

April 1, 2010

Ms. Beverly Strassman, President
Germantown Neighborhood Association
345 South Fifth Avenue
Ann Arbor, MI. 48107

Subject: The Moravian – Planned Unit Development
Location: East Madison Between Fourth and Fifth Avenue
Zoning: R4C Multiple-Family Dwelling District/M1 Limited Industrial District

Dear Ms. Strassman:

I have reviewed the City's Master Plan, specifically the Central Area Plan, Zoning Ordinance Requirements for PUDs and R4C district, Planning Commission minutes, staff reports, proposed site plan dated February 23, 2010, supplemental regulations, and other pertinent information relative to the project known as the Moravian. I have also visited the site personally.

Executive Summary

Based on my review of the information I have made the following key findings:

1. The proposed project is incompatible with the surrounding neighborhood. The proposed 62 unit mixed-use building with a five story streetwall contrasts with the prevailing detached single and multiple unit buildings in the vicinity.
2. The subject property and surrounding land is being used and has been developed in accordance with the Future Land Use Map designations, demonstrating that the land use pattern called for in the Central Area Plan is reasonable.
3. The proposed project is in conflict with the Future Land Use Map and the goals, objectives, and action statements of the Central Area Plan.
4. The proposed project does not justify the degree of regulatory flexibility being contemplated.
5. This project belongs in an area that is properly planned and zoned for this type of development. A great project in the wrong location is not good planning.

Project Description

The Planning Commission has recommended the creation of a 37,201 square foot PUD District on E. Madison Street between Fourth Avenue and Fifth Avenue. The project consists of a 62 unit apartment building with three commercial units located in a 4-5 story building. Twelve of the proposed 62 units are proposed to be affordable units.

The applicant is requesting a number of deviations from the underlying zoning ordinance pursuant to the terms of the PUD ordinance and in exchange for a number of asserted benefits to the City of Ann Arbor.

Deviations from the underlying R4C zoning requirements include an increase in permitted density of 42 units (over 300%), an increase in permitted height of 29'-8" (almost 100%), and a reduction in front yard setbacks from 25 feet to 8 feet on South Fifth Avenue, from 25 to 4 feet on East Madison Street, and 25 feet to 14.8 feet on South Fourth Avenue.

Zoning Ordinance Deviations		
	R4C	Proposed
Area Per Dwelling	2,175sf	590sf
Max. height	30ft	59'8"
Setbacks		
Madison (front)	25ft	4ft
Fourth (front)	25ft	14.8ft
Fifth (front)	25ft	8ft
North (rear)	30ft	12.4ft

Existing Conditions

The proposed project is located at the south end of a block that consists of detached homes containing 1-4 dwelling units. The southwest corner of the block is located in a floodway and the northern end of the block is being considered for designation as a historic district.

To the west of the proposed project is a three story University building. To the east of the proposed project are more detached homes. To the South is a lumber yard located in a floodway and floodplain.

The DDA boundary does not include the subject site or the lumber yard to the south.

The proposed project is incompatible with the existing conditions of the surrounding area. The proposed high density multiple-family project is in stark contrast to the surrounding detached single and multiple unit buildings – some of which are slated to be included in a historic district.

Redevelopment of the subject site at a density that is three times greater than the existing or planned zoning allows will serve as a catalyst for the redevelopment of adjacent properties to higher density multiple family attached dwelling units.

Zoning

The subject property is zoned a combination of R4C and M1. The University property to the west is currently zoned M-1 but shown on the Zoning Plan (Figure 14) of the Ann Arbor Downtown Plan as proposed Public Land. The property to the east is zoned R4C. The property to the south has recently been zoned D2 in compliance with the Central Area and Downtown Plans.

As proposed, the project could not be developed under the current R4C and M1 zoning.

Master Plan (Central Area Plan)

The subject site is identified as Central-Multiple Family in the City's recently adopted Central Area Plan as are all of the properties in the same block as the proposed project. The property to the west is identified as Central-Downtown Interface. The property to the east is identified as Central-Multiple Family. The property to the south is identified as Central-Downtown Interface.

As proposed, the project is inconsistent with the Central Area Plan.

