



City of Ann Arbor

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

Tuesday, October 15, 2013

7:00 PM

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

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope on the home page.

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:10 p.m.

2 ROLL CALL

Rampson called the roll.

Present 8 - Bona, Woods, Westphal, Giannola, Adenekan, Briere, Parekh, and Peters

Absent 1 - Clein

3 INTRODUCTIONS

Rampson introduced the Commission to the Planning Service's temporary planner, Angeline Lawrence.

4 APPROVAL OF AGENDA

Moved by Adenekan, seconded by Bona, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

5 MINUTES OF PREVIOUS MEETING

5-a [13-1121](#) City Planning Commission Meeting Minutes of July 16, 2013

Moved by Bona, seconded by Giannola, that the minutes be approved by the Commission and forwarded to City Council.

Westphal indicated that he would like action on these minutes postponed because he did not have a copy of them to review.

Moved by Parekh, seconded by Adenekan, that action on the minutes be postponed until the next meeting. On a voice vote, the Chair declared the motion carried.

5-b [13-1296](#) City Planning Commission Meeting Minutes of August 7, 2013

Moved by Woods, seconded by Briere, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

5-c [13-1297](#) City Planning Commission Meeting Minutes of August 20, 2013

Moved by Bona, seconded by Giannola, that the minutes be approved by the Commission and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

6 **REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**

6-a **City Council**

Councilmember Briere reported there were no planning issues at the last City Council meeting and therefore she had nothing to report.

6-b **Planning Manager**

Rampson reported that at the previous night's Council working session, they had representatives from the Michigan Economic Development Corporation speak about the Redevelopment Ready Communities Program and the certification process.

She further reported that last week the City held a public meeting in the northeast area about the Nixon/Dhu Varren /Green intersection and will be posting on the website responses to questions that came out of that meeting .

Rampson reported that the City's Capital Improvement Plan is coming up on the mid-2 year review, and the CIP Committee is meeting on October 30th at 6:30 pm to review possible updates.

6-c **Planning Commission Officers and Committees**

6-d **Written Communications and Petitions**

[13-1298](#) Various Correspondences to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

Alex Perlman, 1300 Wolverhampton, Ann Arbor, said that he is speaking on 1215 S. University. He stated that he is co owner of the Beet Box and Cheese Dream food carts. He said he is working to address a problem on the South University corridor; the former home of Pinball Petes that burned down a few years ago and has since been a blight on the South University corridor, and a dumping site. He said he is working to craft a solution in proposing to repurpose the space as a food cart yard called "Eat the Hub", with temporary infrastructure for 3-6 food carts. He said given the limitations of current city ordinances they don't reflect the changing landscape of food cart and requested to meet with Councilmember Briere after the Commission meeting to further discuss the meeting.

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

9 UNFINISHED BUSINESS

10 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org.)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 10-a [13-1299](#)** Running Fit Addition Site Plan for City Council Approval - Construction of a three-story addition to the Running Fit Building at 121-123 East Liberty and 220 South Fourth Avenue. The petition proposes to add 6,015 square feet to an existing 2,515 square foot building on this 0.061 acre site. Retail use is proposed on the ground floor and residential is proposed on the upper three floors. No on-site parking is proposed. (Ward 1) Staff Recommendation: Approval

PUBLIC HEARING:

Tom Partridge, resident of the 5th Ward, called to the Commission's attention that approval of apartments and newly constructed buildings without adequate parking space is discriminatory and egregious to elderly and disabled. He recommended that the Commission table this item and all other residential developments for further examination with the building owner and developer to come up with adequate parking

on-site or immediately adjacent, as well as public transportation to and from the parcel.

Ellen Ramsburgh, 1503 Cambridge Road, expressed support for the building. She said the scale, massing and design is very appropriate for that area and will make it a more vibrant and useful corner. She added that the project had quite a bit of support on the Historic District Commission.

Dana Dever, 301 North Main, Suite 250, Ann Arbor, attorney for neighboring property, 119 E. Liberty, said they would applaud this project except for one thing. In 1982, an agreement between his client and the owners of Running Fit to install three windows in the common wall. He said there have been residential units for 32 years and these windows will go away with this proposal, which means so will the residency of those units. Michigan code doesn't recognize need for light and air. He said in this case, the owner could step back along the rear wall to provide light and air. He said his understanding is that one of the standards is impact on neighborhood, and for this neighbor, they are taking a viable second story and cutting off light and air and fire escape. He said this matter has not been adequately addressed for impact on immediately adjoining building and loss of economic viability of second floor rental units. He said there are alternatives, including denial of the project, which would be unfortunate, and they will continue to work with the proponent of the project.

Ames Simcoms, resident of 119 1/2 E. Liberty, said this would affect her apartment by completely shutting out light. She said the length of construction also concerns her, as well as parking and noise. She added that there are also luxury senior apartments on Fourth Avenue and she was concerned for them during this duration as well.

Ali Amiri, 3011 Lakehaven Court, resident of Ann Arbor for over 40 years, owner of 119 E. Liberty, said his partner got permission in 1982 to construct the windows. His partner and his wife has since passed away and there is no record of the agreement. He said this three story building will cover his window and he cannot rent the apartments and with only selling carpets for 40 years he needs the income property to help pay the taxes. His partner told him that everything is okay with the City of Ann Arbor, and every two years, the City has inspected the rental property and no one has said anything.

Tom Burke, attorney for owner, said the owners from 119 E. Liberty have provided a letter to them several months ago, but they have been unable to find any evidence that they obtained a zero lot-line variance to put in the windows. He said the windows are through their wall and through a wall still standing from when the fire was there. He said from a legal standpoint, if anything was ever granted, there was a copy of a letter from 1982. He said they do not believe this matter is a basis for tabling at Planning Commission as they believe it is an essentially legal issue to find out if they got permission to put in these windows in the first place. He said the City inspections that happened every two years were rental housing inspections where they assumed that were there legal windows. He said they have not been able to find any recorded easement or document that say those windows run with the land. He said they are happy to work with the neighbors to come up with a solution and have offered to have their architect, Brad Moore, look at their building to make suggestions.

Brad Moore, architect for the owner, said that the one required footing drain disconnect had been submitted to the Planning Department today. He said they found no evidence that there are other existing footing drains connected from the building to the City's storm sewer. He said the City has asked them to have an independent third party verify that information this week. He said as to the way the

building is laid out, they investigated the existing footings, and found that they were already intended to support upper floors, although not if those floors are offset.

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

Moved by Briere, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Running Fit Site Plan, subject to verification of any footing drain connections to the sanitary sewer system prior to City Council action on the site plan, and subject to the construction of two Class A bicycle parking spaces in the Fourth & William parking structure or payment of a contribution to install these spaces being provided to the Downtown Development Authority prior to the issuance of a certificate of occupancy.

