

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of June 7, 2022**

**SUBJECT: 340 Depot PUD Zoning District and PUD Site Plan for City Council Approval  
(340 Depot Street)  
File No. SP21-043 & Z21-009**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve 340 Depot Planned Unit Development (PUD) Zoning District and Supplemental Regulations, and PUD Site Plan with the following condition:

- The additional 4 feet of right-of-way referenced in L3978, P810 is an “Easement for Public Right-of-Way” is vacated by City Council prior to issuance of building permits.

**STAFF RECOMMENDATION:**

Staff recommends that the 340 Depot Street PUD (Planned Unit Development) Zoning District and Supplemental Regulations be **approved** because the uses, physical characteristics, design features, and amenities proposed provide a beneficial effect for the City, could not be achieved under any other zoning classification, will not have a detrimental effect on public utilities or surrounding properties, provide adequate justification for deviation from the master plan, provide sufficient analysis and justification in the supplemental regulations, and provide acceptable vehicular and pedestrian circulation.

Staff recommends that the 340 Depot Street PUD Site Plan be **approved** because the development would comply with the PUD Zoning District and Supplemental Regulations as well as all applicable local, state and federal laws, ordinances, standards and regulations.

**LOCATION:**

The site is located on the south side of Depot Street, west of the Broadway Bridge and across the street from the Amtrak Railroad station.

**SUMMARY:**

A proposal to rezone a .15 acre (6,534 square feet) site from C1B (Community Convenience Center District) to PUD (Planned Unit Development), and to construct a primarily two-story (with rooftop access) 7,830 square foot residential building with 6 vehicle parking spaces at ground level underneath part of the proposed building. The site plan proposes 4 residential units and 2,530 square feet of office/retail use in a single building.

### REZONING PETITION:

Current Zoning – The site is currently zoned C1B which allows a maximum of 9,801 square feet maximum Floor Area Ratio (FAR)

Proposed Zoning -- The proposed Supplemental Regulations allow the following uses and configuration of the site:

- One floor with permitted office/retail uses and 4 residential units on the second floor with rooftop access and a small rooftop patio.
- Six vehicle parking spaces and 12 bicycle spaces will be provided.
- A maximum floor area of 8,000 square feet.
- Accessory uses permitted in the C1B Zoning District.

### SITE PLAN PETITION:

Existing Conditions – The site is currently occupied by one 1,332 square foot office building.



*Figure 1: Existing Conditions (2018)*

Site Layout – The proposed new building will take up the majority of the site. The project is designed to activate the street frontage with all parking enclosed and screened behind the office and retail uses on the first floor. A small patio adjacent to the sidewalk will add to the active presence along the street.



Access and Parking – The site has a single access point off an alley that goes between East Summit and Kingsley which leads to the enclosed parking area for six vehicle parking spaces and eight Class A bicycle parking spaces. The uses proposed in the building require ten spaces according to the parking requirements for mixed-use structures. The PUD zoning allows the modification of to reduce the parking required. Also included in the parking provided will be spaces dedicated to electric vehicle charging where the petitioner pledges to install two Ev Charging stations and 4 EV Ready spaces. The site plan also proposes 4 Class C bicycle parking spaces outside adjacent to the building.

Natural Features – There are no natural features on the site.

Landscaping, Screening, Buffers – A 15-foot-wide conflicting land use buffer (CLUB) is required for the east and south sides of the parcel. The petitioner is proposing to waive this requirement as part of the PUD regulations. While the parcel is surrounded by residential uses on those sides, previously the parcel to the east was used as an office which would not require a CLUB. Once a residential use was approved on that parcel (The Garnet, which is under construction currently) it then triggered the requirement for the subject parcel to apply a CLUB even though the adjacent development is located directly at the property line. While the parcel to the east is used as residential it is zoned C1B and could convert to a commercial use at any time. There is approximately 30 feet between the property line and the adjacent structure.

Storm Water Management – The site contains less than 10,000 square feet of impervious surface, so only treatment for the First Flush rain event is required. Treatment of storm water will occur through the vegetated roof system. A slight excess of water treatment capacity will be provided.

