

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

BUSINESS MEETING

7:00 p.m. – April 4, 2006

Time: Vice 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, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt

Members Absent: Hall

Staff Present: Foondle, Johnson, Lloyd

INTRODUCTIONS

None.

MINUTES OF PREVIOUS MEETING

a. Minutes of February 22, 2006.

Moved by Carlberg, seconded by Emaus, to approve the minutes as presented.

Lipson asked that on page 13, second paragraph, second sentence, the word "quarter" be changed to "water." He also asked that the word "grid" in the third paragraph be changed to "grit."

A vote to approve the minutes as presented showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

b. Minutes of March 7, 2006.

Moved by Kunselman, seconded by Lipson, to approve the minutes as presented.

D'Amour asked that the word "participant" in the third paragraph of page 11 be changed to "facilitator." He also asked that the word "urged" in the fourth paragraph on page 15 be changed to "suggested."

Carlberg asked that the name "Seary" in the fourth paragraph on page nine be changed to "Sarri."

A vote to approve the minutes as presented showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

APPROVAL OF AGENDA

Moved by D'Amour, seconded by Bona, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson,
Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

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

D'Amour reported that the Allen Creek Greenway Task Force was now meeting weekly in order to complete its work by the September 2006 deadline. Two public workshops were scheduled, he said, as follows: Saturday, April 22, and Saturday, April 29, both from 8:30 a.m. to 12:00 noon at the Courthouse Square Building. He said the purpose of the first workshop was to have the public address the vision statement and develop a framing vision of how the greenway would work for the overall community. The purpose of the second workshop, he said, was to discuss the three large City sites at 721 North Main, 415 West Washington, and First and William; how they related to each other and the overall greenway; maximum greenway options; type of construction, if any, that would occur; and ideas and suggestions.

Potts reported that Ordinance Revisions Committee meetings were being planned for April and encouraged committee members to contact Planning staff for available dates.

Pratt reported that the committee formed to work on the City Hall space needs would next be meeting on April 13 at 4:00 p.m. at the Public Library. He said the committee has divided itself into three groups, with one group reviewing public space as part of any new facility, another reviewing site analysis, and the third reviewing space needs.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

Commission discussed the number of items on the April 18 agenda and suggested that, if possible, the last two items (Northeast Area Transportation Plan and amendments to Chapter 60) be moved to the May 2, 2006 agenda.

Lloyd stated that staff would look into this.

Pratt announced the public hearings scheduled for the regular meeting of April 18, 2006.

REGULAR BUSINESS

a. Public Hearing and Action on The Gallery PUD Zoning District and PUD Site Plan, 0.76 acre, 414 North Main Street. A request to rezone this site from C2B/R (Business Service/Residential District) to PUD (Planned Unit Development District), and a proposal to construct an 11-story, mixed-use building with office, commercial and residential uses; a four-story, mixed-use building with retail and residential uses; and 224 parking spaces (213 underground) (tabled at 3/21/05 meeting) – Staff Recommendation: Approval

Johnson presented the proposal.

Kent Burkhart, owner (along with his father) of the property directly north of this site, stated that he has talked to residents and tenants in the area who were not aware of this proposal. Some of the people he spoke with, he said, were not opposed to the project, but most wanted a development that was not so massive. He said all but two people he talked with preferred a three-story building on Fourth Avenue and a five-story building on Main Street. He believed this was more in line with the Downtown Plan and with the three to five stories contemplated in the Calthorpe plan. He believed the petitioner would still be able to achieve his goals, such as underground parking, with a shorter building. He also expressed concern about sunlight and how his property would be affected by this project, asking that a 12-foot setback be required in order to protect their light.

Chris Crockett, president of the Old Fourth Ward Association, stated that the will of the people and the values of this community have been expressed repeatedly in the Downtown Plan, the Northeast Area

Plan, the Northeast Area Transportation Plan, the Central Area Plan, the Downtown Residential Task Force report, and the recently accepted Calthorpe plan. She stated that this was a transitional area, an historic area, and an area for feathering to higher rise buildings in the core of the downtown. All of these plans called for buildings of three to five stories in this area, she said, not eight, 11 or 13 stories. She questioned how this could be ignored. She stated that Kerrytown was an historic, funky, unique community and she did not want to see the ruination of the historic fabric of one of Ann Arbor's most beloved areas as a result of this development. She stated that the community wanted more people in the downtown, as it helped to support and give birth to new businesses and create a greater vitality, but she did not want to sacrifice the important fabric of the downtown community in the process. She did not want the City to ask residents for their input and then ignore them. She wanted to see respect for the will of the people.