Specifically, the proposed project is inconsistent with the following Central Area Plan issues:

Neighborhood Preservation – the proposed project will alter the character of this neighborhood and place additional pressure on similar redevelopment.

Development/Redevelopment in the Central Area – this section describes three different kinds of areas – stable residential neighborhoods, transition areas located between the downtown and the neighborhoods, and areas where there are sharp contrasts between residential and non-residential uses.

The subject site is located in a stable residential neighborhood.

Out-of-Scale Construction – the proposed project embodies this issue.

The proposed project is also inconsistent with many of the goals and objectives contained in the Central Area Plan including:

Goal A – To promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities and which conserve environmental quality.

1. **Objective 1:** Protect, preserve and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
2. **Objective 4:** Encourage the development of new architecture, and modifications to existing architecture, that compliments the scale and character of the neighborhood.

The City recently incorporated standards in their D1 and D2 districts that regulate building massing as it relates to streets and other buildings. In these standards they set a maximum streetwall of 4 stories. In the core of the downtown, the maximum streetwall permitted is 4 stories. This is intended to maintain a pedestrian friendly environment with larger buildings that, through articulation, do not overpower the streets or each other.

The streetwall on E. Madison is five stories exceeding in mass what is permitted in the downtown core and is not consistent with the other street frontages along E. Madison or Fifth Avenue.

3. **Objective 7:** To protect and expand the supply of housing to meet the needs of a variety of individual lifestyles and incomes while seeking a stable balance between owner occupied and renter occupied units.

The proposed project will displace 19 units of affordable housing. This type of multi-unit detached residential use offers the most flexibility in providing housing choices all while preserving the existing neighborhood character. Students can rent. Young professionals can enter the housing market using rental income to offset the cost of owning. Families can expand in place. Families can care for elderly parents and still offer a degree of independence. Seniors can age in place renting out unused space.

4. **Objective 13:** Ensure that new infill development is consistent with the scale and character of existing neighborhoods, both commercial and residential.

The proposed development is not consistent with the existing fabric of this neighborhood.

Goal B – To encourage sensitive, attractive, and innovative developments and renovation in downtown Ann Arbor and in adjacent neighborhoods.

5. **Objective 1:** Pay special attention to the interface zones between downtown Ann Arbor and Central Area residential neighborhoods; and to insure that projects in these areas both contribute to downtown liveliness and help buffer established neighborhoods from further erosion.

The proposed development is not located in an interface zone; it is located in an established neighborhood contrary to the objective of providing a buffer to established neighborhoods.

6. **Objective 2:** To promote compatible development of sites now vacant, underutilized or uninviting, wherever this would help achieve the plan's overall goals.

The subject site is not vacant; it is developed within the standards of the R4C district and is equally as inviting as the remainder of the surrounding neighborhood. This objective, the future land use plan, and the recently adopted D1 and D2 zoning districts identify areas that are appropriate for this type of redevelopment. The subject site has not been designated for this type of development.

7. **Objective 4:** To protect housing stock from demolition or conversion to business use, and to retain the residential character of established, sometimes fragile, neighborhoods adjacent to commercial or institutional uses.

This neighborhood is fragile. It has institutional uses at the corners. Allowing the demolition of the existing housing stock will further change and threaten the character of this neighborhood.

8. **Objective 7:** To encourage the construction of buildings whose scale and detailing is appropriate to their surroundings.

The majority of the perimeter of the proposed building will be dead space. With the exception of the commercial space and multi-purpose room, most of the ground floor will be occupied by parking with blank facades facing the sidewalks.

9. **Objective 10:** To coordinate improved interfaces with institutional uses and discourage erosion of adjacent neighborhoods.

The proposed project bypasses the interface concept by introducing a building that is suited for the D2 district directly into the R4C neighborhood. The Central area plan has specifically identified interface areas to the south and west of the subject site.

