

MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

BUSINESS MEETING

7:00 p.m. – December 5, 2006

Time: Chair Pratt called the meeting to order at 7:05 p.m.

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

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ROLL CALL

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Members Present: Bona, Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Westphal, Woods

Members Absent: None

Staff Present: Foondle, Vaughn

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INTRODUCTIONS

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Wendy Woods, recently appointed Planning Commission member, stated that she represented the fifth ward as a City Council member and was looking forward to working with the Planning Commission to plan for the future of Ann Arbor.

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MINUTES OF PREVIOUS MEETING

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None.

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APPROVAL OF AGENDA

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**Moved by Bona, seconded by Carlberg, to approve the agenda.**

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Westphal, Woods  
NAYS: None

**Motion carried unanimously.**

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

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Potts reported that the A2D2 Historic Preservation Committee has been making progress. She said the committee has reviewed the local historic ordinances and has drafted revisions that will now be submitted to the City Attorney for review.

Pratt reported that the A2D2 Steering Committee, which is coordinating the five different committees working on implementation of the Calthorpe plan, continues to meet. He said anyone looking for more information on this effort could visit the City's website at [www.a2gov.org](http://www.a2gov.org) and then go to "Discovering Downtown." At the last committee meeting, he said, the committee heard a report from the City's historic preservation consultant. He reported that there would be a public hearing on December 6 at 6:00 p.m. at the DTE building on South Main Street regarding the parking study recently done.

Commission announced the following A2D2 committee meetings: Overlay Zoning on December 13 at 4:30 p.m. at City Hall and Design Guidelines on December 14 at 4:00 p.m. at City Hall.

Potts announced that the Ordinance Revisions Committee would be meeting on December 15 at 9:00 a.m. at City Hall.

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AUDIENCE PARTICIPATION

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John Kazanjian, 742 Kuehnle, stated that he received a notice of a land division proposal for 710 Kuehnle, which was adjacent to his home. He stated that the original owner of 710 Kuehnle was very fond of trees and planted 50 to 60 trees on her property. However, he said, more and more trees on the site presented a serious hazard, noting that four large trees have fallen on other homes, vehicles or utility lines. Since the owner's passing, he said, the house has been vacant and he was happy to see some action taken to improve the property. His request was that the present owner be required to remove the dead trees on the site before it was divided. He also asked that the effect these developments occurring on dirt roads were taking be addressed. He said many of the lots that were divided were pumping their perimeter water onto the street and there was no drainage on the street. This caused significant potholes to be formed, he said. While the road was graded on a regular basis, the potholes reappeared after the first rain, he said. He believed that either the drainage of water onto the street had to be stopped, or storm sewer installed. He suggested that the paving of this road be reconsidered given the continuing development in this area.

Carlberg suggested that the Community Standards office be contacted with regard to hazards from the dead or dying trees.

Woods asked that Mr. Kazanjian contact her via email, as this property was in the ward she represented on City Council, so she could assist in responding to his concerns.

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PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

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None.

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REGULAR BUSINESS

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- a. Public Hearing and Action on Amendment to Chapter 55 (Zoning Ordinance), Section 5:1, Definitions, to Revise the Definition of Two-Family Dwelling – Staff Recommendation: Approval

Vaughn explained the proposed amendment.

Marc Rueter, 515 Fifth Street, believed the intent of this ordinance amendment should be to make neighborhoods seem to have the same scale and character of the existing homes and not create large, massive dwelling units. He thought the original definition of a two-family dwelling went in the opposite direction, stating that many people are buying homes, tearing them down, and building new houses. These new houses would end up being a 4,000 to 5,000-square foot residence because it would be two units connected by a common wall, he said, and many of the existing homes were modest-sized single-family homes. He thought the massing together of these dwelling units was achieving the opposite effect of a consistent character. He did not see any reason why the two dwellings should be connected, adding that he could see connecting them for utility buildings or garages. He stated that this would result in more rooms, more sunlight, better views, better circulation, and better fire safety. He suggested that Commission table action so the Ordinance Revisions Committee could review the amendments further. He also suggested that it would be great if architects, developers and neighborhood residents could get together to discuss different ideas.

