

# APPENDIX A



City Council Resolution



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Legislation Text

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File #: 13-0170, Version: 3

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### Title

Resolution to Direct the Ann Arbor Planning Commission to Review D1/D2 Zoning and Make Recommendations to Amend the Current D1 Zoning Regulations

### Memorandum

#### Background:

The A2D2 (Ann Arbor Discovering Downtown) task force worked with the community, the planning staff, and the Planning Commission to address downtown zoning issues; this resulted in the decision in 2009 to create two zoning districts for downtown Ann Arbor (D1: Core area and D2: interface zone). It also resulted in the development of the Historic District Design Guidelines (2008) and the Downtown Design Guidelines (2011).

The zoning for the downtown that was approved by Council in 2009 is a unique, hybrid document. Zoning is generally either 'use-based' (Euclidian) or 'form based'. Ann Arbor's D1 zoning includes elements of both. Built into the resolution recommending that Council approve the rezoning of downtown was an expectation that the Planning Commission would review the zoning after a year.

Because construction under the new zoning was constrained by external economic forces, the Planning Commission delayed this review until there were several examples to consider. The projects constructed, under construction, approved but not yet constructed, and considered by the Planning Commission include:

Project	Date approved by Council	Status
Zaragon West (D1 project)	2011	Completed
The Varsity (a planned project under D1 zoning)	2012	Under construction
624 S. Church (D1 project)	Planning Commission recommendation for approval by Council 2013	
413 E. Huron (D1 project)	Planning Commission recommendation for denial by Council 2013	

These four projects provide sufficient opportunities for the Planning Commission to review and evaluate the massing, parking, use of premiums and modifications to the underlying zoning.

The planning documents approved in 2009 emphasize the need to provide protection for nearby residential and historic neighborhoods while providing opportunities for new development in the core of downtown.

The Downtown Plan (May, 2009) reflects on these impacts:

*Goal: Protect the livability of residentially zoned neighborhoods adjacent to downtown.*

The neighborhoods which edge downtown are an important factor in making it an attractive, vital center of community life. Near-downtown residents help to establish a market for retail, service, and entertainment functions, as well as extending the cycle of downtown activity into weekend and evening hours.

Definite land use boundaries, marking the outer limit of expansion for downtown-oriented commercial development, should be respected in order to reduce pressures for inappropriate encroachment into neighborhoods.

and

*Goal: Encourage articulation in the massing of larger new buildings to fit sensitively into the existing development context. Encourage design approaches which minimize the extent to which highrise buildings create negative impacts in terms of scale, shading, and blocking views.*

The most fundamental recommendations for the design of new downtown buildings are to (1) complement the scale and character of the existing development context; (2) reinforce the clarity of the overall urban form; and (3) add to the area's identity as a special place. This will require that harmony be encouraged in overall visual relationships, while still fostering design excellence and the diversity which adds richness and interest to the cityscape.

The City's Master Plan (November, 2009) also lists several issues with regard to the interface between the downtown and the central area, among which are:

"In various locations, houses are overshadowed by larger commercial, residential or institutional buildings that are out of scale with existing surrounding development. In addition to being aesthetically displeasing, out-of-scale construction alters the quality of living conditions in adjacent structures. Often it is not so much the use that impacts negatively on the neighborhoods, but the massing of the new buildings."

"New downtown development will be encouraged; but at the same time, existing assets and valued downtown characteristics will be conserved and strengthened. This balance between conservation and change will be fostered by emphasizing the use of incentives and guidelines."

It is time to evaluate what may be the impact of D1 zoning on the adjacent neighborhoods, especially where there is no interface zone between D1 and residential properties. This is also an opportunity to review the zoning and determine whether the zoning criteria should be amended in order to provide clearer guidance to prospective developers.

## **Body**

Whereas, The hybrid zoning standards provided in D1 (Downtown Core) zoning for the downtown have been established since 2009;

Whereas, A sufficient number of projects have been proposed under the new zoning to provide the necessary data; and

Whereas, City Council seeks to ensure that all development in the D1 zoning district is consistent with the adjacent residentially-zoned districts and that all new buildings fit sensitively into the existing development context as noted in the City's Master Plans;

Whereas, City Council also seeks to ensure that high rise buildings have minimum negative impacts in terms of scale, shading and views as noted in the City's Master Plans;

Whereas, City Council recognizes the irreplaceable physical, cultural and historical attributes of the City's downtown and surrounding neighborhoods that the City could lose if the underlying review and subsequent modification of the City's zoning ordinances do not take place;

**RESOLVED**, That the City Council directs the Planning Commission to review recently approved and recommended site plans in the D1 zoning district to determine whether these zoning standards provide clear, understandable requirements regarding both form and use and at the same time conform to and carry out the goals of the City's Master Plan, Downtown Plan and Character Overlay Districts; and

**RESOLVED**, That City Council provide the Planning Commission with a scope of work and a timeline by April 1, 2013.

Sponsored by: Briere and Kunselman

**As Amended by Ann Arbor City Council on March 18, 2013**



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## Legislation Text

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**File #:** 13-0354, **Version:** 1

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### Title

Resolution Directing the Ann Arbor City Planning Commission to Review Specific D1 Zoning Body

Whereas, Ann Arbor City Council passed Enactment No: R-13-078 on March 18, 2013, a Resolution to Direct the Ann Arbor Planning Commission to Review D1/D2 Zoning and Make Recommendations to Amend the Current D1 Zoning Regulations, as amended (the "Resolution");

Whereas, The Resolution provides general direction to the Ann Arbor CityPlanning Commission as to the nature and timing of the requested review; and

Whereas, City Council wishes to provide more specific requests to the Planning Commission to better facilitate their consideration;

**RESOLVED**, That City Council requests the City Planning Commission to specifically address these issues: (i) whether D1 zoning is appropriately located on the north side of Huron Street between Division and S. State and the south side of William Street between S. Main and Fourth Avenue; (ii) whether the D1 residential FAR premiums effectively encourage a diverse downtown population; and (iii) consider a parcel on the south side of Ann St. adjacent to north of city hall that is currently zoned D1 to be rezoned to the appropriate zoning for this neighborhood; and

**RESOLVED**, That City Council requests that Planning Commission complete its review and report to the City Council by October 1, 2013.

Sponsored by Councilmembers Higgins, Taylor and Briere