# PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 15, 2014

SUBJECT: 121 Kingsley West Site Plan and Rezoning for City Council Approval

(121 West Kingsley Street) File Nos. SP14-024 and Z14-019

#### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 121 Kingsley West Rezoning from PUD (Planned Unit Development) to D2 (Downtown Interface) with a Secondary Street frontage.

#### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 121 Kingsley West Site Plan and Development Agreement on the condition that a license agreement is executed with the city to address the existing building's encroachments.

#### STAFF RECOMMENDATION

Staff recommends that the rezoning request be **approved**, because the ORL zoning district will allow uses that are consistent with the approved South State Street Corridor Plan recommendations and would be compatible with the surrounding RE zoning district.

Staff recommends that the site plan be **approved**, because the contemplated development complies with applicable local, state and federal laws, ordinances, standards and regulations; and does not cause a public or private nuisance and does not have a detrimental effect on the public health, safety or welfare. The site does not contain any natural features.

# **LOCATION**

The site is located on the southeast corner of West Kingsley and North Ashley Streets. It is in the Downtown Planning Area and the Allen Creek sub-watershed.

#### **DESCRIPTION OF PROJECT**

The petitioner is proposing to construct a 3 ½-story addition on the back of an existing two-story brick building on the site, and a 4 ½-story building at the corner of West Kingsley and North Ashley. The existing building is 2,539 square feet, and the proposed building area on the site is 40,689 square feet. The estimated construction cost is \$6,500,000.

121 Kingsley West Site Plan July 15, 2014 Page 2

One curb cut is proposed off West Kingsley Street, and parking is below the building at grade, with twenty-nine formal spaces. Twenty spaces are enclosed behind garage doors off the central driveway, along with three covered spaces that are not enclosed. There are an additional six enclosed spaces off the alley. Two vehicular parking spaces are required for the residential premium. There is an elevator from the parking level beneath each building. Fourteen class A bicycle parking spaces are required, and will be provided in a dedicated bike



Perspective drawing, looking south.

room at the parking level of the east building. Three class B bicycle spaces will also be provided in the east building's garage.

The west building, at the corner, is designed with the streetwall at the top of the third floor. At this corner, the site slopes down to the west, so most of the basement wall is exposed. A ten-foot offset will be provided along the West Kingsley Street frontage. Along North Ashley Street, a 36-foot offset will be provided for ten feet of the frontage at the south end of the building. The applicants are utilizing the option to average the offset around the two fronts of the building, and are providing twice the minimum required offset along West Kingsley while grouping the South Ashley offset at the south end of the building.

One existing 14" Norway Maple street tree will be removed, and ten required street trees will be planted on both frontages. Bank full stormwater from the site will be collected and stored in an underground detention system and infiltrated through a series of perforated pipes below the driveway. Emergency overflow has been designed to direct water into the public storm sewer to prevent the parking area from flooding.

Residential use premiums are being utilized to attain the 247% floor area ratio. The project will achieve a minimum of two LEED points, which will be verified prior to the issuance of building permits.

The petition includes a proposal to rezone the properties from PUD (Planned Unit Development), which is leftover from an earlier site plan that is now expired, to D2 (Downtown Interface), which is an appropriate zoning district for multi-family use and for the location. The petitioner has also requested that the frontage designation be changed from Front Yard (with a 15-foot minimum setback) to Secondary Street (which has a zero to 15-foot setback. The existing building on the site has a zero foot setback. The proposed new construction has a 7.35-foot setback on West Kingsley and an 8-foot setback on South Ashley.

121 Kingsley West Site Plan July 15, 2014 Page 3

A development agreement has been created for the project primarily to address easements for encroachments onto the City right of way by the existing building, onsite stormwater management, verification of LEED points, six required footing drain disconnects, future façade alterations, and the contribution to Parks and Recreation Services.

The petitioners held a citizen participation meeting on April 7, 2014 at the Kerrytown Concert House, and fifteen people attended plus the design team. Questions were answered regarding the size of the buildings, shading on neighboring properties, stormwater, traffic and driveways, and façade details. A report is attached.

#### SITE HISTORY

The site was originally platted as two lots with an east/west division. The southern of the two lots contained a two-story house by 1888 with the address 30 North Second Street. (By 1892, the street was renamed North Ashley, in honor of James "Big Jim" Ashley, who was portrayed in the 2014 movie *Lincoln* as the reader of the Emancipation Proclamation in front of Congress while he was a Republican Congressman from Ohio.) That house was removed sometime in the early 20<sup>th</sup> century. The existing two-story brick building on the site first appears in the 1947 Polk City Directory as the home of the Immel Wilson Packing Company, wholesale meats. The northwest corner of the site has never been developed.