**SITE PLAN DATA ANALYSIS:**

	REQUIRED	PROPOSED
Zoning District	C1B (Community Convenience Center)	PUD
Lot Area	.15 acre (6,534 sq ft)	.15 acre (6,534 sq ft)
MAX FAR	150%	120%
Setback: Front (Depot)	10 ft MIN 25 ft MAX	4 ft MIN 8 ft MAX
Setback: Side (East)	0 ft (Unless abutting residential zoning)	0 ft
Setback: Side (West)	0 ft (Unless abutting residential zoning)	1 ft
Setback: Rear (South)	0 ft (Unless abutting residential zoning)	0
Height	50 ft/ 4 stories	43 ft/ 3 stories
Vehicle Parking	10 spaces	6 spaces
Bicycle Parking	3 spaces	8 Class A spaces (inside building) 4 Class C

**LAND USE ANALYSIS (SURROUNDING LAND USES AND ZONING):**

	LAND USE	ZONING
NORTH	Train Depot	PL (Public Land)
EAST	Residential	R4A (Multiple-Family Residential)
SOUTH	Residential	C1B (Community Convenience)
WEST	Commercial/Office	C1B (Community Convenience)

**CITIZEN PARTICIPATION:**

The applicant held a meeting for citizens regarding the proposed rezoning and site plan on July 25, 2019 and provided a summary report as required. There were a total of 14 people that attended the meeting in addition to the project team. The petitioner held a PUD pre-petition conference with Planning Commission on November 7, 2019.

**CITY MASTER PLAN:**

Eight documents constitute the elements of the City Master Plan:

1. Sustainability Framework (2013)
2. Land Use Element (2009)
3. Downtown Plan (2009)
4. State Street Corridor Plan (2013)
5. Treeline Allen Creek Urban Trail Master Plan (2017)
6. City of Ann Arbor Comprehensive Transportation Plan (2021)
7. Parks and Recreation Open Space Plan (2016-2020)
8. Natural Features Master Plan (2004)

Chapter Five (Land Use) of the Master Plan: Land Use Element identifies key issues the City wishes to address with new development. Diversity of housing types, mixed uses and land use balance are additional goals that are achieved by the mixed-use project proposed. The site is also located on a transit route, sidewalks are existing on both sides of the street.

Chapter Five (Land Use) also describes Land Use Goals, Objectives and Action Statements the 340 Depot Street petition addresses several of the Goals of the Central Area:

- 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 2: To encourage the preservation of existing small neighborhood grocery stores and the re-establishment of vacated neighborhood grocery stores
  - Objective 4: To encourage the development of new architecture, and modifications to existing architecture, that complements the scale and character of the neighborhood.

*This project provides a unique mixture of smaller residential units and retail/offices uses to add to the neighborhood services and increase vitality of the area.*
  - Objective 6: To protect and maintain the diversity of people and housing by promoting a stable balance among the various interests.

*Adding diversity of sizes for new residential units: three are 775 square feet and one is 1,300 square feet.*
  
- 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 3: To identify appropriate locations for compatible and well-designed multiple family residential development, or mixed-use development, particularly near campus and downtown.
  - Objective 5: To encourage housing and neighborhood-oriented businesses in the downtown interface area zones that will improve quality of life in the nearby neighborhoods.
  - Objective 6: To create inviting streetscape corridors and improve the links between commercial and residential areas, encouraging access between the nearby neighborhoods and downtown.
  - Objective 7: To encourage the construction of buildings whose scale and detailing is appropriate to their surroundings.
  - Objective 9: To ensure that the pedestrian environment is protected and enhanced

#### **REZONING ANALYSIS:**

Changes to the text or map of the Unified Development Code (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Sections 5.29.9. and 5.29.10. To assist the Planning Commission and City Council with their decision, applicants provide a petition with justifications in support of the request. The petition addresses:

- The current zoning and history of the site.

- The objective, purpose, and beneficial effect of the PUD for the city.
- Why this beneficial effect cannot be achieved under any other zoning.
- Why the uses proposed will not have a detrimental effect on public utilities and surrounding properties.
- How the proposed PUD is consistent with the Master Plan Land Use Element recommendation
- Vehicular and pedestrian circulation.
- Disturbances to natural or historical features and why this disturbance is necessary.
- Proposed modifications to the City Code.

