

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – April 15, 2008

Time: Chair Pratt called the meeting to order at 7:05 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt, Westphal

Members Absent: None

Staff Present: DiLeo, Foondle, Pulcipher, Rampson

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of March 18, 2008.

Moved by Carlberg, seconded by Mahler, to approve the minutes as presented.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt,
Westphal

NAYS: None

Motion carried unanimously.

APPROVAL OF AGENDA

Moved by Emaus, seconded by Westphal, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt,
Westphal
NAYS: None

Motion carried unanimously.

REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

Bona reported that DDA Partnership Committee has been discussing goals for a parking structure at the Library Lot and asked Commission members to provide her with any thoughts they would like to share. The committee was continuing to work on defining its grants programs, she said.

Potts reported that the next Ordinance Revisions Committee meeting would be held on Tuesday, April 22. She said the committee would be discussing area, height and placement standards and A2D2 downtown zoning. With regard to a different topic, she expressed concern about adequate public notification of City projects. At the very least, she said, the Planning Commission should be used as a conduit to the public by holding public hearings, etc. She stated that planning was well underway on the police/court facility adjacent to City Hall and it seemed to her that the Planning Commission may have had a role earlier in the process. She thought it was likely too late at this stage to make changes.

Bona clarified that with regard to a public structure on the Library Lot, a couple of public workshops and other opportunities for the public to participate in its design were being planned. No design had begun on the structure, she said.

Pratt stated that Planning staff could be consulted to see if this could be discussed at an upcoming working session. He reported that A2D2 steering committee would be meeting on April 28 at 5:30 p.m. in the Sixth Floor Conference Room, City Hall, to discuss a number of topics.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None.

REGULAR BUSINESS

a. Public Hearing and Action on Maher Annexation and Zoning, 1.06 acres, 3087 Glazier Way. A request to annex this parcel into the City and zone it for single-family residential use – Staff Recommendation: Approval

Pulcipher explained the proposal.

Noting no further speakers, Pratt declared the public hearing closed.

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Maher Annexation and R1B (Single-Family Dwelling District) Zoning.

Potts stated that this was an area where annexations were occurring and the proposed R1B zoning seemed appropriate for this property.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt,
Westphal

NAYS: None

Motion carried unanimously.

b. Public Hearing on Distribution of Downtown Plan Amendments. The Downtown Plan, adopted as an element of the City Master Plan in 1988, provides guidance for future land use, development character, open space, circulation and parking in the downtown. Amendments to the plan have been drafted to support the recommendations of the Ann Arbor Discovering Downtown (A2D2) initiative. Planning Commission will consider a recommendation to City Council to authorize distribution of the draft amendments for comment – Staff Recommendation: Approval

Wendy Rampson, of Systems Planning, provided background information on the Downtown Plan, which was adopted by the City in 1988 and then updated in 1992. She stated that the Master Plan Revisions Committee began meeting in January 2008 to put together amendments to the plan. Many of the concepts contained in the plan were still relevant, she said, so the committee decided to leave the framework in place while strengthening the plan with the proposed amendments. She said the changes that have been proposed were taken from the Downtown Development Strategies Implementation Plan (Calthorpe plan), along with elements from the A2D2 recommendations. The action before Commission this evening, she said, was to recommend that City Council authorize distribution of the draft plan to adjoining jurisdictions and the Ann Arbor community for comment. She stated that the comments received would then be compiled by staff and reviewed by the committee, with the plan then being presented to Commission for adoption in June or July. She stated that she would be available to answer questions.

Bruce Thomson, 2682 White Oak Drive, thought this was a well-done plan containing good improvements. He supported having the community comment on the plan, adding that it would be good

for the City. He had one objection to the plan, which was suggesting that the block of East Huron Street between Division and State Streets be changed from a core zone to an interface zone. This did not make sense to him visually, he said, noting that this section of Huron Street already contained the Campus Inn and Sloan Plaza. He thought it would look remarkably odd with everything else having core density and then this block looking like a valley from City Hall to Sloan Plaza. He was concerned that this would affect his property value. He liked almost everything in this plan, except for the recommendation for this block of Huron Street, which did not make much sense.

Ray Detter, 120 North Division Street, stated that he attended all of the downtown planning sessions during the Calthorpe planning stages and noted that all of the areas in the downtown were reviewed to determine which areas had character. He said almost everyone recognized that the block of East Huron Street between Division and State Streets was distinctly different from the rest of Huron Street. He said this block contained a variety of setbacks, an historic district and a significant amount of pedestrian activity. He acknowledged that this block contained significant buildings, but pointed out that they did not tower over the historic neighborhood of residences immediately adjacent to the north. He stated that those who lived in this area recognized the necessity of making sure that whatever was built on this block of Huron Street had some type of relationship to the historic character of the area and that it took into consideration issues such as shade and sun. He said this was thoughtfully identified as a special character area.

