250 Ann Arbor-Saline Road is hosting another citizen participation meeting on July 28 at 6:30 p.m. at the Holiday Inn Express at 600 Briarwood Circle and that more information can be found on the Planning Department's website.

6-c Planning Commission Officers and Committees**6-d Written Communications and Petitions****16-1072 Various Correspondences to the City Planning Commission**

Carlisle noted that they received a few correspondences pertaining to the land division at 1861 Newport Road and all have been included in the packet. He explained that all correspondence received by 5 p.m. on the day of the Commission meeting will be included in the packet.

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.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

16-1073 Public Hearings Scheduled for the August 3, 2016 City Planning Commission Meeting

Chair Clein read the public hearing notice as published.

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 16-1074 Special Exception Use Child Care Center (Preschool) for City Planning Commission Approval - A proposal to use the existing church, located at 1500 Scio Church Road, for a preschool use for up to 45 kids ranging from 18 months to 5 years old. Hours of operation would be Monday to Friday 7:30 am to 5:30 pm and use the existing parking. (Ward 4) Staff Recommendation: Approval

Chris Cheng presented the staff report.

The Chair read the public hearing notice as published.

PUBLIC HEARING:

Ugo Buzzi, petitioner, stated that he is the Executive Director of the preschool being proposed and is available to answer any questions the

Commission may have.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Mills, seconded by Briere that The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to (1) a limit of the hours of operation from 7:30 a.m. to 6:00 p.m. Monday through Friday; and (2) a limit of the number of children to 45; and, therefore, approves the UnoDosTres Preschool Special Exception Use.

COMMISSION DISCUSSION:

Sarah Mills said she does preschool pick up and drop off every day and she imagines that people will not just be dropping off in that little lane, as younger children will definitely need to be escorted. Thus, she stated that the sizable parking lot adjacent to that drop off lane makes a lot of sense. She said she can't imagine that traffic will be an issue here. She thanked the church for putting a sign up saying that the public can use the park there as long as children are supervised.

Alex Milshteyn asked what the current use of the wing of the building is.

Cheng replied that the church is currently using it, but is not sure in what capacity.

Shannan Gibb-Randall said she agreed with Mills about the drop off zone. She asked about the lack of sidewalks in this drive and what occurs during inclement weather with regards to kids in the street.

Buzzi explained that the drop off area is a circular driveway and the entrance to the church is covered by a canopy. He stated that there is a sidewalk leading from the adjacent parking lot to the church.

Clein clarified that the parking lot does not get much use Monday through Friday as it is busiest on Sunday, so it would be utilizing an underutilized asset for the daycare during the week.

Cheng said yes, it is a good use of the existing facility.

On a roll call, the vote was as follows with the Chair declaring the

motion carried. Vote: 6-0

Yeas: 6 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

Nays: 0

Absent: 2 - Wendy Woods, and Scott Trudeau

9-b **16-1076**

Ali Baba's Restaurant Landscape Modification for City Planning Commission Approval - A request to continue using the existing landscaping at this site located at 601 Packard Street. (Ward 4) Staff Recommendation: Approval

Chris Cheng presented the staff report.

The Chair read the public hearing notice as published.

PUBLIC HEARING:

Damien Farrell, architect of the petitioner, stated that he was available to answer any questions.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Mills, seconded by Gibb-Randall, that the Ann Arbor City Planning Commission hereby approves the proposed landscape modifications in order to maintain the previously approved landscape plan according to Chapter 62 (Landscape and Screening Ordinance), Section 5:608(2)(c)(vii) subject to approval of the administrative amendment to the site plan.

COMMISSION DISCUSSION:

Gibb-Randall asked for clarification on the plant schedule. She noted that the petitioner indicated that they would be planting a 35 foot tall Honey Locust. She asked if they meant a standard two foot tall caliper, as per City requirements.

Farrell responded yes, the other number was a mistake.

Gibb-Randall suggested that they look for a tree other than a Mulberry as it may be difficult to locate.

Julie Weatherbee said this is a site she walks by frequently and the

landscaping is quite nice. She noted that as it looks nice presently, she has confidence that it will look nice in the future with these proposed modifications.

Clein said he frequents Ali Baba and is also confident that the owner will do a nice job with this project.

Carlisle said to address Gibb-Randall's comment about plant species and timing, if this project is to be approved, a specialist on City staff would work with the petitioner so that the appropriate species for the time of year and climate are selected.

On a roll call, the vote was as follows with the Chair declaring the motion carried. Vote: 6-0

Yeas: 6 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

Nays: 0

Absent: 2 - Wendy Woods, and Scott Trudeau

9-c **16-1075**

Burger King Victors Way Landscape Modification for City Planning Commission Approval - The petitioner is proposing a Landscape Modification at 725 Victors Way. The change proposed to the parking lot is the removal of 3 parking spaces to create a connecting driveway to the parking lot to the north. Since no new additional construction is proposed, no bio-retention is proposed in existing landscaped islands. (Ward 4) Staff Recommendation: Approval

Chris Cheng presented the staff report.

The Chair read the public hearing notice as published.

PUBLIC HEARING:

Noting no public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Mills, seconded by Gibb-Randall, that the Ann Arbor City Planning Commission hereby approves the proposed landscape modifications according to Chapter 62 (Landscape and Screening Ordinance), Section 5:602 (2)(g) and 5:603 (1), subject to the removal of the curb cut to South State Street and landscaping of a portion of the South State Street driveway as shown on the approved administrative amendment.

COMMISSION DISCUSSION:

Mills said she remembers discussing the site plan for the hotel adjacent to the Burger King and she thinks creating a vehicular connection between the hotel and the Burger King parking lot makes a lot of sense. She stated that removing a curb cut on State Street also makes a lot of sense and is a fantastic idea. She said that the creation of the island off of Victors Way seems like a good idea, or best practice. Mills commented that she has always thought there was too much parking at this location and it would be great if this lot could become shared parking at some point in the future.