# **SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Residential	R4C (Multi-Family Residential)
EAST	Office/Residential	D2 (Downtown Interface) Kerrytown Character Overlay District
SOUTH	Office	D2 (Downtown Interface) Kerrytown Character Overlay District
WEST	Residential	D2 (Downtown Interface) Kerrytown Character Overlay District

# **ZONING COMPARISON CHART**

	EXISTING	PROPOSED	REQUIRED
Zoning	PUD (Planned Unit Development)	D2(Downtown Interface); Kerrytown Character Area; Secondary Street Frontage	D2(Downtown Interface); Kerrytown Character Area; Secondary Street Frontage
Gross Lot Area	16,451 Sq Ft	16,451 Sq Ft	No MIN
Floor Area	2,539 Sq Ft	40,689 Sq Ft	n/a
Floor Area Ratio	2.5%	247%	200% MAX/400% MAX with Premiums
Building Height	20 ft	58.4 ft	24 ft/2 stories MIN 60 ft MAX
Streetwall Height	2 stories	3 stories	2 stories MIN 3 stories MAX
Setback – Kingsley Front	O ft	7.35 ft	0 ft MIN/10 ft MAX
Setback – Ashley Front	92 ft	8 ft	0 ft MIN/10 ft MAX
Setback - Side	1 ft encroachment	0 ft	0 ft
Setback – Rear	93 ft	5.4 ft	0 ft
Parking – Automobiles	16	29	2 (Residential Premium Requirement in Special Parking District)
Parking – Bicycles	0	14 Class A 3 Class B	14 Class A MIN

# PLANNING BACKGROUND

The *Downtown Plan* is based upon several guiding values which articulate the most fundamental elements of the downtown. These values include providing a diversity of uses and accommodating a diversity of users, and providing a viable economy, a "green" and energy-efficient built environment and transportation network and social and cultural opportunities. Dense land use and development patterns which draw people downtown and foster an active street life, contribute to its function as an urban neighborhood and support a sustainable transportation system is a goal expressed in the *Plan* (page 22) as well as encouraging a diversity of new downtown housing opportunities and expansion of the downtown resident population to strengthen downtown's role as an urban neighborhood, continuing to seek a range of age groups and income levels in the downtown (page 24).

Some of the applicable land use goals and objectives for this site from the *Downtown Plan* include:

- Goal: Encourage dense land use and development patterns which draw people downtown and foster an active street life, contribute to its function as an urban residential neighborhood and support a sustainable transportation system.
- Goal: Promote downtown as the center of commerce in the community. Strengthen and expand a balanced mix of downtown's active uses, such as shops and services, restaurants, and entertainment attractions, by providing convenient transit and parking, a quality pedestrian environment, strategically located vehicular and bicycle parking, and a diverse land use context needed to support a successful retail environment.
- Goal: Encourage a diversity of new downtown housing opportunities and the expansion of the downtown resident population to strengthen downtown's role as an urban neighborhood. Continue to seek a range of age groups and income levels in the downtown.
- Goal: Preserve and enhance incremental transitions in land use, density, building scale and height in the Interface areas located between downtown's neighborhood edges and Core Areas.
- Goal: Encourage new development to reinforce historic buildings' contribution to downtown's identity and pedestrian orientation.
- 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 high-rise buildings create negative impacts in terms of scale, shading, and blocking views.

#### STAFF COMMENTS

<u>Systems Planning</u>, <u>Engineering</u> – Six footing drain disconnections are required, and the developer has agreed to show two sewer leads instead of one. A license agreement with the city is required to address the existing building's encroachment onto city property.

<u>Planning</u> - The bike room must contain 14 class A spaces and be fully enclosed. The petitioner's architect has worked out a suitable plan for this, which will be added to the plan set before it is scheduled for City Council review.

<u>Design Review Board</u> – The Design Review Board reviewed the proposed design at their meeting of March 19, 2014 (minutes attached). The Board concluded the project generally met the intent of the Downtown Design Guidelines, suggestion only ways in which to refine the proposal. The Board's main criticism was noting a weak connection between the proposed design of the new buildings with the existing two-story building.

121 Kingsley West Site Plan July 15, 2014 Page 6

Prepared by Jill Thacher Reviewed by Alexis DiLeo 7/15/14

Attachments: Citizen Participation Report

March 19, 2014 Design Review Board Minutes

Location Map

Zoning and Parcel Map

Aerial Photo Site Plan

Landscape Plan

Elevations

c: Owner: Berg Family, LLC

3656 West Huron River Drive

Ann Arbor, MI 48103

Petitioner: Huron-Kingsley, LLC

Thomas R. Fitzsimmons 408 North First Street Ann Arbor, MI 48103

City Attorney Systems Planning File Nos. SP14-024, Z14-019 Meeting Date April 7, 2014 5 PM Kerrytown Concert House

# <u>Summary of neighbor concerns and statement from development team on how to</u> address those concerns

1. Overall building size – there was mixed opinions from neighbors and attendees on the overall building size with some opposed to the design and some in favor of it.

The building is actually three components – the existing 2 story building, the 3 story + mezzanine building behind it, and the 4 story + mezzanine west building. The development team believes that the overall size and character of the project is appropriate for the D2 area, and will serve as a transitional building between high rise buildings in the D1 district and residential dwellings in the R4C district nearby. The tallest component of the project, the west building, is still under the 60' height limit, and has setbacks at the third floor and again at the mezzanine level to break up massing.

