



City of Ann Arbor

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

Tuesday, April 16, 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 forty-eight (48) hours 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 at the top of 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

Vice Chair Woods called the meeting to order at 7:06 p.m.

2 ROLL CALL

Vice Chair Woods called the roll.

Present 7 - Bona, Woods, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 2 - Mahler, and Westphal

3 APPROVAL OF AGENDA

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

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

5-a [13-0441](#) March 5, 2013 City Planning Commission Meeting Minutes

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Eric A. Mahler, and Kirk Westphal

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

6-a City Council

Briere reported that the previous night's City Council meeting went longer than anticipated and was adjourned without reaching a conclusion on the 413 East Huron project. She said the public hearing remains open, and the discussion will begin on that project at the Council meeting of May 6th.

Briere reported that Council members are eager to hear that a group is appointed to work on the D1 zoning, and they are pleased to hear that the Planning Commission will hear the report on the R4C/R2A zoning recommendation and looking forward to seeing something come to Council.

6-b Planning Manager

Chris Cheng reminded the Commission that the Annual Planning Commission and staff retreat would be held on April 23, from 3:30 to 8:30 p.m. at Traverwood Library.

6-c Planning Commission Officers and Committees

Bona reported that there will be a North Main Huron River Corridor Vision Task Force meeting held tomorrow. She directed the public to the City's website for time and meeting location.

6-d Written Communications and Petitions

[13-0442](#)

Various Correspondence 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.)

None.

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** [13-0443](#) Weller Annexation and Zoning for City Council Approval - A request to annex this vacant 0.5 acre parcel, located at 2119 Victoria Circle, from Ann Arbor Township and zone it R1A (Single-Family Dwelling District). Ward 1

Cheng presented the staff report.

PUBLIC HEARING:

Eric Preissner, 1925 Timber Trail, Ann Arbor, member of the homeowners association bordering the units, asked staff what the plan for storm sewers were for the area and if the City has any concerns for drainage in the area.

Cheng responded that there is currently no access to storm sewer for this area and as part of the building and grading plan review, City staff will make sure there are no adverse affects from drainage to any neighboring properties.

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

Moved by Bona, seconded by Clein, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weller Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

Bona asked staff to explain what the City's policy is on adding storm sewer to streets and if it is even needed on all streets. She asked how one would find out what the City's plans were for installing sewer connection to that whole neighborhood and if such a plan exists.

Cheng responded that he would have to look into if a plan exists, adding that a future proposed project of sewer installation would typically be found in the City's Capital Improvement Plan [CIP].

Giannola asked if sewer hook-up plans were required when annexing into the City.

Cheng explained that with single-family residential homes annexing into the City, they would be required to connect once City sewer is available in that area.

Clein asked if there are natural features on the site, such as steep slopes.

Cheng said he wasn't able to say, but if there were, they would be exempt since they are zoned single-family residential.

Briere asked if the houses facing Newport are currently in the City.

Cheng said, yes.

Briere asked if annexing all of the vacant lots in this area would be in the best interest of the City, adding that she had heard discussion a few years ago that the City was working on annexing clusters of township pockets such as this one.

Cheng replied that currently annexation is handled on a case by case basis, and he could not comment if an annexation plan for this cluster had been reviewed or approved at the current time. He said that Jeff Kahan has been working with other departments of the City on such an annexation plan. Cheng mentioned that the neighboring parcel was also requesting annexation.

Derezinski explained that the City had held talks with the Township on boundaries and annexations and the final word was that parcels wishing to be annexed would be handled on a case by case basis.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Eric A. Mahler, and Kirk Westphal

10-b [13-0444](#)

Higgins Annexation and Zoning for City Council Approval - A request to annex this vacant 0.5 acre parcel, located at 2121 Victoria Circle, from Ann Arbor Township and zone it R1A (Single-Family Dwelling District). Ward 1

Cheng presented the staff report.

PUBLIC HEARING:

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

Moved by Derezinski, seconded by Briere, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Higgins Annexation and R1A (Single-Family Dwelling District) Zoning.