Briere stated that she cannot locate the pedestrian route between the proposed hotel and the Burger King on the plans.

Carlisle indicated two pedestrian pathways between the hotel and the Burger King parking lot on page three of the site plan.

Clein stated that the easternmost sidewalk appears to go straight, then diagonal, then straight again, between the hotel and the Burger King. He said it appears to be quite narrow in the section where it runs diagonally.

Cheng said that the section of the pathway that runs diagonally is existing walkway; the new path connects to that.

Clein said he thinks that this plan offers nice advantages such as getting rid of the curb cut on State Street, which will enhance safety. He commented that he appreciated the connectivity between the two properties as well. He added that as the parking lot already exists, it would not make sense for the Commission to have the petitioner go in and tear it up to add landscape islands.

On a roll call, the vote was as follows with the Chair declaring the motion carried. Vote: 6-0

Yeas: 6 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

Nays: 0

Absent: 2 - Wendy Woods, and Scott Trudeau

10 UNFINISHED BUSINESS

10-a **16-1077** Discussion of Downtown Zoning Premium Amendments

Megan A. Masson-Minock, consultant with ENP & Associates, gave a brief background of the Downtown Premiums Zoning Ordinance Amendments. She stated that in the downtown zoning districts, there are premiums that give additional FAR (floor to area ratio) if the developer meets certain criteria. She said the Commission was asked two years ago to reevaluate the premiums to see if they were rewarding the type of development that aligns with the current values of the City. She said they have been through a process of about a year and a half with lots of public engagement at the beginning, as well as several meetings with the Planning Commission, specifically the Ordinance Revision Committee. She stated that last month they held a joint session with the Planning Commission and the City Council to discuss the amendments. Masson-Minock reported that the main points brought up by the Commission during this working session were that they shouldn't offer premiums for things they could require, they want to encourage a sustainable and vibrant downtown, and they want to encourage affordable or workforce housing. She said that Michigan State law dictates that municipalities cannot control rent, so that is not a tool they can use for achieving affordable housing. She added that the Michigan building code is set at the State level so the City of Ann Arbor cannot amend their building code to require greater energy efficiency, as some municipalities can.

Clein said Masson-Minock gave a good overview of the matter. He stated that they had a joint working session with Council on June 13th and isn't sure if any definitive answers came out of that session, or if the public had voiced their feedback about that meeting. Clein said they could start the discussion by sharing general observations and then get into the three bullet points listed in the memo from Masson-Minock in more detail: (1) pedestrian amenity prerequisite; (2) Tier 1 premiums; and (3) Tier 2 premiums. He stated that he would like to set a target of 30 minutes for discussion and then they could see where they are. He said he does not know if they will reach a decision tonight.

Briere asked if they need to hold a public hearing for this item.

Carlisle said there is not a public hearing required tonight but the Commission should decide when to allow the audience members in the room to comment. He stated there would be another formal public hearing when they are ready to do so, at a future meeting.

Clein said they will have their discussion and then hear from audience

members in the room.

Alex Milshteyn said they had discussed commercial and office space downtown previously. He stated that there is high demand for commercial downtown, especially office space. He said it may be too late to have a conversation about encouraging office space to be built, but there is that feeling out in the community. Milshteyn noted that they are on the right track with residential, but are running into the situation where there is enough housing for employers, but not enough space for the employees to work. He stated that he does not know what the solution is, but he wanted to bring it up.

Clein said perhaps they could ask whether they need to incentivize building office space; it is already allowed downtown, but there is nothing in place to encourage it. He stated that perhaps they have the situation where they have made it too attractive to build residential downtown.

Milshteyn agreed that it has become too attractive to build residential downtown and thinks they may need to swing the incentives the other way to encourage the construction of office space.

Briere said she has heard a related concern from members of the development community that the expectation for affordable housing is too onerous. She stated that they had heard staff say that the payment in lieu system they have for affordable housing was very high and it could preclude developers from taking advantage of the premium; the end result of which being the discouragement of constructing residential. Briere said this brings her back to the original goal of what they are trying to accomplish with the downtown premiums. She stated that too easily attainable of a premium does not get them anything hard; too difficult of a premium does not get them anything. She added that waiting for the marketplace to give them what they want, however, is futile, as there can be fads not tied to actual values. She added that the comments of Milshteyn about the relocation of businesses into the heart of Ann Arbor is where this whole discussion started. She explained that there were many businesses located downtown in the year 2000, but not enough housing, so everyone had to commute. She stated that at that time, the City did not want more offices that people entered into and did not come out of until 5 p.m., they wanted housing. Briere apologized to Masson-Minock for questioning where they have ended up, as she has put so much work into this proposal. She stated that it appears that they keep going back to the same trough, but are not thinking as far forward as they should be. She asked how they can incentivize affordable housing, a

diversity of uses, and being able to live downtown without having to park a car because one can walk to work and to the store. She stated that that is the goal, and wants to know how they can achieve that.

Clein said another way to think about creating a place where people can walk to work and walk to the store is to create a vibrant and livable downtown that attracts people. He stated that he was not on the Commission when this process started with the A2D2 plan, but he was involved as a community member, and he remembers it being mentioned that they needed 5,000 to 10,000 people living in the downtown area to get that level of vibrancy and to be able to support a grocery store.

Briere noted that for a hardware store and a pharmacy, about 2,000 to 5,000 more people were needed and for a grocery store about 10,000 more people were needed. She said that was always predicated upon first that the businesses would open if the people were there, and that has proved to be true, and second if office and research uses had space.

Clein said to see Google moving out of downtown shows that there may be a lack of space for the office use.

Gibb-Randall said she has also heard from the development community that it is too expensive to build viable commercial downtown; residential pays for itself, but commercial requires very high rents to be charged. She stated that she is interested in knowing if Masson-Minock has looked into this as it was brought up at the joint working session with City Council last month. She said she is not a developer so she does not know if this is accurate, but this is the feedback she has received. Gibb-Randall has also heard that the price for the payment in lieu of building affordable housing is too steep.

