

Subject: Chapter 5 Suggestions

From: Will Leaf

Sent: Thursday, April 24, 2025 4:19 PM

To: Planning <Planning@a2gov.org>

Subject: Chapter 5 Suggestions

Hello Planning Commissioners,

Thank you for spending so much time and energy on this plan. I think your hard work is going to yield a great result.

Here are some suggestions for Chapter 5.

<https://docs.google.com/document/d/1OOIZ1zqvBj-U2-shR3jfPHsUqeTlh8yXFQBuOLEinh4/edit?usp=sharing>

Summary

1. Page 100
 - a. Eliminate the Flex district.
2. Page 101
 - a. Expand the Transition District to include all land currently zoned R3-R5.
3. Page 102
 - a. Under “Transition Building Form”, change “low to mid-rise” to “low to high-rise.”
 - b. Remove “active first floor commercial” requirements.

Eliminate the Flex District

Page 100 – Eliminate the Flex District and instead mark those areas “Transition”

A week ago, Jonathan Levine and I wrote a memo explaining why we think the areas marked Flex should instead be marked Transition.

Flex District Memo:

https://drive.google.com/file/d/1UsqHLL2kqBL_tzh8F7WJOpdHFv91XTte/view

Since then, the planning commission has discussed the Flex district, and a few points came up:

Economic Diversity

Freely allowing housing and retail in the areas currently marked Flex, by instead categorizing these areas as Transition, would create jobs and promote economic diversity. In contrast, continuing to restrict retail and housing in these areas will encourage the University to buy more land at artificially low prices.

If you'd like a full rebuttal of the “housing will crowd out jobs” argument, you can check out the restrictive districts memo Jonathan Levine and I wrote a few months ago.

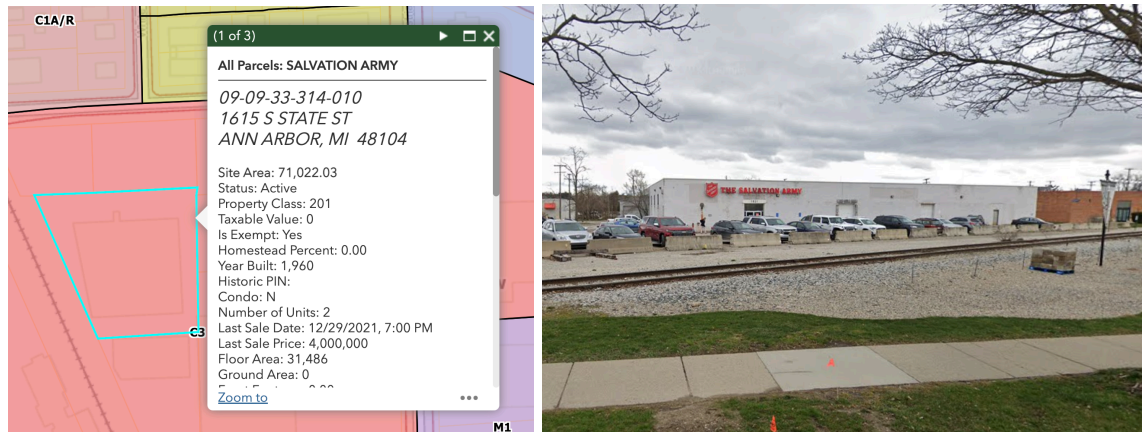
Restrictive Districts Memo:

https://drive.google.com/file/d/1gXgj9wktCJZKx8_g-z6tALbdQIHFaIPx/view?usp=sharing

Thrift Stores

The planning manager has used the PTO thrift shop as an example of a business that would surely be displaced by housing if housing were allowed on South Industrial.

However, the Salvation Army is a thrift shop in a C3 district that allows housing, two minutes away from the PTO Thrift Shop. There is also a used-clothing consignment shop called Top Shelf in the same C3 district.



These stores show that allowing housing does not necessarily drive out thrift stores or other businesses. On the contrary, the Stadium, Plymouth and Washtenaw corridors are full of businesses, even though housing has been allowed in them for decades. The city has actually struggled to encourage housing construction in these areas.