COMMISSION DISCUSSION:

Briere said that she did not notice the windows and she asked staff to explain to her why they would have needed variances and the practice when installed.

Thacher said she spoke to the Building Official who had concerns about whether the windows are fire rated and could allow a fire to be spread to the Running Fit building. She explained that the Planning staff searched files and did not find records of Planning or other approvals for the windows. She said she could not speak to the need for building variances from the Building Board of Appeals. She noted that the Building Official is aware of plans for this building in the City's off-site vault, and they have requested copies to find out more information about these windows, since they don't know if these windows were included in earlier remodels; however currently they have no evidence about them.

Briere noted that there is a history of providing windows for new bedrooms. She asked Moore if he considered designs that included light or air wells for the adjacent residential unit.

Moore said they looked at offsetting walls, but those don't fit with the current foundation so they abandoned that idea. State code does not require windows in bedrooms and there are other means of bringing in natural light, including sky lights or sun-pipes. He said his client has offered to have him go and view the structure and offer suggestions on bringing in natural light to the neighboring residential unit.

Briere said she understands that, but wonders if there is a possibility of building inset and creating a vertical shaft.

Moore said such a shaft would be 2/3 to 3/4 of the building length and would not be economically viable.

Adenekan asked if these units will be condos or apartments.

Moore said the determination will happen when they go to market, adding that there might be a little of both.

Bona asked how the refuse will be handled, given that there is no alley.

Moore said there is dedicated space in the existing alley to the west, along Washington and E. Liberty. He said the carts are stored in the alley, and bags are taken there.

Bona asked about grade level spaces that appear as windows.

Moore said these are currently product display space that could be used for public art display to enhance the pedestrian experience.

Bona asked about the two level glass at the corner, that is specified as clear thermal glazing on the plans. She asked if there was a wall behind.

Moore said that the corner unit has a two story space with a two-story window; no spandrel panels.

Bona followed up on a public comment regarding ADA requirements. She asked Moore to explain what the requirement in apartment buildings is, noting that there is no elevator in this building.

Moore said the ADA doesn't govern apartments, but rather the Federal Fair Housing Act that deals with residential units, when there are a group of more than 3 dwelling units. He explained that they have crafted this layout to be two 3-bedroom assemblages, with each of them having a stair that serves a 3-bedroom assemblage, but there is no commonality to the circulation system so there would not be an elevator required.

Bona asked about transit access.

Moore said it is about 2/3 block to the AATA transit station.

Bona asked about DDA's request for pedestrian access to the building and if there was any assurance that the City had on this matter or if this is something the City has required in the part as part of the site plan.

Thacher said she could not think of a mechanism in place that would assure that the sidewalks would remain open during the entire duration of the project, because it is a small site.

Bona said it would be nice if the petitioner would be able to provide a plan for how they would approach this before the item goes to Council.

Bona said she has worked on buildings with windows on zero lot line, and in those cases they had to go to the Zoning [Building] Board of Appeals to get a variance to be on the property line, because windows are not allowed on a zero lot line, unless they are very special and they have a special fire suppression. She explained that the only way to maintain windows, in her experience, was to buy an easement. She said she didn't know if this was a Planning issue but didn't feel that the issue should hold this project up. She stressed that if there was an easement, that should be maintained, and since that is a legal issue they should be seeing that. Staff should have more information on this matter before the item moves on to Council.

Peters echoed Bona's comments adding that while this is real, he felt it seems to be more of a legal issue between the two property owners than a Planning issue, and he hoped that the building owners can work out a remediation outside of this process. He said he walked by the site today, and doesn't feel this would be out of character, which the Historic District agrees with also. He said the public benefit of the green roof is a benefit for storm water as well.

Westphal asked staff to characterize what could happen between now and when the item moves to Council

Thacher said staff will continue to work with the petitioner and owners and the Building Official regarding what is there legally and what is not. She said she did not believe this is a site plan issue, but could become a design issue if the design is changed. She said they do need a definitive answer before the project goes to Council.

Westphal asked about construction noise.

Thacher said there are set construction hours in the code that don't allow work on Sundays and allow it Monday through Saturdays, 7 a.m. to 8 p.m.

Westphal asked about City permit requirements for sidewalk closure.

Thacher said permits are required to close or re-route sidewalks and to close parking spaces that they intend to use for construction staging areas. She noted that sidewalk closure permits are issued through the City and the parking permits are through the DDA.

Westphal asked about sidewalk closures and if there is a limit involved as to how long sidewalks can be closed.

Rampson explained that each construction related sidewalk closure is specific to the site circumstances and what type of construction methodology is being used. She said there are sidewalk occupancy and barricade permit requirements with the fees based on daily closure. She added that these occupancies are monitored by the City's Project Management Unit.

Woods asked if Running Fit will remain open during the construction period.

The owner said yes, they will.

Woods asked about a stairway in the building that had been walled off.

Moore said the stairway remains to access the basement and was floored off when the upper levels were removed after the fire.

Woods asked about possible fire concerns with the stairway.

Moore said they addressed the issue in their last remodeling when all required walls were fire-rated, so it is ready to go.

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

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 1 - Kenneth Clein

10-b [13-1300](#)

Briarwood Restaurants Rezoning and Site Plan for City Council Approval - A petition proposing construction of two new free standing restaurants on the east side of the Macy's building at Briarwood Mall located at 700 Briarwood Circle. One restaurant would be 6,470 square feet, the other 7,068 square feet. The parking lot north and east of the new restaurants will be reconfigured. This project includes

rezoning a portion of the parking lot from P (Parking) to C2B (Business Service) where the restaurants will be located. (Ward 4) Staff

Recommendation: Postponement

Lawrence presented the staff report.

PUBLIC HEARING:

Tom Partridge, write-in candidate for the 5th ward, asked the Commission to give attention to the senior citizens and handicapped access to Council Chambers, City Hall. He stated that it did not meet fire code and ADA regulations to access the second floor. He asked all speakers to speak into the microphone, and recommend that the Chamber lighting be dimmed for Powerpoint. He said that it appears that spaces being allocated to these restaurants will take away needed parking spaces for the existing Briarwood Mall, making it difficult to find parking spaces in peak holiday season, specifically handicapped parking. He said maybe the restaurants should provide off-site parking with transportation to and from the restaurants. He said he was dismayed that there was no Planning Commission requirement for adequate senior citizen parking and transportation to this site.