Masson-Minock stated that in terms of it being too expensive to build commercial downtown, the lifetime of commercial is different; usually someone builds a building and will manage it and then they look for tenants. She stated that most of the residential buildings are different in that a developer will build the building and then is looking to sell it to an investor within 5-10 years. She said she has not heard feedback from developers that it is too expensive to build viable commercial in the downtown; what she has heard is that there are not that many large-plate parcels available for office. Masson-Minock added that she has also heard that it is difficult to find parking for that many employees, as businesses want parking for their employees internally or very close by.

She remarked that they have not done research into the price by square foot to build office or commercial in Ann Arbor comparative to other cities. She said one of the things they have talked about with staff in terms of process is talking to the Commission and getting clarity on the objectives of the ordinance amendments and taking those comments to the development community, getting their feedback, and then bringing it back before the Commission with amendments for an official public hearing. Masson-Minock said they didn't want to do that until they had come back before the Commission to discuss the three questions in the memo first.

Gibb-Randall said that is helpful and is glad there will be another check-in with the development community. She noted that there was communication at the beginning but as the project has evolved, it will be helpful to reach out to developers again.

Clein said he wanted to echo Masson-Minock's comments about the availability of sites downtown for large floor-plate offices. He stated that generally one is looking at building depths that are 90 to 105 feet deep and at least as long in the other direction, if not longer, and there are simply not many spaces downtown that can accommodate that without assembling parcels and tearing things down. He said it is a challenge to know whether to incentivize something for one or two sites. He stated that these are larger or more massive buildings in this case, and there are positives and negatives associated with that, and is not trying to come down on one side or another.

Mills stated that one of the things that surprised her is that they still have a residential use premium in Tier 1, full-stop. She said the goal is that they want a vibrant downtown and better buildings; in her perspective, she fears that prioritizing one use could be dangerous because they do not have the capacity to go back and revisit this as often as they would like, and retool when the market presents different needs. She said that is getting away from the original needs of the community, which were voiced as wanting more efficient buildings and affordable housing.

Briere added that they wanted prettier buildings as well.

Mills agreed, saying she is not addressing that issue now because she thinks that they had already decided that that is a good thing and will be required all the time, not just to unlock a premium. She stated that in trying to please everyone, they may be falling back to what they had before, which was a big menu of options where developers pick the lowest hanging fruit. Mills said that right now the premium for building residential

is so sweet that if it were not to exist perhaps building commercial and building residential would be on more equal footing. She stated that if this were so, then effectively, if a developer wanted the Tier 1 premium, creating a better, more energy efficient building would be required, which seems like a positive thing for the community regardless of the use. Mills said she does not want to lose the affordable housing and perhaps that would be better relegated to Tier 2. She explained that rather than writing in an incentive for office space, she would rather cut the really easy residential premium, and say the option for the premium is energy efficiency. She stated that they might need to discuss whether they want that to be the low hanging fruit, whether the 40 percent standard is hanging low enough that someone will take it. She asked what the standard the University of Michigan has.

Clein responded that the University does 30 percent better than the ASHRAE 90.1 standards for projects over \$10 million and they also need to be LEED certified.

Mills stated that currently within Tier 1, the second option of energy efficiency requires 40 percent better than ASHRAE 90.1

Clein said yes that is 10 percent better than what the University does.

Mills said they might consider matching what the University does and not going beyond it, as the 40 percent seems to be difficult for developers to attain. She added that as a pedestrian she values pedestrian amenities, but she is not certain that it should be something that every building that receives a premium has to have. She stated that she is concerned about small lots and about lousy pedestrian amenities that don't work; she would rather have them be targeted. She asked staff if a developer receives additional FAR for a planned project.

Briere said no.

Mills clarified that in a planned project a developer can get additional height, infringe upon the required setback, but cannot get additional FAR.

Alexis DiLeo responded that planned projects do not give any type of density or floor area or unit bonus; a developer can only work with height, up or down, or setbacks, back or forth.

Mills stated that even so, it does not change her assessment that not every project that gets a premium ought to have a pedestrian amenity.

Clein said if every project or property in the city had a plaza in front of it, one would lose the street wall effect, which is part of the charm and ambience on Main Street, for example. He stated that the pedestrian amenity there is in the public way. He said Mills makes a good point that perhaps not every project getting a premium needs to provide a pedestrian amenity, but maybe just the ones on larger sites, for example. He stated that in those cases, a pedestrian amenity provides some relief, so that the building does not appear to be looming overhead too close and large.

Briere said this is one of those challenges and why they tried to create that street wall presence. She stated that one of the options they have could lie not in a premium discussion, but in a right-of-way discussion. She said wider sidewalks in some locations might be what they really want. She stated that as she recalls when they were talking about area, height, and placement and moving things up to the sidewalk, the goal was to enhance the pedestrian experience, encourage walkability, and discourage people from lurking in corners. Briere said perhaps that is a discussion they should have when it comes to the right-of-way, to establish on corridors in downtown streets that the right-of-way should be wider, with wider sidewalks being a part of that.

Clein said he thinks they should clarify what the right-of-way is, and asked whether it is usually measured from curb back to curb back.

Carlisle stated that in the downtown the current right-of-way is pretty much set. He said if the right-of-way were to be widened, the City would have to go out and purchase it.

Briere said they could also encourage narrower lanes.

Carlisle responded that yes, they could keep the existing right-of-way and simply reconfigure driving lanes, parking, and sidewalks. He said that would be a much more detailed conversation to have with the Engineering Department, the DDA, et cetera. He stated that he does not know whether that would be feasible or not, but the current right-of-way width is essentially fixed.