Lou Glorie, 827 Brooks, stated that she has been puzzled as to why there seemed to be a great rush to get these high rises in. She now believed it was so they could be approved prior to proposed ordinance changes being codified. She did not think this proposed building could be more unattractive. Its massive scale exceeded anything in the Downtown Plan and Central Area Plan, she said. She believed it would be perfectly legal to say no to this proposal and that the City just needed the courage to do so.

Jim Chaconas, whose office was in the McKinley building to the south, stated that there were several businesses in the downtown that would be closing, adding that the downtown vacancy rate was currently close to 450,000 square feet. He stated that the downtown needed something to revive it, which was more residents. He said he kept hearing about all of the people who opposed this project, yet he pointed out that only a few people were present to express their opposition. He believed that if there were more people opposing it, they would be present this evening.

James Smith, 323 Braun Court, thought this was an elegant building and that it would be an asset to the community. He questioned how many people within 300 feet of the property opposing the proposal were present this evening.

The owner of 500 Detroit Street stated that this petitioner has been altruistic in his dealings with the neighborhood and various committees that have had some type of control over what happened in Kerrytown. He pointed out that the petitioner has provided what has been requested, such as an access on Main Street, rain gardens, a pedestrian walkway. He believed this building had a unique design and that its scale would work well. He noted that the Sloan Plaza building on East Huron Street was about nine stories tall and one could not see it while standing at the corner of Kingsley and Detroit Streets. When walking through this neighborhood, he said, what was experienced was trees, cobblestone streets and nice shops, and he thought this proposal would enhance that. He stated that this project would provide an anchor for Kerrytown, adding that the City needed this.

Robert F. Kuhn, owner of the property at 109, 111 and 113 Catherine Street, believed he was the oldest property owner present this evening, adding that his father owned the property before him. He has seen many changes in this area over the years, he said, and has seen it grow. The growth has all been positive, he said, citing the Farmers' Market, Kerrytown, Zingerman's, and Jones School. As a property owner, he did not believe he had control over what was built on property next to him. He gave this petitioner credit for trying to work with adjacent property owners to address their concerns. He stated that this area should take any kind of good development it could get, and he considered this proposal a good development. He noted that the petitioner has provided everything requested of him, adding that not everyone could be pleased.

Rich Hesselschwerdt, 2619 Braeburn Circle, stated that Ann Arbor was his hometown and he did not want to see these tall buildings being built in the downtown. He did not understand the need for such a

tall building on this site. He did not think the City needed an outsider saying what should be built in the downtown and asked that the Planning Commission listen to the people who lived in this community.

Michael Concannon, petitioner, noted that he has been a resident of Ann Arbor for 25 years. He said the Planning Commission was familiar with the proposal, as this was the fifth time he was before the Commission. He read a letter of support from the Kerrytown District Association and stated that he would be available to answer questions.

Brad Micus, a resident on Stone School Road, questioned what revisions had been made to the alley to make it a pedestrian walkway through to Kerrytown. He also questioned how pedestrian access on the sidewalk along Main Street would be impacted with the ingress/egress proposed for Main Street. He agreed that the height of this proposal was massive and said the word “unique” was an interesting description.

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

Moved by Bona, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Gallery PUD (Planned Unit Development) Zoning District, Supplemental Regulations, PUD Site Plan and Development Agreement, with the condition that Lots 19, 20 and 21 are combined before issuance of any permits.