Noting no further speakers, Pratt declared the public hearing closed.

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council authorize distribution of the draft amendments to the Downtown Plan for review and comment to adjoining jurisdictions and stakeholders in accordance with the State Planning Enabling Act (PA-33 of 2008) and Chapter 8 of the Ann Arbor City Code of Ordinances.

Bona stated that the Development Character map (Figure 6) in the plan showed the difference between the core and the interface zones. She stated that she was a member of the advisory committee for the A2D2 zoning component and there had been quite a bit of discussion about the East Huron Street block between Division and State Streets, as well as the City Hall block. She stated that what was contained in the draft plan was the recommendation of the committee. She agreed that the properties adjacent to the historic district could potentially shade the residences to the north with large development and that the interface zone was intended for development that was a step down from the neighborhood. She said that she strongly believed that the block containing City Hall also should have been designated an interface zone, but she was outvoted by the committee. She intended to entertain an amendment this evening to the map to include the City Hall block, or at least the northern half of it, in order to protect the residences to the north if the City's property were to ever fall into private hands.

Moved by Bona, seconded by Potts, to revise Figure 6 of the Downtown Plan by including the northern half of the City Hall block in the Interface Zone.

Carlberg stated that this did not make sense to her, given the activity on this site as a local governmental building and the City's desire to intensify the use. It did not make sense to change this type of function to an interface area, she said. She believed this block was clearly a core area given the size of the building and its function. She said this was the heart of governmental activities for residents in the downtown and to call the northern half of the block an interface area would severely restrict what the City could do to add

more space, which was something the City has clearly indicated it needed to do. She did not see this as a reasonable change for this block.

Potts stated that she agreed with changing the northern half of the City Hall block to an interface zone because of the historic properties to the east. She wanted to minimize any impacts to historic areas, stating that she would be concerned about what could be built on this block. She would be in favor of changing the zone to protect those properties.

Pratt questioned whether, from a practical standpoint, it made sense to treat this block in two different ways, noting that it was not clear where the property lines were located. He would not support this motion tonight, but said it would be useful to hear what was ultimately proposed for the new Police-Court Facility and where it fit in with the floor area ratio program. He would need to know if it would be problematic with an interface zoning, adding that he may be able to support this change if it were determined that there would be no issues with the new development. If changing this block to an interface zone interfered with the City's intent for this property, which was permitted under the current zoning, then this would be a serious consideration.

A vote on the amendment showed:

YEAS: Bona, Potts

NAYS: Borum, Carlberg, Emaus, Lowenstein, Mahler, Pratt, Westphal

Motion failed.

Potts confirmed that the Planning Commission would have a discussion on the plan and the maps at a later date, as the action this evening was to recommend that Council distribute the plan for comment.

Pratt replied that this was correct, stating that there would be least three opportunities in the near future for discussion and public comment. He suggested that Commission members provide staff with a summary of their comments so they could be addressed prior to this coming back before Commission.

Carlberg said she was seriously challenged to understand the block of East Huron Street between Division and State being designated as an interface zone, given the fact that a 13-story hotel and a 9-story condominium building already existed on the block. She understood the need to protect the residences on East Ann Street, but said she would like to know if there were an alternative to using the interface zone here. There did not seem to be any distinctive character on this particular block on this side of Huron Street, she said. She would need a better explanation for the interface zone than just wanting to protect the houses on Ann Street because it seemed that the other properties along this block of Huron Street were ripe for redevelopment. Perhaps stipulations on the actual development of the properties to restrict impact on the quality of life on Ann Street might be appropriate, she said, but she noted that these residents already were living with a 13-story hotel and a 9-story residential building. She also noted that the City had not really heard from any of the residents along Ann Street about their viewpoints on this issue. She understood what the owners of the houses on North Division Street would also be concerned about, noting that they were lovely homes, but she did not believe it made sense to designate this block of Huron as an interface block. She was concerned that this designation would create expectations for the public about what was going to happen on this block, which she thought time would eventually erode.

Bona stated that the floor area ratios of the two tall buildings on this block were below the 400 percent by right. This was one of the reasons this block felt comfortable, she said. If they were zoned in the core, she said, they could be solid, taller buildings versus the smaller footprint buildings they were.

