

Modification or Elimination of C1A and C1A/R Zoning Districts

City Council Discussion – July 6, 2020

The following concepts, ideas, and rationale were discussed by the City Council on July 6, 2020:

- These zoning districts were adopted in the mid 1960's to allow for high rises in the downtown and campus area; Until the 1140 Broadway development, the districts hadn't been applied to any new properties for about 20 years;
- The districts should be reviewed to determine whether they are antiquated and obsolete, and whether they should be eliminated.
- The City experienced C1A/R for the first time in lowertown, which has caused difficulty in Ward 1. Much unanimous feedback from neighbors expressing the problems that will now occur due to zoning. Neighbors hope that these problems don't have to be experienced by other neighborhoods in the future.
- PUD was the preferred option for 841 Broadway, 325 E. Summit, and 1140 Broadway, because of associated public benefits, especially affordable housing.
- It is wise and prudent to revisit any parts of our code drafted in the 1960s.
- 325 E. Summit was an attempt to force fit a campus business district for a project that was not a business, and not in a campus area.
- Provide clarity and guidance where these districts are appropriate.
- There are no height limits in these districts. When there are no height limits, compatibility with surrounding areas becomes risked/more critical.

Adopted City Council Resolution – July 6, 2020

Resolution to Impose a Temporary Moratorium on all New Development or Expansion of Existing Development that Requires Site Plan Approval in the C1A and C1A/R Zoning Districts, or Rezoning to the C1A or C1A/R Zoning Districts, in Conjunction with the Study and Revision of the Unified Development Code Related to these Districts

Whereas, The City's Unified Development Code (UDC), includes the C1A (Campus Business District) and C1A/R (Campus Business Residential District) among the zoning districts allowed in the City;

Whereas, The UDC states that the C1A zoning district is:

... intended primarily to serve as a neighborhood shopping area for the university-oriented population that is concentrated around it, providing goods that are day-to-day needs, specialty shops, and recreation. While the primary function of this district is to serve as a neighborhood shopping area for the student/faculty population concentrated around it, it also has a community-wide orientation due to its unique and distinctive commercial function peculiar to university-oriented population. These districts shall be located in close proximity to the central area of the City. (Section 5.12.2)

Whereas, The UDC states that the C1A/R zoning district is:

... intended to encourage the orderly clustering and placement of high- density residential and complementary commercial development near the campus business district. (Section 5.12.3)

Whereas, C1A and C1A/R zoning districts are currently in limited use in the City, with the largest concentration of these districts near the intersection of State Street and Packard Avenue;

Whereas, Recent development projects have requested rezonings to C1A and C1A/R, which have led to Council discussion of the appropriateness of these zoning districts in neighborhoods farther from the University of Michigan's campus, and specifically, has raised concerns about what is considered "in close proximity to the central area of the City", or "near the campus business district" as stated in the UDC;

Whereas, These recent development projects have brought to the forefront the need for: clarification of where or whether these zoning districts should be used in the City; provision of clear guidance to petitioners and the public of the appropriate locations of these districts; revision of the standards of each district so that these zoning districts reflect the appropriate scale and character of surrounding areas and neighborhoods; as well as that the uses and development allowed in these districts are not detrimental to the public health, safety, and welfare of the City;

Whereas, City Council recognizes the irreplaceable physical, cultural and historical attributes of the City's neighborhoods that the City could lose if this revision of the City's zoning ordinances is not completed;

Whereas, City Council has concluded that, during the consideration of these revisions, it would be counter-productive if new development or significant expansion of existing development in these zoning districts, or rezonings to these zoning districts, were allowed to move forward; and

Whereas, City Council acknowledges that delays produced by a moratorium could lead to inconvenience, and therefore will exempt certain types of petitions and applications from the moratorium, and shall provide for exceptions to the moratorium in exceptional circumstances;

RESOLVED, That City Council hereby direct the Planning Commission to evaluate the continued viability of the C1A and C1A/R districts and make recommendations whether to eliminate or modify the C1A and C1A/R zoning districts consistent with this resolution within 180 days;

RESOLVED, That City Council hereby imposes a temporary moratorium on any request to rezone from other zoning districts to C1A and C1AR, and that any petitions or applications for such items be deferred for a period of 180 days from the date of this resolution in conjunction with the study and revision of the zoning ordinances pertaining to these districts, with the following exceptions:

- Approval of development, redevelopment, or the issuance of building permits for projects that do not require an approved site plan, including but not limited to construction of or addition to one single or two-family dwelling or accessory structure on a parcel;
- Applications or permits which involve routine repair and maintenance for an existing permitted use;

RESOLVED, That any aggrieved petitioner or applicant shall be entitled to receive a hearing by the City Council to show that the temporary moratorium established in this resolution will result in the preclusion of any viable economic use of their property, or will otherwise violate applicable provisions of State or Federal law, and if the City Council finds that an aggrieved petitioner or applicant makes such a showing, the City Council may grant relief from the moratorium to the degree necessary to cure the violation:

RESOLVED, That City Council finds it necessary to impose this temporary moratorium in order to promote the public health, safety, and welfare of City residents; and

RESOLVED, That, prior to the expiration of this moratorium, City Council may extend it for an additional 180 days to allow sufficient time to consider appropriate ordinance revisions.