Scott Richardson, representing Briarwood LLC, said they are excited about this opportunity to make enhancements to the mall. He thanked staff for working with them on the issues involved in the project. He said he understands that the recommendation is for postponement. He said the Fire Review comment will be corrected, since it was an error on their part. He responded to the Systems Planning Unit review regarding the easement, that it should have clearly been noted that both Macy's and the developer parcel do each have direct access to the public right-of-way; so there would not be an easement required since there is no part where the property does not abut the public right-of-way. He said regarding the natural resources, the spaces where they have exceeded the maximum 15 parking spaces, without an enlarged island, the spaces where they went up to 20 spaces do have the enlarged bioswales. He said they do believe that requirement to be met and if not, they want to do everything to comply. He said they have done the best they can in the dumpster area; having a pinch-point area between restaurant A and B and the existing mall, noting that they have to work with the existing width. He said they continue to work with the Washtenaw County Water Resource Commission and the Malletts Creek committee, adding that they thought they had a solution, but the committee asked them to go in a different direction. He said they are happy to do what is required, and just need everyone to agree on the direction they want them to move in. He said they will be meeting with both parties to try to come to an agreement. He said they got the zoning letter from Macy's, and as mentioned to staff, they feel it needs to be clarified that they are authorizing them to rezone the property and do the site plan approval. He apologized for the delay in obtaining the zoning letter and they will do everything they can to button down the outstanding issues and get what they need to help them move on for approval. He asked if there is any way that the item can continue to City Council as they continue to address staff comments, since this will help them with scheduling issues.

Noting no further speakers, the Chair declared the public hearing closed, unless the item is postponed, in which case the public hearing will be continued.

Moved by Giannola, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Briarwood Restaurants rezoning from P (Parking District) to C2B (Business Service District).

and

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Briarwood Restaurants Site Plan, subject to approval of the plan by the Washtenaw County Water Resources Commissioner prior to City Council action on the site plan.

COMMISSION DISCUSSION:

Giannola asked about the area next to Macy's.

Richardson said the back of the restaurant buildings will be 10 feet, 1 inch off the Macy's wall. He said the inner ring road will no longer exist because that is where the restaurants will be going and the outer roads that exist today will be the outer road going forward.

Giannola asked about the 10 foot space between the buildings and Macy's and if there would be sidewalk in that area.

Richardson said it is a required void area to get people out of the buildings safely, and it would be landscaped.

Giannola asked if the back side of restaurants will have doors.

Richardson said there will be landscaping on the back of the restaurants and one will never notice the back; one will enter the Macy's store just as one does today except that there will be added landscaping and restaurants on both sides.

Giannola asked if the front of the restaurants will be next to the parking lot.

Richardson said correct.

Woods asked about a comment that the petitioner would have preferred the restaurants to have been attached to Macy's.

Richardson said no, and that they are investigating doing similar projects throughout the country, adding that Macy's has embraced this concept with the inspiration coming from a project in Pleasanton, CA. He said instead of having unpleasant exterior brick walls of the older malls, they felt that lining them with restaurants with architectural interest provides an aesthetically pleasing experience, as well as amenities to the customer to use. He said they do like having the restaurants placed up close to the mall rather than on out parcels which do not promote the cross foot traffic.

Woods referenced the Citizen Participation Meeting notes.

Richardson said this is in a permitted expansion area for the Macy's department store, and by moving ahead with the restaurants, they are foregoing their expansion right in the agreement with them.

Woods said the unit comments are a concern to her, especially the fire department's comments, since it is terribly important to make sure people can get out; she asked the petitioner to explain their responses regarding the hydrant location and the radius requirement.

Gary Tressel, with Hubbel, Roth and Clark, said that their survey crew tied down two post indicator valves and keyed them into their system as hydrants. He said they did not know that they were not hydrants, so they swung their radii, submitted a drawing

to the City that showed all the 250 foot radii were met. He said the fire department issued a letter that explained that they are PIVs (Post Indicator Valves) and you cannot use them in your 250 foot calculation. He said they went back to the site and verified that they were PIVs, and they will now add two hydrants into the system, bringing them into compliance for hydrant coverage that will fit that need. He said they will be part of the final engineering drawings that they will submit.

Woods asked about placement of dumpsters for the restaurants and if the petitioner will try to address the issue.

Richardson said they are unable to address the issue since they have a fixed distance between two hard buildings.

Woods asked staff if the 20 foot clear opening requirement for recycling is City code.

Lawrence said yes.

Woods asked the petitioner what they have done in the past when dealing with a limited space and an ordinance.

Rampson said these situations do happen occasionally, and the City's Solid Waste department has the choice to waive requirements or look at alternatives, and in this case the most important goal is to have an opportunity to include recycling space. She said the petitioner might need to provide another location in the near vicinity for recycling.

Richardson said there might be room in the service yard of the other restaurant or somewhere else on site, and they will need to resolve the issue.

Tressel said there is a door that services the mall that can't be blocked and an area needed to provide hand-truck access to the Bravo restaurant.

Briere said she has a concern about whether there is enough space for delivery to the businesses along this side of the building.

Richardson said that currently service trucks have to park in the street and handtruck items in, noting that this is not a service court. He said they are improving it to make it a service court, although it will mostly be dedicated to Restaurant B. He said it will get trucks out of ring road.

Briere asked if this will allow the solid waste to be picked up in the same manner.

Richardson said yes.

Briere asked if the issue is that they don't have space for both the recycling and the solid waste containers.

Richardson said that is correct.

Briere asked what they will be doing for composting.

Richardson said that would be a question for the restaurants.

Briere said Richardson should make potential restaurant tenants aware that commercial composting is a direction that the City is moving towards and commercial recycling is already required.

Bona asked about the proposed zoning change in relation to the master plan and where this project is headed. She asked if there is anything in the South State Corridor plan that speaks to this site.

Rampson clarified that the references made to the site specific recommendations are from the South State Street Plan, where rezoning from P [Parking District] to C2B (Business Service District) is recommended to maximize floor area ratios.

Bona asked about the historical zoning and parking requirements.

Lawrence explained that the mall itself and up to 50 feet outside the mall wall was zoned C2B and the parking lot was zoned P [Parking District].

Bona noted that there is more detail in courtyard area than on the entire mall site, stressing that the landscaping at the mall is minimal. She said she was glad that they are making the pedestrian experience more attractive and asked how this is a part of a more long-term plan to make Briarwood Mall more dynamic and village-like with mixed use. She said when looking at the plan, the pedestrian connections to the restaurants look random and the pedestrian experience stops at the curb, with walkways randomly placed and the service drive is dominating. She said it would make more sense if the pedestrian connection between these restaurants and the mall on the lower side of the plan, were a continuous pedestrian path, with service vehicles crossing the pedestrian path, rather than people walking across the driveway. She asked why they didn't take their improvement plans right out into the parking lot.

Richardson said with long-term plans they have to start somewhere. He said approximately two-thirds to half of the parking lots are owned by others, which limited their ability to do anything. He explained that the mall owners have an asset intensification group, whose sole goal is to take surface parking lots and intensify their use; however such transactions have to be public/private partnerships and are not cheap.

