From: Tom Stulberg <tomstulberg@hotmail.com>
Sent: Wednesday, April 25, 2018 9:22 AM
To: Planning <Planning@a2gov.org>
Subject: Letter regarding 1140 Broadway

Planning Commissioners:

1140 Broadway will be back before you at your next meeting. Between now and then, I would ask that you all read the attached letter written by an expert on behalf of the neighborhoods adjacent to this development.

City Council had the privilege of reading this letter before their vote, but you did not. There is a wealth of information in this letter, and you will all benefit from refreshing yourselves on the issues involved with this development.

Thank you,

Tom Stulberg
1202 Traver Street
Ann Arbor, MI 48105

Susan K. Friedlaender
sfriedlaender@fnrplc.com
Direct: (248) 406-6088

November 17, 2017

VIA EMAIL

Mayor and City Council Members
City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104

RE: 1140 Broadway Rezoning Second Reading

Dear Mayor and City Council Members:

I represent members of Project Lower Town. I first want to emphasize that my clients do not oppose the development of the subject land and support the Lower Town mixed use village concept that the City envisioned for the property in its Master Land Use Plan. The plan that the applicant has presented is a good start but it should not be the finally approved project without fully examining the alternatives that best serve the community, the applicant and the adjacent property owners and occupants. As further discussed below, while my clients do not oppose development of the property, they do oppose interference with their due process and equal protection rights by allowing the development to proceed under the C1A/R zoning designation and planned project provisions rather than as a PUD as the Master Plan recommends. This does not mean that the applicant should be tied to the PUD site plan that was approved and which expired years ago but only that the development should proceed as a PUD with an appropriate new site plan for the reasons further discussed in this letter.

INTRODUCTION

The Michigan Zoning Enabling Act, MCL 125.3101, *et seq* (MZEA) requires as a general rule that uniform development regulations apply within the same zoning districts. The uniformity principle protects the rights of property owners located both within and adjacent to a particular zoning district by requiring that the same published rules apply to all. The uniformity principle further requires that the rules are strictly enforced unless a land owner can establish that because of unique circumstances he or she cannot reasonably use his or her land as regulated. In that theoretically rare case, the landowner might be entitled to a variance from the rules as long as the hardship was not self-created and will not unnecessarily harm the rights of others. The C1A/R ordinance is a traditional zoning ordinance which provisions should not be altered absent hardship caused by unique circumstances. Any lesser standards for departing from published regulations meant to apply uniformly tend to foster favoritism and the unequal treatment of those persons for whose protection the regulations were intended. The lesser standards also dilute the justifications that existed for the regulation in the first place and expose them to invalidation based on claims of arbitrariness.

Traditional zoning districts can hamper more innovative development because of its uniformity and rigidity. The "planned unit development" (PUD) concept was created to allow more flexibility

in the regulations that define the design and uses of a site. They are especially suited to mixed use developments. The development of land under a PUD allows departure from the uniformity principle and flexibility regarding regulations for buffers, setbacks, open space, height limits, land use density and other regulations as long as "equitable procedures recognizing due process principles and avoiding arbitrary decisions... are followed." MCL 125.3503 (3). The problem with the 1140 Broadway project is that the City is dispensing with the uniformity principle without the application of the equitable procedures that the PUD process requires to ensure the protection of due process and other rights.

It does not seem that staff or the planning commission has critically considered the suitability of C1A/R zoning for this site or the possible ramifications if the City rezones the property as requested. The issue is not in the name of the zoning district but in its application and the precedent that will be set by this rezoning. The balance of this letter discusses the consequences that should be considered if the City rezones the property to C1A/R and why the rezoning will impact my clients in an inequitable manner.

HISTORY AND PURPOSE OF C1A/R ZONING

The C1A/R ordinance was adopted in 1966 and was intended to be used "near the campus business district" as an incentive to add residential uses to commercial buildings in established commercial areas. It was also intended as a transitional zoning area between higher intensity downtown zoning and adjacent residential neighborhoods. ("The original intent of the /R regulations was to provide incentives to provide amenities enhancing property values, provide greater public open space, and add to the quality of the general appearance of the downtown core.") See 1987 Downtown Zoning History Memo, p. 4 (Attached as Ex A)

Very much like the later D1 and D2 zoning ordinances, the commercial "/R" districts were drafted based on the character and existing conditions of a distinct geographical area to further specific land use goals. The character of the lots in the proposed district dictated the increased FAR and limitless height restriction that the C1A/R ordinance allows. Those lots were generally small and therefore limited the potential density and height of buildings. By 1987 there were 70 parcels zoned C1A/R. (Ex A) The City has since rezoned the C1A/R parcels that used to exist on Washtenaw, South University and Willard as part of the A2D2 process. The only C1A/R parcels that currently exist are located in the Packard/State area. There is one parcel located at 417 S. Fourth Street. There are approximately 37 parcels zoned C1A/R that contain approximately 145 residential units. The district covers an area of approximately 195,087.5 square feet. The average lot size is around 5272 square feet. The tallest buildings have 3.5 stories. The overall residential density is 30 units per acre. Based on available information it appears that there have not been any new C1A/R developments since the late 1960's.

The 1987 Memo discussed "perceived issues" with the C1A/R district which included in relevant part how to determine residential density because of "the dual use of FAR and dwelling units per acre in limiting development density." The 1987 planning staff questioned whether the limit was 75 units/acre. The current staff seems to presume that only FAR is used to determine residential density despite the fact that there has been no opportunity to apply this zoning classification in 50 years. The staff's 1987 predecessors questioned the appropriate formula without reaching any definitive conclusion. It is true that the former C2A zoning district, which was replaced by the downtown zoning classifications, posed a similar density question. There have been several high-rise buildings developed under the former C2A designation including the Landmark, which caused controversy and surprise at the intensity of development that could be achieved under C2A when

applied to larger aggregated parcels. The original Landmark proposal was for a 23-story building that was allowed by right. Council members at the time expressed surprise at the right to aggregate lots to achieve such heights and density. There was much opposition from neighbors in the nearby residential neighborhoods.

It is worth contemplating that under staff's interpretation of the C1A/R ordinance, the residential density of the subject site exceeds the allowable density in any other "R" zoning district. It also appears to exceed the unit density in any of the residential high-rises built since 2000. (See Ex B attached, Downtown Development Projects from 2000-2013). Despite the "C" in the classification name, the reality is that the Broadway site will contain almost exclusively residential land uses that will look like any other multiple family development in the City. The only difference will be that because of the "C" -and even without the development of a true mixed-use development - this residential housing project will be allowed an "intensity of development" [1] that is not allowed anywhere else in the City under any other residential zoning district classification. By developing under C1A/R, with the token commercial, the applicant can limit the Council's discretion to deny any site plan, increase residential density, increase allowable FAR and building heights (even with the self-imposed restriction), limit setbacks, and avoid the useable open space requirements that a multifamily district requires to protect the residents of the development and surrounding uses.

POSSIBLE RAMIFICATIONS OF REZONING TO C1A/R

The City Council may not be aware that the elimination of the C2A and C2A/R zoning classifications left the C1A/R zone as the second most intense zoning classification behind the D1 classification. This is an important consideration because the original intent of the C1A/R district was as a transitional zone between the higher intensity downtown zoning and adjoining residential neighborhoods. It no longer serves that purpose because it allows significantly more dense development than even the D2 zone which serves as a transition between D1 and the near downtown neighborhoods. The C1A/R zone no longer serves a transitional purpose because it is now the most intense commercial zoning district outside of the downtown area. In fact, in some situations, C1A/R zoning theoretically could allow taller buildings than permitted in some D1 overlay zones with height restrictions. It is inaccurate therefore to describe the development as providing any transition function. Moreover, as shown in the staff report, the self-imposed height restriction still allows the landowner more development intensity than was allowed under the PUD zoning of the site or could be allowed under D2 and the most intense R4 zoning district.

The successful rezoning of 1140 Broadway to C1A/R should make this zoning classification very attractive to other landowners who did not consider that it would be a development option because as stated, it apparently has not been used for development for at least 50 years. There are many other places that are arguably "near" or within the campus district that could similarly qualify for C1A/R rezoning or be combined and built by right in the existing C1A/R zone. The City will be open to a legal challenge if it denies the rezoning of other similarly situated land to C1A/R. The Master Plan will not help support a denial in those cases, because the 1140 Broadway rezoning is inconsistent with the Master Plan recommendation that the site be redeveloped as a PUD in a village type concept. The failure to zone consistent with the Master Plan places the City at risk

[1] The MZEA defines "intensity of development" as "the height, bulk, area, density, setback, use, and other similar characteristics of development."

because it compromises the ability to deny other rezoning requests that also are inconsistent with the Master Plan or only somewhat in compliance. In order to preserve the efficacy of a Master Plan it should be amended before the City allows a rezoning that is inconsistent or somewhat compliant with it. If the public's vision for a PUD in Lower Town has changed, the proper course is to first review and change the Master Plan before rezoning the site to a classification that cannot reasonably achieve the Master Plan goals.

