

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 5, 2019

**SUBJECT: West Hoover Avenue and West Davis Avenue Area Rezoning**

### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council rezone 58 lots in the West Hoover Avenue/West Davis Avenue area from R4C (Multiple-Family Dwelling District) to R1D (Single-Family Dwelling District) and 4 lots in the same area to R1E (Single-Family Dwelling District), as mapped and listed in the February 5, 2019 Staff Report, after studying the area as directed and as recommended by the Future Land Use chapter of the Master Plan.

### STAFF RECOMMENDATION:

Staff recommends **rezoning** 58 lots in the study area from R4C (Multiple-Family Dwelling) to R1D (Single Family Dwelling) and four lots from R4C to R1E (Single Family Dwelling) to protect the existing lower-density development pattern as recommended by the Future Land Use chapter of the Master Plan and directed by City Council resolution R-18-361. Staff recommends 9 lots in the study area **remain** zoned R4C to minimize the creation on new nonconforming lots or uses and to provide an appropriate transition between the South Main Street corridor and the neighborhood interior.

### SUMMARY:

City Council directed staff to study the area of West Hoover Avenue, West Davis Avenue, Wilder Place, Edgewood Place and South Main Street for rezoning from R4C (Multiple-Family Dwelling) to R1D (Single Family Dwelling) or R1E (Single Family Dwelling) by approval of Resolution [R-18-361](#) on September 4, 2018.

The study area generally corresponds to an area called out in the Master Plan: [Land Use Element](#) [page 74] where the zoning designation “should be changed to protect the existing lower-density development.” There are 70 lots in the study area, nine of which are conforming lots (having at least 8,500 square feet of lot area). Staff [found](#) the scenario offering the best fit to “protect the existing lower-density development” and achieving the most conformance while not creating any new nonconformities is to rezone most of the area (58 lots) to R1D, rezoning a few lots (4 lots) to R1E, and keeping the remaining lots (8 lots) zoned R4C.

### BACKGROUND:

The study area covers approximately 13 acres and contains 70 lots. Most lots have a single family home but some are multiple-family buildings, including one large apartment building.

There are nine currently conforming lots, 52 lots that have between 8,499 and 4,000 square feet of lot area, and 9 lots that have less than 3,999 square feet of lot area. This means there are 9 lots that will always conform if zoned any of the contemplated districts, 52 lots that have the ability to conform depending on which zoning district is designated, and 9 lots that will never conform to any zoning designation.

Early in the planning process, it became apparent that rezoning the entire study area to R1D or R1E would create new nonconformities. Therefore, staff focused on finding a more nuanced approach achieve the Master Plan recommendation and the objectives of the City Council resolution but not create any nonconformities. Staff concentrated on finding the best fit for the 52 lots that are not currently conforming but had the ability to become conforming.

More detailed background information is provided in staff's [Preliminary Study Findings and Recommendations](#).

### PROPOSED REZONING:

Staff recommend 58 lots are rezoned to R1D (Single Family Dwelling) and four lots are rezoned to R1E (Single Family Dwelling). A map of the rezoning plan and a list of the specific recommendation for each study area address is provided below.



