

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 18, 2023

SUBJECT: Amendments to Unified Development Code (Chapter 55 of the Code of the City of Ann Arbor) related to the TC1 Transit Corridor district

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55 Unified Development Code, Sections 5.15 and 5.16:

- To allow automobile, motorcycle, recreation vehicle, equipment sales and rental as a primary use (Section 5.15, Table 5.15-1);
- To allow automobile, truck and construction equipment repair as a primary use (Section 5.15, Table 5.15-1);
- To redesign the Transit Corridor Development Use Specific Standards table to clarify the building typologies and application of standards (Section 5.16, Table 5.16-2)

STAFF RECOMMENDATION:

Staff recommend the proposed amendments to Table 5.15-1 and Table 5.16-2 to allow vehicle sales and rental and vehicle repair, and clarify building typologies, respectively, be **approved**.

Incorporating limited automobile-related uses was requested by City Council and, because of the existing form-based standards of the TC1 district, will not have a negative impact on the functionality, goals or benefits of the TC1 district. Redesigning the use specific standards table will help resolve confusion in how the standards are applied to the different building typologies.

SUMMARY:

Amendments to Sections 5.15 and 5.16 of the Unified Development Code are proposed in response to City Council Resolution R-22-390, calling for the City Planning Commission to evaluate and recommend amendments to the TC1 (Transit Corridor) district to incorporate limited automobile-related uses and address constraints of existing narrow rights-of-way.

The proposed amendments include allowing vehicle sales and rental, and vehicle repair, as primary uses in the TC1 district, and a redesign of Table 5.16-2 to clarify how the standards apply to building types. Planning staff continue to work on recommendations regarding the constraints of the existing narrow rights-of-way, which will be presented at a future date.

No changes to the maximum building height limit are considered or recommended in this report.

BACKGROUND:

City Council Resolution R-22-390

City Council directed the Planning Commission to evaluate and recommend amendments to the TC1 (Transit Corridor) district to incorporate limited automobile-related uses and address constraints of existing narrow rights-of-way by Resolution R-22-390 passed on December 5, 2022:

Whereas, Residents living in the neighborhoods abutting the Stadium/Maple corridor place high value on the mix of commercial uses, particularly local businesses, that currently populate the area and are within close walking/distance of their homes (e.g. grocery stores, restaurants, auto-repair facilities, bookstores, and other retail establishments); and

Whereas, Some automobile-related commercial uses (i.e. car rental and repair) located in close proximity to housing are supportive of the goals of TC1 Zoning District but currently aren't permitted by special exception use;

RESOLVED, That the Ann Arbor City Council directs the Planning Commission to evaluate and recommend amendments to the TC1 Zoning District or Unified Development Code (UDC) that:

- *Incorporate limited automobile-related uses into the TC1 District, excluding drive throughs and gas stations*
- *Address constraints of existing narrow rights of way*

Transit Corridor (TC1) District

The TC1 district is the most recently added zoning district to the Unified Development Code, adopted on July 6, 2021 (Ordinance No. ORD-21-19). It was created to address a variety of related goals, such as sustainability, housing access, affordability and choice, reducing vehicle miles traveled, relieving vehicle congestion, supporting transit service, and supporting and expanding nonmotorized transportation, expressed in the documents that comprise the Comprehensive Plan.

The intent of the TC1 district is provided in Section 5.12.9, outlining the geographic characteristics, goals and benefits of the zoning district:

- Located along existing transit corridors with regular fixed service provided by AAATA.
- Intended to realize mixed use developments and achieve mixed use corridors.
- Aimed to support and sustain transit service as well as housing choice and affordability, sustainable development, and reduced resource and energy needs.

The TC1 district is a version of form-based code similar to the base and character overlay zoning districts applied downtown. The design-based controls of the TC1 district were crafted so new buildings and developments, regardless of uses inside the buildings and on the sites, have the density and pedestrian-oriented forms needed and desired by our community to advance our Comprehensive Plan goals.

As provided in Table 5.16-2, new buildings that are not townhouses or apartments:

- Must be at least two stories.
- Must have a minimum first floor height of 15 feet.
- Must have a first-floor transparency of at least 60%.
- Must have a functional entrance facing the street.
- Must extend across at least 75% of the lot width.
- Must be placed within 15 feet of the front lot line.

Sites in the TC1 district:

- That exceed 62,500 square feet (about 1 ½ acres) must be designed as smaller blocks within the site.
- Have no more than one curb cut for access.
- Have a vehicular use area (area devoted to surface parking) either 100% or 125% of its building footprint area depending on site size.
- Have variable height limits depending on proximity to residentially zoned areas.