As condensed into the Supplemental Regulations, the PUD zoning petition says the district provides:

- Four small residential units, filling a need for diverse housing stock. Small residential units will be constructed, three of the four units will be approximately 775 square feet.
- A small-scale mixed-use project providing a minimum of 1,300 square feet of office or retail use on the first floor.
- Economical land use by reducing the parking provided and using the floor area to provide retail and office uses to activate street frontage.
- Redevelopment of an underutilized parcel consistent with residential densities in the areas adjacent to Downtown Ann Arbor providing better utilization of limited resources and infrastructure.
- Reduced front setback to bring the building closer to the street with an active patio use proposed adjacent to the public sidewalk.
- Minimum 2,000 square feet of a vegetated roof to reduce the cooling & heating load on the building and therefore the carbon footprint of the occupants.
- Aesthetics consistent with the neighborhood. Building is designed using materials and forms common to and compatible with the neighborhood rather than a modern “stand-out” pallet of materials such as brightly colored corrugated metal siding.
- Environmental remediation of contaminated soils will occur in accordance with Part 201 of the Natural Resources and Environmental Protection Act. Remediation could not occur if existing building was to remain.

#### **SERVICE UNIT COMMENTS:**

Public Services - The additional 4 feet of right-of-way referenced in L3978, P810 is an “Easement for Public Right-of-Way” shall be vacated by City Council prior to issuance of building permits.

Planning – The rezoning of this parcel from C1B to PUD zoning accomplishes many goals identified in the City’s Comprehensive Plan and supporting documents. The existing land use

recommendation designates the site as Commercial-Office land use. This proposed use does meet this land use recommendation. The PUD petition does accomplish several Goals, Objectives, and Action Statements City's Comprehensive Plan as detailed above.

Given the smaller size (less than 10,000 square feet) of this parcel, the evolution of land uses adjacent to the parcel and the goals of the Comprehensive Plan, it was determined that a PUD zoning designation was the most effective path forward. Due to the application of Conflicting Land Use Buffers (CLUB) on both the east and the south sides of the site, required parking, and setbacks, the proposed building could not be developed which addresses the goals of the Comprehensive Plan while contributing positively to the surrounding neighborhood. As noted previously, the parcel to the east is used as residential, but zoned commercial. This property could convert to any non-residential use permitted without application of a CLUB. The parcel to the south is under construction currently and will contain 10 residential units and is zoned PUD. This development does not have a CLUB.

In order to maintain an active street front façade, the front setback was reduced, and the building was moved closer to the front setback line at the sidewalk, which is consistent with other structures in the immediate area. A small patio will also be constructed adjacent to the sidewalk. The reduced parking count also allows for additional retail and office area on the ground floor. The retail/office uses will be required in the Supplemental Regulations for the main floor.

The petitioner is not using a PUD to gain additional density or floor area (MAX FAR permitted is 150%, project is proposing 120%), rather it is being used to create flexibility in the building design to better fit the surrounding area and comprehensive plan goals. To guide in sustainability aspects of the project, additional bicycle parking, EV parking and a minimum 2,000 square foot vegetated roof will be provided and required in the PUD Supplemental Regulations.

