

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – January 15, 2008

Time: Chair Pratt called the meeting to order at 7:03 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt

Members Absent: None

Members Arriving: Lowenstein, Westphal

Staff Present: Foondle, Lloyd, Thacher

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of November 20, 2007.

Moved by Carlberg, seconded by Mahler, that the Ann Arbor City Planning Commission hereby approves the minutes.

Bona asked that staff confirm that the petitioner for the 42 North proposal was in agreement with Chair Pratt's request that energy star rating language be added to the development agreement, as indicated on page 17.

Borum asked that on page 14, the end of the third sentence in the third to last paragraph be changed to read as follows: "...an aspect of unsustainable development that the City should try to avoid."

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt
NAYS: None
ABSENT: Lowenstein, Westphal

Motion carried.

Enter Westphal.

b. Minutes of December 18, 2007.

Moved by Mahler, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby approves the minutes.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS: None
ABSENT: Lowenstein

Motion carried.

APPROVAL OF AGENDA

Moved by Mahler, seconded by Bona, to approve the agenda.

Moved by Carlberg, seconded by Emaus, to add a second item under Commission Proposed Business, as follows: "Resolution regarding Avalon Housing."

Carlberg asked that this be added to the agenda this evening, as Avalon Housing needed a statement from the Planning Commission that renovations to a particular apartment building did not require site plan approval in order to submit an application to MSHDA for tax credits.

A vote to add an item to the agenda showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS: None
ABSENT: Lowenstein

Motion carried.

A vote to approve the agenda as amended showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS: None
ABSENT: Lowenstein

Motion carried.

REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

Pratt announced that the Master Plan Revisions Committee would be meeting on January 17 at 3:00 p.m. in City Hall.

Bona reported that the Ordinance Revisions Committee would be meeting on January 22 at 4:00 p.m. in City Hall.

AUDIENCE PARTICIPATION

Bruce Thomson, 2682 White Oak Drive, spoke regarding proposed revisions to downtown zoning as part of the A2D2 effort, in particular the zoning along the Huron Street corridor between Division and State. He provided drawings of the view looking along Huron Street, as well as two different conceptual plans for development of the vacant parcel west of the Campus Inn: one with a big block building adjacent to the existing single-family house to the north, and one with a stepped back, taller building. He was concerned about the change in zoning for this corridor, what size of development it would allow, and how this would affect property he owned and the property of others to the north. He stated that he would like to become involved in this planning effort.

Eileen Tyler, a homeowner on North Division Street, hoped the interface area of residents who were intended to be protected by the new zoning would be consulted before any development took place along Huron Street. She would not be comfortable with a 15-story stepped back building to the southeast of her and said she hoped these residential areas would be protected from more high-density buildings that would block what little sun was left.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None.

REGULAR BUSINESS

a. Public Hearing and Action on Ann Arbor Township Parcels Annexation and Zoning (4 sites), 3.66 acres total, 485 Riverview Drive, 2810 Glazier Way, 810 Riverview Court, 3444 East Huron River Drive. A request to annex these parcels into the City and zone them for single-family residential use – Staff Recommendation: Approval

Thacher explained the proposal.

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

Moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexation (3444 East Huron River Drive) and R1A (Single-Family Dwelling District) Zoning.

Moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexation (2810 Glazier Way, 485 Riverview Drive and 180 Riverview Court) and R1B (Single-Family Dwelling District) Zoning.

Bona asked how staff arrived at the recommendation for R1B zoning for 2810 Glazier Way, noting that it appeared from the zoning map that the neighborhood was still in the township.

Lloyd stated that staff based its recommendation for a zoning classification by consulting the master plan for the area, looking at the configuration and lot sizes of the existing parcels, and the surrounding zoning.

Potts asked if this parcel were large enough to be divided.

Lloyd replied yes.

Edward Powsner, owner of 485 Riverview Drive, asked why his property was recommended for R1B zoning, rather than R1A.

Pratt stated that a study was done by a previous Planning Commission that looked at the parcels in that area, which resulted in sound logic and reasoning for the R1B zoning classification. He said this decision was recently questioned by City Council, noting that Council came to the conclusion that it was appropriate for the area west and north of Geddes Avenue to be zoned R1B.

Lloyd stated that the minimum lot size requirement for the R1A zoning was 20,000 square feet. If the Powsner property were zoned R1A, he said, it would become nonconforming and the City tried to avoid creating nonconforming properties. He stated that staff would contact Mr. Powsner to further explain this and answer questions.