Briere said she was thinking of 615 S. Main when she spoke. She stated that the right-of-way width on South Main is set, but the sidewalks on South Main are quite narrow; one of the amenities offered by the 615 S. Main planned project was to set the building further back from the street in

order to create a wider sidewalk. Briere noted that continuing the practice of wider sidewalks could be an opportunity for the Commission to think about, for example on North Main which has not yet seen the pressure to develop but could in the next few years. She stated that she knows not all of North Main is in downtown area or the DDA, but it is still a consideration, to have a right-of-way discussion. She agreed that pedestrian amenities that become tiny pocket sitting areas are not pedestrian amenities in the true sense. She stated that it is a challenge to address these community goals through premiums.

Clein said it is a challenge for the Commission in the sense that they are trying to look at the larger picture of the city as a whole entity and yet it only evolves parcel by parcel, project by project. He stated that it is very easy to get focused on what might happen with one project, but keeping the larger picture and time frame in mind is important, as these things might take decades to fully mature, and it is important to guarantee the most longevity they can to the housing stock. He said one of the reasons it is compelling to build residential right now is that it is more profitable for a couple of reasons; on the bricks and mortar side, a developer can build residential buildings with 6 to 9 foot ceilings while an office requires between 15 or 16 feet due to the centralized mechanical systems that must be in place. He explained that a residential building can maximize the space of the parcel in a way an office cannot. Clein stated that one idea could be to require buildings to adhere to the long life, loose fit policy, which means that the developer designs a building able to adapt to different uses. He noted that something that is happening a lot in Detroit right now is that industrial or commercial buildings are being converted into residential lofts and plumbing and other things are being added in; it is more difficult to convert the other way, to go from residential to commercial. He stated that it is almost as expensive to live in Midtown Detroit today as it is to live in Ann Arbor.

Masson-Minock asked if she could assess the opinions of the Commissioners by asking them a few yes or no questions to move the discussion forward.

Clein said yes.

Masson-Minock stated that they were discussing the pedestrian amenity requirement, and believes staff would agree that the blanket requirement has some drawbacks. She asked whether the Commission thought the pedestrian amenity prerequisite should be kept in the amendments but in a different form, perhaps tied to a particular sized project or lot, or

particular Character Overlay District.

Gibb-Randall asked Masson-Minock to clarify further.

Masson-Minock said she will phrase it differently. She asked the Commissioners to raise their hands if they wanted to remove the pedestrian amenity requirement entirely.

Yeas: 1 – Sarah Mills

Nays: 5 – Ken Clein, Sabra Briere, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee.

Masson-Minock stated that what she is hearing is that they want to keep the pedestrian amenity prerequisite, but for projects of a big enough size and scale so as to not make odd or unsafe places, preserve the street wall, and to mitigate the impact of large buildings on the pedestrian experience.

Briere said pedestrian amenities should be a requirement of the character districts.

Gibb-Randall asked whether making it a requirement of the character district solves the problem if the question of having a pedestrian amenity depends on lot size and there are many different lot sizes in each character district.

Clein said in certain character districts, such as the East Huron Character District, lot sizes are generally larger.

Gibb-Randall said yes, but there are also smaller lot sizes. She stated that it seems like there are so many exceptions she doesn't know if it would be meaningful to tie it to character districts.

Briere stated that she was thinking more in terms of the D1 and D2 districts.

Masson-Minock said she is hearing Briere say to limit the pedestrian amenity requirement to the D1, and is hearing from Gibb-Randall and Clein to have the pedestrian amenity requirement only in the D1 but further limit it to parcels of a certain size, or frontage, or width.

Gibb-Randall said it is a scale issue for her but does not know what the cut off should be.

DiLeo asked if they thought it was important to address the pedestrian amenity through the premiums, which would be catching only a subset of downtown development, or address it through either base zoning or character overlays and within that have thresholds.

Clein responded that the latter option rather than the former would make more sense as an expression of the community's values. He stated that this option would allow them to write it into code a little better, rather than have it be a part of a premium negotiation.

Masson-Minock said if you want amenities to be continuous as a pedestrian, walking from one end of the block to the next, the way to get that through regulation is by requiring it; with premiums, there will only be pedestrian amenities in certain instances. She stated that it probably only makes sense to do it in certain instances where the scale of the building is going to impact the sidewalk experience. However, she stated that it is not going to guarantee that they will get the 16 foot sidewalk they are looking for.

DiLeo stated that she understands the desire for a larger right-of-way, but they are not actually going to get more right-of-way in the downtown. However, she said that right now, they measure setbacks from the property line, which is the edge of the right-of-way, and what they could do is vary things. She stated that according to her notes, the sweet spot for sidewalk width is about 16 feet from back of curb to the face of the building. DiLeo said they have that, and sometimes up to 18 to 20 feet on Main Street, depending on the bump outs, which is more than enough space for outdoor seating and pedestrians. She explained that on Washington Street where Grizzly Peak and Arbor Brewing Company are, the sidewalk is 16 feet. However, on Huron Street the sidewalk is more like 10 feet wide. She said they can modify how they approach setbacks to give the appearance of having a larger right-of-way, but cannot actually get more right-of-way. She stated that in terms of size and scale, it is less of a premium issue and more of a setback issue. DiLeo said this could be a bigger discussion addressed outside of the premium discussion, because the premium discussion is a floor area ratio bonus.

Briere said she would love to have Staff accomplish all the goals. She stated that her concern is that the two stated pedestrian amenities are an interior arcade or a plaza, but neither is continuous as a pedestrian experience. She said there are places where one can build a structure between Street A and Street B, if the lot is formed that way, but most

places in the city are not like that, they are Street A frontage and nothing else. Thus, if a developer builds an arcade when it is likely that it will not be used, then they are looking only at specific sites. Briere added that plazas also do not add a pedestrian experience that will be continuous throughout the downtown. She said the biggest challenge is that the variance in the site is something developers have told them they would like to do, but the area, height, and placement regulations in the city are restrictive about where the building can be placed.

