

## MEMORANDUM

TO: A2D2 Steering Committee  
City Planning Commission

FROM: Wendy Rampson, Systems Planner

SUBJECT: A2D2 Zoning and Parking Amendments – Briefing Comments

DATE: December 3, 2008 (Revised December 17, 2008 and February 5, 2009)

Since the September 16<sup>th</sup> Planning Commission action on the A2D2 amendments, staff has provided 25 briefings to individuals and groups about the proposed changes (see attached list). Several additional briefings were scheduled for groups unable to meet before the Steering Committee meeting.

Combined attendance at the briefings exceeded 350 people. In addition, a number of people have viewed a recording of the briefing presentation on CTN, including the new web-based Video on Demand service.

Many attendees provided verbal comments at the briefings. Additionally, staff has received written comments from 50 individuals and groups with interest in the downtown. Staff also received a letter (attached) from the owners of several downtown parcels requesting a change in the proposed zoning designation for their property.

Below is a summary of common themes raised in the briefings and/or written correspondence, along with a sample of comments. The order roughly reflects the frequency with which these comments were made, from most frequent to individual comments, although a detailed analysis has not been completed. The comments are organized into zoning, parking, process, and Downtown Plan categories.

### Zoning Amendments

South University should not be D1/should be D2

- Prior classification as C2A must not be basis for continuing to view as core
- D2 encourages increased density and fosters SU pedestrian character
- Height limit of 6-7 stories will provide area with people to ensure a lively human and business environment
- If D2 is deemed too restrictive, then another zoning classification should be created
- Reserve right for Council to grant special approval for buildings taller than 60 feet

Height limits are needed

- Tall buildings have a wind tunnel effect
- FAR gives developers height in exchange for things that do not ameliorate the impact of that height
- Should be quite low, perhaps 8 stories, with exceptions considered by review board
- Limit building heights to 6 stories
- D1 should have a maximum height of 10 stories
- D2 should have a maximum of 3 stories next to residential, rising to 6 stories next to D1
- Should use the present scale and context of downtown as a guide

A2D2 Comments

December 3, 2008 (Revised December 17, 2008 and February 5, 2009)

Page 1 of 7

#### Design guidelines are needed

- Pedestrian amenities should be required – greenery, shade, bench, overhang
- Establishing design guidelines is as important as setting FARs
- The relationship with historic district guidelines is unclear
- Risk friction as differing laws/goals collide like tectonic plates for projects at edges
- Fewer “ugly” buildings
- Appoint a professional Design Review Committee before going ahead with new zoning
- Recall the consultants to work with staff and Commissioners to refine the guidelines

#### Development in the floodplain should be prohibited/restricted

- Highest and best use of the floodplain is not a typical building site
- Create special overlay zoning for the floodplain
- Place moratorium on construction in floodway and floodplain
- Hold zoning changes until they can be coordinated with a floodplain overlay ordinance

#### Downtown density should not be increased

- Downtown should serve existing residents
- Storm water, drinking water, traffic currently overtaxed
- Keep small local businesses, pedestrian friendly downtown, green spaces
- Bigger is not better
- Strive to capitalize on and increase what still makes downtown appealing
- Do you want to replace fringe residential sprawl with downtown urban sprawl?
- Whatever zoning will dissuade large business from coming is a good thing

#### Buffers and greater setbacks should be required

- Buffer areas adjacent to residential neighborhoods, historic districts, or buildings listed on the National Register need to be included in all downtown zoning districts
- Increase sidewalk width at all new construction
- Setbacks in D1 zoning for all character areas should be maintained at 30 feet from all lot lines.
- Downtown residential neighborhoods are not protected from high density zoning by step down zones or protective setbacks
- Create a “historic buffer area” which extends 150 feet from the boundaries of historic districts and properties listed on the National Register to include consideration of building height and mass, respectful setbacks, access to sunlight and fresh air and other design criteria.