Potts stated that she has been struggling with this proposal. Referring to packet materials she had provided the Commission, she stated that the PUD ordinance repeatedly cited conformance to adopted City plans. The adopted City plan in this case would be the Downtown Plan, she said. She said the PUD ordinance also talked about the beneficial effect on the City, on both present and potential surrounding land uses, and that a PUD should further the stated design goals and physical characteristics of the adopted land use plan. She stated that a PUD was supposed to be used when a project could not be developed using the conventional zoning district. She stated that the existing C2B/R zoning would permit all of the proposed uses, but not the proposed height, according to the maximum of 600 percent floor area ratio (FAR). She said this area was an in an interface transition zone identified in the Downtown Plan and that this interface zone was supposed to be respectful of the neighborhood edges, giving serious consideration as to whether the maximum FAR of 600 percent should be permitted. Buildings in this zone were supposed to complement the character of what currently existed, she said, and add to the area’s identity of a special place. She added that the extent to which high rise buildings created negative impacts, such as shading and blocking views, should be minimized. She did not think this proposal did any of that, pointing out that the tallest buildings were recommended to be located within the core of the downtown. This seemed to her to be an excellent building for the core of the downtown, she said, not the proposed location. She was concerned that the surrounding buildings would be negatively impacted by this development. She had many problems with this proposal, although she was glad that an access on Main Street had been negotiated and that the pedestrian access had been resolved. She was not concerned about the architecture so much, but with the scale. She did not think it conformed to the underlying zoning, nor did she think it qualified as a PUD, noting all of the public detriments. She stated that the proposal definitely did not conform to the Downtown Plan. She asked about the building setback along Main Street.

James Sharba, of Hobbs and Black, representing the petitioner, stated that the building columns would be located at the property line and that the storefronts would be 12 feet from the property line. He said the second floor of the building would be built to the property line and then step back 15 feet at the third floor, and another five feet at the fifth floor.

Bona said that she referred to the underlying zoning in reviewing this proposal. She did not take the use into account because residential was an amenity called for in the master plan, so taking that out of the equation and looking at the C2B/R zoning district, she interpreted it to mean that a 600 percent FAR with premiums and unlimited building height was allowed by right. She stated that master plans sometimes contained many wishes that occasionally were conflicting, thereby making it difficult to use them as strict requirements, as opposed to City ordinances which contained specific requirements. She referred to language in the Downtown Plan regarding density in interface areas, as follows: "If a decision is made not to pursue a reduction in the maximum permitted FAR of 600% in these areas, other zoning modifications could be considered as techniques for encouraging suitable transitions in density, building scale, and height." She believed the question of owner compensation and transfer of development rights required exploration, stating that there may be a way to move some of the excess FAR out of the neighborhood. She said the Downtown Plan contained recommendations for the consideration of other techniques, such as reducing the setbacks. She stated that both buildings could be eight stories by right if they were built with the required setbacks and that additional height would require a stepping back of the setbacks. Until the recommendations in the master plan were turned into code requirements, it would be extremely difficult to deal with the contradictions, she said. While she agreed with the recommendations in the Calthorpe report and with public comments regarding the building being stepped back, she stated that this petitioner was entitled to build to a 600 percent FAR. It was the Commission's job to figure out what it could get for the community based on what was recommended in the master plan in return for violating setbacks, she said. She stated that the traffic study provided by the petitioner was based on standard data. She asked what type of project this could represent, stating that her concern was the difference in using parking data from a residential project on the edge of town versus parking data for a project in the downtown.

Pat Cawley, City Engineer, stated that the data was standard data based on the Institute of Traffic Engineer's (ITE) trip generation manual. He said the data did not take different areas into account; rather, it considered the type of facility and compared it to square footage and number of units.

Bona asked if the same data would have been used for a residential project on the edge of town.

Cawley replied yes, adding that adjustments could be made if a transit or pedestrian component were considered. He said that was not done for this particular traffic impact study.

Bona said her concern with the traffic analysis was based on the DDA informing Commission that most residents in the DDA area were not interested in renting a parking space in one of the parking structures at a highly reduced rate if they vacated their parking spaces by 9:00 a.m. She concluded that people were not leaving their homes in the downtown to drive to the edge of town to work, that they somehow were getting to and from their jobs without their cars. She suspected that the in-and-out traffic by residents would not be nearly as high as suggested in the traffic impact study.

Lipson asked Mr. Cawley to confirm that MDOT had not yet agreed to left turns into the development from Main Street.

Cawley replied that this was correct. While it was his judgment that left turns into the site would not be a problem, MDOT still needed to review the traffic analysis before making its decision. If MDOT did not agree with left turns from Main Street, he said, it was still better from the City's perspective to reduce the amount of traffic circulation at Fourth and Catherine.