THE UNFAIR IMPACT ON SURROUNDING PROPERTY CAUSED BY THE PLANNED PROJECT AND OTHER VARIANCES

Exhibit B shows that approximately 70% of the downtown developments canvassed required no variances. The document appropriately classifies the "planned project" as variances. Setting aside for another day the questionable legality of the "planned project" and how it is utilized, the more pressing issue here is that it prejudices my clients.

Developing land under a traditional zoning ordinance that allows the desired use by right brings many benefits to the builder because it is transparent and restricts the City's discretion to deny approval of the use. An adjoining owner, however, also is benefitted because that same transparency provides notice of what can be developed. Traditional zoning districts likewise ensure owners with property in the same zoning district that they will be treated equally and need not worry about favoritism because zoning law requires the application of uniform regulations in the same zoning districts. A landowner can only get the benefit of a "by right" use if its plan complies with all the development regulations that apply in the district. In other words, its proposal requires no variances. The by right approval is lost if the plan cannot conform to the ordinance unless the owner is entitled to a variance. The purpose of the variance is to provide justice for the landowner who because of unique conditions, which he or she did not create, cannot reasonably comply with a regulation without losing substantial rights. To get the variance, the landowner must also establish that the grant will not impair the rights of adjoining land owners who might lose the benefit of the regulation. The hardship in complying with the ordinance must be sufficiently severe to justify allowing the exception without being unfair to other land owners in the same zoning district who had to comply with the same regulation despite the loss of some development rights.

Staff and the planning commission have recommended approval of several significant setback variances for the 1140 Broadway development as a "planned project." They also recommended approval of a parking variance which has been approved. The developer has asked for planned project variances to set back requirements claiming that it will enhance the project's ability to "activate street frontage," "strengthen urban character," "enhance retail space access and visibility," "optimize open space and allow for appealing, harmonious architecture." Neither staff nor the planning commission seriously questioned these justifications for the variance even though the project has almost no commercial component and opinions differ regarding the architectural appeal. The August 1, 2017 staff memo recharacterized the applicant's justification to better meet the intent of the ordinance and additionally found that the proposed development included affordable housing which was another basis for approving a "planned project" variance. The need for the substantial variances illustrates the inappropriateness of the zoning classification for this site. The more variances required, the better the case for developing the property as a PUD, which is intended to provide the flexibility that traditional zoning classifications like C1A/R lack.

The fundamental problem with the "planned project" is that it allows the granting of a variance without the need for any unique circumstances or undue hardship. There is no evidence in the

minutes or staff reports that the planning commission reasonably considered or analyzed the unfair impact of the variances on the surrounding land owners.

The planned project variances proposed here diminish the importance of setback regulations meant to protect adjoining property owners. The City presumably requires that buildings adjacent to residential districts provide open space equal to the abutting district's setback requirement plus even more setback based on the height and length of the new building for public health, safety and welfare reasons. If setbacks can be relaxed so easily and for reasons that merely enhance the development or provide some amorphous public benefit, then it dilutes the justification for having the setback in the first place. If the setback is required for valid public purposes then it should always be required unless (1) it creates an unreasonable hardship that prevents the beneficial use of land (2) and can be relaxed without unreasonably diminishing the rights of others. If the setback formula is not meant to protect the health, safety and welfare of the abutting property owners then it is a purely arbitrary restriction that should be invalidated in every case. It is also troubling that the full setback protection can be waived for providing alleged affordable housing. While a laudable goal, there is a due process issue when adjoining landowners are forced to give up their rights without any compensation to allow the housing from which the applicant will obviously benefit. It is also troubling when the variance is recommended for alleged site improvements that are supposed to enhance nonexistent commercial amenities. Moreover, there is also a question of equal protection when some similarly situated landowners get the full protection of setback regulations while others do not. For example, "R" zoned neighborhoods in the near downtown area have the protection of the less intense D2 zoning and the increased setbacks that apply when D2 property is adjacent to R zoned property. We urge each council member to question why property owners in the near downtown neighborhoods are entitled to more protection from D2 zoned property, which permits even less intense development than C1A/R, than the neighborhoods that adjoin the subject property? The applicant's justification for the variances and staff's interpretation of them do not provide any legitimate basis to treat my clients more adversely than other residents in the near downtown neighborhoods.

The proposed project also has been granted substantial parking variances that required no showing of hardship or impact on surrounding property owners. The ordinance presumes that granting the variance based only on the amorphous "harmony" standard will ensure protection of adjoining property owners. Only time, however, will tell whether the reduction in parking will create a problem for the existing residents in the adjoining neighborhood. The City has no way of knowing beforehand whether the reduction in parking requirements will burden the adjacent neighborhoods. It is a leap of faith based upon theory that the future occupants will have fewer vehicles. My clients reasonably believe based on their experience of living in the neighborhood that they will bear the brunt of reducing the parking requirement.

The numerous concessions for this development along with the self-imposed conditions illustrate that C1A/R is not the proper zoning for the site. The property is actually being rezoned in a site-specific manner that is not allowed unless the land is being developed as a PUD. At a minimum, this is bad practice, bad precedent and injurious to other's rights.

Very truly yours,

Susan K. Friedlaender

SKF/do

Susan K. Friedlaender

Cc: Mayor Christopher Taylor (via e-mail: ctaylor@a2gov.org)
Anne Bannister (via e-mail: abannister@a2gov.org)
Sumi Kailasapathy (via e-mail: skailasapathy@a2gov.org)
Jane Lumm (via e-mail: jlumm@a2gov.org)
Kirk Westphal (via e-mail: kwestphal@a2gov.org)
Zachary Ackerman (via e-mail: zackerman@a2gov.org)
Julie Grand (via e-mail: jgrand@a2gov.org)
Jack Eaton (via e-mail: jeaton@a2gov.org)
Graydon Krapohl (via e-mail: gkrapohl@a2gov.org)
Chip Smith (via e-mail: csmith@a2gov.org)
Chuck Warpehoski (via e-mail: cwarpehoski@a2gov.org)
Kevin McDonald, Esq. (via e-mail: kmcdonald@a2gov.org)
Stephen Postema, Esq. (via e-mail: spostema@a2gov.org)

EXHIBIT A
DOWNTOWN ZONING HISTORY

MEMORANDUM

TO: City Planning Commission November 13, 1987

FROM: Martin Overhiser, Planning Director
Glenn Bowles, City Planner GB

SUBJECT: **Analysis of the C1A/R, C2A/R, and C2B/R Zoning Districts in the Downtown Area**

On September 22, 1987 at its regular meeting, the City Planning Commission tabled action on The Pizza House Rezoning and Site Plan so staff could complete an analysis of the "/R" zoning districts in the downtown area.

In response to the City Planning Commission request, staff inventoried all C1A/R, C2A/R, and C2B/R zoning districts in the downtown area and has researched the history of zoning in the downtown. The results of these investigations are detailed below.

INVENTORY

C1A/R

Seventy parcels are zoned C1A/R with only 15 located in the Downtown Development Authority (DDA)/parking exempt district. The 15 DDA parcels contain 76 dwelling units (4.6 percent of the DDA total), 110 parking spaces (1.0 percent of the DDA total), 2.83 acres (1.4 percent of the DDA land area), and 97,312 square feet of gross building floor area (0.8 percent of the DDA building area).

The entire C1A/R area contains 9.46 acres, 310 dwelling units, and over 313,200 square feet of gross floor area. Over twice as much C1A/R land area is found outside as is found inside the DDA district. The district is centered south of South University along Willard and in the Packard/State commercial concentration. Exclusive apartment or residential use is found in 47 of the 70 C1A/R parcels.

Forsythe Park at the corner of Packard and Arch Streets consists of three parcels containing a total of 0.303 acres is zoned C1A/R.

C2A/R

All of the 109 properties of the C2A/R zoning district are found within the DDA/parking exempt district. The properties contain 640 dwelling units (38.4 percent of the DDA total), 814 parking spaces (7.6 percent of the DDA total), 22.2 acres (11.1 percent of the DDA land area), and 1,351,700 square feet of gross building floor area (11.6 percent of the DDA building area). Five parcels containing 0.84 acres are in public use. They are Liberty Plaza, the AATA Transfer Station and the Kempf House.