DiLeo stated that they have included a change in these amendments to the primary street frontage; previously it was 0 to 1 foot, with an asterisk saying one can move it back farther to achieve the 16 foot sidewalk. She said that to promote the idea of pushing the building back to broaden the perception of the sidewalk, they have changed the street frontage from 1 foot to 5 feet in the primary district. DiLeo said, however, that Briere is right and they probably need to talk more about setbacks specifically, where they are measured from in the downtown, and maybe they need to talk about height. She cited the example of the Foundry development at 413 E. Huron, who said they couldn't set the building back because they needed every square foot of floor area possible; this illustrates the concept of the give and take between setbacks and height. DiLeo said it seems like the consensus among the Commission is that they would like to remove the pedestrian amenity prerequisite from the premium requirement, but will make a note to continue the discussion of downtown setbacks, street walls, and height.

Briere asked if they remove the premium prerequisite for pedestrian amenities do they have a different prerequisite.

Masson-Minock responded yes, there is still the greenhouse gas emission reduction as a prerequisite for a premium. She said what she and DiLeo will be taking back to work on is to take the pedestrian amenity prerequisite out and instead look at what can be done in terms of requiring all buildings to have a 16 foot sidewalk width from back of curb to building.

Clein said they shouldn't be literal about the 16 foot width because that will not be possible on every street, but should instead focus on enhancing the pedestrian experience, either on the public sidewalk or on private property.

Masson-Minock clarified, for the purposes of communicating with others, that the Commission feels that that sort of pedestrian experience should be required, in the same way that there are design requirements.

Gibb-Randall stated that it gets tricky when it is narrow.

Briere said they are looking for nuance.

Masson-Minock responded that then there should be some sort of safety valve, to allow that nuance; that could be an asterisk or adding a specification about setbacks and sidewalks to the list of requirements for a PUD.

Clein stated that there may be other ways that a small project can enhance the pedestrian experience besides trying to give square footage back for a sidewalk, it may be the quality of the sidewalk or the site development in the public way.

DiLeo responded yes and that usually a small project does not have as much impact as a block-wide project.

Gibb-Randall said one thing she would add is that although width is important, she would not want to take away the possibility for things like the plaza that Varsity Towers built on Washington, which she thinks mitigates a lot of the effect of the building's height on the pedestrian experience. She pointed out that that plaza is not the cookie-cutter 16 foot sidewalk approach and she likes allowing the flexibility of different design solutions. She stated that a small project would not be seeking a premium anyway, so by default those seeking premiums are bigger buildings, so perhaps keeping the pedestrian amenity prerequisite for the premiums makes sense.

Masson-Minock stated that one of the reasons the Varsity was allowed to create their plaza is that currently 20 percent of a building's frontage can exceed the maximum front setback for an entry court or plaza area. She said that is proposed to be eliminated except in the Main Street Overlay District, so everywhere is allowed that flexibility.

Clein said he thinks the pedestrian amenity requirement belongs in the overlay district, and it probably requires more thought about the character they are trying to achieve in these overlay districts; it cannot be generic as each district is different with different constraints upon them. He stated that it will become incumbent upon the Commission to help define what it is they are looking for so they might be different from one to the next.

Masson-Minock stated that they could add this discussion to the

2016-2017 Work Program.

Clein agreed and said it may be time to move along, as they have been talking about the pedestrian amenity issue for about 35-40 minutes now and have not touched upon the other two talking points from the memo. He said he would like them to talk about the Tier 1 and Tier 2 premiums, which are arguably more challenging.

Masson-Minock suggested they first do a straw poll for the Tier 1 premiums about keeping the residential use.

Clein said he is amenable to that.

Masson-Minock asked Commissioners to raise their hands if they felt the residential premium as proposed in Tier 1 should be kept.

Yeas: 2 – Clein and Gibb-Randall

Nays: 3 – Briere, Mills, and Milshteyn

Undecided: 1 – Weatherbee

Briere said she thinks the problem with this discussion, which emerged at the joint working session with City Council, is that it is clear that the market is already clearly doing residential. She said they may have encouraged that by making residential so easy to achieve, that no one is looking beyond that. She asked whether there is reason to believe that even if they don't incentive the first 150 FAR developers who are aiming for a residential building won't go all the way to Tier 2, depending on how the Commission defines that, because they haven't seen a lot of residential buildings coming in below the maximum FAR. She said that was the big concern in discussions with the public and at Council, whether it is a necessary incentive; if developers are likely to reach 300 FAR in order to build residential, why would they offer them a 150 FAR bonus as an incentive.

Milshteyn asked whether that is ultimately their goal, to try to get developers to go to Tier 2.

Briere responded that she thinks the goal is to get them to Tier 2.

Clein asked why they are trying to get developers to go to Tier 2.

Briere responded that if they want more residential, Tier 2 residential is maxing out the building size. She asked whether it was possible to mix

the premiums, do 50 percent residential premium and 50 percent environmental premium.

Masson-Minock said no, a developer would have to do one or the other.

Clein said he thinks they should have to do both, residential and building energy performance, and maybe the standard isn't 40 percent, but 30 percent, but if they don't require both, developers will pick residential because it's easier, cheaper, and more profitable than to achieve the energy standards.

Briere stated that developers doing so is just fine if they eliminate the 150 FAR for residential.

DiLeo asked Briere when she says that they want developers to go to Tier 2 is it because of the affordable housing or extra green, or because they want a 400 or 700 FAR building.

Briere responded that none of them seem to be terribly enthusiastic about 700 FAR buildings.

Milshhteyn said he was okay with them.

DiLeo said the response would be, if they want affordable housing, they should put that as a prerequisite for Tier 1 premiums, or only have one tier. However, if they are looking for downtown density, that would warrant a different response.

Briere stated that because the Council added height limits to FAR, they have two conflicting calculations. She said in the past they had a 900 FAR option if the developer offered affordable housing, but no one needed the 900 FAR because the 700 FAR was sufficient, at whatever height it was. She stated that they did not get affordable housing that way. Briere said the question for some is how do they achieve housing affordability in the downtown, whatever demographic they are going for. She stated that when Masson-Minock brought this to them earlier, they did not have the automatic Tier 1 premium for a developer if they put in residential. Briere said there is a question about whether they need to have Tier 1 residential, whether that means they should have Tier 1 be only having a greener building, she is not sure, but it is a possibility.