2. Building shading neighbor properties

The development team prepared a series of sun studies for the neighbors, and demonstrated that between the months of April and September there would be no shading of adjacent properties by the new building. Longtime neighbor Kay Kendall, who had asked for the study, was pleased with the result.

3. Storm water – neighbors were concerned with the proximity of the project to the floodplain and asked that the development team would try to take advantage of water infiltration, if possible, when designing the storm water detention system.

The site plan has been revised showing the storm water system with perforated pipe to allow water to infiltrate the ground as possible.

4. Project entrance on Kingsley – neighbors expressed concerns with the entrance on Kingsley, general traffic issues/problems with speeding, and concerns at the corner of Kingsley/Ashley relating to traffic.

An entrance on Ashley was considered, but was determined to be unfeasible due to significant grade changes which would not meet engineering standards for a drive approach. In addition, an entrance on Ashley would require the removal of 3 street metered parking spaces. The development team believes that the entrance on Kingsley, which has been proposed and approved in two previous site plans for this site, is actually a better choice as cars turning into the development will slow down and have a "traffic calming effect" on Kingsley.

5. Street parking – neighbors expressed concerns that on street parking is becoming more difficult, and asked the development team to investigate limiting the use of residential parking permits for future residents of the development

There are currently 39 parking spaces provided for 22 units in the development. In addition, metered parking in available in front of the project on N. Ashley. The development team has no idea if it even has the ability to restrict residential parking permits, and has offered to investigate further.

# 6. Uninteresting North façade

Balconies have been added to the northeast corner of the west building. The development team also prepared 3D renderings of the project to show the interaction between the existing 2 story building which will remain on site, the new east building behind it, and the taller west building.

7. Limited sight line for vehicles exiting the development (blocked view by pedestrian access to the site/wall and steps)

The pedestrian access/steps were redesigned with a lower wall and railing so that this view is no longer blocked

8. Solar/LEED/electric vehicles?

Project architect Marc Rueter explained that the current building design including material selection, building envelope, and systems would qualify for a Silver LEED rating. The development team listened to specific suggestions on solar panels and plug-in chargers for cars, and has agreed to continue this discussion as the project moves forward

# **Attendees:**

Development Team: Tom Fitzsimmons, Peter Allen, Mark Berg

Design Team: Marc Rueter, Rueter and Associates

Sally Allen Fran Berg

NAME	ADDRESS	Contact
Charlie Crone	3677 Oakmore Ct.	327-1423
		ccrone@boaa.com
Jim Plummer	37 Valhalla Dr.	Jplummer@boaa.com
Ethel Potts	1014 elder blvd	pottsethel@att.net
Tim O'Boyle and Wife Trina	419 N. Ashley	oboylet@me.com
J. Stickney	111 N. Ashley	minerphan@hotmail.com
Cyndi Ives	509 N. Ashley	<u>ives@sitheglobal.com</u>
David Crouse	509 N. Ashley	crousedavid@hotmail.com

Ed Lynn	511 N. Ashley	edwardjlynn@yahoo.com
Mike Hardy	210 W kingsley st.	Hardym2@yahoo.com
Fran Wright	455 Hillsdale	
Sandi Smith	515 N. Ashley	
Roger Lelievre	523 N. Ashley	roger@knowyourships.com
Jen LakenBurl	425 W. Liberty	jen@savarinoproperties.com
Shannon Gibb-Randall	200 Mark Hannah	995-4194

# **Notes**

Introductions History by Marc **Project Overview** 

Review of design boards

Review of meeting and changes from design review meeting at city

Potts: "how many feet high is it?" A: 60'

David Crouse: "For it" "have two major concerns"

Tom: "have 21 units and 39 parking spaces"

<sup>&</sup>quot;Traffic issues"

<sup>&</sup>quot;And parking issues"

<sup>&</sup>quot;Think the traffic coming down Kingsley is dangerous"

<sup>&</sup>quot;think about a entrance on Ashley"

<sup>&</sup>quot;also worry about guests, etc. filling up on street spaces"

<sup>&</sup>quot;possible for city to say these people (who live there) cannot get residential permits?"

<sup>&</sup>quot;not sure about permits"

not sure what we can do about issue of drivers going wrong way on one-way

David: what about a four way stop"

"Kingsley is a cut through around Main Street"

Marc R.: site lines from the exit enable the driver to see intersection.

Tim O'boyle: two concerns: height and style. Design and height does "not match" neighborhood. Quotes from ordinance for zoning. "Dominating corner". Like to see "come down". Likes Ashley mews.

Tom: D2 zoned areas will be redeveloped. Mentions setbacks. This height matches the height on those houses on Main Street to the east. And we are taking back

Shannon: "completely disagree. think we need to accept that this property was rezoned to a d2 area.

:how are you dealing with storm water?

like massing. Like modern with the Kerrytown vibe. Do not like color. "screams eighties" "How are you dealing with storm water?"

Marc: we want "color". The color on boards is not correct. Design review said they likes the color idea.

Marc: "Storm water will be handled for a 50 year flood event" Marc: "it will be better than what is currently run off'd from site." "also doing 6 FD disconnects"

Shannon: highly encourage to "use" sandy soils. Use perforated tiles to drain to earth.