Bona said if there are things that the City can do to help facilitate that coordination for a more intensive and exciting development, like a parking structure instead of surface spaces, then they should let them know.

Richardson said that they have had that conversation with City staff already when they first met, and he wants to make the assets of Simon the best.

Rampson commented that the challenge with working with the site is that the infrastructure hasn't been addressed since 1987 and while they work through the requirements they are trying to allow this further development.

Richardson said lots of thought went into the pedestrian experience in trying to tie it all together.

Peters asked about the bioswales and what the petitioner's plans are to provide new drawings to show they have met the requirement, adding that he is always concerned about storm water run-off, and the amount of impervious space on a huge site like Briarwood Mall is important.

Richardson said bioswales have been designed that way and they will go through staff review comments with staff next week and if they need to be bigger they will make them bigger, adding that they thought they complied and they had every

intention to comply.

Westphal asked about maintenance.

Tressel said debris will be picked up by maintenance staff as necessary, and the annual program involves having the grasses cut.

Westphal asked if there was ever a consideration to make this a mixed use project.

Richardson said not at this time, since there is no market for it and they are hindered by lack of ownership on parcels that they could actually do something on today. He said they do look at these issues long-term.

Westphal said it looks like the City instituted a parking maximum after the mall was installed. He asked how an issue like this can be addressed, since parking space limits are over the maximum for both restaurants.

Rampson explained that both sites are considered non-conforming since they exceed the maximum, and the petitioner is not proposing to provide more parking but rather to remove parking so the non-conformity is reduced, which doesn't preclude them from making the changes. She said if they were going in the opposite direction they would require a variance.

Westphal asked about the storm water and if the whole site is fully detained.

Rampson said it is a regional retention system, and the calculations have been provided for a full 100 year storm detention.

Tressel said the Macy's site as well as the other parcel number 2 will have a new basin for approximately 60,000 cubic feet of storage and an initial treatment before it exits to Malletts Creek. He said initially they wanted to go to the north basin, but were asked to do pre-treatment at the south basin because there was a grant in place to do the north basin.

Westphal asked about peak parking capacity of the mall.

Richardson said that this site is parked well in excess of 5.5 vehicles per 1,000 square feet of GLA, and the current standard is 4.5. He said the holidays is a busy time and it is a challenge to have enough parking for 45 days of the year and not have an empty parking lot for the remainder 10.5 months of the year.

Giannola said that the parking is near or at -capacity at Christmastime.

Bona asked about access to public transportation from the mall and where the AATA bus stops are located at the mall.

Richardson said the stop was recently relocated to the I-94 side, by JC Penney's and Von Maur's, and a new bus shelter was constructed as part of the renovation of the mall.

Bona asked about concerns for the need for more than one stop, given the size of the mall. She said the petitioner might want to look into the matter before the project moves on to Council.

Giannola asked if the bus stop was moved permanently.

Richardson said yes.

Briere said it appears from the Google map that there is still a bus stop at Chipotle.

Richardson said it has been moved.

Woods said thank you for keeping a bus stop at the mall. She asked if they find that they have increased traffic on UM game days.

Richardson said that the two new hotels that were recently added have been sold out every game day, which validates the demand, but they don't see much of a spike in mall traffic.

Westphal asked if staff felt the item could be passed along with the outstanding issues.

Rampson said it would put them in a difficult position but they could do it either way.

Moved by Woods, seconded by Briere, that this petition be postponed until unit issues are addressed. On a voice vote, the Chair declared the motion carried.

Yeas: 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 1 - Kenneth Clein

10-c [13-1301](#)

Downtown Zoning Evaluation Recommendations: The Planning Commission has conducted an evaluation of the downtown zoning changes that were adopted in 2009 and will consider a set of recommendations for changes to the zoning ordinance. These recommendations will be forwarded to the City Council for its action. Background information on the evaluation project may be found at www.a2gov.org/downtownzoning <<http://www.a2gov.org/downtownzoning>>.

Erin Perdu, ENP & Associates, presented an overview of the Downtown Zoning Evaluation final report and recommendations.

Westphal noted that it was likely the Planning Commission would not take action on this item at this meeting, so they would continue the public hearing. He asked that if members of the public spoke this evening, they would allow others to speak at subsequent meetings, and noted that there is always an opportunity to provide public comment at the end of Planning Commission meetings.

PUBLIC HEARING:

Pierre Vicolovski, 451 Fourth Avenue, said he is appalled by the recommendations for the William Street and Main Street corridor. He said there is no reason to have this zoned D1 and have something 150 foot tall towering over our neighborhood. He said there are houses right behind it. He asked why does the entrance to Main Street have to be monstrously tall buildings towering over Main Street's two and three story restaurant row? He said with the other area, they took into consideration these same concerns and recommended different zoning, like D2 or some type of creative zoning so it doesn't destroy the character of the buildings behind it but also doesn't create a

monstrous entrance to the downtown. He said this is bigger than any other buildings in the area, and why does there have to be symmetry on both sides of the street as long as it is tastefully done. He said the houses behind this parcel are historic and many are owner-occupied. He said you can't block one neighborhood behind horror of another neighborhood. He urged the Commission to reconsider and downgrade to D2 or something more creative, so it isn't this tall.

Ethel Potts said that they asked at earlier meetings if there would be another chance to speak, and they were told yes, not realizing that they would have to choose at which meeting to speak. She said they have things they want to bring to the Commission but can't and she said she felt she couldn't be useful to the Commission who didn't want to hear what they had to say.

Tom Petite, 432 S. Fourth Avenue, said he would weigh in on the William Street property, since he was part of the forum. He said he was gratified that the survey showed support for D2, but now sees that has been downgraded to D1 and D2. He said there is no reason it can't all be D2, with owners and renters affected. He said renters have rights too and might not want a monolith behind them. He said they have a garden that will be affected if a building would be built that was 2-3 times taller than the one that is there now. He said they have an issue with the Edison building as well since before it was built they appeared before Council and were promised there would be a three foot setback from the alley, but when it was built there was no setback. He said since it is built directly on the alley it makes it very difficult to get out of the driveway. He said if that building is replaced they ask that there be a setback since it is important not to build up to the alley. He said there is no good reason to have large building at William and Fourth, out of scale with the buildings in the area, when we are in a near-downtown neighborhood. He recommended that they go back and look at this again and don't present a large tower-building for that site.

Jeff Crockett, 503 E. Kingsley, complimented City Planning Commission and the City Council for the process involved, adding that he doesn't recall anything like this before, with numerous attempts to get people to provide their input. He said the renderings were well done and he feels this process should be replicated in the future when looking at re-zonings. He commented on the Huron property comments in the report that he wishes this would have been considered four years ago. He said if these standards would have been used back then, the 413 E. Huron building would not have been built. He said he is pleased this is formally being considered, he just wishes it had been done earlier. He said the recommendations for the Design Review Board would put teeth into the design review instead of recommendations. He said he is concerned about omissions to this process; he didn't see anything that addresses the impact to trees. He said he has learned that trees are covered under guidelines to natural features, but there is really no teeth behind it, and if there are violations with destroying trees the only consequence is mitigation, which he said is not satisfactory.