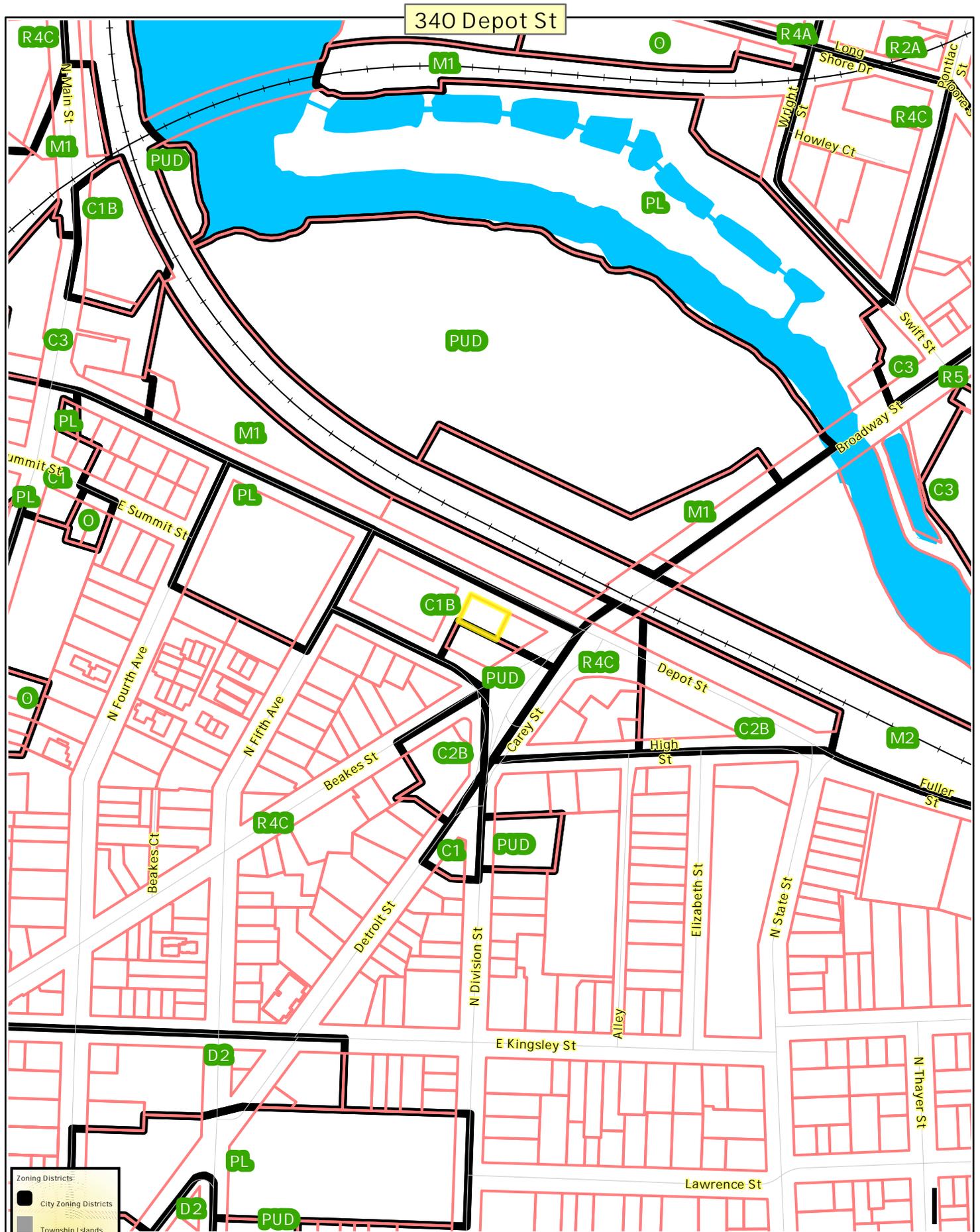
Prepared by Matt Kowalski  
Reviewed by Brett Lenart  
6/1/22

Reference Documents:      [Site Plan](#)  
   [Architectural Plans](#)  
   [Citizen Participation Summary](#)

Attachments:                      Zoning Map  
   Aerial Photo  
   Draft Supplemental Regulations

c: Mark Pfaff, EARMARK Consultants, Inc. (Owner)  
Thomas Covert, Midwestern Consulting, LLC (Project Engineer)  
David Nims, Hobbs and Black Architects

Systems Planning  
Project No. SP21-043, Z21-009



**Zoning Districts:**

- City Zoning Districts
- Township Islands
- Railroads
- Huron River
- Tax Parcels



Map date: 5/13/2022  
 Any aerial imagery is circa 2020 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

340 Depot St



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 9/21/2021  
 Any aerial imagery is circa 2020 unless otherwise noted  
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340 Depot St



-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor 

Map date: 9/21/2021  
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## 340 Depot – Supplemental Regulations

### Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the coordinated and unified development of the identified parcel in harmony with the surrounding neighborhood and presenting a proposed development of mixed-uses.