When the average floor area ratio (total building floor area divided by the parcel size) for the entire DDA district is compared to the entire C2A/R zoning district (1.39:1.33), the C2A/R district is nearly five percent more

dense. Nearly 45 percent or 49 properties in the C2A/R zoning district are used exclusively for residential or apartment use. On occupied parcels, floor area ratios (FAR) range 10.97 and 10.76 for the Tower Plaza and Maynard House properties respectively to less than one, but average just less than two. The typical building contains two stories with an occupied basement.

C2B/R

Like the C2A/R, the C2B/R zoning district is contained completely within the DDA/parking exempt district. The 186 parcels contain 144 dwelling units (8.6 percent of the DDA total), 2,258 parking spaces (21.1 percent of the DDA total), 32.6 acres (16.3 percent of the DDA land area, and 1,348,300 square feet of gross building floor area (11.6 percent of the DDA total). The total C2B/R floor area ratio is 80 percent of the total DDA floor area ratio.

Thirteen parcels in the C2B/R zoning district are publicly-owned. However, five of them (Ashley Plaza and the Packard/Main properties) are proposed to be sold to a private interest for the development of downtown housing. The remaining eight parcels (Washtenaw County office buildings-3, Farmers' Market-2, the Fourth and Catherine parking lot and the Community Dental Clinic-2) contain 2.50 acres.

The inventory for all three zoning districts is attached. Parcel maps locating the various zoning districts and a zoning district map demonstrating the relationships with the surrounding zoning districts are also attached.

ZONING DISTRICT COMPARISONS

C1A/R

The C1A/R serves as a transition or buffer zone of use between the campus-oriented commercial concentrations along South University Avenue (between Washtenaw Avenue and East University) and the Packard-State intersection and the surrounding multiple-family dwelling districts.

Residential densities in the C1A/R for parcels with residential uses is 35.9 dwelling units per acre (du/ac). The density allowable for residential density in the C1A/R zoning district seems to be the R4C/D level of 75 du/ac.

The C1A/R residential density in the South University area (28.5 du/ac) is less than the Packard-State area (38.6 du/ac).

C2A/R

The C2A/R provides an area for high density residential development within the downtown core to encourage the orderly clustering and placement of high-rise housing between the two core commercial concentrations (South Main and South State Streets). Residential densities within the zoning district average 75.32 with a range of 622 du/ac in Tower Plaza to six du/ac for the apartments at 303 South Division Street, and are comparable to the R4C/D density of 75 du/ac referenced in the zoning regulations.

Six buildings exceed the maximum floor area ratio of 3 times the lot area without floor area premiums being provided. They are the Campus Inn, the Handicraft building, the Michigan Bell building, Tower Plaza, the 350 Thompson Street apartments, and the Maynard House. Only the Campus Inn and Tower Plaza provide any pedestrian plaza space.

C2B/R

The C2B/R serves as a buffer or transition in density and use between the downtown commercial core and the surrounding residential neighborhoods to the west and north by allowing higher floor area ratios in exchange for residential use. The district allows highway-oriented uses such as vehicle sales and service uses that were operating at the time of passage in 1966. Several old corner gasoline service stations and car dealerships in the commercial core area along Huron Street are now zoned C2B/R. The zoning district contains fewer residential units at a lower density than the other two downtown residential zoning districts, but contains a greater percentage of parking spaces. The C2A/R and the C2B/R contain nearly equivalent floor area, but the latter has a lower average floor area.

Only the retail/office buildings at 209 and 221 North Main Street, Tally Hall (Liberty Square) and the Danish News building exceed the maximum 3.00 FAR without providing premiums. Tally Hall provides an inner atrium but does not exceed the maximum 6.00 FAR.

Residential densities for C2B/R parcels with residential use average 28.37 du/ac with a range of over 60 in the Bilakos Block to five per acre for the residence at 415 North Main Street. The actual residential density of the zoning district is well above the 20 du/ac referenced in the C2B/R zoning regulations.

Difference Between the Downtown Commercial and the Commercial/Residential Zoning Districts

The following chart compares the six downtown zoning districts.

	Maximum FAR		Setbacks			Maximum Height	Minimum Gross Lot Size/ Width	Maximum Residential Density	Minimum Residential Lot Size/ Width
	Without Premiums	With Premiums	Front	Window Wall	Abutting Residential				
C1A	200%	400%	0	X	Yes	None	None	75 du/ac (unclear)	14,000 sqft/120 ft
C1A/R	300%	600%	10 ft*	X	Yes	None	None	75 du/ac (unclear)	14,000 sqft/120 ft
C2A	400%	600%	0	X	Yes	None	None	75 du/ac (R4C/D)	14,000 sqft/120 ft
C2A/R	300%	600%	10 ft*	X	Yes	None	None	75 du/ac (R4C/D)	14,000 sqft/120 ft
C2B	200%	200%	40 ft		Yes	60 ft	4,000 sqft/ 40 ft	20 du/ac (R4C)	8,500 sqft/60 ft
C2B/R	300%	600%	40 ft*	X	Yes	None	None	20 du/ac (R4C)	8,500 sqft/60 ft

* When a building containing any residential use does not exceed five stories in height, the total square footage of the front, rear, and side yards shall not be less than 30 percent of the lot area.

As an inducement for new housing in the downtown, potential FARs were generally increased in exchange for an increased front yard setback. The C2A/R does not increase FARs over the C2A. All other aspects of the zoning districts including window wall setbacks, maximum heights, minimum lot size and width and residential density. The C2B/R eliminates the minimum gross lot size and width requirements. The original intent of the /R regulations was to provide incentives to provide amenities enhancing property values, provide greater public open space, and add to the quality of the general appearance of the downtown core.

HISTORIC BACKGROUND

Ann Arbor's first zoning ordinance was adopted by a 9-4 vote by the Common Council on September 4, 1923. The vote was changed to 12-1 after the zoning map was amended to change the zoning on the west side of North State Street between Huron and Ann Streets from "C" (Commercial) to "B" (Residential). The ordinance established four use districts within the City: "A" (Single-Family) Residential, "B" (Duplex and Rooming House) Residential, "C" Commercial, and "D" Industrial. The Ordinance was a classical pyramid arrangement with "A" uses allowed in all districts; "B" uses allowed in B, C and D; "C" allowed on in C and D; and "D" allowed only in its own district. The Ordinance was established for the public interest, health, comfort, convenience, preservation of the public peace, safety, morals, order, and public welfare of the City under the police powers of the City.

Between 1923 and 1930, the ordinance was amended seven times. Four of the changes being mapping amendments. Most were a more precise recognition of existing uses, but these amendments point out that an ambiguity existed 64 years ago concerning the ultimate activity allowed in the northwest portion of the DDA district. As has been pointed out in the 1987 version of the Downtown Plan, the ambiguity and debate continues today. Attached are a copy of the original ordinance and map illustrating use district changes between 1923 and 1929. All of the use district changes were in the downtown or directly adjacent to the district in this period.

In 1929, the first of a series of major revisions to the text of the ordinance were adopted by the Common Council. Several definitional amendments were made to the Code for "inner court", "height and length of court", "curb level", and the like that made the Ordinance more applicable to construction practices of the day and were probably reflective of the general experience of other cities in the country. For example, the concept of rear and side yard setbacks were introduced, as well as, height and residential density (dwelling units per square foot). No longer were the districts called "use" districts, but rather use, height and area districts. As the automobile became more common, different land uses were created to accommodate the motoring public. For example, no mention in 1923 of a gasoline or motor fuel filling station was made. In 1929 they were added.

The original use district map established three districts in the downtown. Residential "B" north of the South University frontage east of East University, the Community High block, the area north of Catherine west of Fourth, and the

Washington Street area east of Division. Commercial and Industrial "D" for Kerrytown and either side of the Ann Arbor Railroad tracks generally west of First Street and south of Packard extending to Ashley Street. The remaining parcels were zoned "C" Commercial except the University of Michigan Campus on the "Diag" block. In 1929, a local business use district was added so that what were shown as "C" along Chapin Street, the Brauer Building at Catherine and Fifth and South University Avenue, were changed to "C" Local Business and the former "C" Commercial district became the "D" Commercial district. The "D" district was found only in the downtown core area.