COMMISSION DISCUSSION:

None.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Eric A. Mahler, and Kirk Westphal

10-c [13-0445](#)

Barton Pump Station Improvements Public Project Review - A proposal to construct electrical improvements and a new storage building on this 1.3 acres site at the Pump Station at 1010 West Huron River Drive. The existing storage building on the site will be removed.
Ward 1

Cheng presented the staff report.

PUBLIC HEARING:

Glen Wiczorek, P.E., Stantec Consulting Michigan Inc. , Project Manager for the project, was present to respond to the Commission's enquiries.

Derezinski asked the proximity of the project from the river and storm water flow.

Wiczorek responded that the storm water does not flow towards the railway tracks, but rather through the fence line and directly into the river. He said he guessed the distance of the fence line was less than 100 feet.

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

Moved by Adenekan, seconded by Clein, that the following resolution be approved:

WHEREAS, the City Administrator is directed to obtain comments and suggestions from the appropriate City departments with regard to certain City projects meeting private development regulations prior to recommending that City Council approve funding for them; and

WHEREAS, such projects are to be reviewed by the City Planning Commission prior to City Council approval;

RESOLVED, that the Ann Arbor City Planning Commission finds the City of Ann Arbor Barton Pump Station Public Project generally adheres to City private development standards with the following exception:

First flush detention is not provided as required for a site with more than 5,000 square feet of impervious surface per Chapter 63, Storm Water Management And Soil Erosion And Sedimentation Control.

COMMISSION DISCUSSION:

Clein asked the petitioner to explain the project to the Commission.

Wiczorek explained the project and the purpose of the project.

Briere asked the petitioner to inform the public where the treatment plant was located.

Wiczorek explained that the water is pumped out of the river at Barton Pond, that is pushed approximately two miles up hill to one of the highest points in the City, to the water treatment plant at 919 Sunset Avenue.

Eric Preissner [member of the audience] asked if the electricity generated on site is powering the pumps, and what the age and serviceability of the mechanical pumps

were and if the project was part of the over-all improvements to the water plant.

Wiczorek answered that DTE has two electrical feeds from substations for reliable power to the plant. He said the mechanical equipment has been replaced recently with comparable equipment, but the electrical equipment is the original since the late 1940's so the proposed electrical upgrades are well needed. He said this project is separate from the water plant work, but partially funded through the same source.

Briere asked about possible mitigation to the landmark tree.

Cheng said that this tree does not require mitigation because there is no proposed work within ten feet of the tree trunk; and there are no other natural features that will be impacted by this proposal.

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

Yeas: 7 - Bonnie Bona, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 2 - Eric A. Mahler, and Kirk Westphal

Roll Call

Enter Mahler

Present 8 - Bona, Mahler, Woods, Giannola, Adenekan, Clein, Derezinski, and Briere

Absent 1 - Westphal

10-d [13-0446](#)

Proposed R4C/R2A Recommendations

Kowalski presented the staff report.

PUBLIC HEARING:

John Eaton, 1006 Dicken Drive, Ann Arbor, stated that he would like the Commission to adopt a maximum lot size of 6,525 square feet, as was recommended by the Advisory Committee. He would like them to adopt a maximum height or maximum number of floors in these zoning districts. He said having overlay districts is too complex and will take too long to develop given that it has taken four years for you to come up with these simple recommendations. He asked that they return to the recommendations of the Advisory Committee to maintain the character and size of these neighborhoods.

Ethel Potts, 1014 Elder Boulevard, Ann Arbor, stated that she was a member of the Advisory Committee, and one of the reasons it had taken so long was because they didn't meet so frequently. She thanked staff for notifying them of this meeting and inviting them to come. She read a prepared statement.