Briere asked to appeal the determination of the Chair that once a person speak tonight, they may not speak at subsequent continuation of a public hearing. She said it seems to her that practice has been that once a public hearing is continued, members of the public may speak at future Planning Commission meetings. She said she has witnessed that in the past.

Moved by Briere, seconded by Bona, to appeal the ruling of the Chair, that once a person speaks tonight, they may not speak at subsequent continuation of this public hearing.

COMMISSION DISCUSSION:

Woods said the Commission is having a certain process going on right now so she

doesn't understand why in the middle of a public hearing we are stopping it in order to have an appeal.

Woods said, to speak to the motion, the practice since she has been a member of the Planning Commission was indeed if a person speaks at a public hearing and if that hearing is continued that one does not have permission to speak again. She said it may not always be adhered to because she isn't sure when someone comes up to speak they are looking at a list of folks who have spoken and no one has been stopped. She said it is her understanding that if you speak at a public hearing and the public hearing is continued, you then do not have the right to speak to that subsequent public hearing. She said she would like to hear from other Commissioners.

Giannola said that is exactly how she remembers it also as Commissioner Woods. She said we have told people, since she has been on here that they were not allowed to speak; not all the time, since sometimes they are more lenient than other times, but the general rule is that if a public hearing is continued then it is supposed to be for people who haven't spoken before.

Adenekan said she understands what is being said, but she doesn't think we should stop the public hearing to now bring up the fact. She said we can do that after the public hearing; we don't have to vote on whether they can speak again or can't. She said she always thought that once you speak you couldn't speak again, adding that she might be wrong, but she didn't think they should stop it right now, debating as to what they should do.

Briere said she checked Roberts Rules of Order, which says an appeal should be done as soon after a ruling of the Chair has been made and it is appropriate to interrupt a speaker who has the floor. She said she felt an appeal needed to be made when it was still fresh in their minds, otherwise she would not have done it, and waited until they made a decision on the public hearing. She said her colleagues may or may not be correct. She said the rules do not state anywhere in the public hearing language that one can only speak once at a public hearing. She said she has witnessed people speak to an issue more than once when a public hearing has been continued., and while we may not be as rigorous, having a clerk, keep track of names, it is also true that when a plan changes, and plans frequently do change, that if a public hearing is continued, that we have allowed people to speak to a changed plan.

Bona said that in her opinion, this is a moving target. She said that she believes that everyone who spoke at the working session and tonight, is responding to a report and she gets the impression that the discussion we have had so far that while there were some adjustments in this report from the working session till now, we didn't get through all of it. She said this is a complicated issue for us and she would expect that some of those who spoke on the way this was written will have something else to speak on then, that may be of importance next time, if this comes back. She said being a moving target, she would like to hear the response, even if it makes the meeting a little longer. She added that she doesn't know what the rules are but this would be helpful to her.

Peters said that he is new to this, but it seems that the rules have not consistently been applied and out of the interest of public comment on issues that are obviously very important, especially to those who live right next to some of these proposed changes, he wants to speak in support of Commissioner Bona and Briere to allow people to speak at both.

Westphal said that he takes comfort in knowing they also have citizen participation at the end of meetings, which could be a mitigating factor.

Peters said that if people were not able to speak and the audience participation was at the end of the meeting, the issue most likely would have been decided already, and he thought they want to speak to the issue while they are deciding the issue.

Adenekan said that she is not saying they should not speak again; she understands that if the issue has changed, people want to express their opinion. She said she didn't know that the rules said to stop immediately. She said the Chair spoke on this from the very beginning and no one spoke at that time; you allowed the people to continue to speak, but just to abruptly stop something is what she was addressing.

Giannola said that this is the standard rule at City Council, and it is technically the rule here, even though they haven't followed it all the time, and now they are being punished for being generous in some of the other public meetings. She said it is not something that no one heard of before. City Council does not allow you to speak at continuous public hearings so others have a chance. Sometimes when the public hearings last for hours and hours, people won't come out and have their say. She said it is really to give everyone a chance to speak. She said she understands they are going through this step by step, but there is email and sometimes she believes email is more inclusive where you can get more down in writing, so we can read it over and over to understand what you are saying. She said it is not that they are trying not to hear you, but that they are trying to hear everyone; so a different way of thinking about that.

Giannola offered a friendly amendment for the wording to include, 'Allow people to speak again....'

Woods said she felt it's important to clarify what they really want. She said when the Chair stated at the beginning, she didn't take that as 'a ruling', but rather simply stating our rules for the Planning Commission as they have existed, ever since she knows, which is very much in compliance with what City Council does. She said she doesn't consider those 'rulings', but the Chair was doing what was standard practice here at the City Planning Commission and that is that if we have a sense that perhaps a public hearing is going to take more time, we indicate that to the public and inform them that there is email, and that a public hearing might be extended so they will keep it open, but they like to tell people in the audience that if you speak you will not have the opportunity to speak again. She asked how does one start defining if people want two, three opportunities to speak at a meeting. She apologized if people are offended but she explained that if they have these rules they are either going to follow them or not. She said if this comes up for a vote, she will vote in favor of it, because she would rather give someone the opportunity to do that, but perhaps in the future, let's be clear about this. This is the City Planning Commission and this is the way we have always done it. She said she doesn't have a problem is making an exception but she also doesn't think it is appropriate to be blindsided by someone pulling something that is not how they have been operating here.

Adenekan said they should be very clear at this point, if it happens again, they don't have to stop in the middle to debate a decision on what they are going to do. She said if we are going to allow people to speak multiple times, we should make that decision tonight and be consistent and that should never change.

Bona reiterated Giannola's comments about written comments that if they are included in their packets, they get read before the meeting. She encouraged people to send them their comments and communications.

Parekh said when the Chair made his comments on how the debate should go, his assumption was that that was standard. He said clearly, hearing from the public is great for everyone, so what they need to do is determine what the way of the Planning Commission is and stick with that way.

Rampson explained that the Commission Bylaws are silent on the issue, whereas the Council rules are very specific. She said in the past when the Planning Commission has continued public hearings, for example with the Briarwood Restaurants project where additional information may be coming forward, it makes sense to allow for people to comment on a revised plan. She said in cases where nothing is anticipated to be changed, it is open to interpretation about how much time or how many opportunities people have to be able to speak to that. She said the Commission has done both practices.

Giannola said she agreed with Woods except that she would probably vote for it. She said she will not vote for it, because she believes process is important and precedent is important and though we have been lenient in the past we need to take a stand on it, and whatever we decide now, that will be the precedent from now on; this is not an exception.