A vote on the motions showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS: None
ABSENT: Lowenstein

Motion carried.

b. Public Hearing and Action on State and Ellsworth Plaza Rezoning, 2.23 acres, 3965 South State Street. A request to rezone this site from PUD (Planned Unit Development District) and C3 (Fringe Commercial District) to allow retail use – Staff Recommendation: Approval

Thacher explained the proposal and showed photographs of the property.

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

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 3965 South State Street Rezoning from PUD (Planned Unit Development) to C3 (Fringe Commercial District).

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby waives the requirement for an area plan because no new construction is proposed.

Carlberg stated that it made good sense to rezone this property to a zoning classification that would allow more uses than a single restaurant that was the only use currently allowed. She would be pleased to see the petitioner come in with a proposal for new, and hopefully, successful uses. She commented on the nice trees that existed on the property.

Potts asked what use existed at the corner, and if staff had historical information about the narrow strip of land along State Street that was zoned C3.

Thacher stated that the corner property was an oil change facility. The narrow strip of land along State Street was a residential use, she said, but she was not aware of the history of the property.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Westphal
NAYS: None
ABSENT: Lowenstein

Motion carried.

c. Public Hearing and Action on City Place Conditional Rezoning and Site Plan, 1.23 acres, 407-437 South Fifth Avenue. A request to rezone this site from R4C (Multiple-Family Dwelling District) to C2A/R (Commercial/Residential District) with conditions, and a proposal to demolish seven existing buildings (total of 21 existing dwelling units) and construct a five-story, 100-dwelling unit apartment building and 102 parking spaces underground – Staff Recommendation: Denial

Thacher explained the proposal and showed photographs of the property.

Alex deParry, 203 South Fifth Avenue, petitioner, stated that he has lived in Ann Arbor since 1965 and has been in business here since 1969. He has owned many income properties in Ann Arbor and has been a builder, developer and active member of the community. He understood the concerns about preserving historic properties, but said if there was a need for growth in downtown density, then hard decisions needed to be made on how to achieve this goal. He did not think any amount of money could be spent to bring the existing buildings up to the environmental standards of today. He stated that the apartments he proposed would be designed to attract individuals who were ready for a home. He said the tenant profile would be 20 to 40-year-old individuals, couples, some who worked in the downtown and/or at the University of Michigan, students, those who wanted to live in the downtown. It was his goal to create an energy star rating rental apartment building. He said 101 underground parking spaces would be built, which would easily meet parking needs. Because this site was so logical to achieve the multiple goals, he believed this offset the historical preservation concern.

Rose Wilson, 412 Hamilton Place, stated that she lived directly behind this property. She expressed her support for this proposal. She has lived downtown since 1971, stating that she loved the excitement and vibrancy of the area. She talked about the connection to the community one felt when living in the downtown and being able to walk out the front door to attend plays, lectures, etc. She believed this new building would be the sort of thing that would bring more people to the downtown to help keep it vital. It was an opportunity for more people to live in the downtown area, she said.

Scott Munzel, 121 West Washington Street, representing the petitioner, believed this proposal was met many of the goals and themes contained in the Central Area Plan, although this was not indicated in the staff report. He said the project was consistent with the housing and neighborhood element of the plan to meet current and future housing needs. It was consistent with the qualities of this neighborhood, he said, one being rental housing. He believed it would protect against commercial and institutional uses and provide affordable housing. He said it was consistent with the circulation element of the Central Area Plan in that it would increase housing in the core to reduce commuter traffic and it would encourage alternative transit modes. He believed the project was consistent with the redevelopment element in that it would increase the concentration of people living in the downtown. It was consistent with the downtown element of the plan, he said, in that it would encourage development downtown and increase the function of this residential neighborhood. He agreed that older building would be removed as part of this project, and that in this respect it did vary from the elements of the Central Area Plan; however, he believed this project was consistent with the overall plan. He said it matched precisely with the County's land use plan. He found some of the staff objections to lack persuasion, such as this project extending the C2A/R zoning outside of the central business district. He stated that there were no definition of the central bus district in any planning documents and said this location was more within the district than others that were within the DDA district. He said the City has applied C2A/R zoning outside of the DDA boundaries to allow more efficient use of land and non-motorized travel. He found the argument that the City intended to eliminate the C2A/R district in the future irrelevant because what was proposed this evening was a conditional zoning. He recognized that there would be people opposed to this project because of historic preservation goals and, while he respected their point of view, he respectfully disagreed with them. He believed the existing buildings have reached the end of their functional lives and that the proposed housing would provide workforce housing that would benefit the downtown in many ways. He asked that the Planning Commission recommend approval of this proposal.