Farramarz Farahanchi, 6499 Saline-Waterworks Road, Saline, MI., said that he owns several student rental houses in Ann Arbor, and he manages them personally and deals with the issues daily. He said there is a perception that with the new tall buildings the students will not want to go out to the houses, when in reality most people [at least from Michigan] cannot afford those tall buildings. He said with the

high maintenance of these tall buildings the income goes to paying the property tax. He said the result of these tall buildings with their \$1,000 + rental cost per room, has brought up the rents in all of the rental houses, and students are now forced to look further and further out for affordable housing. He said if the purpose was to keep the students centralized, now with the added restrictions to the R4C, in an attempt to reduce the density, the students are going to go further out with the University expansion that can not be stopped. He said the objectives of the proposed zoning changes is not going to be met, since the students want 5 and 6 bedroom apartments [such as those in the Zaragon highrise]. He said they are creating a loop-hole where you can have a 4-bedroom unit in the R4C, zoned for up to 6 people, and you will have the developers creating 4-bedrooms with a study room and a relaxing room that will be used as bedrooms and this becomes a safety issue for the students.

Eleanor Linn, 1321 Forest Court, Ann Arbor, read a prepared statement, included in the meeting packet.

Ellen Ramsburgh, 1503 Cambridge, Ann Arbor, stated that in walking the areas with the committee, they agreed that the size, scale and character of the neighborhoods need to be protected. She felt the Ordinance Revisions Committee and the Advisory Committee's recommendations need to be accepted.

Gwen Nystuen, 1016 Olivia, Ann Arbor, spoke in support of having a maximum number of units allowed in the R4C district or something that controls mass. She asked for a definition of 'group housing'.

Chris Crockett, 506 E. Kingsley Street, stated that she has lived in Ann Arbor since 1971, always in an R4C neighborhood. She said she is very disturbed that after all this time there is very little spelled out in terms of vision and numbers that would be acceptable in the older neighborhoods. She said she is so uncomfortable that things would be so fluid, so open, because she thinks that will be an invitation to abuse. She said the City already has vehicles, like the Zoning Board of Appeals and Planned Projects, in place if exceptions are needed where the public input is brought in to make change. She said the most disturbing idea she has heard presented is the designation of a student rental neighborhood. She said, What are you thinking? The idea of a student rental neighborhood might even be unconstitutional and is an invitation to so many abuses and crime. She said one of the reasons why the Old Fourth Ward Historic District works so well is because we have families there anchoring the neighborhood. She said people have the right to buy and live in a house and the City's zoning should not work against the best interests of a healthy and diverse demographic, both in the downtown and the near downtown neighborhoods. She asked the Commission to strike any language referencing a student rental neighborhood.

Ray Detter, 120 N. Division Street, spoke on behalf of the Downtown Citizen Advisory Committee and agreed with the last four speakers. He said there has been an awful lot of work that went into the R4C/R2A recommendations, and he attended every one of the meetings, except for one. He said the statements made this evening are still the problems that exist. He said when the committee began, the general feeling was that this neighborhood should be replaced, but over time came to realize that they did not want to replace it, but rather preserve the size and scale of those neighborhoods and maintain them livable for whomever wants to live in them. He said the Commission also has an interest in this, as with the D1, as the motivation comes out of the same, where we don't want to see a downtown density that is destructive to near downtown neighborhoods, which often are R4C residential or historic. He said the Design Guidelines will help in enforcing what the people want, which is to maintain the character and scale of the neighborhoods which are near the downtown,

which are the R4C and R2A. He said we do not want a student rental neighborhood.

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

Moved by Derezinski, seconded by Bona, that the following resolution be approved:

Ann Arbor City Planning Commission Resolution Supporting Adoption of the R4C/R2A Recommendations Report

Whereas, In March 2009, City Council directed the Planning Commission to review the zoning of certain residential neighborhoods in the Central Area to provide City Council with a report and recommendations for potential ordinance changes to these districts;

Whereas, In September 2009, City Council appointed members to the R4C/R2A Zoning District Study Advisory Committee (AC), which met 11 times to gather public input and discuss potential approaches to zoning changes in the R4C and R2A neighborhoods;

Whereas, The AC provided its recommendation report to the Planning Commission on May 4, 2012;

Whereas, The Planning Commission's Ordinance Revisions Committee (ORC) met 10 times since July 2012 to examine the tools recommended by the AC, research other tools and provide additional knowledge that complements the AC recommendations; and

Whereas, The Planning Commission reviewed the recommendations provided by the ORC at its working session of April 9, 2013;

RESOLVED, That the Planning Commission hereby forwards the R4C/R2A Recommendations Report dated April 11, 2013 to City Council, consistent with Resolution R-09-079; and

RESOLVED, That the Planning Commission hereby recommends that the City Council support the changes identified in the report and authorize Planning Commission and Planning staff to draft ordinance amendments consistent with the report recommendations.