One should be aware that even into the mid-1930's, the Ann Arbor downtown was a manufacturing, wholesaling, and agricultural processing center for the general western Washtenaw County area. The concept of large modern grocery and department stores was only in its infancy. Most people bought fresh vegetables, used a blacksmith to make minor repairs, and still made most of their own clothes. Mail ordering was very popular. Kerrytown was a laundry and light manufacturing area. The downtown did not become a strong retailing center until the late 1940's.

Between September 1932 and January 1955, the number of use, height and area districts in the downtown area was expanded from four to nine by including a second local business district, two residential districts, and another industrial district. Motels were defined as well as self-service laundries, and junkyards. The Depression had its effects on land uses too. More people were doubling up in existing dwelling units. More types of higher density housing had to be defined. Junkyards were becoming a local concern and finally became regulated through the use, height, and area ordinance. Provisions for requiring off-street parking within certain districts were added to the ordinance in 1953.

Between 1932 and 1939, very few mapping or text amendments were passed. More significantly though during this time was the first official establishment of the Planning Commission which met for the first time on July 25, 1938. The Common Council had made the appointments on June 6, 1938. An early attempt to establish a planning commission had not been successful. Previously, the Common Council had handled all map and text amendments itself. A Board of Appeals was established in 1923 to hear any appeals of the decision of the Building Inspector. City Engineering processed all petitions since there was no Building Inspector. On June 3, 1939, the first City Planning Department employee was hired. Harold Spoden, a part-time draftsman, was retained to make mapping changes.

Between 1939 and 1956, nearly 30 amendments to the map and text of the Ordinance were approved. The attached map illustrates the map amendments and the attached time line plots the text amendments.

By the early 1960's (see the attached map), a downtown zoning district arrangement had evolved boundaries that closely follow the present zoning and DDA district boundaries. Two high-rise buildings were constructed in the early 1960's which radically changed the philosophy of the Zoning Ordinance. As a direct reaction to the University Towers, the Maynard House, and plans for the

Tower Plaza, the City commissioned the landscape architectural firm of Johnson, Johnson and Roy, Inc. of Ann Arbor to develop recommendations concerning high-rise development and parking for the Ann Arbor downtown. The resulting Central City High-Rise and Parking report was instrumental in making sweeping changes to the Zoning Ordinance in regard to floor area ratios, parking exemptions, and the placement of high-rise buildings in the downtown core area.

Before this effort, the City had amended its Zoning Ordinance on January 14, 1963 which codified the Ordinance and added a table of contents, an index and reference maps in the same document. This was the culmination of a seven-year effort to overhaul the entire Zoning Ordinance.

In order to better understand the intent of the complete revision to the Zoning Ordinance in 1963 and the reaction to the new downtown regulations which culminated with substantiate revisions being adopted in 1966, a graphic description of the changes in types and number of downtown zoning districts and their regulation of height, setback and density is displayed below.

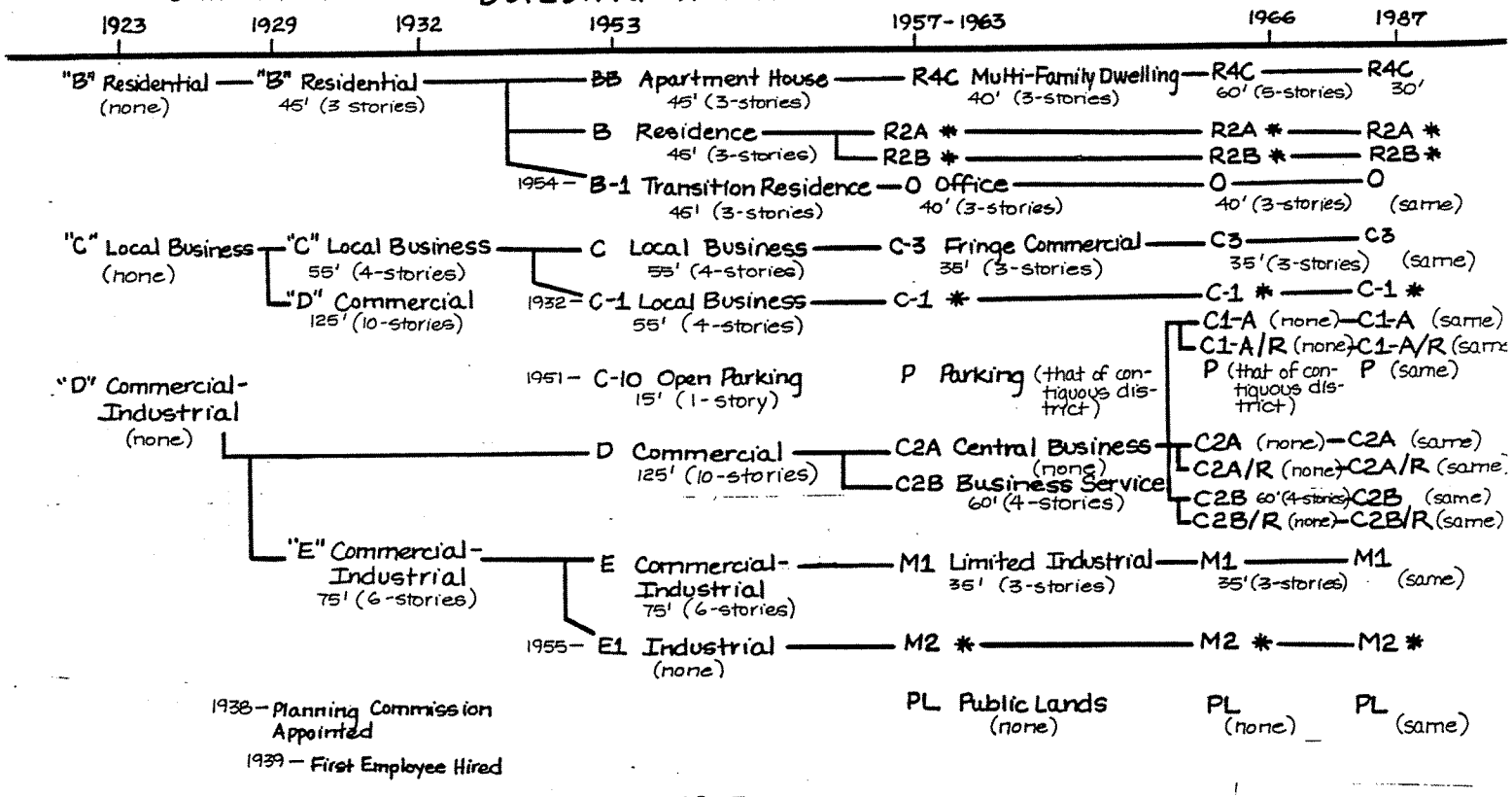
DOWNTOWN ZONING — FRONT SETBACKS

1923	1929	1932	1957-1963	1963	1966	1987
"B" Residential (25 feet)	"B" Residential (inner/outer court)		B Residence (25 feet)	R2A * *	R2A *	R2A *
				R2B * *	R2B *	R2B *
			B-1 Transitional Residence (25 feet)	O Office (25 feet)	O (25 feet)	O (same)
			BB Apartment House (25 feet)	R4C Multi-Family Dwelling (15 feet)	R4C (15 feet)	R4C (25 feet)
"C" Local Business (10 feet)	"C" Local Business (inner/outer court)		C (inner/outer court)	C3 Fringe Commercial (40 feet)	C3-4 (0 feet)	C3 (same)
	C-1 Local Business		C-1 (inner/outer court)	C-1 *	C1 *	C-1 *
					C1-A (none)	C1-A (same)
					C1-A/R (10 feet)	C1-A/R (same)
	"D" Commercial (inner/outer court)		C-10 Parking (none)	P Parking (none)	P (none)	P (same)
			D Commercial (inner/outer court)	C2A (none)	C2A (none)	C2A (same)
					C2A/R (10 feet)	C2A/R (same)
				C2B (none)	C2B (20 feet)	C2B (40 feet)
					C2B/R (10 feet)	C2B/R (40 feet)
"D" Commercial-Industrial (none)	"E" Commercial-Industrial (inner/outer court)		E Commercial-Industrial (inner/outer court)	M1 (30% up to 40%)	M1 (30% up to 40%)	M1 (same)
			E1 * Industrial (25% of frontage)	M2 *	M2 *	M2 *
				PL Public Land (none)	PL (none)	PL (same)