Masson-Minock said they can take the residential out of Tier 1 and they could replace it with a use-based incentive, such as office. She stated that

she would defer to others who know more about the market as to whether that size of building would be something developers would want to build as office, based on the differences between residential and office real estate development in terms of cost of construction and life cycle of the development. She said they could also choose to incentivize office in a big way by keeping what is in the ordinance currently, for every one square foot of residential a developer gets 0.75 FAR, but replace it with office. Masson-Minock said they could keep Tier 1 premiums for green building and Tier 2 could be the big goals of workforce housing being linked to residential buildings and reduction in greenhouse gases. She said she agrees with Mills, however, about the need to return the ordinance every few years if they incentivize uses, to check that they are still relevant.

Mills asked Clein if the target energy efficiency for a building de facto incentivizes a certain type of use based on how effective various uses are at meeting energy efficiency standards.

Clein said there are differences in terms of building use and the code indexes based on use; a food service use would be different than a hospital or a home, for example.

Mills said that makes a lot of sense.

Carlisle said he would like to take a step back and remind them that they have been working on these amendments for two years. He stated that up until about a month or a month and a half ago, the idea of office or mixed use as an incentive was not heard publically at any of the discussions that were held. He said what they kept hearing was that people wanted green energy efficient buildings, and affordable housing. He noted that in their initial discussions, they made the bar really high to get any premium, and it was from discussion of Staff and the Commission with the public that they were told that setting the bar too high would be contrary to other City goals such as a dense downtown and sustainability. Carlisle explained that they then created a two-tiered system, where Tier 1 was easier to obtain. He said in conversations with the development community they were informed that the only thing that is being financed and built right now is residential, for a multitude of reasons. He stressed that dense residential in the downtown does accomplish a lot of City goals: having more affordability by nature of increasing the supply of housing, being more sustainable through density and supporting public transit, and social benefits. He stated that he does not want to chase uses but it is a goal to have a denser downtown and that can be achieved by residential.

He said he is not talking about the issue of how many units does it take to support a downtown grocery store, but that dense downtown residential accomplishes a lot of City goals. Carlisle said that is why he believes they added residential into the Tier 1 premiums, to make it easier to get a denser downtown. He stated that with regards to the difficulty of achieving the Tier 2 premiums, they can change that however they want to. He explained that the City has a fee in their fee schedule with regards to affordable housing per unit based on a PUD that could be modified.

Briere asked if he knew what the fee was and said she would love a copy.

Carlisle said yes, it is somewhere in the 80 to 100 thousand dollar range. He explained that Council has the authority to lower that and move it to a more palatable number.

Briere said they have not addressed that number in the nine years she has sat on City Council, so it would be nice to hear what that number is.

Carlisle stated that if they are hearing from the development community that 100 thousand dollars is too much, and that is the reason they can't do Tier 2, if the City Council finds it within their wisdom to lower that number to get more affordable housing, they could do so. He said if they are going down the road of seeking out office instead of residential, that would put a pause on the current discussion. He stated that there is not a right or wrong answer, but they would need to talk to the development community about what sort of incentives to offer to get them to build office or mixed use. He said that would take a significant amount of research. Carlisle stated that if the idea is to change directions from the one they have been pursuing for the last two years, and redo some of the use issues regarding office, it would take time from a Staff standpoint to talk to the development community about options that would be feasible and make it worthwhile. He said the other option would be to keep moving in the direction that they have been going, and then look at office from a zoning standpoint separately, considering measures such as adding additional height for an office use or lightening other current restrictions. Carlisle said he hoped that information could help to frame the discussion moving forward.

Clein thanked Carlisle for providing that context. He said his concern is if they go back a couple of steps, it will take time, and a number of other projects will come before the Commission and they won't have the benefit of revised premiums, and they could encounter a scenario where they wish a certain project would not have gotten built in the way it had, had only they revised the premiums. He said there are still a few things to

tweak in the amendments and has concerns about a few of the specifics, but feels Staff and ENP & Associates have done a good job of assembling the revisions thus far, despite the circular nature of the discussion at times. He stated that despite all the smarts in this room and in the community, this is not a science, and it can take some trial and error. Clein stated that they are closing in on an hour of discussion and would like to suggest that in the next ten minutes, each of them share their thoughts. He said that maybe they would do another follow-up session or another ORC meeting.

Briere said if they can't be really comfortable with the tiers, trying to get Council comfortable with the tiers and able to make a decision will become more difficult. She stated that they need to be able to understand, explain, and justify the tiers. She stated that her concern about the tiers and what they are trying to achieve is probably peculiar. She said if they talk about making this more nuanced, she would like to have the nuance be in the character overlay districts; for instance if they would like to incentivize office in an area, then it could be within these districts. She said this would allow some flexibility at a smaller scale rather than have to go in and reevaluate the ordinance every few years.

Julie Weatherbee stated that she gained some experience with tiers when she lived in Boulder, Colorado; they were more exacting but easier. She expressed concern over the unintended consequences of these tiers but has not researched it enough. She said the idea is good but it seems like they are trying to get a lot out of each tier, trying to achieve many things at once.

Milshteyn said he does not want to derail the process by adding office into it, but if office could somehow be added without unintended consequences, he would be for it. He stated that an idea could be to include both residential and office in the premiums and see what happens. However, he does not want to cause another six months of work, so if that is the case he feels comfortable putting office on the back burner and moving forward with this.

Gibb-Randall said she is comfortable with where this is heading but would like to check with the development community about what people are actually able to do. She asked if there have been projects in the last several years where they have not used the premium; whether it is possible to build downtown without using the premium.

DiLeo said technically no. She stated that one technically used a very

small amount of a premium, instead of being at 400 percent FAR they are at 460 percent. She said she believes that every new construction development has used the premium.