A resident of Parkwood representing the Bethlehem United Church of Christ believed this proposal was out of scale with this area. He understood the goals to increase density in the downtown, but he did not think spot zoning should be allowed. He stated that zoning protected the rights of neighboring property owners from the establishment of nonconforming uses. This proposal had many negative aspects without a distinct public benefit, he said, noting that it would eliminate seven historic homes, dwarf the remaining homes, and cause a problem with parking. He wondered where guests would park, stating that they likely would use the parking lots of the church and funeral home. If there were a distinct public benefit, he questioned why the petitioner was not then proposing a planned project. He requested that this project be denied.

Brad Moore, of J. Bradley Moore Architects, representing the petitioner, described the architecture of the proposed building, stating that it consisted of traditional elements such as dormers, chimneys and front porches; and traditional materials such as brick, stone accents and wood columns. He said the building would be set back from the property line to maintain front green space. The street tree canopy would be preserved, he said, and the four curb cuts along Fifth Avenue would be reduced to one curb cut. He noted that the building would have a comprehensive energy management system and he described some of the environmental aspects of the building. He also noted that the project was within the area, height and placement requirements of the C2A/R zoning district.

Andrew Bricks, 507 South Fifth Avenue, said he tried to like this project for reasons such as energy efficiency and the provision of downtown housing; however, in his final analysis, it came to historic preservation and character of this area. Trying to balance everything was not easy, he said, and he was unable to support this. He urged Commission denial of the proposal.

Christen McCardle, executive director of the Ann Arbor Film Festival, stated that as an individual who recently moved to Ann Arbor from out of state and who has become connected with the community, the issue of affordable housing in the downtown area was important. She said it was common knowledge that it was difficult to retain youth in Michigan and this proposal would provide the type of housing options necessary to keep young professionals in the area. Although she understood the importance of historic preservation and the concern about this project changing the landscape of Fifth Avenue, she strongly supported this proposal, as it would provide housing in the downtown area for young professionals.

Al McWilliams, an office tenant in the downtown, said he represented ten full-time staff members in the age range of 25 to 35 years. He said he worked in media, which was not a very high-paying field, and he was concerned that appropriate housing be available in the downtown to allow the young members of the community to stay. He stated that he recently had to move out of the downtown because there were no appropriate options for him in the downtown that he could afford. He thought this project looked to be done responsibly, with the environment being taken into consideration. He voiced his support.

Sam Belansy, office tenant in the Afternoon Delight building, said he employed 27 people and that he would like to continue attracting national and international talent. He had a record company in the media business and it was important for him to represent Ann Arbor. There were not many places for young professionals to live in the downtown, he said, and he was very much in favor of seeing more options for the downtown. Walking to work was a luxury, he said. He wanted to retain his office in downtown Ann Arbor and did not want to lose his staff to larger cities because the housing options in downtown Ann Arbor were inadequate.

Marianne Zorza, 538 South Fifth Ave, did not believe this would be low cost housing. With the tall skyscrapers that were being planned in the downtown and surrounding area, she questioned why this had to be proposed within a residential area. She said there were many people who were buying rental properties and converting them to single-family homes. She wanted to see this neighborhood preserved for that possibility. She believed any of the houses proposed to be demolished were capable of being turned into energy star rating houses. If the petitioner wanted to tear down and build new, she believed he should be limited to the current height of homes in the area and to individual houses. She would not mind the removal of the houses so much if they were replaced with something similar to what already existed. She did not believe it was true that there would be no environmental impact from this proposal, stating that all of the beautiful yards would be destroyed and replaced with this large dormitory. She believed this little neighborhood was an extension of the Old West Side, attracting middle income professionals who wanted to live in this residential setting. She was concerned that this project would generate too much noise and traffic and that it would destroy the neighborhood.