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

**Moved by Potts, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 55, Section 5:1, Definitions, Two-Family Dwelling.**

Potts stated that the Ordinance Revisions Committee did not discuss some of the points raised by Mr. Rueter. She said the committee's intention was to correct a misinterpretation of the two-family dwelling definition which lead to abuses, such as a large, full-size house having another large, full-size house added to it just by the two of them touching at one corner or connected by a fence or trellis. She said these were two separate buildings, even though viewed by the builder as a duplex, and they created a much greater mass in the neighborhood. She felt strongly that the zoning had to communicate, that it was a regulation and a protection, adding that the R2 zoning district has become unpredictable as far as what could be done in it.

Carlberg said it was unclear here what problem was trying to be solved. She said the goal of a duplex was way to increase density in fairly obtuse manner. She said there were already models for vertical and side-by-side duplexes in neighborhoods where single and two-family homes existed well together. She questioned what difference it made as long as the homes built fit within the setback requirements. She

stated that a duplex was a nice arrangement in which two families could live and what she thought was intended here was to find a way for something to fit well within a neighborhood while remaining open-minded as to the type of architectural models. She did not see how two dwellings touching at only one corner would fit within required setbacks and said there needed to be more definition of the problem trying to be solved.

Bona stated that there were two issues: one was intent and the other was definition. When the Ordinance Revisions Committee reviewed this, she said, it assumed the intent would remain the same and that what they were reviewing was the definition. She said the intent clearly said the dwellings were to be attached and that was how she based her direction, as they were trying to meet the intent. If Commission wanted to challenge the intent, she said, that would be a different discussion. She said the point about scale and mass was important, but she was not sure everyone was thinking the same thing when saying those words. Photos of the different types of buildings would be helpful, she said. She was not sure what the right solution was because most of the R2 zoning districts were in existing neighborhoods and for them to match the scale of the existing buildings was a false assumption because the zoning district would already be changing the rules. She said she lived near a neighborhood that contained R2 zoning, stating that two small lots could be combined and one large duplex then built on it. This would completely change the scale of the neighborhood, she said, because most of the existing homes were small. While it might be nice to separate the units to add more light and privacy, she said, energy efficiency by attaching the units was also an issue.

Carlberg stated that the ability to build over a garage was suggested in the staff report. She thought this was space that could not be inhabited and said she would need further clarity on this. She also said she would be interested in knowing what architects have in mind as far as different ways of developing two-family housing, adding that she was interested in increasing density in appropriate ways. She thought it would be good to have a discussion about this with architects and others in the community.

Vaughn stated that the habitation of garage space was very restricted. If there were the proper lot size, he said, it could be done through site plan approval.

Westphal agreed that the R2 district provided a good opportunity for increased density. A question he had was whether an alternative definition might have unintended consequences, such as storm water management issues.

Pratt agreed, adding that believed it would be more cost effective to build one connected unit rather than two separate units. His experience in the storm water area has been that after many of the major point sources of pollution have been addressed, it has been determined that the enemy was "us." He said residential uses contributed to storm water issues to a greater degree than anyone ever expected and that was something to keep in mind. There were many things to balance, he said, and storm water efficiency was a factor to consider in terms of massing.

Potts stated that the Zoning Ordinance was ambiguous, in that it talked about minimum distances between principal buildings within a project, and said that clarification was needed.

Emaus stated that the R2A zoning district described a two-family dwelling as two dwelling units attached side by side or vertically. He thought the issue here was what "attached" meant. He agreed that any structure built within this zoning district would have to meet the setback requirements. If the two dwellings could be split so there was space between the two, he did not see a problem with that as long as both dwellings adhered to the setback regulations. He thought action should be tabled to further discuss what it was that should be accomplished here.

Borum believed the code tried to provide setbacks for those dwelling units that were separated in a duplex situation. If two dwellings were allowed within the square footage of the lot, he did not see a problem with allowing them to be separated as long as they met the code requirements. He thought an alternate definition of two-family dwelling was the direction in which to move, stating that he did not think saying dwellings should be attached, or else separated if they met a certain distance, was the right way to go. The relationship of the buildings to scale and character of the neighborhood was important, he said, and whether dwellings were attached or detached depended on the character of the design. He said an alternate definition could allow creativity without necessarily requiring the dwellings to be attached, perhaps allowing a clustered arrangement. In addition to favoring an alternate definition, he also favored considering the intent of what the definition was trying to solve.

Woods asked if there were a reason for requiring that units share at least ten feet or 50 percent of an interior wall.

Vaughn replied no. He said staff looked at how much of the building should be overlapping so it would fit in and function with the character of the single-family district.

Woods wondered if the idea of two unconnected dwellings sharing a common energy unit, such as something underground but shared, might be discussed.