These regulations seek to promote development of a mix of desirable uses arranged in an innovative and efficient manner that advances the City's land use plans and policies, and revitalizes and provides service to the neighborhood and the City as a whole.

### Section 2: Applicability

The provisions of these regulations shall apply to the property described as follows ("Property"):

(per Absolute Title, Inc., File No.: 90577, Effective Date: March 29, 3021)

Lots 1 and 3, Block No. 8, Ormsby and Page's Addition to the City of Ann Arbor, as recorded in Liber M of Deeds, Page 191, Washtenaw County Records; also free right of way in a strip of land 2 rods wide of Depot Street and running of equal width to Summit Street and adjoining Lots 1 and 2 of said Block 8 on the West of Ormsby and Page's Addition to the City of Ann Arbor, as set forth in Liber 36, Page 666, Washtenaw County Records.

Further, the provisions of these regulations shall be adopted and incorporated into 340 Depot Planned Unit Development Zoning District. These regulations, however, are intended to supplement only those provisions in the City Codes that may be modified as a part of a PUD and shall not be construed to replace or modify other provisions or regulations in the City Codes.

### Section 3: Findings

During the public hearings on this Planned Unit Development Amendment, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the property described above for a three-story mixed-use building containing residential units, retail and office uses.

- (B) The surrounding neighborhood contains existing multi-family developments to the south & west, a train depot to the east and commercial use (restaurant) to the north.
- (C) It is in the best interest of the City of Ann Arbor that the developer maximize buildable area to encourage a viable mixed use project. Eliminating a surface parking lot and locating the building near the front property line with an active patio use will increase the vitality of the immediate area. The project will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety, or welfare.
- (D) The PUD zoning district provides:
- A small-scale mixed-use project providing a minimum of 1,300 square feet of office or retail use on the first floor.
  - Economical land use by reducing the parking provided and using the floor area to provide retail and office uses to activate street frontage.
  - Activation of the ground floor street level through a reduced front setback and required retail or office uses.
  - Minimum 2,000 square feet of a vegetated roof to reduce the cooling & heating load on the building and therefore the carbon footprint of the occupants.
  - Aesthetics consistent with the neighborhood. Building is designed using materials and forms common to and compatible with the neighborhood rather than a modern “stand-out” pallet of materials such as brightly colored corrugated metal siding.
  - Environmental remediation of contaminated soils will occur in accordance with Part 201 of the Natural Resources and Environmental Protection Act. Remediation could not occur if existing building was to remain.
- (E) The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of special privilege nor deprivation of property rights.

#### **Section 4: PUD Regulations**

Permitted Principal Uses of the development as depicted in the attached Site Plan shall include all principal uses in the C1B Zoning District. Ground Floor must remain retail or office uses.

Permitted Accessory Uses shall be as permitted in the C1B Zoning District

- (A) Setbacks:  
North (Front/ Depot St): 4 feet MIN  
East (Side): 0 feet MIN

South (Rear): 0 feet MIN

West (Side/Alley): 0 feet MIN

- (B) Required Open Space: Minimum of 175 square foot outdoor patio
- (C) Vegetated Roof: Minimum of 2,000 square feet of vegetated 'green' roof
- (D) Lot Size: 6,534 square feet (.15 acres).
- (E) Floor Area: Maximum 8,000 square feet.
- (F) Parking: No minimum vehicular parking required, and a maximum of Six (6) vehicle spaces as well as 8 Class A and 4 Class C bicycle parking spaces. A minimum of 33% of all provided vehicular parking spaces shall include installation of electric vehicle charging stations, the remainder of provided vehicular parking spaces shall provide conduit installed (EV-C) for future installation of charging stations.
- (G) Architectural design materials of the building shall be brick, cast stone, metal panel and glass as shown on the approved site plan as shown on plan dated 04/14/2022.
- (H) All mechanical units and solid waste shall be screened from view from adjacent properties.
- (I) Environmental Remediation: The site shall be environmentally remediated to a residential criteria as specified through the State of Michigan Department of Environment, Great Lakes, and Energy culminating in site closure or a due care plan.
- (J) Additional Regulations - Unless specifically noted in these regulations, all other applicable development codes in Chapter 55 shall apply.