#### Premiums should be eliminated/revised

- Give bonus for affordable (local) retail – groceries, hardware
- Give bonus for smaller units (to avoid dormitories)
- Need to be convinced of clear potential demand for urban residential units
- Why do builders get premiums for doing what they should be doing?
- Reward quality design with recognition rather than monetary rewards
- Grant premium for buildings to allow space to walk or sit on benches in front of building
- Affordable housing premium should be set at no greater than 50% of the AMI
- Zoning so heavily weighted toward residential that it may disincentive first class office
- Premiums have the potential to distort the balance of uses we want to encourage in downtown
- The residential premium should not be reduced to 0.75
- Provide premiums for putting parking underground

- There is concern with using LEED because LEED standards change and are tied to components outside a developer's control (e.g., public transportation)
- More detailed information needs to be provided for the parking premium requirements
- LEED may or may not be the eventual green building rating system used for code compliance and may not be the most appropriate to be incorporated into a zoning code.

#### Green space is needed

- Allen Creek greenway should be part of zoning
- Be proactive in setting aside greenspace in downtown
- Need to add green space to offset the additional density
- Add zoning requirements that include green infrastructure as part of any construction
- Density must be balanced with trees and soft landscape
- Front lawns have to be permitted

#### Contain rezoning within DDA

- A2D2 zoning should not extend beyond the DDA boundaries
- D1 and D2 zoning should not be used outside the DDA district to protect residential and historic properties

#### Eliminate the "active use" restrictions

- Financial institutions are evolving into quasi-retail uses to serve customers
- The market will decide appropriate uses for retail streets
- This concern could be potentially addressed through required hours of operation or window requirements

#### D1 area is too limited

- Allow expansion into surrounding multi-family areas
- D2 limits D1's potential, thus precluding redefinition of downtown

#### Diagonals need to be revised

- Reconsider using diagonals since they have no bearing on underlying parcel size and discourage development of additional towers due to prohibitive costs
- Set the diagonal to allow an economic floor plate
- Only apply to buildings over a certain size

#### Change requirements for East Huron character area (Division to State)

- D2 zoning appropriate for the north side of East Huron (Division to State)
- If height limits are capped at 120 feet for the D1 South University character area, then that same cap is valid for the D1 East Huron character area.

#### Do not include the west side of Ashley (Madison to Monroe) in the rezoning proposal

- Because the historic district protection limits the redevelopment potential of this block, it would be misleading to rezone it as D2

#### Individual Comments

- An excellent plan. It must be passed.
- Massive buildings should be given special review (perhaps as PUDs)
- Include illustrations of implementation in approved documents
- Prohibit transfer of development rights to properties that border historic or residential neighborhoods or properties in the floodplain
- UM property should be abutted by D2 and in some circumstances D1

#### A2D2 Comments

December 3, 2008 (Revised December 17, 2008 and February 5, 2009)

- The city should reconsider implementation of design guidelines; they may destroy the uniqueness of the community
- Design guidelines must have an objective measurement system and timely rulings and appeals
- Is the depth requirement of 25 feet on retail in front of parking realistic?
- More historic restrictions have to be put in place for older buildings for all of downtown
- It would be much more effective to require LEED certification for all new downtown buildings
- Eliminate the maximum front setback in the primary and secondary frontages. Given downtown's small parcels and their high cost, the intent of builders is to usually maximize lot coverage.
- Eliminate the street-wall height requirement in the D1 and D2 Districts.
- It is not possible to codify pleasing building massing and articulation with a few simple diagrams and the brief text in the zoning. The only realistic approach is more detailed design guidelines with examples.
- Major concepts in the amended Downtown Plan and revised zoning ordinances should be graphically illustrated, wherever possible.
- Prohibit transfer of development rights.
- Clarify usable floor area definitions in Chapter 55 so that it does not include stairwells, ramps, elevators or mechanical shafts.

### Parking Amendments

Bicycle parking requirements should be revised

- Tie to auto parking space equivalents
- Increased covered bike parking
- Bicycle parking inadequate
- 1 space for every 2,500 sf is overkill and too expensive to comply
- The code doesn't state the type of bicycle parking required (i.e., Class A, B or C)

Above-ground parking structures should be discouraged

- Remove floor area exemption for above-ground required parking
- Require parking to be placed underground on sites above a certain size

Individual Comments

- Adequate parking must be included for any new residential development
- A set price for parking payment in lieu of spaces needs to be established before approval

### Process

Amend the Downtown Plan before zoning changes are considered

- Place zoning amendments on hold until master plan is updated

Individual Comments

- Use visualization technology to demonstrate the effect of zoning and parking changes
- The message that neighborhoods are protected should be a part of A2D2

A2D2 Comments

December 3, 2008 (Revised December 17, 2008 and February 5, 2009)

Page 4 of 7

## Downtown Plan

Add language to Downtown Historic District recommendations to support the development of requirements to protect historic properties from effects of nearby development, including setbacks, transitions in scale and height, height limits and design and massing standards within an “historic consideration buffer area.”