Lipson stated that if MDOT did not agree to allow left turns into the site from Main Street, there would still be vehicles coming from both the north and south and those coming from the north would have to drive around the block to come from the south and make a right turn.

Johnson said this was correct, but noted that there were other options available as well.

Lipson asked if there were data on the current traffic volume on Fourth Avenue during peak periods.

Cawley stated that 200 to 300 vehicles per hour used Fourth Avenue during peak periods, compared to 900 to 1,000 cars on Main Street during peak periods.

Pratt asked about the impact to pedestrians in relation to vehicles crossing the sidewalk at the entrance on Main Street. He asked about the amount of traffic exiting the site during peak periods.

Cawley replied that it was approximately 50 cars.

Pratt asked if long-term traffic projections on Main Street supported the City's determination that left turns into the site would not be a problem.

Cawley stated that population and growth rates contained in SEMCOG's regional development forecast were used as a basis for traffic growth. He believed it was likely a conservative estimate from what he has seen of traffic estimates in the downtown.

Pratt asked if staff believed the site plan adequately identified the access on Main Street prior to being transmitted to Council.

Lloyd stated that the proposed entrance on Main Street would be right turns in and out only, unless MDOT agreed to left turns from Main Street. He said staff would address this prior to this moving forward to Council.

Kunselman said he was adamant against a Fourth Avenue access because of the character issues of Kerrytown, the Farmers Market and the existing homes. He was very pleased that the access was on Main Street and was confident that traffic flows would be work well. He expressed support for this project in this form, stating that the petitioner has made quite a bit of effort. He believed the underlying zoning gave the petitioner the right to go beyond eight stories. By placing these residential units on this site, he said, there were 50 acres in the countryside that would not be developed. He thought it was important to get some of this urban development going forward. He stated that the kind of vibrancy desired for this area was not happening and having this amount of residential units next to Kerrytown would hopefully spark new life. He stated that this proposal has gone through an extensive review process with the community and pointed out that 100 percent support would not happen.

Emaus said he reviewed the Downtown Plan in detail and it was his conclusion that the underlying zoning supported a fairly massive building on this site. He believed the petitioner has worked diligently to provide many amenities and improvements to the site. He stated that positive elements of this proposal were the pedestrian walkthrough, the 12-foot setback from the neighbors to the north, the rain garden, and three floors of underground parking, some of which the petitioner was making available to Kerrytown patrons. He also pointed out that the property to the north could hold a seven-story building. He thought the 118 residential units would be a real benefit to the surrounding businesses. He stated that the massing of the building had been significantly revised to provide a character that would fit in with this area. He said he would be supporting this proposal.

Carlberg stated that another benefit from having this much residential would be the people who are attracted here for new jobs. She said there were certain people who liked living in apartments and liked living in the downtown, so this would be an ideal location for them. She said the urban core of Ann Arbor involved a combination of different activities, related to both residential and business. There was little

space in the downtown to achieve greater residential density, she said, so it was impossible to feather building height. Taller buildings next to two-story buildings would need to be constructed, she said, adding that communities have learned to live with ten-story buildings next to two-story buildings and it has not destroyed the fabric of the neighborhood. She did not see a way out of contrasting between small and tall buildings because of the historic districts in the downtown. She said this type of proposal would promote an active street life, adding that there was a way to create contrasting but compatible buildings that were different in form but providing residential uses and employment opportunities. She thought this would be the nature of Ann Arbor's downtown as residential and business opportunities were expanded. She pointed out that only for a moment was the horizon obscured for someone walking by the tall buildings at the corner of Main and Washington Streets. She stated that an increase in activity was of paramount importance to the success of this community. She stated that this area was primarily business and that this proposal fit in with the context of the area. She thought the petitioner had tried to create a variety of sizes of residential units with light and balconies, which provided access to the outdoors. She believed the petitioner had created an interesting building and provided many of the features the City has requested in new development, such as stepping the building back and installing underground parking. She pointed out that underground parking was a major expense and a tremendous public benefit because this development would not be using parking in the DDA system. She thought anyone living in this area would see this building as a backdrop, not a big intrusion. She found this to be an acceptable proposal that would be an asset to the downtown and thought Commission should move forward in sending it to Council for final approval.