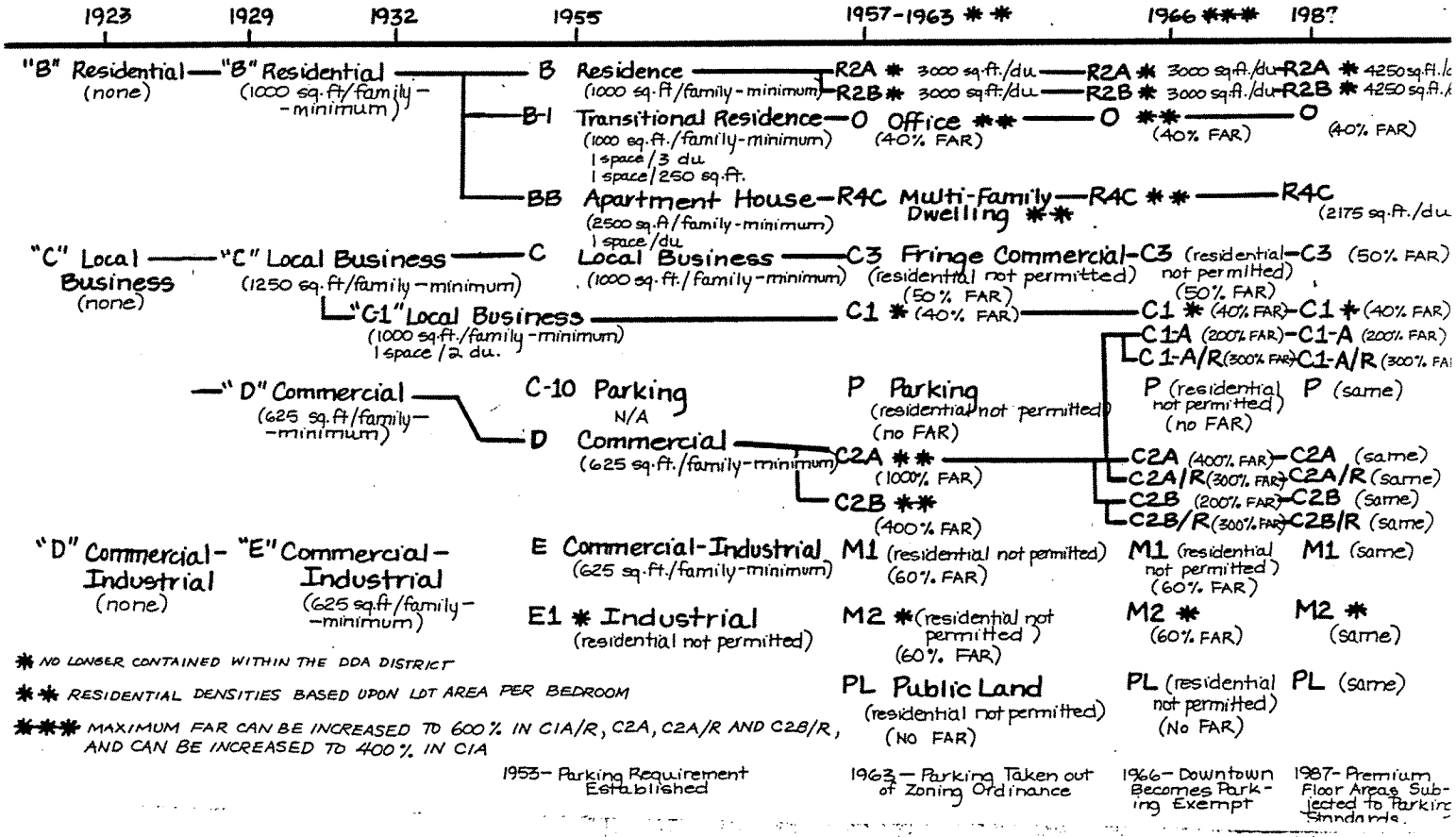
* NO LONGER CONTAINED WITHIN THE DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

DOWNTOWN ZONING

BUILDING HEIGHT



DENSITY



* NO LONGER CONTAINED WITHIN THE DDA DISTRICT

* * RESIDENTIAL DENSITIES BASED UPON LOT AREA PER BEDROOM

* * * MAXIMUM FAR CAN BE INCREASED TO 600% IN C1A/R, C2A, C2A/R AND C2B/R, AND CAN BE INCREASED TO 400% IN C1A

The 1957 to 1963 Ordinance revisions establish the basic Ordinance text and format that is used today. The existing zoning maps are derived from this effort. This last generation of Ordinance first established the concept of Floor Area Ratio and modified parking requirements in the zoning ordinance that were first added in 1953. The 1963 Ordinance was also unique in that it digressed from the historic use of pyramid zoning by not allowing residential use in the fringe commercial (C3), parking (P), public lands (PL), and the industrial (M) zoning districts. Public lands were first segregated from other zoning districts at this time. The adoption of the 1963 Zoning Ordinance corresponded closely to the publication of "A Guide to Action - The Ann Arbor Central Area" in December, 1962.

A second downtown study was commissioned in 1965 as a "continuing refinement and implementation of A Guide to Action." The Central City High-Rise and Parking, recommendations served as the basis for the downtown zoning revisions adopted in 1966. The joint committee formed to evaluate the condition of downtown zoning regulations felt that more precise standards and parking exemptions were needed. The Ordinance revisions:

1) Established the concept of floor area premiums. In exchange for pedestrian-oriented plazas and atriums, the developer is allowed to exceed the established FAR maximums. It is interesting to note that the original concept of the roof plaza premium was for a plaza on top of a parking structure where the "surface area is designed to provide usable space and landscape elements for the building occupants and an interesting surface viewable from surrounding buildings."

2) Rezoned the South University retail area from C2A (Central Business District) to C1A (Local Business District) so that the area could more properly relate to its physical surroundings.

3) Created new residential districts in the downtown to provide general areas for high density residential development and to encourage the orderly clustering and placement of high-rise housing with commercial on the first two floors. Essentially portions of the two downtown commercial districts (C2A and C2B) and the newly-proposed C1A would be given the residential designation /R. Residential use was proposed to be then eliminated form the standard downtown commercial zoning district (C1A. C2A, and C2B). However, residential use was never removed by right from the downtown.

   The /R downtown residential districts would require a ten-foot front yard. To encourage residential development in the /R districts, increases in FAR were provided.

4) Window wall setbacks were established above the second floor where windows are required by building code.

5) Land use was exempted from the provisions of Chapter 59 (Off-Street Parking Ordinance) except for residential use. Different parking exempt zones were established within the downtown area, each with slightly differing degrees of exemption.

This third generation of downtown zoning regulations seemed to be a direct reaction to the construction of the Maynard House in 1962, to University Towers built in 1965 and plans developing for Tower Plaza built from 1967 to 1969.

Many existing non-residential buildings were made nonconforming as a result of the 1966 Ordinance revisions in the newly-created C1A/R, C2A/R, and C2B/R zoning districts. Because of this, Section 5:88 was added to allow existing non-residential uses or structures, or the abutting site of expansion to be registered as a development of record. Essentially, the City recognized the nonconformity and allowed it to exist indefinitely. The attached map plots each of the developments of record in the downtown /R zones.

Several other amendments revised the Zoning Ordinance text since January 10, 1966. The revisions that directly affect the Downtown districts are:

a) August 14, 1967 - established window wall setbacks in the C1A/R, C2A, C2A/R and C2B/R zoning districts.

b) October 30, 1967 - set minimum front yard setbacks in the P (Parking District).

c) July 15, 1968 - technical text amendment providing a direct reference from Schedule of Area, height and Placement Regulations to Section 5:67.

d) January 20, 1969 - Technical adjustment to window wall provisions.

e) March 16, 1970 - Revisions to definitions of street, structure, lot, usable open space, distance between buildings, removed residential uses as permitted uses in the O (Office District), removed the provision that the P (Parking District) may act as a buffer between residential and commercial or industrial uses.

f) November 15, 1971 - the official copy of the Zoning Ordinance, certified by the City Clerk, shall be kept in the Planning Department. R4C/D added as a principle permitted use in the C2A/R, C2B and C2B/R zoning districts.

g) September 8, 1980 - revised permitted uses in all districts and established the existing multiple-family dwelling densities.

h) August 3, 1981 - established a 40-foot front yard setback for the C2B and C2B/R districts and 75-foot front and rear setbacks and a 50-foot side setback in the P district.

i) March 4, 1985 - technical amendment that allows a building setback based on the average setback of nearby buildings in the C2B and C2B/R districts and residential uses in the C2B/R districts must comply with the R4C area, height, placement and density regulations.

j) July, 1987 - revision to the parking ordinance.