Response To Proposed Project

The applicant has proposed a project under the provisions of the City's PUD regulations. We have reviewed the proposed project relative to the standards for PUDs and sound planning principles. We offer the following comments for your consideration:

1. *5:80(6)(a). The use(s) provide a beneficial effect for the City on present and potential surrounding land uses, which may include: innovation in land use; efficiency of land use, natural features and energy; providing usable open space; preserving and protecting natural features; employment and shopping opportunities; expanding supply of affordable housing, use or reuse of existing sites.*

The question is will the proposed project deliver greater benefits than existing development or development permitted by the underlying zoning? The amount of affordable housing will be reduced compared to existing development. The flexibility of the existing units to accommodate a variety of housing needs is greater than what is proposed. In this case reuse of an established residential neighborhood is not a benefit.

2. *5:80(6)(b). Beneficial effect could not be achieved under any other zoning district and not required under any existing standard or ordinance.*

The proposed project could be developed in the D1 or D2 district (although it does not meet the form-based standards intended to ensure that the character of the building is consistent with existing character in the downtown). Although affordable housing is not required in the D1 or D2 districts, the City has done a great job creating incentives or premiums that would encourage the provision of affordable units.

3. *5:80(6)(c). Uses shall not have a detrimental effect on public utilities or surroundings.*

The scale of the proposed development will have a detrimental effect on the existing character of the adjacent residential neighborhood. The increase in density will place additional pressure for infill development and decrease the value of the neighborhood for detached residential development.

4. *5:80(6)(d). Uses shall be consistent with the master plan or adequate justification is provided.*

While the master plan identifies this area as multiple family, there are several objectives as stated above that speak to the preservation of neighborhood character and prevention of incompatible infill development. The proposed project is inconsistent with the objectives of the Central Area Plan for this site. While a more compatible townhouse development with some live work units may be justified, the negative impacts of the large scale building on the adjacent uses are not justified.

5. *5:80(6)(e). Residential density consistent with master plan or underlying zoning, or additional density has been proposed in order to provide affordable housing.*

The proposed project will provide fewer affordable units than exist on the site currently and a 300% increase in the permitted underlying zoning. This is in direct opposition to this standard.

6. *5:80(6)(f). Supplemental regulations include analysis and justification to determine what the benefit is, how it will be provided, and performance standards for evaluation.*

All of the purported benefits of this project could be achieved if this project were developed anywhere in the D2 district without negatively impacting an established residential neighborhood.

7. 5:80(6)(h). *Minimum necessary disturbance to existing natural features and historically significant architectural features.*

The disturbance to existing natural features and historically significant architecture features is not the minimum necessary. A number of the houses on the site to be demolished have been identified by the Historic District Committee as contributing.

Conclusion

Based on my review of the information I have made the following key findings:

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Respectfully submitted,

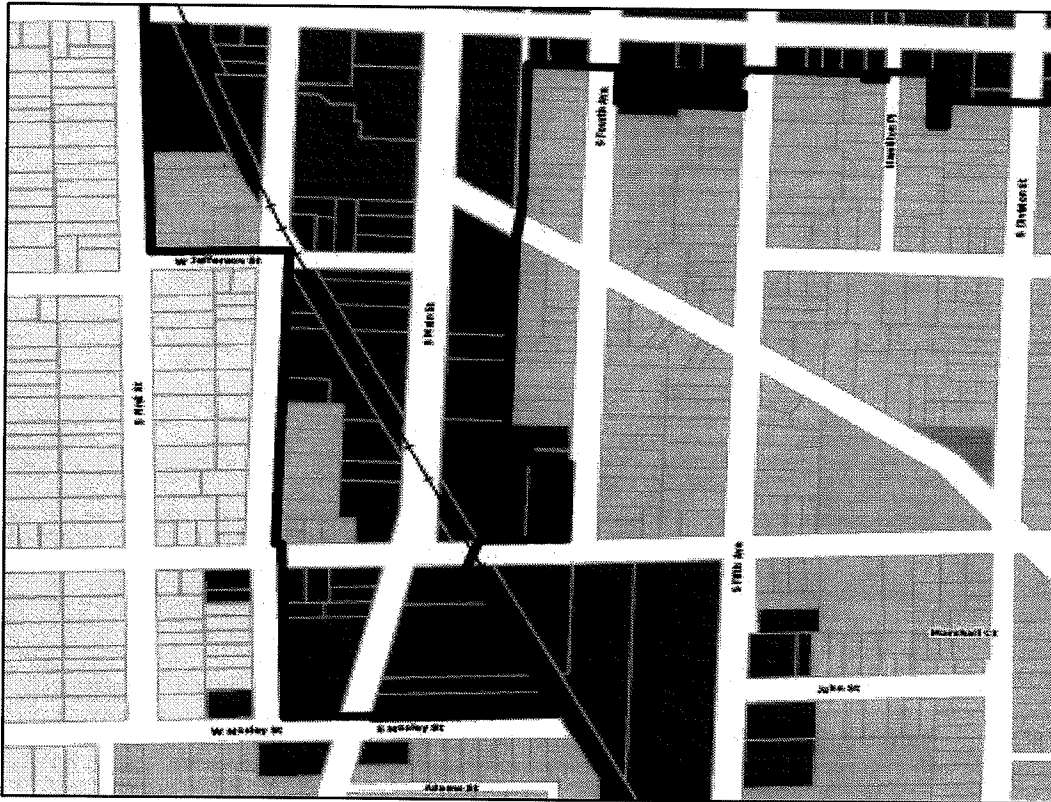
McKENNA ASSOCIATES



John R. Jackson, AICP
Vice President

Attachments: Partial Central Area Future Land Use Plan
 Partial Downtown Zoning Plan Map
 Partial Ann Arbor Zoning Map

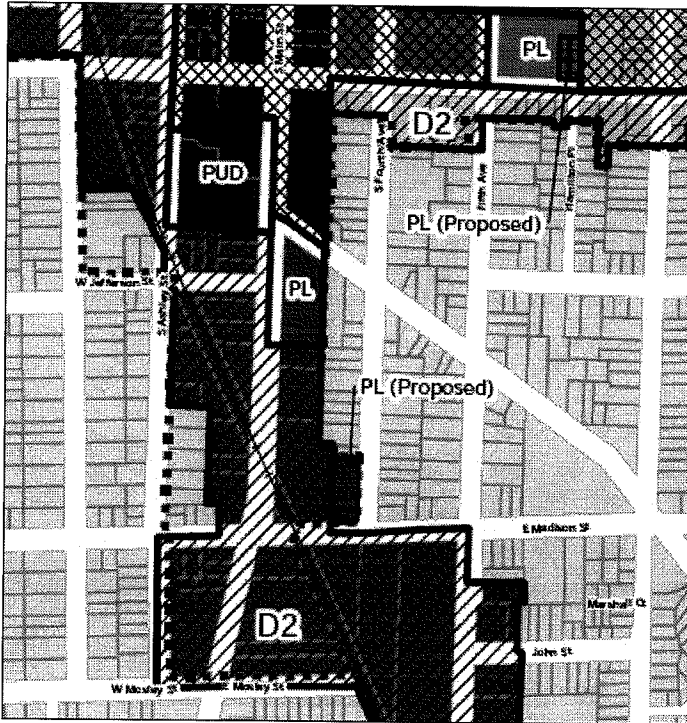
Partial Central Area Future Land Use Plan



Map Features

DDA Boundary	Central, Industrial
Planning Area	Central, Institutional (Public and Semi-Public)
Railroads	Central, Multiple Family
Central Area Future Land Use	Central, Parks and Open Space
Plan Area, FLU Type	Central, Residential - Office
Central, Commercial - Office	Central, Single and Two - Family
Central, Downtown Core	Central, Single and Two Family Housing / Group Housing
Central, Downtown Interface	

Partial Downtown Zoning Plan



Map Legend

- +— Railroads
- DDA
- ▨ Proposed Zoning to Public Land
- ▧ D1 - Downtown Core
- ▩ D2 - Downtown Interface
- Area 1 - South Univ
- Area 2 - State St
- ▨ Area 3 - Liberty/Division
- ▨ Area 4 - E Huron 2
- ▨ Area 5 - Midtown
- Area 6 - Main St
- ▨ Area 7 - Kerrytown
- Area 8 - First St
- ▨ Area 9 - E Huron 1

Zoning District Key

PL - Public Land
PUD - Planned Unit Development