

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 18, 2012

**SUBJECT: 544 Detroit Planned Project Site Plan for City Council Approval
(544 Detroit Street)
File No. SP12-032**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 544 Detroit Planned Project Site Plan, subject to providing a road restoration plan for the brick replacement in Detroit Street for approval by the Systems Planning Unit prior to the issuance of right of way permits.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed modifications to the conflicting land use buffer requirements of Chapter 62 (Landscape and Screening Ordinance), because the standards contained in Section 5:608 (Modifications) have been met.

STAFF RECOMMENDATION

Staff recommends **approval** of the planned project site plan because, with the requested planned project modifications, it complies with applicable local, state and federal laws, ordinances, standards and regulations; limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and does not cause a public or private nuisance and does not have a detrimental effect on the public health, safety or welfare.

Staff recommends **approval** of the conflicting land use buffer modification because the proposed four-foot wall and landscaping in the buffer meets the spirit and intent of the conflicting land use buffer requirements.

LOCATION

The site is a single triangular parcel located at the intersection of Detroit Street and North Division Street. The site is in the Old Fourth Ward Historic District, the Central Planning Area, and the Huron River Watershed.

DESCRIPTION OF PROJECT

The petitioner is proposing to demolish an existing 560 square foot former gas station building and construct a 4,077 square foot mixed-use building on this 4,250 square foot parcel, which is zoned C1 (Local Commercial District). The first floor would contain 857 square feet of office space, and the second and third floors would contain 1,557 and 1,663 square feet of residential space, respectively.

Five parking spaces will be provided in a surface parking area on the south part of the site; four of the spaces will be located at grade under the second and third floors. Bicycle parking will be provided in a room accessed from the parking area. Access to the parking lot will be from a new, narrowed curb cut on Detroit Street.

Due to the small size and constrained shape of the site, the petitioner has requested planned project modifications in exchange for a building arrangement that provides a the public benefits of pedestrian orientation, transit access and efficient use of infrastructure. The requested modifications include: 3.5 feet of additional building height, above the 35 foot maximum, to accommodate a decorative parapet on the north end of the building and a stair enclosure on the roof to allow third floor access to a roof deck; reductions in front setbacks along Detroit and North Division Streets from 10 feet to 5 feet; and reduction in setback along the rear (south) from 39 feet to 19 feet.

A conflicting land use buffer is required along the south (rear) property line because the site is zoned C1 and the abutting property is zoned R4C. The application includes a request for modification of the requirements of Chapter 62 (Landscape and Screening Ordinance) to reduce the width of and landscape materials within the required buffer along the south property line. A four foot wall is proposed to be extended along the entire south property line and wrap around the parking area to provide screening along North Division. Eight arborvitae, which will grow to a height of 25 feet, are proposed to be located along the rear wall to screen the building from the adjacent duplex residence.

The site contains less than 5,000 square feet of impervious surface, so no stormwater detention is required. No landmark trees or other natural features are located on the site.

The petitioners held a citizen participation meeting on October 22, 2012 in the downtown branch of the Ann Arbor District Library. Five individuals attended the meeting. A copy of the report is attached. An earlier meeting, before the project was reviewed by the HDC, was also held with representatives of the neighborhood group.

PLANNING HISTORY

This project was issued a Certificate of Appropriateness by the Historic District Commission (HDC) on October 11, 2012. The elevations submitted for Planning Commission consideration match those approved by the HDC. At the HDC meeting, two residents spoke in favor of the application, and there was no opposition.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Vacant	C2B (Business Service District)
EAST	Office	PUD (Planned Unit Development)
SOUTH	Single, Two-Family, and Multi-Family Residential	R4C (Multiple-Family Dwelling District)
WEST	Single, Two-Family, and Multi-Family Residential	R4C (Multiple-Family Dwelling District)

ZONING COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED
Zoning	C1 (Local Business)	C1 (Local Business)	C1 (Local Business)
Gross Lot Area	4,257 sf	4,257 sf	2,000 sf MIN
Floor Area in % of Lot Area	13% (560 sf)	96% (4,077 sf)	100% MAX (4,257 sf MAX)
Maximum Building Height	Approx 12 ft	39 ft	35 ft MAX
Setback – Front (Detroit St)	Approx 35 ft	5 ft	10 ft MIN 25 ft MAX
Setback – Front (N Division St)	Approx 3 Ft	5 Ft	10 ft MIN 25 ft MAX
Setback – Rear	0 ft	19 ft	30 ft when abutting residential + 9 ft (one foot for each foot of building height above 30 feet) = 39 ft
Parking – Automobiles	Informal gravel lot	5 spaces	5 spaces MIN
Parking – Bicycles	None	2A, 1B, 1C	1A, 1C MIN

PLANNING BACKGROUND

The *Master Plan: Land Use Element* recommends multiple-family residential uses for 544 Detroit. The site currently is zoned C1 (Local Commercial).