Vaughn believed this could be discussed and said staff could talk to architects and builders about that type of efficiency.

Lipson stated that when he thought about the intent of the original idea of a duplex, he thought it was to allow a small increase in density without using an excessive amount of land on the site. He did not want a revision to the two-family dwelling to allow a large increase of impervious surface or roof space. He also wanted to avoid this becoming a defacto land division where units would be connected by a fence. He wanted to avoid using the ordinance to turn land into a different zoning by attaching units with a fence or breezeway and thereby getting away from original intent, which was to allow for more compact development.

Potts stated that this was, in effect, a zoning issue. She said it was not clear what happened when a duplex ended up being two separate buildings. If they were separate, she said, that meant they were two single-family homes and should be on their own lots.

Pratt agreed that if the original intent were to allow the dwellings to be separate, the language would have then reflected that. However, he said, philosophies could change over time and that may not be the case now. He stated that any time changes were made to policy decisions, it was important to consider how many nonconforming uses would be created by that change. He would like the Ordinance Revisions Committee to discuss how to handle those nonconforming uses.

Carlberg said there was the additional complication of defining what fit in a neighborhood because of the large variety of lot sizes in the R2A zoning district.

Emaus said his sense of the R2A zoning district was that two buildings would be allowed as long as they had one curb cut and driveway. He was not concerned with two separate buildings if they both stayed within the allowable building footprint. It would be nice, he said, to have control over the amount of imperviousness, because the current ordinance would allow him to pave his whole lot. He stated that the character of neighborhoods was changing based on what people were allowed to do within the zoning, noting that in his neighborhood there were garages with livable units that were 21 feet high and twice the square footage of the house.

Bona wondered how utilities were connected to a two-family dwelling, asking if they were separate or shared.

Vaughn was not positive and said staff would check into this.

Bona stated that units could become more affordable if they did not have to have separate utility taps.

**Moved by Lipson, seconded by Emaus, to table action.**

A vote on the motion to table showed:

YEAS: Bona, Borum, Carlberg, Emaus, Lipson, Potts, Pratt, Westphal, Woods  
NAYS: None

**Motion carried unanimously.**

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#### AUDIENCE PARTICIPATION

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Jim Mogenson, 3780 Greenbrier, stated that when he thought of duplexes, he thought of affordable housing. People who lived in duplexes, he said, generally had to deal with issues not normally dealt with in single-family homes, such as having to deal with the people living in the attached unit. He said the original intent for duplexes was to provide affordable housing, but also to allow developers to put in one tap for utility service. As more and more properties become more difficult to develop, he said, builders could get creative with one tap. As the issue of amending the two-family dwelling definition moved forward, he said, the intent should be questioned. He said there needed to be thought put into the question of why people were getting creative and how that was impacting how people felt about their neighborhood.

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#### COMMISSION PROPOSED BUSINESS

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Lipson asked for an update on the schedule for the floodplain policy discussion.

Pratt said he would like a better sense of where this issue was at this time and suggested that Commission discuss at the working session next week the direction that should be taken.

Potts thought the proper order would be to first obtain the data when it was available, and then have a Planning Commission discussion, followed by a public hearing. She did not think there was any point in having a public hearing without this information. At one point, she recalled, one Commission member suggested a floodplain task force be created.

Pratt did not want to wait until the floodplain map was completed to talk about the policy, as he did not think the map was necessary to set policy.

Lipson stated that there were already several model ordinances and it might be helpful for the Planning Commission to start reviewing them.

Pratt said he would talk to staff about obtaining the ordinances and a current schedule. He also suggested that when Commission discussed its subcommittee assignments next week, if there were a desire to create a floodplain task force, Commission members keep in mind that volunteers would be needed.

Pratt mentioned the five public hearings that were on the December 19 Commission agenda. He suggested that if development proposals were ready and could be scheduled for a first Tuesday meeting, they be done so to assist in reducing the size of larger agendas. He said something for Commission members to think about was limiting the amount of time they spent on a project. Also, when there was a long agenda, he suggested that Commission members look at their packets beforehand and contact staff with any questions prior to the meeting.

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ADJOURNMENT

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Pratt declared the meeting adjourned at 8:43 p.m.

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Mark Lloyd, Manager  
Planning and Development Services

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Bonnie Bona, Secretary

Prepared by Laurie Foondle  
Management Assistant  
Planning and Development Services