Rampson added that the proposed core zone would allow 400 percent floor area ratio by right and 700 percent floor area ratio with premiums, which would allow the scale of a building to become a solid wall for the residents to the north, blocking out sunlight and a sense of the Ann Arbor skyline. This was the primary discussion among the committee members, she said, discussing it during several meetings. She said there was a sense of tall buildings from driving along Huron Street, but said it was a completely different feel for pedestrians.

Pratt asked about premiums in the core zone.

Rampson stated that the premiums were still in draft form, but said the way they have worked in the past has been that if a developer meets the floor area ratio standards, then premiums would be allowed. She said there would be some areas where the premiums would not be appropriate, such as historic areas and floodplains.

Pratt asked if changing this block on East Huron Street to an interface zone would be a downzoning.

Rampson replied yes, that it would constitute a downzoning for some properties in terms of allowable floor area.

Pratt asked if a PUD was an alternative for a property in an interface or core zone.

Rampson stated that a PUD was always a possibility, but noted that the zoning advisory committee tried to structure the changes so PUDs would not be needed in the future.

Pratt stated that if people could understand what they were entitled to do and what they could do with premiums via the contents of the ordinance, it would result in more organized development.

Potts stated that she would be looking at the details of this because it appeared that there may be conflicts with some of the character areas where the downtown zoning was being laid over the core area. She stated that the core zone did permit either massive buildings up to a certain height or less massive buildings up to an even greater height. This was what she was picturing in some of these areas that she believed should be interface, not core, zones.

Emaus thought it was appropriate to solicit comments from a wide variety of stakeholders. If the intent were to reduce the number of PUDs that were submitted to the City because properties would be appropriately zoned, then he would be concerned about this codifying some of the ideas in the Downtown Plan or Central Area Plan for interface areas in an attempt to perhaps counteract the Planning Commission's decisions on certain projects, such as Kingsley Lane.

Bona stated that she forwarded some suggested clarifications to Wendy Rampson this afternoon, adding that she would also forward them to Planning Commission members. None of the suggestions contained intent changes, she said. They included suggestions regarding pedestrian and vehicle conflicts at driveways and the words "mixed use" in terms of a building being a mixed use compared to a downtown being a mixed-use downtown.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt,
Westphal
NAYS: None

Motion carried unanimously.

c. Public Hearing and Action on Tierra on Ashley Site Plan, 0.11 acre, 200 South Ashley Street. A proposal to construct an eight-story mixed-use building with retail uses on the first and second floors, office uses on the third through sixth floors, and residential uses on the seventh and eighth floors (six dwelling units total), with a garden room on the rooftop and four parking spaces at ground level – Staff Recommendation: Approval

DiLeo explained the proposal and identified the revisions that were made.

Damian Farrell, of Integrated Architecture, stated that he and the petitioner were available to answer any questions Commission may have.

Noting no further speakers, Pratt declared the public hearing closed.

Moved by Potts, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Tierra on Ashley Site Plan and Development Agreement.

Moved by Potts, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council reduce the premium floor area off-street parking requirement from 11 spaces to 4 spaces.

Carlberg stated that the previous submission contained residential on the top two floors of the building. She noted that the current proposal had the three top floors containing residential uses, which would necessitate the six parking spaces.

DiLeo stated that this was correct. The proposal now had six residential units, she said, explaining that an insufficient amount of residential area was provided in order to receive the premiums, so the sixth floor was changed from office to residential use.

Carlberg asked if the petitioner intended to purchase parking spaces elsewhere.

Dax Ponce de Leon, petitioner, stated that they have begun communications with the DDA to secure parking spaces that are to be built at the corner of First and Washington Streets. He said they would be providing adequate bicycle parking.

Carlberg stated that if an adequate amount of parking spaces were not provided, it would be the petitioner's responsibility to find buyers for the condominiums who did not require parking. She said this site contained a very small footprint and to require the petitioner to pull the face of the building back so severely would result in an unworkable space. She believed the delineation of materials exhibited a bottom, middle and top level of the building. Because of that and the interesting feature at the front, she was satisfied that this building would not dominate the corner with too much masonry or cause a negative impact on the surrounding buildings.

Potts stated that there was a limit to what could be done with such a small site. She believed this proposal was a reasonable and attractive use of such a prominent piece of land. She stated that she has never liked the differentiation of levels on a building as it increased in height. The purpose of that, she said, was to give the pedestrian the impression that it was not a tall building, but she believed the only

way this could be done was to provide a large overhang. She would not prefer Ann Arbor having a series of tall buildings all shaped like wedding cakes. She thought the clean, upright lines of this building were preferable and that they would not be offensive to pedestrians anymore than a building with setbacks as it went up in height. She thought this was a downtown type of building suitable for a downtown corner. She expressed confusion as to the degree to which something in the code was forcing the petitioner to provide more residential.