These form-based standards seek to ensure that all new development in the TC1 district provides community benefit and aligns with City goals. In addition, permitted use standards prohibit land uses that depend on large areas of parking, surface storage or are otherwise vehicle-dependent. The TC1 district is designed to realize dense, efficient use of land.

Additional Resources

Please see the following webpages for additional background and archived materials such as staff reports and presentation materials:

- Webpage on Proposed UDC Amendment: TC1 Permitted Uses and Development Standards
 - <https://www.a2gov.org/departments/planning/Pages/TC1-District-Amendments.aspx>
- Webpage on Proposed UDC Amendment: Create TC1 District
 - <https://www.a2gov.org/departments/planning/Pages/Proposed-Transit-Oriented-Zoning-District.aspx>
- Webpage on City-Initiated Rezoning Petition in State & Eisenhower Area to TC1
 - <https://www.a2gov.org/departments/planning/Pages/-City-Initiated-TC1-Rezoning.aspx>
- Webpage on City-Initiated Rezoning Petition in West Stadium area to TC1
 - <https://www.a2gov.org/departments/planning/Pages/City-Initiated-TC1-Rezoning---Stadium-Boulevard-Area.aspx>
- Link to Ann Arbor Downtown Street Design Manual
 - https://www.a2dda.org/wp-content/uploads/2023/01/A2DDA_StreetDesignManual_2022_DRAFT-Website.pdf

REPORT:

This report responds to City Council's request to reconsider certain automobile-related uses within the TC1 district, as well staff desire to add clarity to the zone's interpretation based on experience implementing it to date. This report does not offer an evaluation or recommendation to address the constraints of existing narrow rights-of-way, or propose an amendment to the maximum building height limits. These issues will require more time and resources than consideration of permitted uses.

Definitions

Article VIII: Definitions of the Unified Development Code describes the uses under consideration for TC1:

Automobiles, Motorcycles, Recreation Vehicles, Equipment (Sales and Rental)

The sale, display, lease, rental, or storage of light motor vehicles, including Automobiles, vans, light trucks, light trailers, boats, construction Equipment, and Recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial Parking Lots available for short-term use.

Automobiles, Trucks and Construction Equipment Repair

Any Building, Structure, or Lot used for the Business of repairing Automobiles, trucks, or construction Equipment or the sale and installation of tires, batteries, and other minor accessories and services for Automobiles, trucks, or construction Equipment. This shall not include retail sale of vehicle supplies, tires, or parts unrelated to repairs being performed on the Premises, the retreading and/or vulcanizing of tires, Fueling Stations, or convenience stores that sell gasoline or lubricating oil, except other vehicle accessories or services are included in this use.

Allow Vehicle Sales and Rental, and Vehicle Repair Uses

- Given the existing form-based development standards of the TC1 district, incorporating vehicle sales and rental and vehicle repair uses will have minimal long-term impacts. Newly established vehicle sales, rental and repair uses are required to be in buildings of at least two stories, with an active street-level use, and easy for transit and nonmotorized-transportation users to access. As with any business in TC1, auto-related businesses would only be allowed limited areas on site for outdoor storage of vehicle inventory, or vehicles waiting for repair or pick-up.
- In considering how and whether to reintroduce vehicle sales and rental and repair uses, staff concluded that these uses are highly interrelated. A repair or rental business may desire to sell a small portion of excess fleet or acquired inventory to supplement their primary revenue. A vehicle sales business may also want to offer rental and lease opportunities, and related repairs.
- As defined in Article VIII: Definitions in the UDC, a repair use could be as simple as battery sale and installation.
- Additional citywide controls such as the Noise Ordinance help to mitigate effects of these land uses.

- TC1 standards are triggered by new development. In reality, most lots in what is now the TC1 district have buildings on site. The City’s current approach to nonconforming uses does not favor incremental property improvements. Allowing vehicle sales and rental and vehicle repair in the TC1 district would return these businesses to conforming status. With conforming status, existing auto-related uses can apply for updates aligned with TC1 standards to come closer to desired design.
- Staff recommend approval of the proposed amendment to allow automobile, motorcycle, recreation vehicle, equipment (sales and rental) in the TC1 district.
- This amendment would appear in the UDC under Table 5.15-1: Primary Use Table as illustrated below:

Article III: Use Regulations
 5.15 Permitted Use Tables | 5.15.1 Primary Uses

TABLE 5.15-1: PRIMARY USE TABLE																									
SEE TABLE BOTTOM NOTES FOR IMPORTANT NOTES.																									
USE CATEGORY AND TYPE	RESIDENTIAL						MIXED USE						NONRESIDENTIAL AND SPECIAL PURPOSE				USE-SPECIFIC STANDARDS								
	AG	R1A, B, C, D, E	R2A	R2B	R3	R4A, B, C, D, E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3		TC1	R5	P	PL	RE	ORL	M1, M1A	M2
Short-Term Rental – Non-Principal Residence ⁵							P	P	P	P	P	P	P	P	P	P									
Recreation, Entertainment, and Arts																									
Adult Entertainment Business																						P (excl. M1A)	P	5.16.3A	
Artist Studio							P	P	P	P	P	P	P	P	P	P							P	P	5.16.3B
General Entertainment								P	P	P	P	P	E	P	P	P									5.16.3D
Indoor Recreation							E	P	P	P	P	P	P	P	P	P			P				E	E	5.16.3F
Outdoor Recreation	P	E	E	E	E	E									P	P			P			E			5.16.3K ⁶
Sales																									
Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)													E	E	P	P							P		5.16.3P
Designated Marijuana Consumption Facility ⁷									E	E	E	E	E	E	E	E									5.16.3G
Fueling Station													E	E	E	P								P	5.16.3E
Outdoor Sales, Permanent							P	P	P	P	P	P	P	P	P	P									5.16.3L ⁸

Article III: Use Regulations
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TABLE 5.15-1: PRIMARY USE TABLE

SEE TABLE BOTTOM NOTES FOR IMPORTANT NOTES.

USE CATEGORY AND TYPE	RESIDENTIAL					MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE					USE-SPECIFIC STANDARDS							
	AG	R1A, B, C, D, E	R2A	R2B	Rs	R4A, B, C, D, E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	TC1		R5	P	PL	RE	ORL	M1, M1A	M2
Mobile Food Vending Service ¹⁰								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.16.3I
Restaurant, Bar, Food Service									P	P	P	P	P	P	P	P	P								5.16.3P ¹¹
Retail Sales, General Merchandise									P	P	P	P	P	P	P	P									
Wholesale, Resale, Building Material and Supplies															P	P							P	P	
Services and Repair																									
Automobile, Truck, Construction Equipment Repair													E	E	P	P							P	P	5.16.3C 5.16.3P
Contractors, General Construction, and Residential Building														P	P	P							P	P	
Laundry, Cleaning, and Garment Services								P	P	P	P	P	P	P	P	P							P	P	

Clarify Building Typology in Specific Standards Table

- Staff suggested clarifying the building typologies in the use specific standards for the TC1 district in our presentation to the City Planning Commission at its December 13, 2022 working session.
- “Mixed Use Building” is a typology label in Table 5.16-2 intended to preface standards for any building that is not a townhouse or apartment building. “All buildings” is another typology label intended to preface standards for both mixed use buildings and townhouse/apartment buildings.
- The term mixed use was originally chosen because it is consistent with the mixed use zoning district group. These districts allow mixed uses (compared to the residential zoning district group) and any buildings in these districts could be mixed use.
- It was unclear to some users how to classify a single-use building such as an office building, a hotel, or a restaurant. Conceptual sketches for such developments have

TABLE 5.16-2: TRANSIT CORRIDOR DEVELOPMENT

LOT WIDTH UP TO 250 FT.

BUILDINGS	MIXED USE BUILDING	▲ ☉ ☼ ▼ m
	TOWNHOUSE/APARTMENT BUILDING	
BUILDING FRONTAGE	MIXED USE BUILDING	
	TOWNHOUSE/APARTMENT BUILDING	
SITE	ALL BUILDINGS	
	MIXED USE BUILDINGS	
	TOWNHOUSE/APARTMENT BUILDINGS	
INDIVIDUAL BUILDINGS	MIXED USE BUILDINGS	

assumed the buildings and building frontage standards do not apply at all, thinking these buildings are not mixed use buildings.

- A redesign of Table 5.16-2 is suggested (see attached ordinance). The table is reconfigured to simply address sites, buildings in general, and additional requirements for specific building types, and numbers are provided for each row to make referencing easier.
- Requirements have been clarified and amended as described:
 - Development Arrangement no longer specifies that blocks may not exceed 250 feet. It was unclear if this dimension applied to blocks or buildings on the block. The standard for buildings to be no more than 250 feet, as intended, has been moved to Building Dimensions.
 - Building Frontage for the previous building typologies and lot sizes has been consolidated into a single requirement and now addresses when a single site has multiple blocks.
 - Building Dimensions now specify that the maximum width of a building cannot exceed 250 feet and the maximum building diagonal requirement applies to all types of buildings on any lot size.
 - References to public streets, transit corridors, and intersections have been consolidated and simplified as public streets or signalized intersections.

Prepared by Alexis DiLeo
Reviewed by Hank Kelley and Brett Lenart
April 13, 2023

Attachment: April 13, 2023 Draft Ordinance (TC1 Transit Corridor District Uses and Specific Standards)

c: City Attorney's Office