Nuisances

At the last commission meeting, Commissioner Mills posed a great question, asking something like, “How should the city regulate smelly and dirty uses that are needed for a city?”

A staff planner replied “You create an industrial zone.”

This solution sounds obvious, but creating a nuisance-friendly industrial zone is actually not a good solution for several reasons:

First, a nuisance-friendly industrial zone doesn’t protect residents within the district from each other. Even if a zone only allows industrial uses, a polluting use can harm workers on nearby parcels within the zone. If a zone allows both industry and other uses, the dangers are more obvious. Ann Arbor’s M1 light industrial zone allows for schools, day cares, and nursing homes by-right, and therefore does not isolate industrial activities from residents. Residents’ actual protections come from performance standards that apply throughout the city.

Permitted Uses – (UDC, page 36):

<https://www.a2gov.org/media/rh4bt05h/unified-development-code.pdf#page=36>

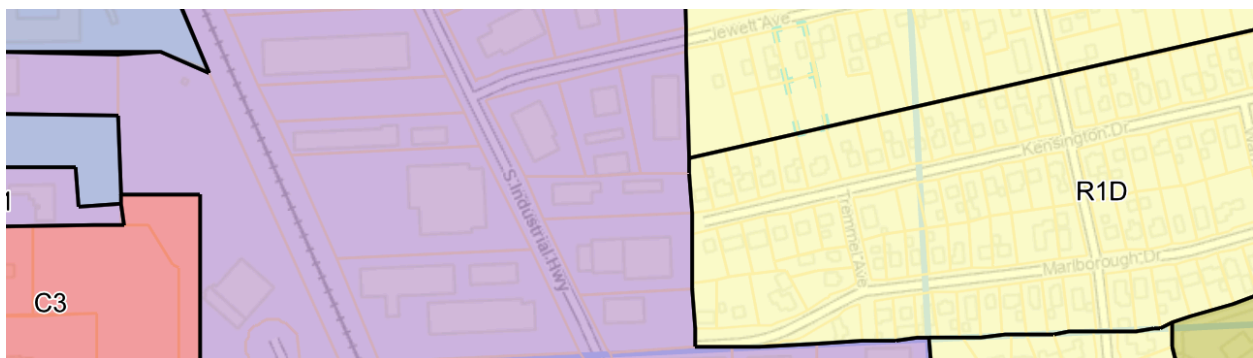
Performance Standards – (UDC, page 24):

<https://www.a2gov.org/media/rh4bt05h/unified-development-code.pdf#page=24>



Central Academy, an Arabic language charter school, inside an M1 district on South Industrial

Second, industrial zones necessarily touch other zones, and therefore harms can spill out from the zone. For example, South Industrial is a narrow strip of land directly touching a residential neighborhood to the East.



If you would like to read about the history of this zoning buffering problem, you can check out this article I wrote on the subject.

Article about Buffering

<https://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1983&context=scholarlyworks>

Because zoning does not effectively isolate industrial nuisances, cities across the world rely on performance standards. Cities that rely on zoning too much, without sufficient performance standards, sometimes suffer serious consequences, as can be seen in the case of Ruby Recycling 45 minutes east of Ann Arbor.

Ruby Recycling News Story

<https://www.youtube.com/watch?v=sKG5SNXQCCM>

Performance standards, rather than zoning, are the most reliable way to protect residents from dirty, smelly, and potentially dangerous uses, without excluding these uses from a city entirely. Performance standards require property owners to contain their dirt and smells on their own property, using either technology or physical distancing.

Ann Arbor made a decision many decades ago to allow sensitive uses like schools and nursing homes in its light industrial districts, and it now relies on performance standards to make this mixture safe. It would be irresponsible to reverse this decision by loosening performance standards in these areas.

Instead, the city should allow its already mixed light industrial districts to evolve into denser areas that permit residential and retail. In theory, the Flex district allows for this evolution, but in practice, it could impede it, as Jonathan Levine and I discuss in the Flex District Memo. We suggest eliminating the Flex district and instead marking those areas Transition.