Tom: "sounds good"

David: "think about solar panels"

Cyndi: question about set backs. Confirmed it's not like city lofts on Washington st. "snow removal concerns"

Tom: Association will deal snow just as all buildings do.

Gentleman with polo shirt on: "what is the breakdown of units?" concerns about each bedroom having a parking spot."

Tom: do not expect have more cars than spots available. Understand that there is on street parking and parking structures.

David: would you contemplate having car chargers?

Tom: talking with clients about those options.

Peter: Talk about the type of people living here.

Tom: People who love downtown living. University types. Empty nesters. Downsizers.

Schedule wise, hope to have final approvals by August. Need to go to two council meetings. Going to be year plus construction schedule. Late 2015 on the boards right now.

David C.: are you going to get LEED cert.

Marc.: going to be silver, but not accredited.

Tom:

Kay: lucky to have that open space for so long. "ok with it". Confirmed solar studies.

#### 116-120 W. Huron Mixed Use Building

#### **Design Review Board Comments**

Wednesday, March 19, 2014

Members Present: Tamara Burns, Chet Hill, Dick Mitchell, Paul Fontaine, Bill Kinley

Members Absent: Geoff Perkins

Staff Present: Alexis DiLeo

Meeting Started: 3:05 p.m.

Project Number DR14-005 (Legistar #14-0430)

The Design Review Board met on March 19, 2014 to review the proposed design for a new development at 111 West Kingsley Street, presently named "121 Kingsley West". The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal and subsequent site plan submittal.

# Description of Project

The design team described the proposed project to construct two multiple-family residential buildings containing 18 dwelling units on the site which already contains a two-story commercial/office building. The proposed buildings are oriented parallel to South Ashley Street and the midblock alley, perpendicular to West Kingsley Street. The new East building is proposed to be a southern extension of the existing building on the site and has 4 dwelling units. The new West building has 14 dwelling units. A deck at the main level will connect both buildings.

# **Summary of Priority Issues**

The Design Review Board concluded that the project generally met the intent of the Downtown Design Guidelines, but still suggested ways to refine the proposed design. Examples of especially applicable guidelines are noted in parenthesis; the full text of each referenced guideline is provided at the end of the summary. Please note that the First Street Character guidelines also apply.

# Site Planning

- 1. Sidewalk level features to enrich the pedestrian experience are provided, more so on South Ashley Street compared to West Kingsley Street. (A.1.2)
- 2. Overall, the proposed project will help this underdeveloped block. It is an inviting and interesting development that will strengthen the vibrancy of this neighborhood within downtown. (A.1.6)

- 3. Will the residential buildings on the north side of West Kingsley Street be shaded by this development? To what degree? (A.2.2)
- 4. Should storm water infiltration be a higher priority than storm water retention, which is currently proposed, given the site is so relatively near the Huron River? (A.2.6; A.2.7)
- 5. Ensure the proposed driveway to the development on Kingsley has adequate sight distance for vehicles entering and exiting. Westbound Kingsley to northbound South First Street is a popular route to bypass Main Street and most drivers do not expect other vehicles to stop midway down the Kingsley hill to enter a driveway, nor anticipate other vehicles exiting driveways to join the traffic flow. (A.4; A.4.1)

#### **Buildings**

1. The Board strongly encouraged the designers to follow through with the contrasting and vivid color scheme shown on the application materials. Using color is a wonderful, and underutilized, way to define smaller masses within a larger project. (B.1.1; B.1.2.c; B.1.4.b)

# **Building Elements**

- 1. Many of the features, details and elements recommended by the Downtown Design Guidelines for Building Elements have been incorporated into the proposed design. The street edge, entries, windows, materials and colors are in keeping with the goals of the Guidelines. (C.1.1; C.2; C.3; C.5)
- 2. Additional consideration could, and should, be given to sustainability in building elements. Photo voltaic panels might be included to power certain lighting needs. (C.6.1)

#### **Additional Discussion Points**

The Board's main criticism of the proposed design was the weak connection between the proposed design of the new buildings with the existing two-story building on the site. They suggested subtle refinements be made to the new buildings to better integrate, respect and coordinate the entire development.

Referenced Sections of the City of Ann Arbor Downtown Design Guidelines:

- A.1.2 Design sidewalk level features and facilities to provide enrichment of the pedestrian experience.
- A.1.6 Where adjacent properties are underdeveloped and/or the block lacks inviting and interesting characteristics, consider a building, site and streetscape design that helps to create a vibrant pedestrian setting.
- A.2.2 Site designs should accommodate solar access and minimize shading of adjacent properties and neighborhoods.
- A.2.6 Where location and site size allow, consider use of a rain garden or vegetated roof to retain rainwater and serve as a site amenity, and employ rainwater harvesting methods for use in landscape irrigation systems.