COMMISSION DISCUSSION:

Briere said she wants to confirm that a maximum lot size is an option, and if we do not currently have it, why not.

Kowalski answered that he cannot speak to why the City does not have a maximum lot size, pointing out that there is currently no zoning district in the City that does.

Briere asked if maximum lot size is prohibited in State zoning regulations.

Kowalski said he didn't believe they are prohibited, but noted that it would create non-conforming lots that are larger than the suggested size.

Briere said since the City has non-conforming lots that are smaller than the minimum, and she understands the goal is to eliminate non-conformance, she added she was trying to make certain that the goal is an appropriate one.

Bona said that she thought there was a lot of rich thought contained in the provided documentation and correspondence as well as from the people who spoke to the Commission. She said most of the discussion around the table at the Ordinance Revisions Committee regarding the intent throughout was in protecting the scale and character in the existing neighborhoods. She said regarding the public comments made, she does not know where the idea came from of tearing down a lot of houses. She said the idea was to find creative ways to enhance or complement the existing neighborhoods, adding that the challenge comes when the charm of the neighborhoods is the fact that everything is so different; the lot size being just one example. She explained that some of the houses they liked best had just 3 foot setbacks, while currently we require 12 feet. She said relative to the the intent, she would like for them all to stay on the same page. She said black and white numbers in the R4C district has not proven helpful in the past, so with maximum lot size and side yard setbacks, there will always be buildings that will become non-conforming or else we will be encouraging something that was small to become bigger, yet the big one next door was okay. She asked the public to bear with them as they were trying to solve these issues.

Bona explained that duplexes and dormers is a part of the definitions section of our ordinance, and she did not believe that this work would address those. She said the Zoning Ordinance Reorganization (ZORO) Project needs to be completed before they can address what is known as substantive changes in the zoning ordinance that go across districts, not just in the R4C. She added that duplexes and dormers are definitely on their radar and will be addressed.

Bona further explained that the recommendations and the work of the Advisory Committee and the Ordinance Revisions Committee will not take away the maximum height and setbacks requirements. She said they are not going away. She said the 'group housing district' came from the old Central Area Plan, and she was not sure that 'group housing' was the correct name for it. She said the reference to 'just student housing' might be a problem in the old Central Area Plan, but the concept of a flexible housing district; where in her mind, flexibility means not creating these arbitrary lot lines, where you encourage 4-bedrooms versus 3-bedrooms versus 6-bedrooms. She said the concept of using setbacks and height and potentially an overlay district to affect massing and potentially using a floor area ratio instead of a number of units, she believes will give a greater flexibility and a better chance of new buildings, as well as additions, that meet the scale and character of the neighborhood. She asked staff regarding the concept of a flexible housing district, and if a homeowner would currently be allowed to live in part of their house while renting out part of that home, in our 6-bedroom limit district.

Kowalski said yes.

Bona said she didn't believe they were going to solve the parking problem by making yards into parking lots, adding that she would like to see more open space and fewer cars. She acknowledged that it is a complicated problem to solve, but she would like to see them move in the direction of reducing the parking requirements, potentially through a parking in lieu, as is allowed downtown. She clarified that she was not asking to change the document before them, at this time. She said she would like to limit the parking in these neighborhoods because she does not believe they are preserving the scale and character if they fill yards with cars. She stressed that parking and neighborhoods are near and dear to her and she wants to protect the neighborhoods.

Bona said she believed that the Advisory Committee had recommended overlay districts and that possibly, in a future Phase II, they might try an overlay district with

design guidelines or something in that direction on a trial basis in a specific district, before they attempt to roll it out to several districts. She noted she did not believe they are ready for that at this current time. She said there is no attempt in this 'group housing/flexible housing' district to change the scale and character of that neighborhood, but rather how the bedrooms get laid out, allowing flexibility for the owners and developers.