Lipson said he still had concerns about the Main Street access. He noted that traffic was backed up in both directions between traffic signals between 4:45 and 5:15 p.m. each weekday, yet there was significantly less traffic on Fourth Avenue. He did not see what the problem was with having the access on Fourth Avenue, adding that he thought a Main Street access would create more of an overload. He did not think the Kerrytown area could have everything, by receiving the major benefit of additional housing in this area without taking some of the burden, such as increased traffic on Fourth Avenue. He saw the similarity between this project and the 101 North Main development and asked why the storefronts were setback back from the pillars.

Sharba said this was done to create visual relief to pedestrians walking along Main Street.

Lipson thought this would be a good spot for outdoor restaurant seating.

Sharba said they would entertain a proposal for that.

Lipson was appreciative of the developer stepping the building back to avoid a canyon effect. The downside of that, he said, was added height. He said the City couldn't have everything either, that it could not request a building be stepped back and then complain about building height. He noted that the proposed public parking would be an amenity for this area. He was concerned about the shading effect this building would have on Mr. Burkhart's building, but said it would not take away all of its commercial value. He knew the immediately adjacent users would see more shade than they have now, but he thought the property values would not be impaired. Also, he said, the rain garden and setback of the building along Kingsley would allow the adjacent houses to continue to receive sunlight. Having Kerrytown's recommendation of approval was significant, he said, in trying to make the difficult decision of whether to support this proposal.

Potts was pleased that the access from Fourth Avenue had been removed, as some of the houses along Fourth Avenue were residential homes. She expressed concern about the shading effects the four-story building would have on the Fourth Avenue neighbors and was troubled that no efforts had been made to provide setback relief from that side of the building. If this building had been designed using the

underlying zoning, she believed a setback would have been required which would have minimized the impact on the neighbors.

Kunselman expressed concern about the first floor building design along Main Street, stating that retail at the building at 301 East Liberty never survived due to there being no frontage at the sidewalk. He did not want to see the same situation occur here. He wondered why sidewalk frontage with a stepped-down sidewalk following the grade could not be achieved here.

Sharba stated that the underground parking structure would be constructed to the lot line, which necessitated the setback from the sidewalk to avoid structural problems. It was their hope to provide destination retail this far north on Main Street to make retail more viable.

Kunselman asked if the balconies and different building recesses would impact the wind-tunnel effect.

Sharba replied yes, stating that this would divert a great deal of the wind. He said stepping back the arcade on the first floor would also help.

Kunselman asked how the residential use of the parking structure would be controlled.

Sharba stated that all residents would have a pass that would allow them through the first series of gates. He said the gates to certain levels would be opened after hours to allow for public parking, while gates to other levels would remain closed for use by residents and McKinley Associates.

Bona stated that the third paragraph of the section on architectural design in the supplemental regulations required a minimum 70 percent transparency for first floor commercial spaces, which she supported. However, she suggested an amendment be made, with the petitioner's agreement, which would identify which walls should be transparent. She suggested that the following language be added to the end of that sentence, as follows: "along the public right-of-way or any public pedestrian access." Her primary concern was making sure the walls adjacent to walkways remained transparent.

Concannon agreed with this amendment.

Bona stated that one of the reasons the street level of the building at 101 Main Street did not work was because the tenant covered the windows with blinds. She asked if the petitioner would be willing to include language in the lease agreements requiring tenants to maintain 70 percent transparency.

Concannon replied yes.

Bona stated that item 2 of the section on performance standards in the supplemental regulations stated that the use did not depend on a drive-through pick-up or drop-off facility, nor was such a facility provided. She suggested that it be changed so that no such facility was allowed.

Concannon said he had no problem with this, although he would want clarification that there would be temporary drop-off and pick-up use on the alley.

Moved by Bona, seconded by D'Amour, to amend Section (C), Performance Standards, of the Supplemental Regulations, to read as follows: "(2) The use does not depend upon a drive-thru pick-up or drop-off use, nor is such a use allowed."

A vote on the amendment showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

Moved by Bona, seconded by Emaus, to amend Section (J), Architectural Design, of the Supplemental Regulations, to add the following language to the end of the third paragraph: “along public rights-of-way and any pedestrian access easement. Petitioner agrees to incorporate such provision in any lease agreement by and between the petitioner and tenant.”