- A.2.7 Use porous materials in drainage and detention areas to promote rainwater percolation into the parent soil.
- A.4 Parking, driveways and service areas are necessary functions, which should be designed to benefit the urban experience.
- A.4.1 Locate and size driveways, access points, service entries, alleys, loading docks, and trash receptacles to minimize impact on pedestrians and maintain pedestrian safety, circulation, and comfort.
- B.1.1 Design a building to minimize its impact on adjacent lower-scale areas.
- B.1.2 When a new building will be larger than surrounding structures, visually divide it into smaller building modules that provide a sense of scale. Suggested strategies include: ...
  - B.1.2.c Change wall surface materials, colors or texture.
- B.1.4 If appropriate to the context, establish a design treatment that includes a differentiated building top. Suggested strategies include: ...
  - B.1.4.b Change wall surface materials, colors or textures of the building top.
- C.1.1 Use building elements to create a street edge that invites pedestrian activity.
- C.2. The location, spacing and general pattern of building entries impact the quality of the pedestrian experience downtown. Building entries should be located to enhance the street level experience and help give a sense of scale. Entries should be clearly defined, accessible, and located to express rhythm and visual interest along a street front. Although traditional building entry designs may be appropriate, creative and contemporary interpretations are also encouraged.
- C.3 Window design and placement should help establish a sense of scale and provide visual interest.
- C.5 Building materials should reinforce the massing and architectural concepts and enhance the character of the building and its context.
- C.6.1 Integrate solar or wind systems into the design of the top of the building.

#### **Public Comments:**

Cindy Ives, 509 North Ashley Street – explained that she worked from home and shared her concerns about parking for guests of the development, both on and off-street, and shared how difficult it was to drive and park on the neighborhood streets when snow banks lined both sides of the street.

Kay Kendall, 122 West Kingsley Street – shared her concerns about traffic speeding down the Kingsley hill, and wondered if the proposed development would shade her garden.

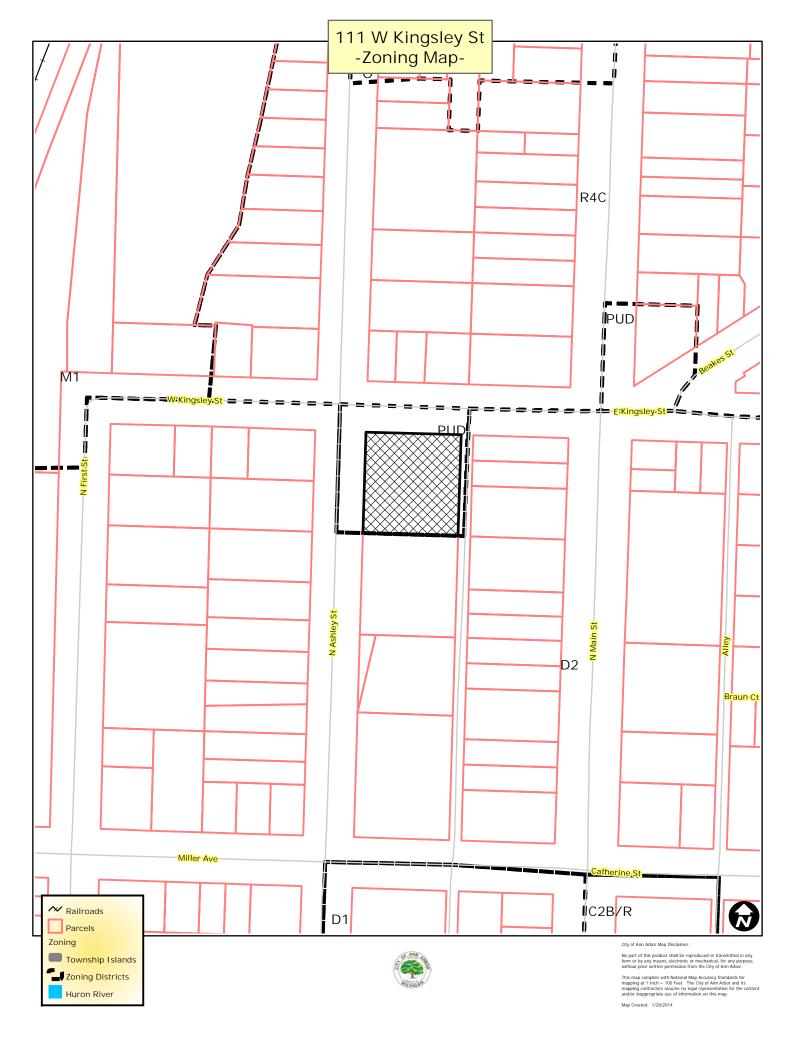
Ray Detter, Downtown Citizens Advisory Council to the Downtown Development Authority – indicated the DCAC will approve the project and appreciates the care exercised in the height and massing scheme. He asked about the outside lighting plans.