Louisa Pieper, 505 Awixa, stated that part of what made the downtown so special was the charm of its surrounding historic neighborhoods. She said the intention was always to go as far as Packard for the historic district and that three of these properties on Fifth Avenue were designated historic buildings until the ordinance was declared invalid. She stated that this block was very important, that it was one of the most beautiful in the City. This proposal would replace the historic structures with an out-of-scale building with no characteristics. She believed it would take more energy to tear down the existing structures and get rid of them than it would to retain them, stating that fixing the buildings for families would be ideal and less costly. She was disturbed by the petitioner's claim that the buildings were reaching the end of their useful lives. It was her hope that the City was making sure this did not happen through regular

inspections. She stated that diversity and the complexity of smaller buildings and pathways were what made cities work, not great big piles of buildings. She did not believe this project should happen.

Gene Wilson, 412 Hamilton Place, expressed support for his wife's comments, agreeing that more people were needed in the downtown. He supported this proposal, stating that he thought the proposed building was well designed. He looked forward to seeing this beautiful building adjacent to his backyard. He urged Commission to recommend approval.

Ann Eisen, 442 South Fourth Avenue, said she lived one block from this site. She did not think the existing trees would survive the digging that would take place for this project. The decrease in traffic claim made no sense to her with the 100 new units and 100 new parking spaces that would be placed here. She supported preserving this part of the downtown area for single-family homes, stating that she assumed the zoning was thoughtfully carried out in the master plan. She asked that this neighborhood be preserved.

Chris Crockett, president of the Old Fourth Ward Historic District, stated that historic preservation was not the only issue here. It was preservation of the overall community, she said, noting that these were important houses on this property. She stated that zoning was an important matter and, for that reason, many citizens participated in the A2D2 downtown planning process where zoning, design and other aspects were considered for enhancing an already vibrant downtown. She stated that this kind of conditional zoning was a precipitous, slippery slope, and that it could set a dangerous precedent. She suspected that the petitioner had likely maximized the depreciation on these houses and that he was now ready to demolish them for redevelopment. She said she lived in the downtown in a former boarding house that has thoughtfully been restored, raising her family in the downtown. She too dreamed of seeing more families in the downtown, stating that it was a great way of life. She stated that the zoning agreed to as part of the A2D2 effort would provide many opportunities for intense housing uses and noted that a large number of housing units are already approved for the downtown. More reasons, she said, to not destroy the housing fabric that is part of the downtown. Zoning needed to be protected, she said.

Claudius Vincenz, 545 South Fifth Avenue, stated that he walked past this property on his way to the meeting this evening and tried to imagine how this space would appear with this new development. It would be a wall seven houses long, he said, and the impact it would have on this neighborhood would definitely change the character. He stated that zoning restrictions have been put in place to avoid development such as what has been proposed and that the zoning should not be changed. He said this proposal would need to be scaled down so it fit within the existing zoning.

Susan Wineberg, 712 East Ann Street, stated that as a preservationist, she was upset that this project would demolish seven historic houses from this lovely Victorian streetscape that was unique to downtown. It was difficult to find a block like this elsewhere in the City, she said. She stated that the houses in question were all over 100 years old and were precious remnants of Ann Arbor's character. She said she could testify that these houses need not be past their prime, noting houses elsewhere in the country that were over 400 years old. Her own house was over 160 years old, she said. Another reason to deny this project, she said, was that the conditional zoning concept has not been used in Ann Arbor. She stated that if the conditional zoning were approved, it could be the end of zoning as known in Ann Arbor. No longer would an area be safe, she said. A third reason to reject this, she said, was that if the goal were to provide affordable housing, then the houses should be left as is because they were the most affordable in their current state. She stated that demolishing these houses would add to the landfill, noting that this was not a green activity. She has written two books about historic buildings in Ann Arbor, she said, and asked that this project not be approved, as she did not want to remove the historic houses from one book to put into another.

Ray Detter, 120 North Division Street, stated that he has lived in the downtown for 46 years. He asked that this proposal be denied. He believed it was an assault on the community's expectations for proper process and zoning. He believed it would set a precedent that would undermine all residential neighborhoods in the surrounding area. He stated that many citizens valued proper process and planning and have worked together to create a Downtown Plan, a Central Area Plan, Downtown Residential Task Force Recommendations, Calthorpe recommendations, and A2D2 guidelines. He congratulated planning staff for a very complete and carefully analyzed report. The staff report supported the community's expectations for proper process, he said, stating that it outlined eight different ways in which this proposal violated the Central Area Plan. He stated that the existing houses on these properties would last another 100 years if they were properly maintained. He did not know any City planning document that supported this proposed conditional zoning and stated that this proposal should be denied.