Giannola said that she believes there is some confusion on the term 'group housing'; clarifying that it has nothing to do with fraternities or sororities and was just a label that was in the Central Area Plan. She stated that they are not trying to change anything. She said at the beginning of the intent discussions, she had made comments that she felt, along with students, that some of these houses look slum-like and she would love to have some kind of incentive put into the code that will give incentive to owners to fix up the outside of their houses. She said that could be through additions or covered parking incentives that will allow the owners to fix up the outside of the house. She noted that the intent is not to build high-rises in this largely student populated area, but to concentrate on being able to improve specific areas of the R4C neighborhood, that need improving.

Giannola said that they need to realize that the new high-rises have students flocking to them, because they do not want to live in these houses any more and if we can get the housing stock to be upgraded somewhat, maybe the students will not flock to the high-rises so much. She acknowledged that it takes a long time to make changes happen and wanted people to start thinking about creating change in that area, possibly through the use of premiums or Floor Area Ratios [FAR].

Giannola added that another item, that was discussed, that was not in the report yet, was the carriage houses or garages that are just sitting there, run-down or locked up used for storage, when there could be an incentive to make them a carriage house or garage transformed with an apartment on top. She said they could have them build it in the same footprint as the original, and while it creates a little more density, it would be without creating more mass onto the house. She said it is all about ideas of how to fix up the neighborhood while keeping the character the same, noting that we can do a lot of good things here if people open their minds and become a little bit creative.

Adenekan stated that this is a very complicated issue, agreeing with both Bona and Giannola. She thanked Kowalski for giving her clarification and explanation on what she considers to be a very complicated issue. She said she felt the work that has been done on the recommendations is excellent. She said she also agrees with several of the comments brought by the public and has listened carefully to what they had to say. She asked if the document before the Commission is a draft.

Kowalski said, yes, it is subject to revisions from the Planning Commission, and then City Council and later specifically when the zoning language is written.

Adenekan said she felt it is a win-win situation where everyone can come together and understand that there is not much difference between the Advisory Committee and the Ordinance Revisions Committee. She thanked everyone who participated in the project.

Derezinski said he is very happy that he was the one who put in the original resolution before City Council back in 2009. He noted that it had been a lot of work and contentious because there are so many differences of opinions. He explained that they expanded their initial hearings from what they originally thought to include other groups, to make sure that everyone was heard and represented. He said they included surveys of students and making sure that people who rented these units had

an opportunity to speak.

Derezinski explained that there were many compromises on the recommendations that were contentious, because people feel strongly on these issues, as those who spoke this evening, adding that is the democratic process. He said they have to come to some decisions as they have done, as they were requested to do, using an advisory committee but also giving it a best shot from the Planning Commission.

He said he particularly wants to thank Kowalski for the work that he put into this, adding that he lived with this project for 3 ½ years. Derezinski said he believes that Kowalski was sometimes not treated with the respect that he should have been, but nevertheless; he stuck to it and came up with a product both to the Advisory Committee and then the Ordinance Revisions Committee that they were dealing with tonight. He said no one is getting the whole loaf, but if you are getting, what he likes to refer to as the ¾ loaf, you are doing pretty well. He said that is the balance between no-change [preserve what is there] or allow and accommodate for change. He said this has been very well thought-out and he totally respects people who testified 180% away from each other, sometimes during the Advisory Committee process, because they did their best.

Derezinski said they are coming up with a product where no one is getting everything they wanted, and some are getting some of what they want, which is basically part of the process of coming to compromise, which civility requires that they do.

Clein said since he is the new kid on the block, he realizes that this is a complex issue with much work and thought going into it. He said it is somewhat of a puzzle with much good work. He asked about the red outlining [Group Housing Area] on the zoning map and if that was being proposed or if it was existing. He asked if it was proposed could it be changed.