Figure 1 - Illustration of proposed rezonings

## West Hoover/West Davis Rezoning

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	Parcel ID	Parcel Address	Recommendation
1	09-09-32-205-001	916 S MAIN ST	Remain R4C
2	09-09-32-205-002	910 S MAIN ST	Remain R4C
3	09-09-32-205-003	904 S MAIN ST	Remain R4C
4	09-09-32-205-900	303 W Davis Ave	Remain R4C
5	09-09-32-205-004	211 W DAVIS AVE	Remain R4C
6	09-09-32-229-057	125 W HOOVER AVE	Remain R4C
7	09-09-32-229-028	1004 S MAIN ST	Remain R4C
8	09-09-32-229-029	1000 S MAIN ST	Remain R4C
9	09-09-32-206-011	919 EDGEWOOD PL	Rezone R1D
10	09-09-32-206-010	917 EDGEWOOD PL	Rezone R1D
11	09-09-32-207-009	912 EDGEWOOD PL	Rezone R1D
12	09-09-32-207-010	910 EDGEWOOD PL	Rezone R1D
13	09-09-32-206-009	909 EDGEWOOD PL	Rezone R1D
14	09-09-32-207-011	908 EDGEWOOD PL	Rezone R1D
15	09-09-32-207-012	906 EDGEWOOD PL	Rezone R1D
16	09-09-32-206-008	905 EDGEWOOD PL	Rezone R1D
17	09-09-32-207-013	904 EDGEWOOD PL	Rezone R1D
18	09-09-32-207-014	902 EDGEWOOD PL	Rezone R1D
19	09-09-32-206-007	901 EDGEWOOD PL	Rezone R1D
20	09-09-32-207-001	900 EDGEWOOD PL	Rezone R1D
21	09-09-32-229-054	609 W HOOVER AVE	Rezone R1D
22	09-09-32-229-053	605 W HOOVER AVE	Rezone R1D
23	09-09-32-229-052	601 W HOOVER AVE	Rezone R1D
24	09-09-32-206-012	518 W HOOVER AVE	Rezone R1D
25	09-09-32-229-051	515 W HOOVER AVE	Rezone R1D
26	09-09-32-206-013	512 W HOOVER AVE	Rezone R1D
27	09-09-32-229-050	511 W HOOVER AVE	Rezone R1D
28	09-09-32-229-049	509 W HOOVER AVE	Rezone R1D
29	09-09-32-206-014	508 W HOOVER AVE	Rezone R1D
30	09-09-32-229-048	507 W HOOVER AVE	Rezone R1D
31	09-09-32-206-015	506 W HOOVER AVE	Rezone R1D
32	09-09-32-229-047	505 W HOOVER AVE	Rezone R1D
33	09-09-32-206-006	505 W DAVIS AVE	Rezone R1D
34	09-09-32-206-016	504 W HOOVER AVE	Rezone R1D
35	09-09-32-229-046	503 W HOOVER AVE	Rezone R1D
36	09-09-32-206-017	502 W HOOVER AVE	Rezone R1D
37	09-09-32-229-045	501 W HOOVER AVE	Rezone R1D
38	09-09-32-206-005	501 W DAVIS AVE	Rezone R1D
39	09-09-32-206-004	417 W DAVIS AVE	Rezone R1D

	Parcel ID	Parcel Address	Recommendation
40	09-09-32-229-044	415 W HOOVER AVE	Rezone R1D
41	09-09-32-206-003	415 W DAVIS AVE	Rezone R1D
42	09-09-32-229-043	413 W HOOVER AVE	Rezone R1D
43	09-09-32-206-002	411 W DAVIS AVE	Rezone R1D
44	09-09-32-206-018	410 WILDER PL	Rezone R1D
45	09-09-32-206-019	408 WILDER PL	Rezone R1D
46	09-09-32-205-010	407 WILDER PL	Rezone R1D
47	09-09-32-229-041	407 W HOOVER AVE	Rezone R1D
48	09-09-32-206-001	406 WILDER PL	Rezone R1D
49	09-09-32-229-040	403 W HOOVER AVE	Rezone R1D
50	09-09-32-205-011	402 W HOOVER AVE	Rezone R1D
51	09-09-32-205-009	401 WILDER PL	Rezone R1D
52	09-09-32-229-039	401 W HOOVER AVE	Rezone R1D
53	09-09-32-205-008	315 W DAVIS AVE	Rezone R1D
54	09-09-32-205-007	311 W DAVIS AVE	Rezone R1D
55	09-09-32-229-038	309 W HOOVER AVE	Rezone R1D
56	09-09-32-205-012	306 W HOOVER AVE	Rezone R1D
57	09-09-32-229-037	305 W HOOVER AVE	Rezone R1D
58	09-09-32-205-013	302 W HOOVER AVE	Rezone R1D
59	09-09-32-229-036	201 W HOOVER AVE	Rezone R1D
60	09-09-32-205-014	200 W HOOVER AVE	Rezone R1D
61	09-09-32-205-015	130 W HOOVER AVE	Rezone R1D
62	09-09-32-205-016	128 W HOOVER AVE	Rezone R1D
63	09-09-32-205-017	126 W HOOVER AVE	Rezone R1D
64	09-09-32-205-018	124 W HOOVER AVE	Rezone R1D
65	09-09-32-205-019	122 W HOOVER AVE	Rezone R1D
66	09-09-32-205-020	120 W HOOVER AVE	Rezone R1D
67	09-09-32-229-030	117 W HOOVER AVE	Rezone R1E
68	09-09-32-229-027	1007 MYRON CT	Rezone R1E
69	09-09-32-229-032	1006 MYRON CT	Rezone R1E
70	09-09-32-229-031	1002 MYRON CT	Rezone R1E

**ANALYSIS:**

**Data Analysis** – The proposed rezoning scenario would increase the number of conforming lots in the R4C district from 13% to 75% (9 of 70 lots vs 6 of 8 lots). Of the 58 lots in the proposed R1D district, 78% would be conforming (45 of 58). And one of the four lots in the proposed R1E district would be conforming.