Gibb-Randall stated that that is what she would like to check in with developers on, as she knows it has evolved overtime. She said residential is really important for the downtown and they should continue supporting that. She stated that she likes the idea of affordable housing and energy efficiency but wants to check what is realistic for developers.

Mills said that by focusing at the lower level on energy efficiency, then they don't pick winners and losers in terms of use. She stated that they might need to lower that bar, maybe it does not need to be 40 percent for Tier 1. She said if they do focus on energy efficiency, perhaps it is not a tiered system, maybe it is 100 percent FAR for going 10 percent beyond the energy efficiency standards minimum, that way it is more flexible. She said she does not want to kill residential either. She stated that she does want to push developers a little bit, and if they are only going to build residences, if they can have them do it a bit greener, than that is a good thing.

Clein stated that the purpose of these premiums is to create a more vital, vibrant downtown, to keep that momentum going, and make it livable. He said the two tiers still make sense to him and agrees with Mills and others that perhaps the initial Tier 1 energy efficiency standard could be 30 percent instead of 40. He said he likes that in the proposed revisions, they are not tying the energy efficiency standard to a use, and are not de-incentivizing office, but are still trying to achieve residential density downtown. Clein noted that he has heard anecdotally that it is difficult for non-students to find places to live downtown, in any price range, so it does not appear that the market has reached a saturation point for residential. He said that as for the Tier 2 premium, both premiums could emphasize mixed use, because he believes that is the best shot at long-term viability, creating work and living places side by side. He stated that he knows from experience that the Tier 2 premium is pretty steep, for better or for worse, in its current iteration; it may be a disincentive for bigger buildings. He said if they want the Tier 2 premium to be used, they need to look more closely at how it can be achieved. He noted that there is no opportunity for a LEED Silver building and maybe that is one way there could be an entry into Tier 2. He said he appreciates the hard work and patience of Masson-Minock and Staff. He noted that they may not have a complete consensus or get it perfect but they are approaching the moment when they need to vote and move it along to Council.

DiLeo asked if they would like them to come back for a working session or public hearing.

Carlisle said the next step will be to revise the language given what they have heard tonight and do another round of reaching out to the development community to get their feedback; they then can have a working session and invite those developers to attend and be a part of the discussion. He stated that he does not believe they are ready for a public hearing yet.

Clein asked if any members of the audience had any comments to share.

PUBLIC COMMENT:

Ethel Potts, 1014 Elder Boulevard, Ann Arbor, said they have all said so many things and there is much to address. She stated that she was disappointed to see housing come back into this discussion, even in mixed-use form, because she believes the market is taking care of providing housing. She said she would like to see office or retail have a chance, not fill every building with housing; she does not think they should be incentivizing it. Potts said she is not satisfied with the payment in lieu of building affordable housing; they need affordable housing in the center of the city at various price levels. She stated that she is surprised that the City has not set up some sort of program to help developers and managers of buildings create affordable housing. She said the single most important thing is pedestrian amenities; the downtown is getting colder, harder, and less variable and green. She stated that they could be more creative about it, thinking about options beyond plazas and arcades, such as varying setbacks and making sidewalks wider. She said one option could be to give developers a premium for making a bigger setback on the first floor only, and have a cantilevered roof above it. She stated that she agrees with Briere that they have done themselves in by requiring buildings to be built right up to the lot line. She said Main Street with its wide sidewalk should be a model.

Clein thanked Potts for her comments. He noted that while they may have given the instruction to take the pedestrian amenity requirement out of the prerequisites, they did ask that it would go into the ordinance as a requirement for character overlay districts in some fashion.

Sean Havera, President of the South University Association, stated that office will not work until the City reevaluates its taxes and its fees

assessed on properties. He said they could give a premium of 900 FAR and it would not work. He stated that they had a developer trying to do an office building in the South U area and could not make the numbers work; the assessment was outrageous, something like the rents that they would receive would pay for the taxes they would be assessed. Havera said until they work out the underlying tax issues, constructing office will not work for developers no matter how many incentives there are. He cited an example of a project with 1 million dollar fees to be paid to the City, over half of which were associated with connecting into the City's sewer and water system. He said financing supports residential currently, but not speculative office. Havera said with regards to the affordable housing issue, simply put, the developers see the 100 thousand dollar payment in lieu as a no start, they won't do it. He stated that they should examine something like the DOM (Developer Offset Mitigation) program, which was just passed through City Council, which provides a payment in lieu for developers, and is a win-win for the developers and the City. He said if a developer was to do it themselves, they would pay somewhere between 15 and 16 thousand dollars to get the disconnect; the City is giving them the opportunity to get it for just 12 thousand dollars. He said if the City wants to increase their affordable housing fund, they need to find a similar win-win situation and know what the value added for developers will be. He encouraged the Commission to get in touch with the development community; he does not think the consultant the City has hired has obtained an accurate picture of the landscape. He said his organization has talked to a number of big developers in the area that said they were never talked to regarding these premium amendments. Havera concluded by saying that the South U Area Association is very concerned about these premiums and the effect they will have on density in their area as well as the rest of downtown.

Received and Filed

10-b [16-1078](#) Approval of City Planning Commission/Staff FY2016-2017 Work Program

Clein said they should discuss the committee assignments and the work program.

Carlisle said they should solidify the work program first. He said the revised program should reflect the discussion they have had at previous Planning Commission meetings. He explained that the work program is broken into Master Planning and ordinance revision. He said that concerning master planning there are no significant revisions to be undertaken this year. He explained that the biggest things to be undertaken this year are the Allen Creek Greenway master plan, which is

already underway, and the North Main Huron River Corridor land use amendments, if they can assemble the budget and project scope. Carlisle pointed out that as per previous comment by Briere, the City has budgeted for a comprehensive land use master plan study in the next two years, so that is why they have not put too many master plan related items on the agenda for this year. He noted that as for ordinance revision, the ADU amendments are having their second reading at Council on August 4. He said downtown premium revisions are continuing to evolve and will hopefully be moved on to Council this year. He added that ZORO is going to come before the Commission in late summer early fall.