Some of the applicable goals and objectives for 544 Detroit Street from the *Land Use Element* include:

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.

Objective 1: To protect, preserve, and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.

Objective 4: To encourage the development of new architecture, and modifications to existing architecture, that compliments the scale and character of the neighborhood.

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

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

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

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.

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

Historic Preservation Goal: To encourage the preservation, restoration or rehabilitation of historically and culturally significant properties, as well as contributing or complimentary structures, streetscapes, groups of buildings and neighborhoods.

Objective 5: Where new buildings are desirable, the character of historic buildings, neighborhoods and streetscapes should be respectfully considered so that new buildings will complement the historic, architectural and environmental character of the neighborhood.

SITE HISTORY

The parcel at 544 Detroit was originally a portion of a much larger lot, which had the address of 501 Detroit Street, as shown in an 1888 Sanborn Fire Insurance map. A two-story barn was located near the intersection of Detroit and Division Street. By 1892 a two-story house was built in the location of the barn with the address 537 Division Street. The first residents of 537 Division were Adam Meuth, a clerk at L C Weinmann, and his

wife Louise. The house (which appears on 1947 aerial photos) was later demolished and the gas station that is currently located on the property was constructed in 1959. The gas station has been abandoned for over thirty years.

PLANNED PROJECT STANDARDS

Planned project approval is requested to allow an additional 3.5 feet of building height, which would accommodate a decorative parapet on the north end (the point) of the building and a stair enclosure on the roof to allow third floor access to a roof deck; and reductions in front setbacks along Detroit and North Division Streets from 10 feet to 5 feet, and along the rear (south) from 39 feet to 19 feet.

Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the Zoning Chapter in the form of a planned project site plan: (Petitioner comments are in plain type, staff comments are in *italic text*.)

- 1. The lot(s) included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located.**
The lot size of 4257 square feet exceeds the minimum lot size of 2000 square feet for C1 zoning.
- 2. The proposed modifications of zoning requirements must provide one or more of the following:**

a) Usable open space in excess of the minimum requirement for the zoning district.

No open space for residential use is required in the C1 zoning district. However, we are proposing that 27% of site area be designed as open space for use of the 544 Detroit St residents and office tenant. The landscaping will include a minimum 5' wide soft streetscape buffer on both Detroit and Division Streets and a landscaped buffer across the rear of the site. The landscape buffer will also do double duty as a rain garden for storm water management.

While not required, in addition to the open space, the residents and office tenant will enjoy the use of 937 square feet of active open space in the form of patios, porches and a rooftop garden.

b) Building or parking setback(s) in excess of the minimum requirement for the zoning district.

Placing the parking within the rear of the building not only reduces the visibility of surface parking but also creates 765 square feet less impermeable paving which would be subtracted from the green open space. The building is set back a minimum of five feet from the Detroit and Division Street ROW to allow a heavily landscaped buffer to compensate for the required setbacks.

Placing the building at the far north side corner of the property allows a setback of 29.5 feet from the south side of the site.

The layout plan indicates a rear setback of 19 feet at its narrowest point.

c) Preservation of natural features that exceeds ordinance requirements, especially for those existing features prioritized in the land development regulations as being of highest and mid-level concern.

There are no distinctive natural features. The existing site however is covered with a commercial structure and parking. The present development is composed of 100% impermeable surfaces. This project will provide approximately 27% permeable landscaped open space.

d) Preservation of historical or architectural features.