The three conforming multiple-family developments (904 S Main, 303 W Davis, 125 W Hoover) remain in the R4C district and remain conforming. Any other multiple-family development are currently nonconforming and will remain nonconforming. (See the attached Preliminary Study Findings and Recommendation Memo for more detailed descriptions and information about nonconformities.)

Lots rezoned to R1D and R1E would have smaller front, side and rear setback requirements. Buildings on those lots might become conforming structures if they are not already, and future additions may be possible because of new-found buildable area inside the setback lines.

Occupancy limitations for dwelling units with unrelated people. Dwelling units in multiple-family zoning districts may be occupied by a family (defined as persons related by blood, marriage or adoption) of any size or up to six unrelated persons (i.e. roommates). In single family zoning districts, dwelling units may be occupied by families or up to four unrelated persons. The change from R4C to R1D or R1E has no effect on whether or not a dwelling can be rented but it does affect how many people can live in the dwelling if the occupancy type changes after the rezoning.

Note that any dwelling units currently occupied by more than four unrelated people, registered and certified for such occupancy, can continue to be occupied as a “grandfathered” legal nonconformity. Dwellings currently occupied by families that switch to unrelated persons would be limited to four unrelated persons.

**Benefits Analysis** – As with any policy decision, the proposed rezoning has both pros and cons as well as secondary benefits.

- **Pro: Preserving Existing Character.** The study area is a neighborhood of predominantly single family homes with just a few apartment buildings or townhouses. The handful of duplexes in the neighborhood are mostly converted single family homes. However, current multiple-family zoning designation threatens this existing character because of its inherent requirement to combine lots to create conforming development sites in order to realize multiple-family use. Rezoning to a single family zoning designation removes this pressure on the existing character of the neighborhood.
- **Con: Lower Density Near Downtown.** The study area is within walking distance to downtown and campus, and could be considered well located for higher residential density. Downzoning from R4C, which allows up to 20 dwelling units per acre, to R1D (about 8 dwelling units per acre) or R1E (about 10 dwelling units per acre), is contrary to many planning goals and policies both here in Ann Arbor and other progressive communities.
- **Secondary: Potential for ADU.** Single family homes in the R4C district are not eligible to have an accessory dwelling unit. Rezoning to single family zoning designation opens to opportunity for lots to have an ADU. There will be 45 lots zoned R1D with more than 5,000 square feet that could host a small ADU. While multiple-family development not be allowed, the area could still increase in density in a way that preserves the existing character.

## **STUDY PROCESS:**

City Council passed Resolution R-18-361, directing the study for a defined area including West Davis and West Hoover avenues from R4C (Multiple-Family Dwelling) to R1D or R1E (Single Family Dwelling) on September 4, 2018. Staff began gathering data on existing conditions and developing [findings and preliminary recommendations](#) soon after. Informational notices were mailed to residents and property owners inside and within 1,000 feet of the study area. Three information [meetings](#) were held, a midday meeting on December 18, 2018, a morning meeting on December 19, 2018 and an evening meeting on December 20, 2018. Over a dozen people attended each meeting.

Public hearing notices were mailed to residents and property owners inside and within 300 feet of the study area for the public hearing by the Planning Commission on February 5, 2019. The Planning Commission will make a recommendation to City Council and staff will prepare an ordinance to amend the zoning map based on the Planning Commission's recommendation. The ordinance will be scheduled for first reading by City Council about six weeks after the Planning Commission makes its recommendation. Second reading and a public hearing by the City Council will occur about one month after that.

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1/29/19

References: [Preliminary Findings and Recommendations](#)  
[Study Area Maps](#)  
City Council Resolution [R-18-361](#) and [Attachment](#)

c: Project No. Z18-013