Enter Lowenstein.

Richard Jacobson, 544 South Fifth Avenue, stated that he has seen various neighborhoods in the Los Angeles area change for the better and for the worse through his extensive traveling over the past 30 years. He stated that the neighborhoods that changed for the worse looked like South Fifth Avenue currently looked, with the nice homes being replaced by high-density apartment blocks. The neighborhoods that lasted and changed for the better, he said, were the neighborhoods that contained owner-occupied homes. He said was opposed to this project, stating that it would take one of the most charming, valuable parts of the City and turn it into something very ordinary and inconsistent with Ann Arbor's character.

Eileen Tyler, 126 North Division Street, stated that the proposed rezoning should be prevented so the R4C zoning could continue to provide consistent application of regulations that preserve neighborhood patterns and provide potential for improving and maintaining property values. She stated that in-town residential zoning encouraged residential development. She stated that R4C zoning was a fairly consistent perimeter zoning and this proposed zoning change would create inappropriate spot zoning.

Jamie Gorenflo, of Midwestern Consulting, representing the petitioner, said it was their opinion that R4C zoning was not the most appropriate zoning for this area and did not represent the highest and best use for the property. He said R4C zoning had a large open space requirement which would under-utilize this land. It also had a high parking requirement, he said, and large setback regulations. He stated that the proposed zoning was aimed at providing housing for downtown employees. He said it was consistent with accepted urban planning principles, in that it used scarce land efficiently, it discouraged sprawl, it encouraged residential density in the downtown area taking advantage of existing infrastructure, and it increased the diversity of housing options. He said it would be pedestrian and bicycle friendly and would be located near the AATA bus terminal for mass transit use. While the property was located just outside of the downtown's official boundaries, he said, it complied with the planning goals of the Calthorpe study and with the A2D2 recommendations.

Cathy Clark, citizen, said there was an issue of preserving Ann Arbor's distinct identity. As the proposed changes are considered, she said, it was important to take into account the question of balance and preserving what merits preservation. She thought it was foolhardy to think that Ann Arbor would continue to be a destination as tourism became more and more a large part of Michigan's budget. She thought preserving Fifth Avenue in its present state would be preserving a distinct character of the City that was in danger of disappearing. She hoped the Planning Commission would deny this proposal.

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

Moved by Carlberg, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the mayor and City Council approve the City Place Conditional Rezoning from R4C (Multiple-Family Dwelling District) to C2A/R (Commercial/Residential District), subject to the conditions contained in the Application for Rezoning dated October 26, 2007.

Moved by Carlberg, seconded by Mahler, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the City Place Site Plan because it meets the standards set forth in Chapter 57, Subdivision and Land Use Control Ordinance (Guidelines for the Protection and Mitigation of Natural Features).

Carlberg stated that her main objection to rezoning in this area at this time was that the community was involved in a wide discussion through the A2D2 efforts as to what should be done in the downtown area and the surrounding neighborhoods. Until those discussions were finalized into zoning and other ordinance regulations, she thought it would be presumptuous of the City to make this significant of a zoning change in this area at this time. She noted that one can always find something in the master plan to support a proposal, but said this community has spent a great deal of time trying to design the downtown for long-term sustainability and approval of this project would eliminate that. For these reasons, she did not want to consider rezoning any part of this downtown area. She did not think something like this should be considered until the A2D2 discussions were complete and appropriate ordinance and guidelines were written.

Mahler agreed with Commissioner Carlberg, stating that the A2D2 efforts needed to be finished before moving forward. He did not find the argument about the boundaries of the central business district being blurred persuasive, nor did he find the argument about reducing global warming persuasive. He did not find any compelling reasons to accept the conditions of this project. He agreed that there was a need for affordable housing in the downtown, as well as a need for maintaining the character of the neighborhood. One compelling case for this project was attracting young professionals to the downtown, he said. He did not believe a meaningful case had been made for changing the zoning for this proposal.