Westphal said it looks like we will be taking a look at the bylaws to clarify for the future.

Briere said an affirmative vote upholds the Chair.

Westphal said that an affirmative vote would sustain a decision to continue the public hearing and not permit a speaker to have multiple testimonies.

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

Decision is overruled.

Briere said that for clarity, the vote was for not restricting public speakers to speak multiple times in the continuation of this public hearing. She said the vote did not include all future public hearings of the Commission.

PUBLIC HEARING CONTINUED:

Eleanor Pollack, 515 Detroit Street, said she tends to think of the downtown core between State Street and Main Street as being bounded by the north side of William and south side of Huron Street, and whatever occurs on the south side of William directly impacts an in-town neighborhood. She said the same goes for the north side of Huron. She said the commercial and municipal activities that reach into the neighborhood don't diminish the need for careful insertion of new development. She said in all areas where commercial development is allowable adjacent to an existing in-town residential neighborhood, D2 should be the most intense allowable zoning, and D2 zoning should be further tempered by the recommendation to require a approval of the Design Review Board for a project to be eligible for any premiums. She said hopefully the Commission will give that recommendation some real consideration, and as you review the Downtown Zoning Evaluation, keep in mind that for over 40 years, residents of the in-town neighborhoods have asked the City to ensure that new development adjacent to these neighborhoods be respectful of and compatible with them. She stated now is the time for the City to respond to those requests in a really concrete way. She said you are creating your legacy for the City and let's hope it is one we can all be proud of.

Will Leaf, 1825 Hill Street, said the Commission and the City can provide more space

for people to live and work without harming neighborhoods in the downtown. He said there are two problems facing Ann Arbor and the rest of the country; poverty and affordable housing for poorer middle class people and also the destruction of the environment. He said both are affected by the amount of space downtown. He asked why housing is more expensive in Ann Arbor than in rural areas of Pittsfield Township. He said he thinks the answer is space – the value of the land because of its proximity to the downtown areas and attractions. He noted that if you could create more space, you could reduce the cost of housing. He said if you want more evidence of that, he would recommend the Harvard Institute of Economic Research paper, which he quoted from. He said one way of solving the problem of residential homes as well as high-rises is to have variable height limits that say you can have higher structures the further you are away from a residential neighborhood. He said if you do the zoning piece by piece, it seems that there will always be problems with people asking why their area isn't given the same protection as is afforded to a different peripheral area. He said if you allow more people to live in high-rises in the downtown, they are less dependent on the automobile and it is better for the environment, air quality and traffic. He said he is in favor of a variable height limit which would allow for taller buildings in the center of town and shorter buildings in the edge of town.

Tom Partridge, write-in candidate for the 5th ward, said that the 5th ward has been left out of the discussion, because it is out of the downtown district. He said he agrees with what the last speaker said, yet one has gone to the heart of the matter. He said under Mayor Hieftje, we have not had any policies that require zoning for affordable housing and promoting housing diversity and social, economic, ethnic, religious and racial basis in every block of the City of Ann Arbor. He said in so doing we pretty much have shown our agreement with the Ku Klux Klan that wanted to take over the City when they came here and overtook City Hall. He said we have not recovered from that set of attitudes, still engrained in too many residents of the City of Ann Arbor, whether because of genetic proclivity towards racism and discrimination, whether because of up-bringing, or whether pure ideas and support of a regressive ultra conservative media, including the prior Ann Arbor News and the current Ann Arbor.com as well as other blogs in the City. He said he has gone to City Council meetings and called for a reform of peoples' consciousness and a call for requiring affordable housing be planned, built and funded throughout the City. He said this current zoning report does not address this need and needs to go back to the drawing board.

Ethel Potts, 1014 Elder Blvd, said she was very glad to hear the Commission's discussion at their working session, which dealt with changes to the D1 and D2 zoning on several sites as well as discussion in premiums. She said she doesn't think they are getting the public benefits that we are supposed to be getting from premiums. She asked if they really think that the D2, with its height, could be a buffer. She asked why limit the locations they are discussing to the three that were mentioned by Council. She said there are other locations at the edge of downtown which would be devastated by D1 zonings and she would like to hear them talk about those. She said they probably need new premiums, since the ones they have are really not working for us. She asked about the benefits of the on-site benefits of affordable housing and required open-space. She said we could have a premium for respecting context, if someone doesn't overwhelm the neighborhood. She said planning is supposed to implement plans.

Ted Annis, 414 S. Main, said he is here to speak about the mistake in the Perdu report dealing with the William Street and South Main section that has been spoken to previously. Page 13 of the Perdu report argues for making that D1 zoning to D2. On Page 22 it says "... in evaluating this site ... rezoning to D2 was the most popular

option expressed ..." He said he takes great exception to the statement that D2 was inconsistent with development of the other three corners of the intersection, since he believes this statement is incorrect. He asked the Commission to send the report back to Erin Perdu and have D2 considered and incorporated into the report before sending it to City Council

Julie Ritter, 920 Catherine, said there seems to be a fear of offending developers and scaring them off from Ann Arbor. She said she is really curious about this, adding that she worked in commercial real estate for 11 years and was responsible for 3 shopping centers and 5 office buildings in southeast Michigan. She said she has seen tremendous power plays and she has seen grown men cry, and it hasn't changed. She stated that these folks have very thick skins and they don't scar easily and are very smart, rational and logical people and if they smell money they will figure out a way to get it. She said look at all the development going into Ann Arbor right now and that this summer the downtown with all the construction wasn't considered such a cool place. She said developers know there is money to be made here in Ann Arbor, but what they don't like is uncertainty that will cost them money. She said if they know in advance what is expected of them in the code, they will figure it out and make it work. She said we should not be forced to suffer exploitation by ugly inappropriate, wrong-sized development. She said give them a high bar and enforce it, and give up buildings we can get behind and be excited about instead of dismayed by. She said not to be intimidated by threats of developer lawsuits or threats of financial hardships. She said this body has a lot of power; maybe more than you realize and she would like them to use it consciously and wisely making Ann Arbor the great beautiful civilized city that we all envision.