CONCLUSIONS

C1A/R

Derived from the C2A (Core Commercial District), the C1A/R attempts to form a transition between the South University Campus commercial and the surrounding multiple-family neighborhood. The district also seems to recognize the existence of office and retail uses in a few of the structures and the future need to expand retail floor area in the South University area. The perceived issues in the C1A/R are:

1) The relationship of the ten-foot front setback requirement and the transition between campus commercial and the R4C multiple-family dwelling district.
2) Several (four buildings) are exempted from the front yard setback requirements and effectively cut the C1A/R South University area in two.
3) Is there a need to extend retail uses to Willard Street?
4) Is there a need for front yard setbacks?
5) The ensurance of residential use in new developments.
6) The confusion in the dual use of FAR and dwelling units per acre in limiting development density.
7) The marketing of new residential buildings would require on-site parking, yet none is legally required if premiums are not exceeded.
8) Several tax parcels are used exclusively for parking.
9) Forsythe Park at the corner of Arch and Packard is zoned C1A/R.
10) Residential density in the C1A/R is 38 du/acre.
11) Illegal front yard parking is widespread.

C2A/R

Development of Record registration in 1966 effectively rezoned 30 percent of the C2A/R zoning district back to C2A. There does not seem to be an incentive to use the C2A/R district to develop high-rise housing because of the front yard setback and lower premium FAR requirements. The Huron Street corridor is intended to be a high intensity development corridor according to the proposed Downtown Plan and the adopted Downtown Conservation and Development Strategy. However, an interface with the Perry School R4C neighborhood to the south and the fact that several buildings to the north in the Old Fourth Ward and Division Street Historical District are located in the C2A/R district must be taken into account.

The simultaneous application of the FAR and dwelling units per acre density regulations is confusing. The average housing density in the C2A/R district area is 75 du/acre, that of the maximum density in the R4C/D (Downtown Multiple-Family Housing District).

As with the C1A/R district, parking is the exclusive use on many single parcels not zoned P (Parking District) and several public land parcels are not zoned PL (Public Land District). Illegal front yard parking is an issue along Division and Thompson Streets.

C2B/R

Again, several publicly-owned parcels are not zoned PL and nine parcels with parking as its exclusive use are not zoned P. The C2B/R district was established as a transition between the C2A core commercial and the surrounding R4C multiple-family neighborhoods and accommodate many formerly-existing highway-oriented uses such as car dealerships and car repair and service stations. All of these uses have disappeared from the downtown core.

The Development of Record exempted nearly a third of the C2B/R land area and nearly one-half of the building floor area. Section 5:61(4) make the Development of Record contradictory and confusing in the C2B/R district. The 40-foot setback requirement is excessive in the downtown area.

Furthermore, the use of both dwelling units per acre and the FAR to control density can be confusing. The residential density i the C2B/R district is 28 du/ac (R4D maximum density is 25 du/ac). R4C/D and R4D front yard setback (25 feet) and minimum lot size are not compatible with the downtown situation.

PROPOSALS

C1A/R

For the City Planning Commission immediate consideration, staff would recommend that the C1A (Campus Commercial District) boundary be extended to include all parcels on the west side of Church Street within the Downtown Development Authority district. This would include 618 (The Pizza House), 620, and 624 Church Street.

Furthermore, 621 Church Street and all the Developments of Record should also be zoned C1A as should Bell's Pizza at 716 Packard Street. Forsythe park should be zoned PL.

All C1A/R-zoned property along Willard, Forest, Church and East University should be zoned R4C/D (Downtown Multiple-Family Dwelling District) to better serve as a transition in density between the downtown and the R4C-zoned neighborhood. Front yard setbacks required should be revised to allow an averaging of existing setbacks within the block face and minimum lot sizes should be lowered to 5,800 square feet. Parking regulations should be more strictly administered. This would bring most of the properties into compliance ad would not allow any significant expansion of residential densities because of the existing dwelling unit per acre density and 1.5 spaces per unit parking regulations. This higher density residential zoning change would be offered in exchange for no commercial or office expansion in the existing residential structures. The existing office use in 621 Forest can continue as a home occupation and the mall (824 square feet) restaurant at 627 East University could continue as a nonconforming use.

The C1A/R does still make sense along Washtenaw Avenue where the setbacks should be maintained as an entry corridor into the downtown and the University of Michigan Central Campus.

Other residential uses zoned C1A/R in the Packard/State area should be zoned R4C/D with the understanding that front setback regulations will be revised to allow averaging and the minimum lot area be reduced to 5,800 square feet. The properties with predominately commercial or office use should be rezoned to C1B.

C2A/R

This district does not seem to serve the original purpose for which is was intended. All Development of Record-registered properties and all other non-residential and non-public parcels should be rezoned to C2A (Core Commercial District). This would include the Maynard House block, Tower Plaza, and the Huron, Washington and Liberty Streets frontages. The block bounded by Liberty, Division, Thompson and William needs to be studied in detail to establish a future land use policy. All City-owned parcels presently zoned C2A/R should be rezoned to PL.

All William and all Division and Thompson Streets frontage south of Liberty Street not already mentioned should be rezoned to R4C/D that will more closely reflect existing use and densities and will not increase residential densities. This will affect a density transition from the downtown core into the Perry School R4C neighborhood.

C2B/R

All C2B/R-zoned parcels east of North Fifth Street and South of Ann Street should be rezoned to C2A (Core Commercial) because the former uses established and the present uses are no longer in use. All publicly-owned parcels presently zoned C2B/R should be rezoned to PL.

Because of the contradictory nature and confusion involved with the Development of Record in the C2B/R district, the balance of the district should be rezoned back to C2B with the exception of the Kingsley frontage east of North Main Street to R4D.

The existing C2B downtown zoning district front yard setback should be revised to allow an averaging of the block face not to exceed 25 feet.

GB/jsj/m

Attachments: Zoning Ordinance of 1923
Zoning Ordinance of 1929
Zoning Ordinance of 1932
Map of Use District Changes Between 1923 and 1966
Time Line of Text Amendments to Zoning Ordinance
Land Use Maps for Each "/R" Zoning District - 11/87
Spreadsheet Inventory for Each "/R" Zoning District - 11/87
Map of Residentially-Zoned Properties (/R)
Map of Development of Record Parcels in the Downtown - 11/87

EXHIBIT B - Summary of Downtown Projects

APPENDIX B

Summary of Downtown Projects Since 2000

Downtown Development Projects by Character Area – 2000 to Present

State Street Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
The Collegian 333 Maynard 9294V21.5d	6.10.2002 8.5.2002 2 months	Yes Chap 55 (Planned Project)	Yes 2004	C2A	390% 27,730 sf	5 stories (68 feet) 1 – retail 2-5 – office	Required – 0 Provided – 0	No	None	Yes State Street	None
The Collegian – Addition 333 Maynard 9294V21.5e	10.10.2005 1.9.2006 3 months	Yes Chap 55 (Planned Project)	No Expired	C2A	600% 42,660 sf	8 stories 1 – retail 2-4 –office 5-8 – residential	Required – 15 Provided – 15 off-site	Yes Residential	27 units	Yes State Street	$15,611 - Parks
Cornerhouse (State Street) Lofts 205 S. State 9282C1.5b	3.30.2001 5.21.2001 2 months	No	Yes 2003	C2A	660% 71,845 sf	8 stories (99 feet) 1 – retail 2-8 – residential	Required – 29 Provided – 29 off-site	Yes Residential	42 units (3 affordable)	No	$17,188 - Parks
McKinley Liberty Retail 505 E. Liberty 9291A19.05	8.2007 1.7.2008 5 months	No	Yes 2009	PUD (from C2A)	593% total (139% retail, 454% - parking,)	7 stories (102 feet) 1-2 – retail 2-7 – parking	Required – 0 Provided – 0 (reserved spaces in structure)	No	None	No	$125,000 – Stormwater requirement
McKinley Town Center 401 E. Liberty 9291B17.5	9.9.2005 10.18.2005 1 month	Yes Chap 62	Yes 2007	C2A/R	277% 132,349 sf	5 stories 1 – retail 2-5 – office	Required – 0 Provided – 62	No	None	No	None
Thayer Arms 224 S. Thayer 9282A2.5	8.11.2000 12.4.2000 4 months	Yes Chap 55	No Expired	C2A	381% 16,846 sf	6 stories (77 feet) 1 – garden 2-6 – office	Required – 0 Provided – 0	No	None	No	None
Zaragon West 500 E. William SP10-013	4.26.2010 8.5.2010 3.5 months	No	Yes 2012	D1	682% 96,685 sf	14 stories (174 feet) 1 – retail 2-3 – parking 4-14 - residential	Required – 40 Provided – 40	Yes Residential	99 units (200 bedrooms)	No	$48,000 - Parks