Potts was surprised to hear about this proposal. It was difficult for her to believe that the owner of this group of exceptional houses would not value them. They have stood the test of time, she said. These were very special houses that represented a part of Ann Arbor's history and it did not seem to her that the petitioner was sensitive to this. She thought the size of the proposed building, which was the length of a football field in this residential area, would be out of scale with the surrounding houses. It would present a wall along the street, she said, as well as to the houses at both ends and at the rear. She said it would also remove landmark trees and the existing side yards, which provided green open space. It would be maximum land coverage, which she did not think was appropriate in this location. She stated that the conditions being offered with the zoning would lock in this massive façade. She believed there were many ways in which this zoning and site plan were inappropriate and detrimental, noting that the staff report contained these reasons. She stated that when it comes to rental/purchase rates, there would be no way for the City to insure that the units would remain workforce housing.

Bona agreed with everything that had been said so far by Planning Commission. With respect to the definition and boundaries of the downtown, she believed the Downtown Plan contained clear definitions. She said there was a need for an interface zone, not just in the Downtown Plan but also reinforced by the Calthorpe recommendations and the A2D2 effort, adding that she saw no reason for this proposed conditional zoning. She hoped the Planning Commission would have a chance to look at these

neighborhoods more closely because she was not convinced that the current zoning protected the scale and character of this neighborhood.

Emaus stated that he favored the scale and density of this housing project near the downtown and near public transit. He said it would provide storm water retention in a challenged creek system, it would use existing infrastructure, and it would provide an immediate increase in the number of people who would be taking advantage of the commercial services in the downtown area. He stated that taking what could be 60 dwelling units and increasing them to 240 dwelling units was a significant energy savings. Building this number of dwelling units in outlying areas of town where utility services would have to be increased did not seem to be energy efficient to him. All of the services needed for this housing project already existed here, he said, and this project would contribute to the ability to support those services with people, tax monies and commercial uses. He was in favor of the site plan and the proposed density, adding that it appeared to be clear from the zoning that multiple-family zoning was used in the ring around the downtown. He stated that this property was already zoned for multiple-family use and it should not come as a surprise to residents in this area that the owner of R4C-zoned property would propose a multiple-family development. He believed the scale of this proposal fit with the existing zoning regulations and with the intent to provide higher density around the central business district core. However, he did not support the conditional zoning. Rather, he thought this type of project would be more appropriate as a PUD (planned unit development). He agreed that the R4C zoning requirements were over 50 years old and did not fit the context of what the City wanted to achieve in 2008.

Borum said he agreed with a great deal of what has already been said this evening, related to both zoning concerns and density in the downtown area. He believed the issue was more of thinking about sustainable development with intense uses in appropriate areas. He appreciated the existing houses and the beautiful streetscape, but he believed the gains that could be reaped by increasing density outweighed the aesthetics. He supported the possibility of replacing energy inefficient 19th century housing with materials that were much more efficient. He liked the increase in height, but he was concerned about the shared driveway to the south in that it would become an enormous dumpster area for such a large building. Because of that, he believed the proposed size was a problem. He thought the relationship between spacing of the building and height was problematic and said he would be unable to support this project.

Lowenstein said there may be a time and place for conditional zoning, but she did not think this was it. She did not support replacing the zoning with something that would ultimately disappear and become out of date. She agreed that this development represented the type of density the City would like to see ringing the downtown area to bring more people into the downtown in an affordable and green way, but she did not think this was the appropriate time or location. She said she would oppose the proposed rezoning.

Westphal said he was a fan of increased density, storm water treatment and underground parking. He worked hard to go through existing City plans to find justification for this conditional zoning, but said he was unsuccessful. He said one of the first goals of the Central Area Plan and the Calthorpe recommendations and discussion process was to protect, preserve and enhance the character of residential areas. The ongoing community process contained explicit directions for protecting these residential areas, he said, by having increased density within the core. He agreed with the comment about there being nothing to stipulate that the affordability of this development would be less than 120 percent of the median income. He said he would not be able to support this proposal.

Pratt thought it was appropriate to reference the Central Area Plan and other City plans in considering the proposed conditional rezoning. He was appreciative that the petitioner had brought forth thoughtful consideration and said it was productive to hear the different concerns and thoughts during the discussion

this evening. He thought it was difficult for Planning Commission to approve this conditional zoning without making a statement that Commission would envision the area changing dramatically and that the proposal would be inconsistent with existing plans and the community's A2D2 discussions. He recognized that there were some problems with the R4C zoning classification, noting that there was an action item on the agenda this evening to begin addressing that. If he were to consider a conditional zoning, he said, it would have to meet the needs that have been identified by the City. He would not see any other reason to consider it. He did not think it was very persuasive to have one of the conditions be a setback that was inconsistent with the adjacent properties. He believed that approval of this conditional zoning would be precedent setting.