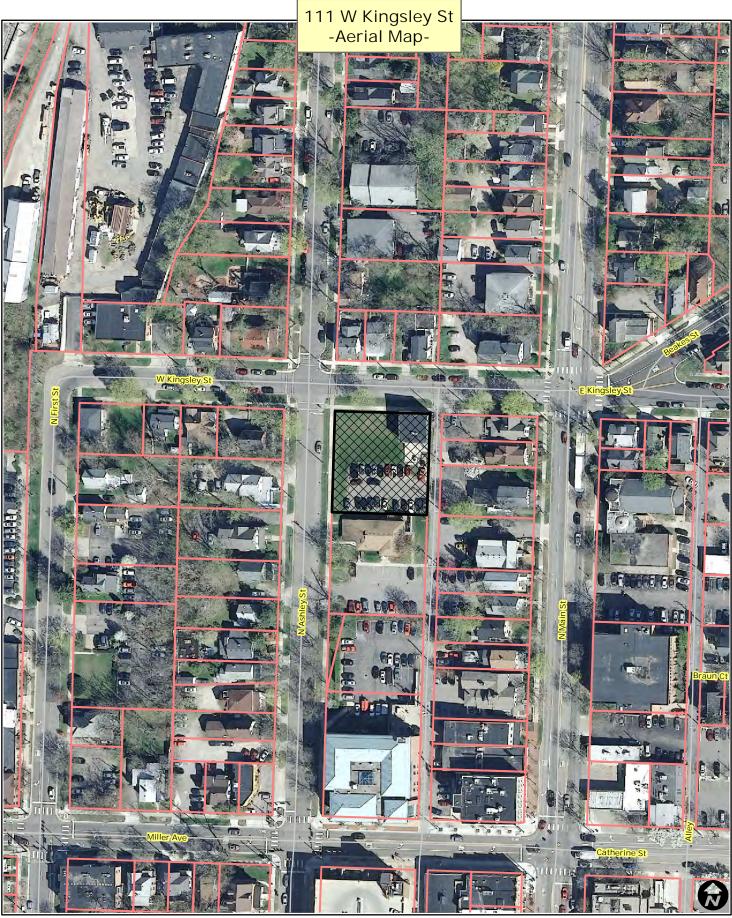
Meeting Adjourned: 4:20 p.m.

First Street Character District – The First Street character area lies to the west of the Main Street and Kerrytown districts, and forms the eastern edge of the Old West Side Historic District. The topography forming the Allen Creek Valley with its flood plain, the buried/piped Allen Creek, the Ann Arbor Rail Road track with its historic, turn-of-the-century industrial architecture, and the proposed future Allen Creek Greenway, are distinct aspects of this district needing recognition during any First Street District proposed project design. The mixture of historic and non-historic residential and industrial architecture, and the valley land form, gives this area a distinct difference from other downtown character districts.

The area is a mixed use linear district (north to south) that follows the railroad track's older industrial railroad buildings, some of which have been converted into occupied industrial, construction, and other office uses, occasional art and dance studio activities, bars and nightclubs. The district also includes residential frame two and three-story structures. The relatively quiet mixed-use neighborhood streets are highlighted by elevated train tracks with trestle bridges above east-west crossing streets from Washington Street north to Miller, and with wooden warehouse-like structures along the tracks, some of which are currently empty. The presence of the Allen Creek Flood Plain and the railroad track and its trestles are unique attributes worthy of design consideration.

The district's urban landscape largely consists of tree lined streets with relatively consistent lot spacing, and an occasionally vacant parcel. At times, a triangular shaped parcel caused by the orientation/alignment of the tracks is in contrast with the local streets. The future Allen Creek Greenway should be given design consideration as a potential element of all First Street Character District proposals.