Downtown Development Projects by Character Area – 2000 to Present

East Huron 1 Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
413 E. Huron 413 E. Huron St. SP12-036	11.28.2012 Under Review	No	No	D1	680% 271,855 sf	14 stories (150 feet) B1-2 – parking 1 – retail 2-14 residential	Required – 112 Provided – 132	Yes	216 units (533 bedrooms)	No	$133,920 - Parks

East Huron 2 Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Ann Arbor Municipal Center 100 N. Fifth Ave.	Not applicable	No	Yes 2011	PL	228% 199,600 sf	5 stories – new building 6 stories – existing building (99 feet)	Required – 0 Provided – 52	No	No	No	No
4 Eleven Lofts (Washington Terrace) 301 E. Washington 9291A17.5	2.27.2006 6.5.2006 3.5 months	No	Yes 2009	C2A/R	603% 132,610 sf	11 stories (110 feet) B1-3 – parking 1 – retail 2-11 – residential	Required – 68 Provided – 107	Yes Residential	96 units (342 bedrooms)	No (former Individual Historic District site)	$54,564 - Parks
The Varsity 425 E. Washington SP11-023	7.28.2011 11.10.2011 3.5 months	No	Under Constr.	D1	695% 177,180 sf	13 stories (148 ft) B1-2 – parking 1-13 residential	Required – 76 Provided – 78	Yes Residential	181 units (415 bedrooms)	No	On-site plaza amenities

Downtown Development Projects by Character Area – 2000 to Present

Liberty/Division Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Metro Lofts 320 E. Liberty 9291A13.5	4.14.2003 8.4.2003 4 months	Yes Chap 55	Yes 2007	C2A/R	445% 38,782 sf	4 stories (59 feet) 1-4 residential	Required – 3 Provided – 14	Yes Residential	14 units	Yes East Liberty	None

Midtown Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Fifth Avenue Building 221-225 E. Washington 9291D11.5	9.11.2000 1.8.2001 4 months	Yes Chap 55	Yes	C2A	258% Revised in 2003 to 263% 21,659 sf	4 stories 1 – retail/pkg 2-3 – office 4 - residential	Required – 0 Provided – 4	No	1 unit	Yes Main Street	None
Metro 202 202 S. Division 9291C15.5	6.19.2005 9.5.2006 15 months	Yes Chap 55 (Planned Project)	No Expired	C2A/R (from C2B/R)	610% 53,454 sf	9 stories (105 feet) 1 – retail 2-9 - residential	Required – 27 Provided – 44 off-site	Yes Residential	44 units	No	$26,734 - Parks
UM Credit Union 340 E. Huron SP11-027	9.12.2011 Under review	No	Yes 2012	D1	181% 89,174 sf	3 stories	Required – 0 Provided – 31	No	None	No	None
William Street Station 9294W9.5	11.28.2005 2.21.2006 3 months	Yes Chap 47	No Expired	C2A/R	610% 320,000 sf	West 12 stories (175 feet) East 14 stories (195 feet)	Required – 163 Provided – 163 off-site	Yes Residential	160 units (100 affordable)	No	Pedestrian amenities

Downtown Development Projects by Character Area – 2000 to Present

Main Street Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
215 N. Fifth Ave SP11-002	1.26.2011 4.18.2011 3 months	No	No	D2	96% 4,000 sf	2 stories 1-2 – residential	Required – 0 Provided – 2	No	1 unit	Yes	No
112 W. Liberty 9291B3.5	3.10.2003 5.5.2003 2 months	No	No Expired	C2A	280% 4,923 sf	3 stories 1 – retail 2-3 residential	Required – 0 Provided – 0	No	1 unit	Yes Main Street	None
303-307 S. Main 9291A6.5	2.11.2002 4.11.2002 2.5 months	No	Yes 2005	C2A	390% 30,520 sf	3 stories 1 – Retail 2-3 Office	Required – 0 Provided – 0	No	None	Yes Main Street	None
Ann Arbor City Apartments W. Washington 9291D1.05	1.28.2008 12.1.2008 10 months	No	Under Constr.	PUD (from P)	681% 168,027 sf	9 stories (104 feet) B1-B2 – parking 1-2 – parking 3-9 – residential	Required – 70 Provided – 244 (a portion to be available to public)	No	156 units (16 affordable)	No	$36,208 – Parks $90,000 – Public art (DDA)
Ashley Terrace 202-212 W. Huron 9291J2.5c	5.2.2005 9.6.2005 4 months	No	Yes 2008	C2A (from C2B/R)	600% 156,889 sf	11 stories (132 feet) B1-3 – parking 1-2 – retail/office 3-11 – residential	Required – 52 Provided - 124	Yes Residential	93 units	No	$53,773 - Parks TBD – Traffic mitigation
Downtown Home & Garden 212 S. Ashley SP11-003	1.31.2011 4.20.2011 4 months	No	Yes 2011	D1	140% 22,903 sf	1 story greenhouse	Required – 0 Provided - 11	No	None	Yes Main Street	No
Mayer Schairer 110-112 S. Main 9291F5.5	5.10.2004 7.19.2004 2 months	Yes Chap 55	Yes 2006	C2A	350% 16,075 sf	5 stories (71 feet) 1-2 retail/office 3-5 residential	Required – 0 Provided – 2	No	1 unit	Yes Main Street	None
Schlecte Building 116 N. Fourth Ave 9291J9.5	11.13.2000 1.8.2001 2 months	No	Yes	C2A	337% 7,613 sf	3 stories (38 feet) 1 – office 2-3 – residential	Required – 0 Provided – 0	No	1 unit	Yes Fourth/ Ann	None

Downtown Development Projects by Character Area – 2000 to Present

Main Street Character Area - Continued

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Tierra on Ashley 200 S. Ashley 9291D2.5 *** Superseded*** (see below)	10.2.2006 3.5.2007 5 months	No	No Expired	C2A	638% 28,935 sf	8 stories (116 feet) 1-2 – retail 3-5 – office 6-8 – residential	Required – 11 Provided – 7 (Council modification received)	Yes Residential	6 units	No	None
Tierra on Ashley-Revised 200 S. Ashley 9291D2.5a	1.28.2008 5.19.2008 4 months	No	No Expired	C2A	629% 28,939 sf	8 stories (108 feet) 1-2 – retail 3-6 – office 7-8 – residential	Required – 11 Provided – 4 (Council modification granted)	Yes Residential	4 units	No	None
Washington Bldg 215-217 E. Washington 9291D10.5 & 5a	11.12.2002 2.4.2002 3 months Revised 8.13.2002	Yes Chap 55 (Planned Project)	No Expired	C2A	281% Revised in 2002 to 214% 13,410 sf	4 stories 1- retail 2-3 – office 4 – residential	Required – 0 Provided – 0	No	1 unit	Yes Main Street	None
Washtenaw County Bldg. 200 N. Main	Not Reviewed	No	Yes 2000	C2B/R	450% 41,000 sf	4 stories B-4 – office	Required – NA Provided – 0	No	None	No	None

Downtown Development Projects by Character Area – 2000 to Present

Kerrytown Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Kingsley Lane (Revised) W. Kingsley 9291T4.05a	9.29.2003 2.2.2004 4 months 12.12.2005 4.3.2006 5 months	No	No Expired	PUD (from C2B/R)	365% 59,800 sf	9 stories (105 feet)	Required – 24 Provided – 24	N/A	40-54 units (6 affordable)	No	$31,223 - Parks $50,000 - Greenbelt TBD - Affordable Housing
The Gallery 414 N. Main 9291S7.05a	9.26.2005 8.10.2006 12 months	No	No	PUD (from C2B/R)	599% 199,642 sf	11 stories (158 feet)	Required – 162 Provided – 224	N/A	123 units (18 affordable)	No	$71,118 – Parks $1,107,000 Affordable Housing
Wolverine Temporaries 315 N. Main 9291Q5.5	2.15.2000 4.3.2000 2 months	No	Yes 2003	C2B/R	47% 4,126 sf	2 stories (27 feet) 1-2 – office	Required – 0 Provided – 10	No	None	No	None
Zingerman's Deli 422 Detroit St. SP10-009	3.31.2010 7.19.2010 4 months	No	Yes 2012	D2	129% 21,603 sf	2 stories (32 feet)	Required – 0 Provided – 0	No	None	Yes Old Fourth Ward	None