While there are no historic architectural or landscape features existing on the site, the unique joining of Detroit and Division Streets creates an acute “V” giving the petitioner an opportunity to design a “flatiron” building. This distinctive building type has created important historic buildings in many cities. The character of similar buildings along Detroit Street provides the inspiration for this architectural style. Most importantly they are 415 Detroit (flat iron) and 422 Detroit Street (Zingermans). Other buildings influencing the design are 303 Detroit (Market Place) and 525 Detroit Street (Treasure Mart). The wedge shape building configuration generated by the diagonal intersecting streets will provide a visual anchor to the north end of Detroit Street and create an urban design “locator point”. The “point” of the building will be the living room porches of the residential units. Their decorative iron art balconies will be produced by a local metal artisan.

e) Solar orientation or energy conserving design.

The shape of the building produces an energy efficient envelope. Wall and roof insulation will exceed that of most commercial buildings. The flat iron building design will provide more natural light into the interior space along with the central rooftop light monitor. Because of the high degree of solar access, glazing can be restricted to a relatively small area in the residential units and still have a very high level of light and sun. Less glazing results in less energy gain and energy loss.

Since the project site is only 4257 square feet it does not require storm water management. We will however provide a rain garden for first flush water quality treatment of the parking area. Recycling, energy conscious mechanical and electrical systems, local materials and sustainable design will also be implemented in the project.

f) An arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.

The creation of more dwelling units in the Kerrytown neighborhood will promote more walking and biking. The main entrance on Detroit Street is located close to the sidewalk and provides direct pedestrian access to transit, downtown Ann Arbor, the train station and the University of Michigan Medical Center.

The C1 zoning would allow for a use that could create a 100% impervious surface which is presently the site condition. This project, however, will decrease impermeable drainage surface by over 1000 square feet (see comments on engineering sheets regarding the storm water system designed by Perimeter Engineering).

g) Affordable housing for lower income households.

N/A

h) Permanent open spaces of 20 percent or more in any low-density residential district.

N/A

3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.

Parking access will maintain the existing curb cut entrance on Detroit Street. Eighty percent of the building will have a residential use in lieu of commercial. This will greatly reduce the traffic impact on the neighborhood from other commercial uses allowed in the C1 zoning district.

At one time this site had multiple curb cuts along both Detroit and N Division Streets. 2002 aerial photos show a curb cut onto N Division, and earlier aeriels show two on Detroit Street. The single curb cut proposed to be maintained is a vast improvement over previous conditions.

4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.

By examining the urban context drawing on the site plan submission, it is clear that we have respected and implemented this intent of this planned project by focusing the bulk of the building on the outside street corner. The green space and parking along much of the rear of the building softens the impact of this development on the adjacent residential area.

The proposed height of the building is consistent with the height of adjacent uses, which typically vary from two to three stories. The petitioner has mitigated the impact of the height by locating the highest small building component near the center of the building where its height from the street is not apparent. Additionally the site is topographically lower than the corresponding houses on Detroit Street to the south.

A neighborhood resident pointed out that the urban context drawing omits the 1 ½ story duplex abutting the site to the south. That building will be impacted the most by the development, but the Historic District Commission felt, and staff agrees, that the design of the building and site make the project acceptable and beneficial to the community.

5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 and 62.

The proposed project provides the required five parking spaces. This is 100% of the requirement. Only one of the required spaces is in the uncovered vehicular use area.

6. The standards of density, allowable floor area and required usable open space for the zoning district(s) in which the project is located must be met.

The project size is proposed at 4077 square feet. This creates a FAR of 96%. That is less than the allowable 100%. The building footprint is 1724 square feet, leaving more than 2533 square feet of the site not covered with structures. Of that 2533 square feet of space, over 1000 square feet will be in permanent open green space.

7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

Office use and residential uses are permitted in the C1 zoning district.

**CHAPTER 62 LANDSCAPE AND SCREENING ORDINANCE
STANDARDS FOR MODIFICATION APPROVAL**

The petitioner has requested a modification of the conflicting land use buffer width and landscaping requirements along the east property line to allow a six-foot tall privacy fence to satisfy the buffer requirement.

The Planning Commission or City Council may allow flexibility in the application of the landscaping requirements if the modifications are associated with one or more of the following site conditions [Section 5:608(2)(c)]:

- (i) The site is located in a special parking district as designated by Chapter 59.
- (ii) Strict application of this Chapter will result in a loss of existing parking spaces required by Chapter 59 where the parking does not abut residential uses.
- (iii) The topographic features of the site create conditions so that the strict application of the provisions of this Chapter will result in less effective screening and landscaping than alternative landscape designs.
- (iv) Existing buildings provide adequate screening for the purposes of Section 5:602(1).
- (v) Existing vegetation and landscaping are located or space in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions.
- (vi) The use of xeriscaping would prevent strict application of this Chapter.
- (vii) In the case of planned projects or planned unit developments, a rearrangement of the landscaping elements will achieve the spirit and intent of this Chapter.