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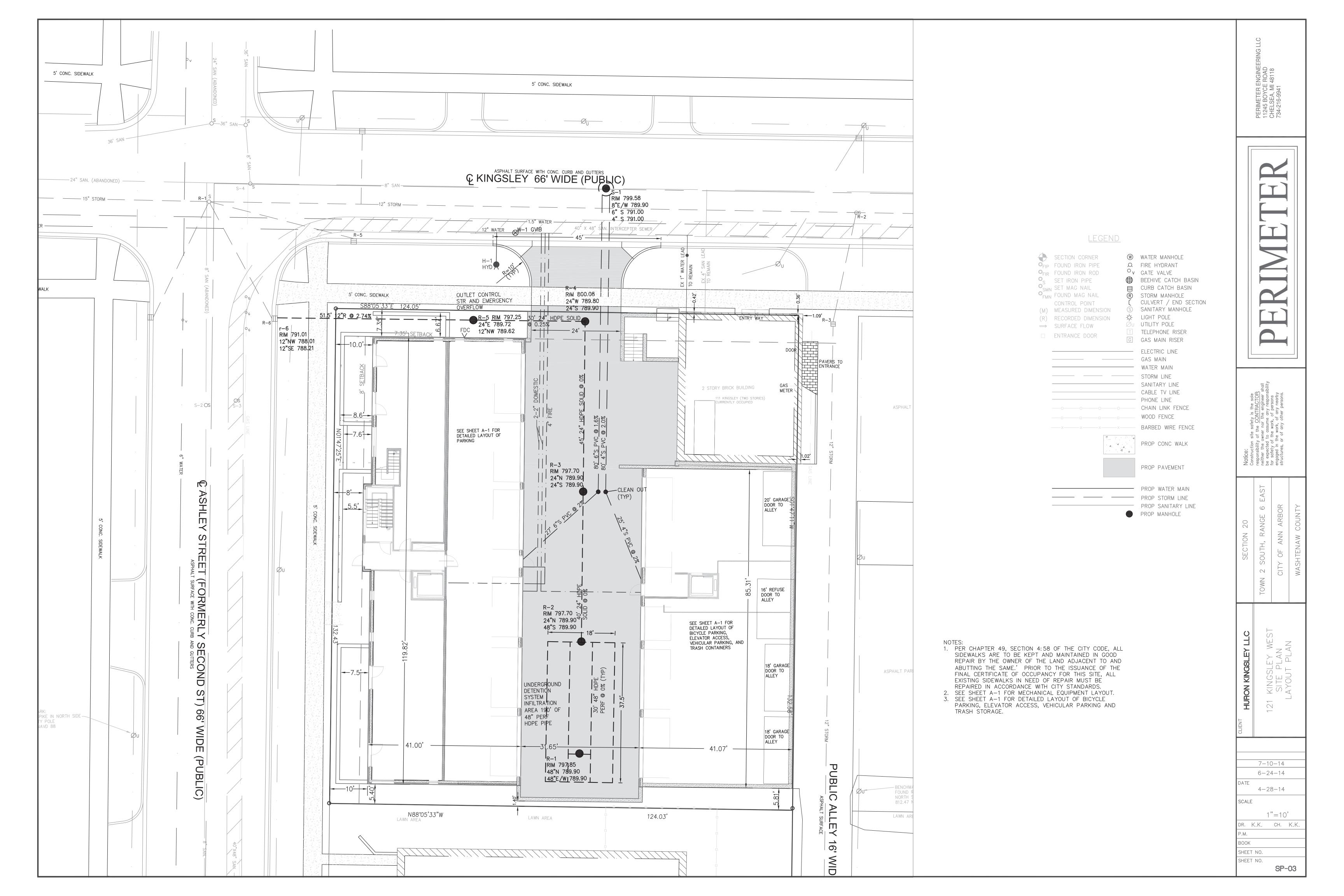