Doug Kelbaugh, 233 E. Ann Street # 13, reiterated that he believes there are three vulnerable areas that were designated D1 in 2009 that need scrutiny. He said these are in the State Street Historic District, on Thayer Street, the Panera Bread building going north all the way to and including the Bell Tower Hotel could be 180 feet, which challenges the height of Burton Tower across the street and overshadows Hill. The former Border's Book Store also in that historic district, would tower over 2 and 3-story buildings as high as 180 feet. He said the Fourth and Ann area they have talked about, maybe extending D2 down, and hopefully include the Fire House and the northern half of the Hands-On Museum. He said this site is right across the street from 2-story and 1-story buildings, one of which is as old as 1836. He said we have a profile, looking at that street, the Fire House, about 35 feet, and going to 180 feet and then down to about 30 feet; the historic, commercial buildings on the corner. He said William and Main is a tough one, with all the constraints and forces impinging on that site. He said he recently visited the William Street site again and felt that the height of the building is exacerbated by the fact that it is located on a rise when coming into town. He said the height should roughly be the same height as the DTE building; roughly 8-stories (100 feet) and split zoning that site so the northern site on William is that height and the southern height is D2. He said it is very typical to split zone sites and split zone mid blocks is often the norm. He said he often gives the Y site as a student project because design students aren't exactly known for their restraints in design; however when they do the Y site most of the them don't go 180 feet there, because they feel it is too high; so 150 feet across the street on that corner. He said students don't even like to go 150 feet, while they are fine with going 180 on the parking lot. He said the whole northern half of Huron needs to be thought of as a new zone, an intermediate zone, maybe a D1.5 and maybe east of Maynard as well, and there might be other sites that could be 180 ft which he didn't mention.

Noting no further speakers, the Chair declared the public hearing closed, unless the item is postponed, in which case the public hearing will be continued.

Moved by Briere, seconded by Bona, that the following resolution be

approved:

Whereas, Downtown zoning amendments were adopted in 2009 as a result of the Ann Arbor Discovering Downtown initiative;

Whereas, The City Planning Commission and City Council recognize the value of evaluating these zoning changes to determine if the resulting development is consistent with the goals and recommendations of the Downtown Plan;

Whereas, City Council passed resolutions R-13-078 and R-13-093 in March and April 2013 that requested the City Planning Commission to address the following issues:

(i) Whether D1 zoning is appropriately located on the north side of Huron Street between Division and S. State and the south side of William Street between S. Main and Fourth Avenue;

(ii) Whether the D1 residential FAR premiums effectively encourage a diverse downtown population;

(iii) Whether a parcel on the south side of Ann St. adjacent to City Hall that is currently zoned D1 should be rezoned to the appropriate zoning for this neighborhood;

Whereas, ENP & Associates was hired by the City in July 2013 to conduct an evaluation of the downtown zoning changes;

Whereas, ENP & Associates provided a variety of opportunities for the public to comment on the effects of the 2009 amendments and offer suggestions for changes and developed a report with recommendations, dated October 10, 2013;

RESOLVED, the City Planning Commission, after reviewing the consultant's recommendations and considering comments presented at a public hearing on October 15, 2013, forwards the following recommendations to City Council:

- 1) Rezone the parcel located at 336 E. Ann from D1 (Downtown Core) to D2 (Downtown Interface).
- 2) Rezone the Municipal Center parcel from PL to D2 (Downtown Interface)
- 3) Reduce the maximum height in the East Huron 1 Character District to 120 feet and add a tower diagonal maximum of 130 feet.
- 4) Rezone the D-zoned parcels on the block bounded by Huron, Division, Ann and Fifth Avenue from E. Huron 2 Character Overlay District to East Huron 1 Character Overlay District.
- 5) Change the maximum height in the Main Street Character District to 150 feet when within 20 feet of a residentially zoned area and add a tower diagonal requirement of 50% of the maximum parcel diagonal.
- 6) Rezone the south half of the parcel at 425 S. Main from D1 (Downtown Core) to D2 (Downtown Interface).
- 7) Require approval of the Design Review Board for a project to be eligible for any premium.
- 8) Revise the residential premium to be more specific about the types of units that will be eligible for premiums.
- 9) Revise the affordable housing premium so that the provision of affordable housing is mandatory for receiving any premiums.
- 10) Eliminate the affordable housing 900% FAR "super premium".
- 11) Include other types of premiums in addition to the ones currently available.

COMMISSION DISCUSSION:

Woods referenced correspondence received from Ms. Ford, CEO of the UM Credit Union. She notified the Commission that she is a member of the credit union and wasn't sure if she needed to recuse herself from the discussion.

Woods, Giannola, Westphal, and Briere all indicated that they are members of the UM Credit Union.

Briere said that she believes recusing is for decisions that affect you materially, and she didn't think her decision is likely to affect her materially and uniquely, given that there are 55,000 members of the credit union and the fact that she was not polled before the letter was written and sent out.

Rampson said she agreed, noting that the Commission discussion was on a recommendation and not an action. She said in the interest of their bylaws and any possible conflict of interest, she suggested the Commission refrain from discussing that site at this evening's meeting and she will check with the City Attorney's Office for further guidance.

Peters asked about possible procedure in reviewing the items listed in the resolution.

Westphal said he didn't believe they were obligated to review them as a package or make formal amendments that would restrain the discussion. He proposed they not make any formal amendments at this point unless it was a very clear cut issue.

Bona said she would appreciate an open discussion format as they work their way down the list.

Westphal suggested that Commissioners ask questions as they go, so they can be addressed. He said he had questions on how the 'diagonal' works. He also reiterated that the item would be postponed until a following meeting.

Bona asked if the consulting services for Erin Perdu would continue past this evening.

Rampson responded that ENP's contract is up after this meeting, so she suggested the Commission present their questions to Ms. Perdu at this meeting.

Briere said that she is curious about the diagonal and the two areas where it is recommended. She asked if the use of a diagonal is something they should think about across the D1 zoning without regard to character area, or was Perdu recommending that it be uniquely used for certain locations.

Perdu said the recommendation is specific to those two character areas, because that was the particular area they were tasked at studying. She said she thought it was entirely appropriate to look at it for the entire D1 area since they are considering it. She said on the Huron Street character area, they recommended a flat number because the parcels there are a bit more uniform in size; whereas, in looking at the William Street site that one particular parcel is very large and they tested some of the diagonals that currently exist on other buildings and they were very small, so that is why they made the proportional suggestion in that case.

Westphal asked about the diagonal and if it applies to the whole Main Street character district.

Perdu said it would apply to parcels within 20 feet of a residential area, so not every parcel within the character area, but the ones that border a residential area.

Westphal suggested an ideal diagonal instead of percentage, noting that it might cause an impossibility of building on some of the sites.

Rampson noted that there is only 1 site in the Main Street character area that is within 20 feet of a residential, which is the William Street parcel.

Westphal asked if the parcel were to be split, would it create an issue.

Rampson responded that if it were to be split the diagonal would be smaller, because it is written to be 50% of the parcel length.

Parekh asked about the 130 foot diagonal on Huron Street, and how they came to that number.

Perdu said they looked at the diagonals of existing buildings, and the table of measurements for existing buildings was provided by staff. She explained that the number came up in attempting to keep the tower within relative scale of the surrounding development and keeping in mind the neighboring residential. She added that the diagonal she recommended was actually smaller because of that particular concern of the neighborhood to the north.