A vote on the motion showed:

YEAS: None

NAYS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal

Motion failed unanimously.

AUDIENCE PARTICIPATION

None.

COMMISSION PROPOSED BUSINESS

a. Resolution Asking City Council for Direction to City Planning Commission and Planning Staff to Review the Zoning of Residential Neighborhoods in the Central Area.

Moved by Bona, seconded by Emaus, to approve the following resolution:

Whereas, the Central Area Plan (a component of the City's Master Plan), dated December 21, 1992, recommends the four (4) following Implementation Program "Priority Action Strategies":

HN1 - Analyze zoning nonconformities related to area, height and placement regulations for the Central Area neighborhoods and determine if amendments are needed to make the regulations more consistent with established development patterns.

HN12 - Amend the zoning ordinance and map to clearly identify areas to be maintained or encouraged as housing.

HN14 - Reinforce student neighborhoods in the area south and west of Central Campus by developing new zoning definitions and standards that support organized group housing opportunities.

HP 17 - Develop site design standards that encourage creative design while maintaining sensitivity for existing neighborhood character.

Whereas, the Non-Motorized Plan (a component of the City's Master Plan), dated December 6, 2006, in section 2.8 Land Use Planning Considerations, provides guidance for land use and zoning to support walking, bicycling and transit.

Whereas, the Downtown Plan (a component of the City's Master Plan), amended December 1992, section III Objectives and Action Strategies: Development Character, recommends:

Objective 2: Protect the livability of residentially-zoned areas adjacent to downtown.

Whereas, a majority of the lots in the Residential districts in the Central Area are non-conforming due to lot size and lot width, and a significant number require variances from the Zoning Board of Appeals to make modifications or additions to the existing non-conforming structures.

Whereas, the resolution directing City Planning Commission to review rezoning in the Lower Burns Park neighborhood dated, October 15, 2007, resulted in a Planning Commission resolution, dated December 18, 2007, and revealed (through the staff report, public hearing, written public comments and Planning Commission discussion) the need to review the R2A and R4C districts more comprehensively within the Central Area rather than one isolated neighborhood at a time.

Therefore, the City Planning Commission believes that modifications to the zoning and ordinance requirements for Residential districts in the Central Area could enhance the livability of these neighborhoods for owner-occupants and renters through a comprehensive review and appropriate changes to the minimum lot size, minimum lot width, setbacks, density, building height, open space, parking, landscaping and possibly other site related issues.

Therefore, the City Planning Commission requests that the City Council direct Planning staff to work with the Planning Commission and the public to provide the City Council with a report and recommendations for possible ordinance changes to the Residential districts within the Central Area by February 2009.

Bona stated that she removed a couple of the Whereas clauses from the previous draft and added the second to last Whereas clause to clarify for City Council what could be changed, such as lot size and width and the significant number of required variances.

Potts thought this draft of the resolution was greatly improved and clearly represented what the Planning Commission wanted to say.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

b. Resolution re Avalon Housing.

Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission has reviewed the rehabilitation proposal of Avalon Housing Inc. for Pear Street Apartments, 1440 Pear Street, including the level of rehabilitation work to be completed, and confirms that no further site plan approvals are necessary.

Emaus asked if this building were being used for residences, noting a comment about this being a nonconforming use.

Lloyd, replied yes, it was being used for residential housing. He confirmed that it was an existing nonconforming use and was proposed to remain the same.

Emaus asked if staff envisioned Avalon Housing needing Zoning Board of Appeals approval for altering a nonconforming use.

Lloyd replied no, that staff was not aware of any plans for alterations at this time.

Pratt asked what the nature of the nonconformance was.

Lloyd stated that the use did not conform with the allowable density, in that more units existed on the site than what the ordinance currently allowed.

Carlberg stated that the motion before Commission this evening was to facilitate Avalon Housing's application for housing funds from MSHDA.

Potts stated that Avalon Housing had a number of residences in town, noting that the residents were good neighbors and that Avalon Housing handled its properties well. Regardless of the nonconformance, she did not see any reason why this resolution would create a problem.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lowenstein, Mahler, Potts,
Pratt, Westphal
NAYS: None

Motion carried unanimously.

ADJOURNMENT

Pratt declared the meeting adjourned at 9:19 p.m.

Mark Lloyd, Manager
Planning and Development Services

Jean Carlberg, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services