



Legislation Text

File #: 09-0836, **Version:** 2

Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)

Attached is a resolution to approve the Near North PUD Site Plan and Development Agreement. Approval of this resolution, in conjunction with the separate ordinance to approve the Near North PUD Zoning District and Supplemental Regulations, will rezone the eight properties along North Main Street (626-724 North Main Street) to PUD and develop a four-story, 39-unit mixed use apartment building. The eight existing houses will be demolished and all eight parcels will be combined. Below is information regarding the proposed development:

Site

- Size: 1.19 acres
- Existing zoning: Office
- Eight existing houses on eight parcels. All will be demolished and parcels combined
- Site contains floodway and floodplain

Proposed Building

- 65,144-square foot, mixed use building containing:
 - 39 residential units (39 one-bedroom units)
 - 17,387 square feet of underground parking (41 spaces)
 - 2,714 square feet of retail use
 - 1,553 square feet of office use
 - 92% floor area to lot area ratio (FAR)
 - Maximum height of 50 feet
- 53 parking spaces, including 12 surface spaces and 41 below the building
- All residential units will be designated as affordable housing for 30-50% Area Median Income (AMI) with up to 14 supportive housing units as defined by the Michigan State Housing Development Authority (MSHDA)
- LEED certification is proposed

The City Planning Commission motion to recommend approval of this request failed at its meeting of June 16, 2009. As contained in the attached minutes, concerns expressed include impact on the scale of the neighborhood, compliance with master plan recommendations, demolition of the existing houses on Main Street, and appropriate PUD benefits.

At its June 16, 2009 meeting, the Planning Commission recommended that the petitioner provide access to the project from Summit Street if and when the City obtains adjacent property and provides

the necessary easement. The City currently has no plans to obtain the adjacent property along Summit Street. In addition, it may be unlikely that Federal Emergency Management Agency (FEMA) funding could be used for a drive in this location, as it is in the floodway. If an access drive were to be added in the future, the PUD zoning district would need to be expanded and the supplemental regulations and PUD site plan would need to be revised and approved by City Council.

Conditions will be placed on the PUD site plan involving eight footing drain disconnections to be completed by the petitioner. In July 2009, the Michigan Department of Environmental Quality (MDEQ) issued the permit that is required for the project work within the floodplain and the Michigan Department of Transportation (MDOT) approved the plan design for access to Main Street.

In response to floodplain review comments and meetings with the City's Stormwater/Floodplain Coordinator, the petitioner has agreed to remove a fence which was located within the floodway along the northern edge of the surface parking lot. The fence was removed in order to reduce the obstructions within the floodway and permit a free flow of water if the site floods. This change was completed after Planning Commission action. A reduction of the revised site plan is attached.

On September 8, 2009 City Council postponed the Second Reading of the PUD zoning district and supplemental regulations and PUD site plan public hearing in order to allow the petitioner time to work with City staff and submit revised plans that reflect changes based on several meetings with the adjacent neighborhood association, North Central Property Owners Association (NCPOA). As a result of the changes, the NCPOA now supports the proposed Near North project. Revised plans also address some of the concerns of City staff and Planning Commission regarding the scale and massing of the proposed building.

The changes to the plan are:

- Unit count has decreased by one unit, from 40 to 39.
- The retail component will be a second phase of construction.
- The building has been reduced from four and five stories to three and four stories and the maximum height of the building is reduced from 55 feet to 50 feet (top of mechanical equipment and light well for stairs). The maximum height of the remainder of the building including all living space is 43 feet.
- Total parking has increased by three spaces from 50 to 53, surface parking spaces were increased by two spaces from 10 to 12 and underground spaces were increased by one from 40 to 41.
- Setbacks:
 - Front (west) increased from 10.25 to 15 feet
 - Rear (east) increased from 15.33 to 24.9
 - Side (north) increased from 99 to 115 feet
 - Side (south) decreased from 20.77 to 13.5 feet
- The total size of the building has been reduced from 67,719 square feet to 65,144 square feet.
- The entrance to the parking garage has been moved 21.5 feet further from the rear property line; this reduces impact to the neighborhood to the east.

As a result of the proposed changes, the revised PUD site plan has been reviewed by all appropriate City staff. Staff has determined that no charges are required to the site development agreement.

Likewise, since the design and location of the curb cut to North Main has not changed, no additional approval from MDOT is required.

Because of the changes to the grading plan, the project will need to obtain an updated permit from the MDEQ. The remaining unresolved staff comment comes from the City's Floodplain Coordinator, who does not support the amount of proposed fill within the floodway.

Attachments: Proposed Ordinance, Draft Development Agreement, 10/7/08 Planning Commission Minutes, Planning Staff Report

Prepared by: Matt Kowalski, City Planner

Reviewed by: Wendy L. Rampson, Interim Planning & Development Services Manager, Jayne Miller, Community Services Administrator

Whereas, Near North LDHALP has requested site plan approval in order to construct a 39-unit apartment building above a 41-space, one-level parking garage at 626-724 North Main;

Whereas, A development agreement has been prepared to address public and private utilities, special assessment district for future improvements to North Main Street, contribution for improvements to nearby parks, installation and maintenance of street trees, on-site storm water management, affordable housing, footing drain disconnections, and elevations;

Whereas, The Ann Arbor City Planning Commission, on June 16, 2009, recommended denial of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated August 28, 2009;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Near North PUD Site Plan, upon the conditions that (1) the Development Agreement be signed by all necessary parties and (2) all terms of the Development Agreement are satisfied.