A vote on the amendment showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

Bona asked what the petitioner's plans were for the extra 38 parking spaces.

Concannon stated that they would be made available for potential lease or sale.

D'Amour stated that a decision on this proposal was difficult. He referred to comments by a public speaker about showing courage by ignoring neighborhood concerns about density when considering the Northeast Area Plan. He did not consider that to be courage, rather he considered it more as “paternalism or even arrogance,” stating that he took notice when he heard neighborhood concerns. He believed his responsibility as a Planning Commission member was to listen to the citizens. He credited the petitioner for all of the work done to address various concerns about this proposal; however, he said he could not vote for this. He stated that this area was in a transitional zone and he did not see an overriding benefit to approve this development, as it would have a negative impact on the Farmers Market and the Kerrytown area. He did not believe the residential density that would be increased by this project would offset the economic changes in this area, adding that visits from residents outside of the downtown and additional parking were needed. This was the feedback heard from merchants, he said. He did not think this project would impact sprawl, as it would be marketed to a different type of user than what was being marketed in outlying areas. He read a letter by Ray Dettner raising questions regarding defining areas of growth in Ann Arbor. Because of these concerns and the lack of benefits this project would provide, he regretfully would not be supporting this proposal.

Pratt stated that he would not vote for this proposal if it were situated a block to the east or west, adding that the fact the proposal was situated on Main Street made a difference. However, he said, he was not looking at Main Street to be a spine of ten-story buildings. The fact that the building was stepped back and the height tapered down was a plus, he said. He stated that ingress/egress was an issue and that he could support staff's recommendation. He was not an expert on urban design, but it seemed to him that retailers would want cars driving by their businesses so they would see them and want to stop. He stated that the covered area along Main Street would be a benefit to pedestrians, as well as the walkway that connected the two blocks. With regard to the proposed residential use, he said, one of the City's goals was to provide more residential use downtown. He agreed that the master plan was interpreted both differently and accurately in the review of proposals such as this. He stated that the impact on area

businesses was an important consideration, which was why the support of the Kerrytown District Association was significant.

Potts believed more specific setbacks were required and that there should not be a choice between zero and ten-foot setbacks for the north side of the Fourth Avenue building. She expressed concern about the shading impact the height of the Fourth Avenue building would have on the residential uses to the north.

**Moved by Potts, seconded by Lipson, to amend Section (D),
Setbacks, of the Supplemental Regulations, by requiring that the
north setback for the Fourth Avenue structure be ten feet and the
south setback remain at a minimum of zero feet and maximum of
ten feet.**

Pratt pointed out that a much taller building was allowed by right on the Fourth Avenue property. He also noted that a two-story building here, rather than a four-story building, would still block the windows of the home to the north.

Emaus stated that the neighboring property to the north was already built to the property line and that shading would occur on the back western side. Sunlight would still come from the east, he said, so there would not be a total blockage of light. As the sun moved to the west, the new Fourth Avenue building would mostly shade the back of the building that already was built to the property line and the parking lot of the neighboring north property. He did not think the argument about shading was valid in this situation and did not think a ten-foot setback should be required on the north.

Kunselman did not support this amendment, stating that such a setback would create dead space, with which he was concerned. He noted that the existing zoning would allow the neighboring structure to also build to the lot line.

Carlberg said there was some mention by the petitioner that he would help with landscaping suggestions for the adjacent house to the north, and asked the petitioner what he meant by that statement. She said the house would be experiencing more shade, but that there were many plants that thrived in that type of setting. She did not think the impacts outweighed the benefits of this development, but asked the petitioner how taking ten feet off of the building on the north side would impact the development.

Concannon stated that the Main Street building would be constructed first and that when they started construction on the Fourth Avenue building, he would be willing to work with the adjacent property owner to the north to try and mitigate the impact with plantings. Requiring a ten-foot setback on the north would create a dead alley, he said, which would be a collection area for garbage and potential crime. He said requiring this setback would involve a major redesign of the development.

Lipson stated that the building at 409-1/2 Fourth Avenue, which was used for commercial purposes, was built right up to the lot line and that there were no windows on the south side.

A vote on the amendment showed:

YEAS: D'Amour, Potts
NAYS: Bona, Carlberg, Emaus, Kunselman, Lipson, Pratt
ABSENT: Hall

Motion failed.

