

From: Kirk Westphal <writetokirk@gmail.com>
Sent: Tuesday, August 08, 2023 5:38 PM
To: Planning <Planning@a2gov.org>
Subject: Fwd: TC-1 ground floor corners: meaning of non-residential

Commissioners:

I was asked to forward this conversation to the entire commission. (Please read from the bottom of the email chain, then read the following clarifications.)

To re-emphasize a comment I made below: I don't believe mixed-use should be forced or encouraged in too many places outside of downtown. But I do agree with what (I mistakenly thought) the TC-1 ordinance required: the ground floor within 100' of major intersections should be reserved for commercial uses for the benefit of these future neighborhoods. As the email thread below outlines, I was wrong about that. "Non residential" just means "nobody sleeping there."

(Again, I was disappointed with the commission's reluctance to specify that these spaces must be "active" commercial uses, i.e., not banks or offices that typically close at 5pm. I hope you can revisit this possibility. The definition for "active use" is already contained in an ordinance from approximately 15 years ago that sought to require some amount of active uses downtown but was not passed.)

This raises even more questions for me, since the UDC doesn't seem to define "mixed-use"... and this is a requirement for TC-1 corners. I'm hoping that resident-only fitness centers—or maybe a tiny closet on the 3rd floor that's listed "for lease" but doesn't ever get rented—don't make a building "mixed use," although I could be wrong about this too.

Based on the response below, what I'm assuming is the case as the TC-1 requirements stand at the moment is the following: buildings that occupy any space within 100' of a corner in TC-1 must be "mixed use", meaning having a commercial (definition?) component *somewhere* in the building, but that commercial use doesn't need to be 1) on the ground floor, 2) anywhere near the corner, 3) any significant size, just as long as there are no apartments on the ground floor within 100' of the corner.

If this is true, it doesn't seem appropriate.

I believe this could be fixed with relatively little effort with a small definition or word change. In my opinion, allowing corner ground-floor spaces to be dead zones (eg, residential lobbies, resident-only fitness centers, property management offices, etc.) as currently written could be worse than simply allowing apartments. Requiring that they be "active" would be best.

I'm happy to clarify anything above if you want to email or call.

Kirk
734-660-9955

----- Forwarded message -----

From: Kirk Westphal <writetokirk@gmail.com>

Date: Thu, Aug 3, 2023 at 12:29 AM

Subject: Re: TC-1 ground floor corners: meaning of non-residential

To: DiLeo, Alexis <ADiLeo@a2gov.org>

Cc: Delacourt, Derek <DDelacourt@a2gov.org>, Disch, Lisa <ldisch@a2gov.org>, Kelley, Hank <HKelley@a2gov.org>, Lenart, Brett <BLenart@a2gov.org>

Hi Alexis,

Thanks for the reply, and sadly no, my hope was that “non-residential” meant “commercial.”

During the TC-1 discussion I advocated for restricting these corner spaces to not just commercial but “active uses” (such as retail or restaurant), which, fair enough, could be viewed as too restrictive. But my hope was that defining the corner spaces as non-residential would at least mean actual commercial space—and not potential dead space like lobbies and leasing offices.

I’m curious if my misunderstanding is shared by any other commissioners. In other words, is everyone on board with zero commercial requirements on corridors? (Maybe CM Disch could ask for clarity at a meeting?)

This seems to be a topic of discussion among neighbors of new developments (like the George and Beekman) that were promised to be “mixed use” and have either turned out to be not (or less than hoped for). I’m not in favor of being overly prescriptive and trying to jam commercial everywhere, but I do believe making sure that major corners are reserved for something identifiable is an important long-term goal.

Thanks again,
Kirk

On Wed, Aug 2, 2023 at 11:31 AM DiLeo, Alexis <ADiLeo@a2gov.org> wrote:

Dear Kirk,

I’m wondering if perhaps you have a typo. If you meant to clarify whether

...an apartment building with some commercial on the ground floor, **COULD** put their lobby, resident-only gym, bike room, leasing offices, etc. on the ground floor within 100' of a corner and call it "non-residential"...

Then I agree! The intent is simply to not have any actual dwelling units within 100 feet of a major intersection.

Alexis DiLeo, AICP | City Planner (she/her)

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From: Kirk Westphal <writetokirk@gmail.com>

Sent: Monday, July 31, 2023 2:33 PM

To: DiLeo, Alexis <ADiLeo@a2gov.org>

Cc: Lenart, Brett <BLenart@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>

Subject: TC-1 ground floor corners: meaning of non-residential

Hi Alexis,

I was wondering if you could clarify the definition of "non-residential" for me, particularly relating to the language in the code about the ground floors within 100' of intersections in TC-1 districts. (The term "residential occupancy" is in the definitions section but not "residential" or "non-residential.")

I'm assuming that a mixed use building, say an apartment building with some commercial on the ground floor, couldn't put their lobby, resident-only gym, bike room, leasing offices, etc. on the ground floor within 100' of a corner and call it "non-residential" because it's not housing people overnight.

I appreciate this part of the code, and I just want to make sure that the outcome matches what the public would expect: a typical commercial space, either because it's leased to a separate entity or, if it's operated by the building management, that it's accessible to the public with functional doors facing the corridor as a traditional commercial space would.

Thanks for any clarity you can provide.

Best,

Kirk

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