(Petitioner's comments are in regular text, staff's responses are in *italic text*.)

1. What are the specific site conditions that necessitate this request and how do they warrant the modifications of Chapter 62 requirements?

- 1. The proposed site is very small, 4250 square feet, less than half the size of a standard 66' x 132' Old West Side lot. The required landscape buffer along the wide end of the site would reduce the area for vehicular circulation and building by over 17% creating a hardship for building design, parking and landscaping. By placing 80% of the parking spots under the building, the vehicular use area has been greatly reduced allowing for a still substantial landscape buffer.

This site is in the Old Fourth Ward Historic District.

2. Conflicting land use buffers are necessary if an existing residential use is adversely affected by commercial buildings, dissimilar zoning or vehicular uses. In this case even though the zoning is C1, the predominating proposed land use (79%) is essentially a small two family dwelling. The adjacent land use to be screened is also a two family dwelling. The only dissimilar use is a small 837 square foot office on the opposite side of the building and away from the adjacent residential structure. The ordinance was intended for larger projects which have a much greater impact on existing uses and require more extensive landscape screening.

The Urban Forest Coordinator in Systems Planning comments: Staff disagrees with this statement; the CLUB [conflicting land use buffer] requirements in Chapter 62 are to provide a buffer between conflicting land uses and zoning districts, regardless of project size. There are no references in Chapter 62 regarding the "intention" of the CLUB based on the size of the project.

2. How does the proposal meet the spirit and intent of Chapter 62?

1. The adjacent two family building averages 40 feet from the proposed building and its front yard averages 25 feet from the proposed building. This space alone creates a noise, light glare and privacy buffer between buildings much as a public street would and meets the intent of 5:600(1)(b & c) and 5:603(1).
2. The appearance of off-street vehicular use areas is improved by the strategic placement of two Amelanchier trees which because of their branching habit partially screen the views into the open covered parking garage from the public sidewalks as pedestrians walk north on Detroit and Division Streets. This meets the intent of 5:600(1)(a & e).
3. The solid waste bins are partially screened by the existing side retaining wall and the proposed building. The bins are then fully screened from the abutting public rights-of-way by Judd Viburnams. This meets the intent of 5:600(1)(a & e) and 5:604 Refuse/recycling container screening.
4. Along the rear retaining wall Black Chokeberries were selected for their dense branching to discourage graffiti on the retaining wall. They are drought resistant and grow well in partial shade. These water tolerant shrubs are also planted in a linear bio-swale into which water from the driveway surface will sheet drain. This meets the intent of 5:600(1)(a, d, & e) and 5:603(3).
5. Beyond the rear retaining wall on the adjacent property is a mixture of invasive low value trees that are damaging the retaining wall. The adjacent property owner has agreed to the removal of these trees and to the installation of a new row of Emerald Arborvitae as a privacy screen for both properties. While not on the Petitioner's property, this planting will also add to the conflicting land use buffer. This meets the intent of 5:600(1)(g) and 5:603(1 & 2).

STAFF COMMENTS

Systems Planning – One footing drain disconnect is required for this project. If the footing drains for the existing building are connected to the sanitary sewer system,

disconnection will be required in accordance with current city specifications. Footing drains removed from any existing buildings may offset required mitigation.

As Detroit Street is a brick street, special restoration will be required when the new curb cut is constructed.

Planning – The applicant has recently indicated that he intends to pursue brownfield tax increment financing. This process will be underway shortly.

This review and recommendation was based on the plan set dated 12/10/12. The individual sheet dates are listed below.

Prepared by Jill Thacher
Reviewed by Wendy Rampson
mg/12/13/12

Attachments: Location Map
Zoning and Parcel Map
Aerial Photo
Sheet SP-02 (existing conditions) 7/31/12
Sheet SP-03: Layout Plan 12/10/12
Sheet SP-07: Landscaping
Sheet SP-11: Elevations
Citizen Participation Report

c: Owner: Jack Epstein
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Petitioner: Dan Williams/Maven Development
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City Attorney
Systems Planning