Kowalski explained that the blue line showed the original, existing, group housing district, and the red outlining showed the proposed area for the flexible housing district, which could be modified, and is meant as a starting point for discussion. He said since he has already heard much feedback in the last few days about extending the area into the Lower Burns Park area, he realizes there are relevant concern and will be something that will be looked at during Phase II of this process when it returns to the Commission after City Council's review and action. He said this is a draft at this point and nothing is set in stone, but could bear further study.

Clein said that people might feel more comfortable knowing that this proposed outlined district along with specific definitions is something that they will have the opportunity to engage in discussion over at a later date.

Kowalski said that this area is a flexible area where future study will be incorporated, when they look at the areas in detail, house by house, structure by structure to see if this is the appropriate area for the proposed district.

Clein asked about the review standards.

Kowalski explained that if this is the directive that is given by Council then those are items that will have to be worked out through discussions with the Ordinance Revisions Committee as well as the Planning Commission.

Clein suggested it would be helpful for the document to include a brief clear description of the intent of this work and product; intentions as mentioned by several Commissioners.

Briere said she recognizes that some of the contentions over 'group housing zone' that will create issues in those areas that already are mixed owner-occupied and rental. She said those areas that are almost virtually, 100% rental they will be less concerns with the term 'group home', because it won't be directly their neighbor. She said she doesn't understand why the red boundary line shows the proposed district dipping into Lower Burns Park, while it ignores the entire rental area adjacent to the athletic campus. She said she has a problem with the title 'Group Housing', and does not care that it was in the Central Area Plan; she thinks it does not sound like something this community wants to encourage, adding that she really thinks they need to be careful with.

She said she believes they have created a backwards monster, and they need to be careful about trying to create zoning that match today's pattern and that may have been outgrown already. She said she is not seeing a positive outlook here for these areas, to turn them into something called 'Group Housing', where one assumes is dominated by students. She said even if that is where things are today, that might not be where we want things to be tomorrow, with the University acknowledging it is decreasing its undergraduate population and we have, as a body, encouraged building a dense student oriented housing in the downtown. She asked if we want another densely populated student oriented area where we are encouraging in-fill development. She said we have to ask ourselves if this meets some set of criteria that we have not been able to articulate effectively.

Briere said she does not like being told that she does not have a choice to vote for something, and others might feel the same way, but she also does not like being told that the criteria is so loose and so ill defined that we really can not apply them because they are not zoning. She said so they are character overlay districts, but they don't fit the zoning code so we can't use them to say no. She said for her this is a concern and she was wondering if they are opening another can of worms.

Briere said she understand that the intent is to protect the existing character of what is already there, but there is also those who have incentives of tearing down and rebuilding and she is looking for disincentives to do that.

Giannola asked if they can amend the motion to replace the wording, 'Group Housing' with 'Flexible Housing' in the document, since it seemed to be a sticking point with the general consensus of the Commission.

Kowalski said the wording 'Group Housing' was not in the motion, but he could make that revision as the document moves forward.

Derezinski asked if the term 'Group Housing' is a term of art, since he had some recollection of State Statue that passed about 30 years ago, that could not prohibit 'Group Housing', which referred to housing for the disabled or special educated. He said he believed the use of this term was to counter that prohibition, and was first used at that time. He asked if staff were aware of any 'term of art' regarding zoning laws for this.

Kowalski said he was not aware of any other intent than to associate it with the Central Area Plan, since that document was what they used as their basis.

Clein said the building code references 'group housing' that deals with non-related individuals living in the same house. He said it can include different types, including rooming houses, sororities, fraternities, housing for the disabled, and even housing for the incarcerated.

Giannola explained that while there might be fraternities allowed within this type of district, it is not intended to turn the whole district into a fraternity.

Woods said she understands it is helpful in using 'Group Housing' in associating it to the Central Area Plan. She stated that she felt they needed to be careful in their word choices since certain words are offensive. She said correspondence had mentioned that the words slums and ghettos had been used at Ordinance Revisions Committee meetings, in association with these neighborhoods. Woods said she attended these meetings and never heard such offensive words, but heard the word slum mentioned tonight. She said it was important to realize that the public will listen to what the Commission have to say and make their own decisions.