Briere said she has a copy of the revised unified development code and wants to testify that it is a lot easier to use; things are grouped in a coherent fashion.

Carlisle affirmed that they have a draft prepared that is out for Staff comments currently and once they are comfortable with it they will bring it to the Ordinance Revision Committee and then to the Commission. He said because many initiatives are wrapping up, this leaves the Commission the opportunity to take on another assignment: two options are edge properties, those that border the D1 and D2, and the R4C/R2A amendments. Carlisle said he doesn't know which option is a higher priority for the Commission, but once that is identified, Staff can put together a scope of work and outline how the projects will move forward. He stated that other options could be downtown parking and the floodplain ordinance. He noted that for the latter option they would take direction from Council as to whether to proceed.

Briere said actually Council has deferred to the Commission on this. She explained that it is their understanding that Jerry Hancock in Systems Planning is already working toward a floodplain ordinance; for Council to direct the Commission to also work on the floodplain ordinance seemed ineffective. However, as they have seen with the projects at 615 S. Main and 221 Felch Street, they will need to consider if there are big changes to make in those areas regarding the floodplain as other projects enter the pipeline in the floodplain. She said every time a project comes forward that has a potential stormwater impact, some Councilmembers oppose it not because the project is good or bad, but because the City does not have a floodplain ordinance. Briere stated that they can only do so much as a group of volunteers that meet a limited amount of times per month, but she thinks this is an important issue to tackle. She said perhaps they can bring Hancock into the discussion. She stated that from some points of view, the floodplain ordinance ought to be looking at land

acquisition, removing properties from the floodway as a policy, and for others it is about bidding the construction in a floodway or flood fringe.

Clein said he needs to learn more about how a floodplain ordinance would be different from the Washtenaw County Water Resources Commissioner's standards, but if it may have an impact on land use in the areas that Briere cited, then it seems to have an overlap with the Allen Creek Greenway master plan.

Briere said yes it does.

Clein stated that moving those things forward would be wise.

Briere said the floodplain ordinance would be more extensive than considering just the Allen Creek or Malletts Creek or Miller Creek areas. She stated that it would be considering what to do with natural ponds, how much protection they are provided, understanding how much impact development has already had and how much it will have; this is why it is a project better suited for Hancock than the Commission.

Clein said yes, at least as a starting point. He stated that maybe what to do would have Hancock start and then brief the Commission at a working session.

Carlisle stated that he knows from an internal standpoint that the floodplain ordinance is not ready to come before the Commission for a discussion. He said he is not sure when it will be ready but he can find out and inform the Commission.

Clein said he has a couple of questions regarding the master planning studies. He said he sees that the Connector Study Alternative Analysis will be completed by December 2015 and asked whether that needs to be updated.

Carlisle responded yes, he will update that date and others.

Mills said as a late addition in the potential future projects section, they could add issues they heard about this evening: looking at planned projects and at downtown setbacks and pedestrian amenities.

Clein said that is a good idea, so they do not lose track of those issues.

Briere asked whether the North Main Huron River land use amendments

should be done outside of the review of the master plan land use element that is supposed to happen in the next couple of years.

Carlisle responded probably not. He explained that this has been on the list for a while, but if they are going to get to the master plan land use revision in the next couple of years, this does not need to be addressed separately.

Briere said she is sure they can come up with other things to put on the Master Plan studies list.

Clein asked if the intention is to get the work program up to date and approve it at a future meeting.

Carlisle explained that they have two options: he has a general sense of what the changes need to be so the Commission could move it forward tonight and he could make the changes and provide a finalized copy in the next packet or he could make the changes and they could vote on it at the next meeting.

Clein said he is comfortable moving it tonight.

Moved by Mills, seconded by Gibb-Randall that The Ann Arbor City Planning Commission hereby approves the City Planning Commission/Staff FY2016-2017 Work Program.

Carlisle noted that as requested, everyone except for new member Weatherbee, responded via email to Staff with their committee assignment preferences. He stated that he was pretty impressed with the distribution. He said they are deficient in the Capital Improvements and Zoning Board of Appeals committees. He explained that the Zoning Board of Appeals would be another meeting to attend, but it is important for a Commissioner to be on it.

Briere said she also thinks it is important for a Planning Commissioner to be on the ZBA. She explained that part of the rationale for that is that the ZBA is supposed to be considering unusual circumstances that require a variance; when a circumstance is repeated over and over, it is no longer a usual circumstance—it is a zoning issue. She said without a connection between the ZBA and the Commission, there is a barrier to change. She stated that if there is a neighborhood filled with front porches but a person can't put a front porch on their property in the present because setbacks for those original houses were too close to the street and not what the zoning allows that does not feel reasonable. She said the ZBA addresses

problems like that, but the Commission representative on the ZBA could consider whether the setback rule is working.

The Commission discussed committee assignments and the results were the following:

- Affordable Housing: Trudeau*
- Capital Improvements: Gibb-Randall and Milshteyn*
- Citizen Outreach: Briere and Trudeau*
- Master Plan Review: Briere, Clein, and Mills*
- Ordinance Revisions: Clein, Mills, and Woods*
- Executive Committee: Clein, Mills, and Milshteyn*
- DDA Partnerships: Gibb-Randall*
- Environmental Commission: Woods and Trudeau*
- Zoning Board of Appeals: Weatherbee (When a vacancy opens up)*

On a voice vote, the Chair declared the motion carried.

Yeas: 6 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, and Julie Weatherbee

Nays: 0

Absent: 2 - Wendy Woods, and Scott Trudeau

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

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

A motion was made by Milshteyn, seconded by Briere, that the meeting be adjourned at 9:45 p.m. On a voice vote, the Chair declared the motion carried.

Ken Clein, Chair
mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.