Westphal said he noticed on the diagram that the possible building was directed north-south to allow more light to go through. He asked what would prevent someone from rotating that building 90 degrees and blocking light to the neighborhood to the north.

Perdu said she believed that would be something that would be addressed by Design Review Board. She said the developer would get more floor area by orienting the building how it is shown in the visual, given the parcel shape.

Westphal asked about the recommendation for extending the Huron Street 1 character district, from the Ahmos property and westward, since it would impact other property owners.

Perdu said if you coupled the recommendation of changing the character district on that side of the intersection with the recommendation of reducing the height limit, it would significantly change the potential development options of that site on the corner and she would definitely recommend that they speak with the property owner before implementing that. She added that they had not specifically reached out to these owners.

Westphal said that remains a concern.

Bona requested to talk about the affordable housing and premiums, noting that there was a good public comment made about the affordability of living downtown. She said she understands that the affordability is based on affordable rents and what they really affect when they make projects more expensive to build, as they reduce property value, because the market has already created a marketable rent. She said one of her concerns is with adding an affordable housing premium makes all of downtown housing potentially less affordable. She asked with added premiums, how much does that threaten the affordability downtown.

Perdu said that it is something they struggled with in their discussions while meeting

with various groups. She said by including an affordable housing option for a premium, they would be potentially increasing the cost of development, while developers are not obligated to take advantage of that premium. She said it was an issue that was raised when discussing the conformance with the Design Review Board on projects and the added review time involved, thereby, making the development more expensive. She said both of those issues are difficult to quantify, and she did get feedback from real estate interests and developers who were very concerned that the City may incentivize affordable housing at the expense of middle of the road-type pricing on other units. She said her recommendation included in the report is similar to what the City has in its PUD [Planned Unit Development] ordinance.

Bona said they might also be threatening the quality of construction, since the money has to come out of something else, adding that she was really torn over that one. She asked if they should consider, rather than making an affordable housing provision, whether it is mandatory on-site or payment in-lieu for any project that has a premium. She asked about the idea of having that or an open space requirement. She said open space is something that cannot be done on every site, specifically the smaller ones, and while it might not be clear when looking at a plan, it takes out every floor above it and is a significant contribution for a developer to include open space yet on the larger sites she feels it is really critical.

Perdu said she had not considered that option, and felt it was reasonable to consider and would give developers a choice in granting those premiums.

Westphal echoed Bona's concern about forcing affordability at the expense of other units within the same building, especially in regards to materials, with developers being forced to subsidize some units. He said adding housing units citywide is a great way of getting affordability. He said in a recent development there was concern with not having flexibility to shape the building to reduce shading, due to the height cap and not having a governing body, such as the Design Review Board, that could make an exception to the height limits. He asked if there has been further discussion, in making the Design Review Board mandatory, if any consideration had been given to adding flexibility on the height limit or shaping the building to reduce shading.

Perdu said it is not something they considered; noting that she understands there is also a trade off with implementing diagonal restrictions and height caps that developers struggle with.

Woods reminded the Chair of the time and the need for a motion to continue the meeting past 11 p.m.

Moved by Peters, seconded by Adenekan, that the Planning Commission discussion be extended past 11 pm. On a voice vote, the Chair declared the motion carried.

COMMISSION DISCUSSION CONTINUED:

Giannola suggested getting questions to Perdu and leaving the Commission discussion until the next meeting.

Woods asked Rampson if there is a way to be able to continue the services of consultant that would allow her to respond to their questions and concerns.

Rampson responded that they have met the time limit for their services and further approval would be required from City Council.

Briere asked about the recommendation for rezoning City Hall from PL [Public Land]

to unification of D2 parcels. She said she was struggling with the concept of public land being zoned something other than PL.

Perdu said this is a second tier recommendation, since the main goal was to address the one parcel as requested by Council. She said originally when they looked at this, the goal was to extend D2 westward to connect with the other existing D2 district to the north. She explained that they did look at just the north half of the block, because that was the portion facing Ann Street, much like the vacant site being discussed, and actually going further west towards the Hands-On Museum and Fire Station. She said there was discussion whether it was reasonable to rezone a half a block rather than a full block and that is why they took all of the City Hall property, adding that if the City offices ever moved the parcel could be redeveloped. She continued that they looked further westward and moved the boundary back slightly to encompass this block, and not have D1 and D2 in the same block to the west.

Bona asked if the City Hall parcel were to be rezoned, would they have to go back and make a change to the Master Plan. She asked if Public Land was identified in the Master Plan.

Rampson responded that they didn't have to go back to the Master Plan for any of this; however she recommended that whatever resolution Council comes to with this changes, that they amend the Downtown Plan to reflect them.

Bona said that if the Master Plan was created in the 1950 and it took them 50 years before they changed it, and a lot could happen in 20 years. She said it was in the Master Plan in a broad-stroke way that the appropriate scale for this side of Ann Street is D2. As Public Land we would know that, but if there were some direction in the Master Plan that incorporated guidance in case the City Hall parcel were to be divided or re-developed, they wouldn't need to do a rezoning.

Westphal noted a lot of these issues were reminiscent of the discussions of the A2D2. He said an item that was stripped out of staff recommendations was 'active uses on the ground floor'. He asked for verification that the only parcel affected by this would be the South Main Street/William parcel, adding that he would be interested in reviewing that again, since they have struggled with that in the past with property owners saying it would create a hardship, while the public felt it would make it more pedestrian friendly, especially on Main Street.

Perdu said she got feedback from downtown real estate interests that were concerned about specific requirements as to what type of use could go in the first floor, while the general consensus was that it was more important that the building be designed to fit into the urban fabric and design, with the storefronts that could be used for a number of different purposes.

Moved by Peters, seconded by Giannola, to postpone action on this item to the next meeting. On a voice vote, the Chair declared the motion carried.

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

Tom Partridge, 5th Ward candidate, said that he comes to many meetings including in the well-appointed meeting room on the fifth floor. He called for more transparency, ethics and integrity in the City of Ann Arbor government, also a government with members appointed to committees and commissions who do their homework, who come to the public and explain the subjects of their work in understandable, non acronym forms. He said as a Christian democrat, he calls on all members appointed by the Major, to re-orient yourselves to develop a conscientious set of attitudes to this being an affordable, public university, and business City and

not a City of arrogant people. He hopes that people act responsibly, with integrity and with a heart. He said you allowed this City to be zoned and platted out in a segregated discriminatory manner and it is time the City set an example to the County and State.

Westphal asked if the remaining members of the audience would like to introduce themselves, noting their patience throughout the public meeting.

They introduced themselves as students from U of M.

12 COMMISSION PROPOSED BUSINESS

13 ADJOURNMENT

Moved by Giannola, seconded by Adenekan, that the meeting be adjourned at 11:20 p.m. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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