7/14/20 – Planning Commission Working Session – Notes/Concepts to Explore

- Consider potential overlap with transit supportive zoning development
- Community experience has evolved; Districts no longer serving small subset of City; University now a more significant impact on the City – primary driver of ~80k daily commuter trips
- Broadway area; constant stream of non-motorized commuters to the medical campus; This area is appropriate to consider in context/connection of medical campus;
- District might be appropriate in its current state, but evolved from its campus-oriented descriptions and names
- Proposals for these districts often include a proposed height condition, consider adding a height limit
- Consider requiring mixed-uses
- Keeping districts affiliated with the University is appropriate, as it is the biggest influence on the City

8/25/20 – Discussion Concepts

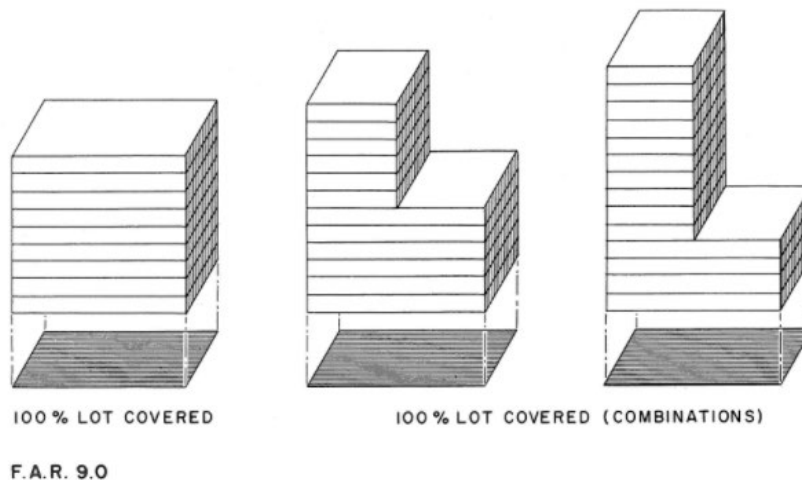
Based on the Planning Commission's discussion to date, the following are suggested areas to consider for C1A & C1A/R Zoning Districts:

Height

While the C1A and C1A/R zoning districts regulate overall massing of structures through maximum Floor Area Ratio, the past instances of applications have included voluntary height limitations proposed by the applicants:

- 1140 Broadway (now Beekman on Broadway) – Approved - Voluntarily proposed a maximum height of 100 feet for most of the site, with 60 feet maximum for the area closest to the adjacent neighborhood
 - Adjacent neighborhood is zoned R4A (maximum height 45 ft.), then transitions to R2A (maximum height 30 ft.)
- 325 E. Summit – Defeated – Voluntarily proposed a maximum height of 65 feet (Adjacent properties on block zoned C1B (maximum height 50 ft.); Block across street to south zoned R4C (maximum height 30 ft.)

Generally, FAR regulation coupled with a height limitation has the effect of requiring shorter, compact buildings that more fully take up a property. An FAR requirement without a height limit provides more flexibility for variation of footprint, when the height can be extended to provide floor area, however, currently the City's regulations allow, but don't require such variation:



Illustrations of Floor Area Ratios. Source: *A New Zoning Plan for the District of Columbia*.
Harold M. Lewis, 1956.

City staff is working to assemble information to suggest methods and/or proposed height limitations to consider.

Location

If a campus orientation to the names, and intention of the zoning districts are maintained, the ordinance could be amended to add locational restrictions relative to Campus areas. To consider such amendments the City would need to consider where/how to define campus areas, an appropriate buffer/measure/parameter that would determine the appropriate relationship (e.g. a xx minute walk, a xx minute bike ride, an xx minute transit trip, an xx minute vehicle trip). If the relationship was more proximate, and relies more heavily on alternative transportation modes, then parking requirements

associated development in these districts should be evaluated for elimination and/or modifications. A map of campus areas is provided for discussion.

Mixed-Use

Mixed-Use requirements is a concept that has been considered for a transit-supportive zoning district as well. The City could consider requiring a mixed-use component to proposed developments in these areas. The City should consider this in the context of proposed project locations, existing commercial land uses, and market fluctuations.

Incorporating this amendment may take the form of requiring a minimum percentage of the development floor area being designed and designated for non-residential uses.

9/16/20 – Ordinance Revisions Committee

Proposed Amendments:

The Planning Commission finds that the C1A and C1A/R Zoning Districts do provide a development typology that supports dense, mixed-use opportunities in proximity to University Campuses and the central areas of the City. As these districts have the potential to be proximate to residential neighborhoods, adjustments are proposed to provide a more segregated pattern of form, to prevent larger buildings in close proximity to smaller scale buildings. This is proposed to be accomplished in the following manners:

- Removal of premium eligibility.
- Removal of a minimum front setback for the C1A/R district, to provide a pedestrian orientation and to provide additional flexibility for design of buildings.
- Adding additional side yard setbacks to both zoning districts that require a minimum of 30 foot setback from residential zoning districts, plus an additional 1 foot of setback for each foot of height that the building exceeds 30 feet. This replicates similar provisions in the Office and other commercial zoning districts.
- Add a 100 foot height limit for any portion of the site within 300 feet of a residential zoning district.