Downtown Development Projects by Character Area – 2000 to Present

First Street Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Ann Arbor Y 400 W. Washington 9292G18.05	2.11.2002 4.1.2002 2.5 months	No	Yes 2005	PUD (from M1)	79% 78,371 sf	4 stories (65 feet)	Required – 55 Provided – 64	N/A	None	Yes Old West Side	None
Delonis Center E. Huron 9292K19.0a	7.6.2000 12.18.2001 5 months	N.A.	Yes	C2B/R	131% 22,896 sf	4 stories	Required – 0 Provided – 5	No	None	No	None
Liberty Lofts 315 S. First Street 9293Y21.5	6.1.2004 11.8.2004 5 months	Yes Chap 62	Yes 2006	C2A (from M1)	142% 131,522 sf	5 stories (59 feet)	Required – 0 Provided – 152	No	60 units	Yes Old West Side	$28,910 - Parks
344 S. Ashley 9294W1.5	9.11.2006 11.9.2006 2 months	No	No Expired	C2A	154% 2,933 sf	3 stories 1 – Retail 2-3 - Residential	Required – 0 Provided - 1	No	2 units (existing)	No	None
326 W. Liberty SP08-012	6.8.2008 9.22.2008 3.5 months	No	No Expired	C3	38% 6,914 sf	3 stories 1- Retail service & residential 2-3 Office	Required – 0 Provided – 17	No	1 unit	Yes Old West Side	No
618 south main 618 S. Main SP11-035	11.30.2011 6.18.2012 7 months	Yes – Planned project	No	D2	355% 153,133 sf	7 stories (85 feet)	Required – 67 Provided – 121	Yes Residential	190 units (231 bedrooms)	No	$58,900 – Parks

Downtown Development Projects by Character Area – 2000 to Present

South University Character Area

Project	Approval Timeframe	Variances	Built	District/ Rezoning	Floor Area Ratio	Height	Parking	Premiums	Dwelling Units	Historic District	Contri-butions
Pizza House 618-620 Church 9283G14.5b	9.13.2004 5.2.2005 7.5 months	No	Yes	C1A/R (later rezoned to C2A)	178% 16,416 sf	2 stories (30 ft)	Required – 0 Provided -- 0	No	None	No	None
Landmark (601 Forest) 1304 S. University 9283H19.5	1.3.2008 10.20.2008 10.5 months	No	Under Constr.	C2A	657% 227,223 sf	14 stories (163 ft)	Required – 88 Provided – 97 below grade; 5 surface	Yes Residential	175 units (610 bedrooms)	No	$50,000 - Parks
Zaragon 619 E. University 9283G13.5	12.21.2006 6.4.2007 5.5 months	No	Yes 2009	C2A	658% 99,982 sf	10 stories (116 ft) 1 – Retail 2-10 - Residential	Required – 39 Provided – 40	Yes Residential	66 units (248 bedrooms)	No	$40,400 – Parks
624 Church 624 Church St. SP12-035	11.28.2012 3.4.13 3 months	No	No	D1	665% 99,675 sf	14 stories (150 ft) 1 – retail 2 – office 3-14 - residential	Required – 40 Provided – 40 (off-site contribution in lieu)	Yes Residential LEED Silver	76 units (175-185 bedrooms)	No	$35, 000 - Parks

Ann Arbor Downtown, Central Campus and Medical Center
Building Height Inventory
Greater than 4 Stories

Downtown Building	Address	Zoning	Stories	Estimated Height	FAR	Tower Diagonal
Tower Plaza	555 E WILLIAM ST	C2A/R	26	267 ft	1853%	145 ft
University Tower	536 S FOREST AVE	C1A	18	205 ft	979%	165 ft
Campus Inn	615 E HURON ST	C2A/R	15	144 ft	342%	180 ft
601 Forest *	601 FOREST AVE	C2A	14	163 ft	657%	265 ft
Courthouse Square	100 S FOURTH AVE	C2A	11	120 ft	873%	175 ft
Ashley Terrace	202 W HURON ST	C2A	11	132 ft	660%	230 ft
4 Eleven Lofts	301 E. WASHINGTON	C2A/R	11	110 ft	603%	
The Gallery*	414 N MAIN	PUD	11	158 ft	599%	
Maynard House	518 E WILLIAM ST	C2A/R	10	120 ft	926%	100 ft
One North Main	101 N MAIN ST	PUD	10	136 ft + 12	874%	185 ft
First National Building	201 S MAIN ST	PUD	10	122 ft + 10	584%	70 ft
Zaragon	619 E UNIVERSITY	C2A	10	116 ft	658%	175 ft
Ashley Mews	414 S MAIN ST	PUD	9	112 ft + 10	422%	200 ft
Metro 202*	202 S DIVISION	C2A/R	9	105 ft	610%	
Kingsley Lane*	W KINGSLEY	PUD	9	105 ft	365	
Ann Arbor City Apartments*	W WASHINGTON	PUD	9	94 ft	645%	
Cornerhouse Lofts	205 S STATE ST	C2A	8	99 ft	660%	130 ft
Sloan Plaza	505 E HURON ST	C2B/R	8	111 ft	258%	165 ft
Tierra on Ashley*	200 S ASHLEY	C2A	8	108 ft	629%	
301 E. Liberty	301 E LIBERTY ST	PUD	7	87 ft+ 12	589%	175 ft
City Center Building	218 E HURON ST	C2A	7	75 ft	664%	160 ft
200 E. Washington	200 E WASHINGTON ST	C2A	7	84 ft	601%	90 ft
Glazier Building	100 S MAIN ST	C2A	7	84 ft	716%	105 ft
City Hall	100 N FIFTH AVE	PL	6	74 ft+ 20	71%	140 ft
Thayer Arms*	224 S THAYER	C2A	6	77 ft	381%	
Ameritech Building	316 E HURON ST	C2A/R	5	68 ft	410%	200 ft
Collegian	333 MAYNARD ST	C2A	5	68 ft	390%	275
Mayer Schairer Building	110 S MAIN ST	C2A	5	74 ft	350%	95 ft
Old Salvation Army Building	220 E WASHINGTON ST	C2A	5	46 ft	349%	95 ft
McKinley Town Centre	401 E LIBERTY ST	C2A/R	5	63 ft + 12	277%	200 ft
Liberty Lofts	315 S FIRST	C2A	5	59 ft	142%	300 ft
Baker Commons	106 PACKARD ST	PL	5	60 ft	114%	200 ft
Ann Arbor Municipal Center*	100 N. FIFTH AVE	PL	5	99 ft	228%	

* Proposed/Under Construction

Ann Arbor Downtown, Central Campus and Medical Center
Building Height Inventory
Greater than 4 Stories

Downtown Parking Structure	Address	Zoning	Stories	Estimated Height	FAR	Tower Diagonal
Fourth & William Parking Structure	115 E WILLIAM ST	P	7	74 ft	n/a	355 ft
Forest Street Parking Structure	616 S FOREST	P	7	68 ft + 22	n/a	290 ft
Fourth & Washington Parking Structure	119 E WASHINGTON ST	P	7	62 ft + 20	n/a	180 ft
Liberty Square Parking Structure	500 E WASHINGTON ST	PUD	7	73 ft + 22	n/a	270 ft
Ann/Ashley Parking Structure	120 W ANN ST	P	7	50 ft + 22	n/a	400 ft
Maynard Parking Structure	316 MAYNARD ST	P	7	65 ft + 23	n/a	300 ft

University of Michigan Structure	Address	Zoning	Stories	Estimated Height	FAR	Tower Diagonal
Denison Building	E University	PL	12	142 ft		
C.S. Mott Children's & Women's Hospital*	E Medical Center	PL	12			
University Hospital	E Medical Center	PL	11			
Cancer Center	E Medical Center	PL	11			
Wolverine Tower	S State	PL	11			
North Ingalls Building	N Ingalls	PL	10	115 ft + 12		
North Quad*	E Huron	PL	10			
Burton Tower	N University Ave	PL	10	212 ft		
Kellogg Eye Center	Wall Street	PL	9	170 ft		
Brehm Tower*	Wall Street	PL	8			
Lurie Tower	Beal Ave	PL	3	165 ft		
Ross School of Business	Tappan	PL	7			
School of Public Health	Washington Heights	PL	7			
Cardiovascular Center	Observatory	PL	6	118 ft		
Biomedical Science Research	E Huron	PL	6	100 ft		
Thayer Building	202 Thayer	C2A	6	90 ft + 16		
Weill Hall	Hill Street	PL	5			

* Proposed/Under Construction

Sources: City of Ann Arbor Site Plan Files
Emporis.com
Microsoft Virtual Earth (3D)
University of Michigan Architecture, Engineering and Construction

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