**Moved by D’Amour, seconded by Bona, to amend Section (D),
Setbacks, of the Supplemental Regulations, to revise the north and
south setbacks of the Main Street structure to read as follows:
“South – Minimum 0 feet, maximum 10 feet; North – Minimum 0 feet,
maximum 15 feet.”**

Potts did not understand why a range was being permitted, as the petitioner may choose a zero setback.

Johnson stated that the approved PUD plan will have specific setback measurements, which takes precedence, and that the range in the supplemental regulations allows for flexibility in the event a shifting occurs.

Lipson clarified that providing this much latitude with the setback range could not result in elimination of the rain garden.

Lloyd replied that this was correct.

Bona stated that the underlying zoning of C2B/R allowed a zero setback, so nothing was being violated here.

A vote on the amendment showed:

YEAS: Bona, Carlberg, D’Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

Lipson stated that 57 parking spaces would be reserved for McKinley Properties. He asked what the chances were that McKinley would allow a percentage of those 57 spaces to be used by the public on Saturdays.

Carlberg pointed out that the supplemental regulations contained the following language, “Spaces in the parking structure not reserved for residential parking shall be made available to the public during off-hours and weekends/holidays.”

Concannon said he could not commit the McKinley parking spaces without McKinley’s permission. He said this language in the supplemental regulations appeared to be a contradiction, as it would up to McKinley to decide how to use the 57 spaces on the weekend.

Planning Commission agreed that the language in the supplemental regulations could be resolved between staff and the petitioner.

A vote on the main motion showed:

YEAS: Bona, Carlberg, Emaus, Kunselman, Lipson, Pratt
NAYS: D’Amour, Potts
ABSENT: Hall

Motion carried.

Moved by D'Amour, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the construction of affordable housing units on the site.

D'Amour was aware that the petitioner preferred a cash contribution, rather than providing affordable housing units on-site, and asked how the provision of on-site units would affect this development.

Concannon said they would like the opportunity to discuss three different options with Council: 1) provide on-site affordable housing, 2) make a cash contribution in lieu of the on-site units, and 3) or a combination of both. He said there also was a fourth option that might be considered once the dollar amount were determined, which was that they be allowed to build affordable housing in a location elsewhere in Ann Arbor. He said they were fully prepared to do one of these options. He said the burden associated with providing on-site affordable housing units was purely an economic issue.

Potts said the fourth option was interesting and might have possibilities, as it would produce actual housing.

Emaus stated that the DDA's estimated cost for the underground parking was \$6 to \$8 million. He said the amenity of this on-site parking was so great that he did not think it fair to burden the petitioner with on-site affordable housing. Because of this, he said, the fourth option of providing affordable housing in a different location was appealing. He understood that it was the Planning Commission's policy to recommend on-site affordable housing, but said it would be difficult to require the housing for this particular development.

Kunselman stated that a goal of the City was to bring affordable housing downtown and it was his hope that the petitioner's proposal to City Council would include a location for affordable housing in the downtown or close to the downtown.

Lipson said perhaps some of the units could be offered without parking, thereby making them more affordable.

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Kunselman, Lipson, Potts, Pratt
NAYS: Emaus
ABSENT: Hall

Motion carried.

b. Adopt City Planning Commission Meeting Schedule for FY 2006/2007.

Moved by Bona, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby adopts its meeting schedule for fiscal year 2006-07, with business meetings occurring on the first Tuesday of each month, working sessions on the second Tuesday, regular meetings on the third Tuesday, and Commission committee meetings on the fourth Tuesday.

A vote on the motion showed:

YEAS: Bona, Carlberg, D'Amour, Emaus, Kunselman, Lipson, Potts, Pratt
NAYS: None
ABSENT: Hall

Motion carried.

AUDIENCE PARTICIPATION

Rich Hesselschwerdt expressed concern that the City would never receive any money from the developer of The Gallery proposal for affordable housing.

COMMISSION PROPOSED BUSINESS

None.

ADJOURNMENT

Pratt declared the meeting adjourned at 10:50 p.m.

Mark Lloyd, Manager
Planning and Development Services

Bonnie Bona, Secretary

Prepared by Laurie Foondle
Management Assistant
Planning and Development Services