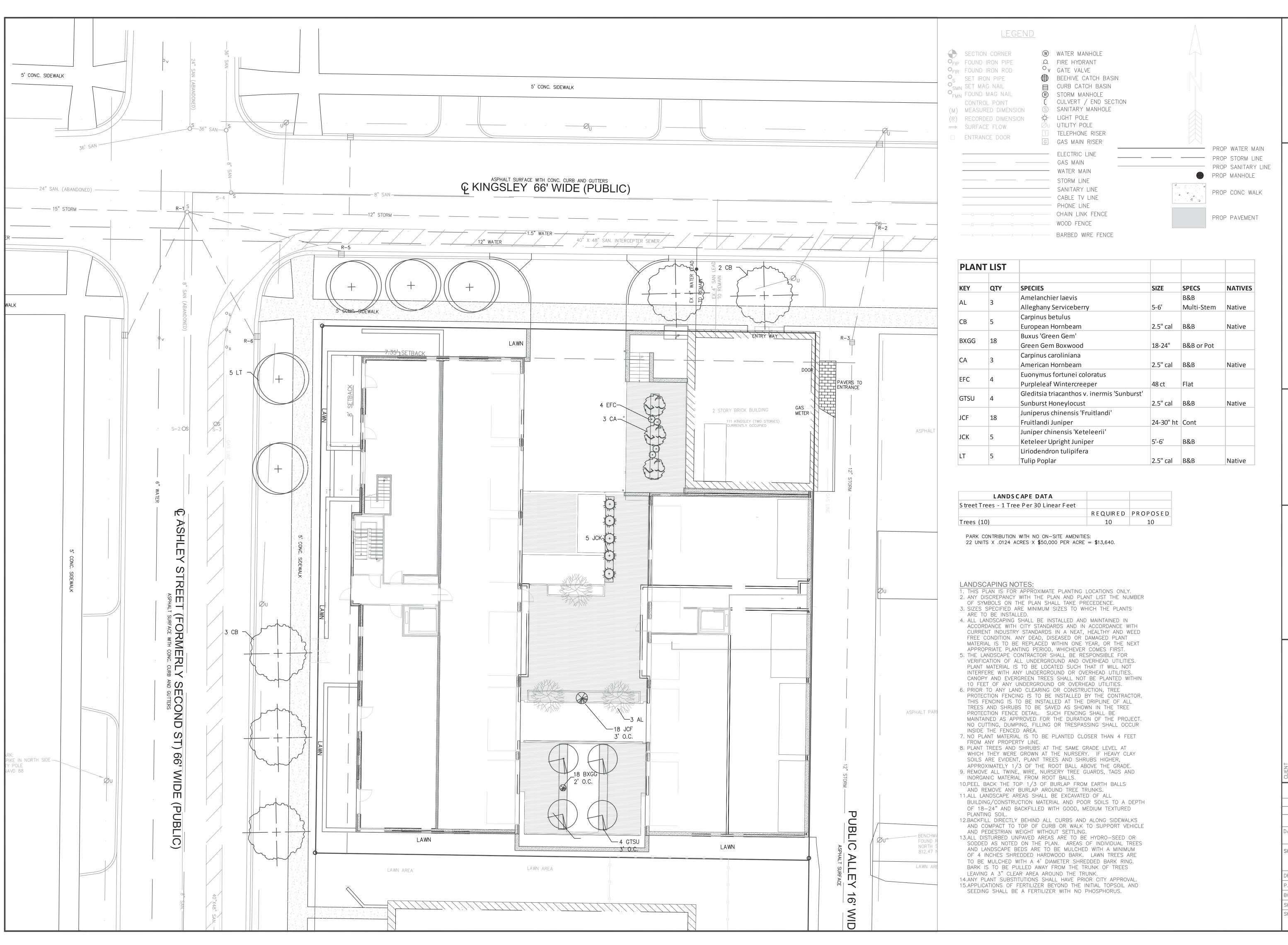


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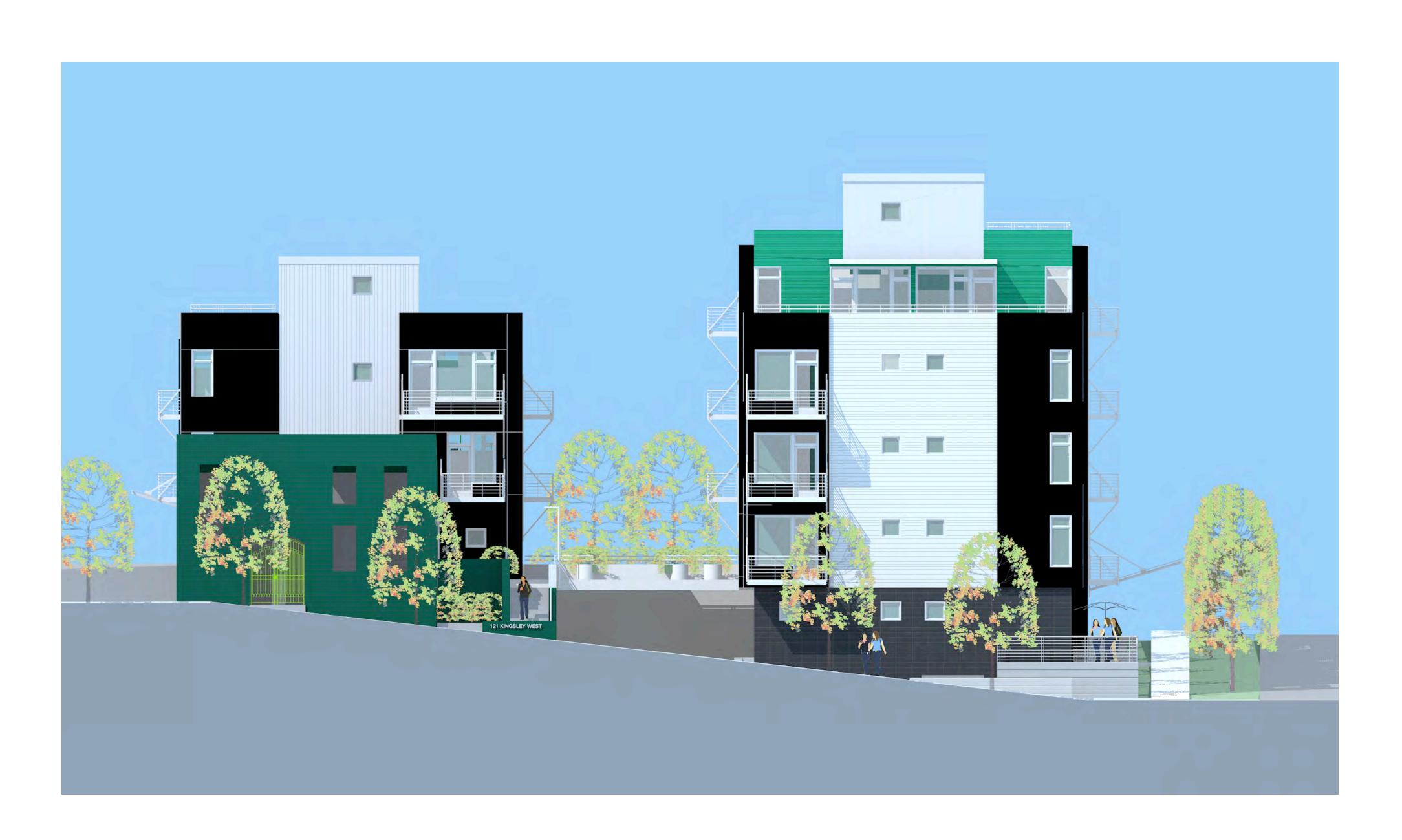
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4-28-14 SCALE 1"=10' DR. K.K. CH. K.K.

SHEET NO. SHEET NO.



# WEST ELEVATION Scale: 1/8" = 1'-0" on 24" x 36"



NORTH ELEVATION

Scale: 1/8" = 1'-0" on 24" x 36"



SOUTH ELEVATION

Scale: 1/8" = 1'-0" on 24" x 36"



Scale: 1/8" = 1'-0" on 24" x 36"