Bona suggested to use the word 'Group Housing' always referencing, 'as outlined in the Central Area Plan'. She said she would use it as the area and not as the name of the Phase II. She said her idea of flexibility, is to make sure they are not predetermining the number of bedrooms in an apartment by the way they write the ordinance. She said she wants it to be as easy for those who own studio apartments as those who own 6-bedroom houses to respond to the market. She said she is trying to make all these various size houses work together so the houses wouldn't have to be cut up.

Giannola suggested adding the word Example to the Proposed Zoning District map.

Briere said it had occurred to her that they are caught up in the difference of use-based zoning and form-based zoning, once again. She said use-based zoning is how they say an area can be used. She suspected that people in the community are concerned with form-based zoning, pointing out that they want the rhythm; the presentation on the lot, massing, the height, the way the windows are shaped, whether there is a front porch, a clear front door. They said they want those things to be part of their community and when those things are not written into the zoning then we have problems with the externals and the internals; how many bedrooms there are and how many people they are rented to. She said all of that does not affect some people, but to others when they drive through a neighborhood and see a building that is completely out of scale with its neighbors, it is jarring evidence of how the zoning is not working.

She said more people are likely to think that a neighborhood that has R1A lots surrounded by big green lawns, that that is a working, functioning neighborhood while a neighborhood like hers that has various sized houses with various front and side setbacks is also functioning because it is consistent in the neighborhood. She said what people really seem to be concerned about is not who lives in those units as much as what those units look like, and the Commission is heading in the wrong direction. She said she was not involved in the Committee meetings except for attending a few.

Clein said that it may be in the more detailed changes of the proposed zoning together with the overlays that the breakdowns will occur where they won't change a whole district but look at individual parcels to allow flexibility. He said he believed there is a lot of good work involved in the product, and felt that it should move forward to allow for further discussion, instead of allowing it to die or forever churn.

Bona agreed with the other Commissioners, adding that it will be way too complicated to try to deal with these issues at this stage, and felt that they should be discussed in detail as part of Phase II. She said she is strongly in support of the recommendations and commended Kowalski for taking all of their input.

Bona said she had originally felt that they should have a maximum lot size that equaled the original plat, but when she was presented with different options and possibilities, she realized that by not having a maximum lot size they give themselves more flexibility to allow unique individual projects that would be appropriately scaled and massed.

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

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 1 - Kirk Westphal

10-e [13-0447](#) Resolution to Distribute Draft Non-Motorized Plan Update

PUBLIC HEARING:

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

Moved by Mahler, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council authorize distribution of the draft Non-motorized Plan Update to adjoining jurisdictions and stakeholders in accordance with the Michigan Municipal Planning Act (PA-33 of 2008) and Chapter 8 of the Ann Arbor Code of Ordinances.

COMMISSION DISCUSSION:

Bona asked that the distribution list include the North South Railroad, which used to be the Ann Arbor Railway. She said the Norfolk Railway might need to be a Michigan Department of Transportation notification.

Woods said she did not see Ypsilanti Township included in the distribution list.

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

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Tony Derezinski, and Sabra Briere

Nays: 0

Absent: 1 - Kirk Westphal

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

Ellen Ramsburgh, 1503 Cambridge, said that one of the items discussed in the Advisory Committee meetings was that there could be an R4C1, R4C2, R4C3, R4C4 zoning classification to allow for greater flexibility and conformity for a very diverse area.

Gwen Nystuen, 1016 Olivia, Ann Arbor, said that she attended the last Planning Commission working session where the chart showed there was much agreement between the committees about creating conformance by changing the lot. She said it was interesting to see that 85% of the lots in the R4C were currently nonconforming.

12 COMMISSION PROPOSED BUSINESS

Woods said the Commission is aware of their charge and direction from the City Council to review the D1 zoning, and if anyone was interested in volunteering to sit on the committee they should email Chairperson, Westphal.

13 ADJOURNMENT

Moved by Bona, seconded by Mahler, that the Meeting be Adjourned at 9:40 p.m. On a voice vote, the Vice Chair declared the motion carried.

Wendy Woods, Vice Chair/
mg

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The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.