Attachments: A2D2 Zoning Briefings – December 3, 2008 (Updated December 17, 2008)  
Letter from Pattie and Sam Perry – November 29, 2008  
Comments on September 2008 Draft Downtown Amendments (through February 5, 2009)

c: Mark Lloyd  
Kevin McDonald  
Jayne Miller

### Briefings since Planning Commission Action (September 16)

Downtown Marketing Task Force – September 23 – 10 attendees  
Zingerman's – September 29 – 2 attendees  
Luckenbach/Ziegelman – October 7 – 3 attendees  
Dan Meisler – Business Review – October 9  
Kiwanis – October 13 – 120 attendees  
Housing & Human Services Advisory Board – October 14 – 8 attendees  
Zaragon – October 15 – 2 attendees  
City Leadership Brown Bag – October 16 – 20 attendees  
DDA Partnerships Committee – October 22 – 10 attendees  
Ray Detter – October 28  
Ann Arbor Area Chamber of Commerce – October 29 – 6 attendees  
Judy McGovern – Ann Arbor News – October 30  
DDA Citizens Council – November 3 – 8 attendees  
Library Lecture Series - November 5 (Downtown Library) – 25 attendees  
Main Street Area Association – November 6 – 25 attendees  
Leadership Ann Arbor – November 12 – 40 attendees  
Dahlman Properties – November 12 – 2 attendees  
Ann Arbor District Library Board – November 17 – 18 attendees  
Public Briefing – November 17 – noon (Council Chamber) - 13 attendees  
Public Briefing – November 19 – 9 am (Council Chamber) – 7 attendees  
Public Briefing – November 19 –6:30 pm (200 N. Main) – no attendees  
Public Briefing – November 20 – 3:30 pm (200 N. Main) – 9 attendees  
Ann Arbor Preservation Network – December 4  
Old West Side Association – December 8  
Washtenaw Area Transportation Study – Policy Committee – December 17

### Scheduled Briefings

Washtenaw Area Transportation Study – Technical Committee – January 7

### Other

South University Area Association – briefed in September  
Downtown Rotary – no response  
Jaycees - declined  
Kerrytown District Association – no response  
Michigan Student Assembly – no response  
State Street Area Association – declined

November 29, 2008

To: Wendy Rampson

Our properties fall within the A2D2 development area and are being considered for rezoning. We were not made aware of these zoning changes until just recently. We have many concerns regarding the proposed zoning issues.

We are the owners of the properties located at: 217 North Fifth Avenue, 212 North Fifth Avenue, 214 North Fifth Avenue, 216 North Fifth, 303 East Ann Street, 305 East Ann Street, 311 East Ann Street, and 308 Catherine Street. It is imperative that we receive any and all pertinent information in reference to the above mentioned properties. We would also expect to be part of the determination processes for the D1 and D2 zoning issues. Our properties are currently zoned Office, C2BR, and R4C. We believe the changes proposed would be a tremendous detriment to the value of the property owners in the area.

The location of the city hall, other D1 commercial zoning, improvements/expansions scheduled and the building of the new court house are just a few reasons that a D1 designation is appropriate for our properties. Property on Fifth Street has limited use, as traffic flow is abundant, noise and safety issues are a concern. There is clearly limited residential value in these properties.

A connection to the Kerrytown district and the center of the city is needed and would be well received by the proprietors in that area. A tree line is already established on our properties and would provide a natural division to the rest of the block. There are only six homes that face Fifth Avenue between Catherine and William Street, and we currently own four of these dwellings. Other community members agree that the D1 designation would be the best fit for the future development of the downtown.

There are numerous other considerations that we feel need to be addressed prior to any rezoning. We expect that there will not be any changes made until we can be involved in further discussions. We have spoken with other property owners in the area and they have expressed similar and additional concerns.

Please keep us informed and allow us to participate in these zoning matters as they move forward. Thank you in advance and we look forward to working with you.

Sincerely yours,

Samuel L. Perry

Pattie R. Perry