Flex District Memo:

https://drive.google.com/file/d/1UsqHLL2kqBL_tzh8F7WJOpdHFv91XTte/view

Expand the Transition District

Page 101 – Expand the Transition District to include all land currently zoned R3-R5.

The land use map is one of the most important aspects of the entire plan, but there is very little explanation in the plan of how this map was constructed. It looks like the map mostly just consolidates existing zoning districts, but there are exceptions.

There are many areas currently zoned R3 and R4 that are not consolidated into the Transition district. These areas include the Old Fourth Ward, where I live, along with nearby apartment buildings by the hospital that are outside the historical district. I support including these areas in Transition, along with all other areas currently zoned R3, R4, or R5.

The map also marks several arterial streets that are currently zoned R1 and R2, like Miller and Maple, as Transition. I support this upzoning, but rezoning these areas to have a 45 foot height limit would be controversial and could slow down implementation of the plan. Maybe the solution is to keep the residential arterials marked as Transition, but to rezone them after the other rezonings to Transition are completed.

Uncap the Transition Height Limit

Page 102 - Under “Transition Building Form”, change “low to mid-rise” to “low to high-rise.”

This small change is the critical. Allowing highrises far from Low-Rise Residential areas is probably the single most effective way to solve the housing crisis.

If a potential building is very far away from any Low Rise Residential property, it shouldn't be limited to mid-rise height. For example, the city should be welcoming highrises immediately adjacent to downtown or Briarwood mall.

Remove Active First Floor Commercial Requirements

Page 102 – Remove “active first floor commercial” requirements.

The plan says that in all Hub districts, and Transition districts along arterials, there should be “active first floor commercial.”

It's unclear if the consultants are simply stating general hopes for these areas or are calling for zoning requirements that mandate ground-floor retail in these districts.

If the former, then the plan should move those hopes to a different page to avoid confusion. If the latter, these requirements should be removed. They would be unworkable for several reasons:

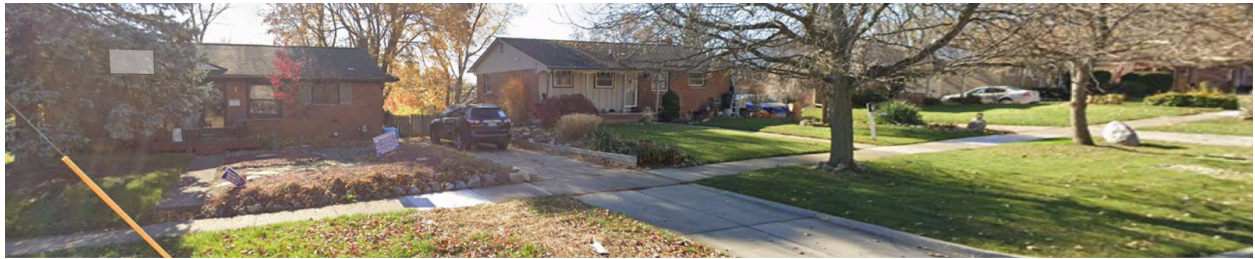
1. The Hub and Transition districts include hundreds of necessary uses that are not “active commercial”, like day cares, urgent cares, Planned Parenthoods, nursing homes, schools, etc. Banning these uses from first floors would severely stifle essential services for no good reason.



An urgent care on Stadium that would become a nonconforming use

2. The transition district includes thousands of homes, including owner-occupied homes on arterial streets. A ground floor commercial requirement would make these homes

non-conforming uses and prevent new housing construction unless retail is included. Forcing residents to include retail spaces in their homes would be overly controlling and bizzare.



Homes on Miller, an arterial street, that would become non-conforming uses.

I suggest removing all references to “active first floor commercial” on page 102. I do not support active-use requirements, but if the commission is set on including them, it could do so at the time of zoning in a selective way. There is no advantage to putting these requirements in the plan now, as they are more likely to antagonize residents rather than reassure them.