DiLeo stated that the petitioner's ultimate desire was for an eight-story building with two floors of residential use, two floors of retail use, and three floors of office use. In total, she said, that added to an approximately 600 percent floor area ratio; however, the amount of non-residential uses exceeded the 400 percent floor area ratio allowed, meaning that there was not enough residential use to allow the five floors of non-residential use. She said the petitioner's choices were to change the uses to one floor of retail, three floors of office and three floors of residential, or remove a floor.

Farrell stated that the original site plan contained underground parking; however, they learned that it would be too cost prohibitive to provide it. With parking no longer part of the plan, he said, they looked at using the basement as usable space and the issue of floor area ratio calculations arose. He said they spent a great deal of time with staff looking at various options, making adjustments, etc., and came up with the plan in front of Commission tonight. It was a balancing act to arrive at the final product, he said, noting that the petitioner, in the end, decided to forego the conference space they had originally intended to provide.

Westphal asked about the north elevation and whether retail would be provided in that location.

Farrell explained that the white area at the street level along Washington would be a solid wall, with another entrance into the building that went up into the retail area or down into the basement space.

Westphal asked if retail were guaranteed in this space and, if not, he asked if it were something the Planning Commission could request.

DiLeo replied no, it was not guaranteed. She said the Planning Commission could make the request; however, she noted that this was not a PUD or a special exception use request, upon which these kinds of conditions could be made.

Farrell stated that while he would be hesitant to place restrictions on the building, it was designed for retail. He was not aware of many office users that would pay street level retail rates for office space when they could pay lower rates on other levels.

Bona stated that one of her earlier concerns was the two-way drive down to the garage and she was glad to see that it was gone. She asked what the blank section next to the parking spaces was.

Farrell stated that it was a section of wall that screened the view of the parking spaces.

Bona asked if the petitioner would consider making it more transparent for the safety of the people who would be parking there.

Farrell stated that he would discuss this with the petitioner.

Bona said she had no problem with the requested parking reduction. With regard to building setbacks, she said the Calthorpe report stated that corner buildings should not have setbacks, acknowledging the First National Bank and the Key Bank buildings. Because of the scale of the proposed building and

because she did not want to create an ordinance that was not advantageous to small sites, she did not object to this building not having setbacks.

Pratt stated that the petitioner initiated this proposal before there was an idea of what the design guidelines might be, which made him more comfortable moving forward with this proposed design. He said the exterior of the building had not been changed much from the original site plan that had already been approved by City Council. He also pointed out that the design guidelines committee discussed this proposal and found that it met the intent of the guidelines. He said there would be certain things each Commission member would want to see for different projects and he did not think the design guidelines were meant to be a checklist for every single thing. He said they were guidelines and would hopefully be focused on intent. He believed this petitioner had done a good job of meeting the intent.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts, Pratt,
Westphal
NAYS: None

Motion carried unanimously.

AUDIENCE PARTICIPATION

Jim Mogenson provided comments about moving forward with the Downtown Plan amendments. As he was browsing through the document, he tried to think of things that would raise concern with adjoining jurisdictions. He recently saw an ad for Scio Township, which encouraged people to come live in the township and enjoy low township taxes yet receive all City services. If the Downtown Plan amendments contained upzoning, he said, and a move was made to stop incentives for those living outside of the City, he thought this would get the attention of adjoining districts. Page 18 of the plan talked about transit and he was concerned that the City was moving into an era where it was accommodating commuters. He said there were policies that were supposed to keep people from driving, yet he was concerned that people living in the urbanized area would have to start driving. He talked about his inability to ride the bus in the mornings and afternoons. He said it was becoming harder and harder for people to live in the urbanized area because sprawl was happening and those residents were being accommodated. He was concerned that creating disincentives would create more problems.

COMMISSION PROPOSED BUSINESS

Lowenstein informed the Planning Commission of a public meeting that would be held to obtain feedback on a citizen participation ordinance, which was scheduled for April 16 at 6:30 p.m. in the multipurpose room of the main branch of the Public Library.

ADJOURNMENT

Pratt declared the meeting adjourned at 8:19 p.m.

Mark Lloyd, Manager
Planning and Development Services

Jean Carlberg, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services