

**ANN ARBOR PLANNING DEPARTMENT STAFF REPORT SUPPLEMENT**

**For Planning Commission Meeting of March 5, 2019**

**SUBJECT: 841 Broadway Zoning and Area Plan (841 Broadway Street)  
File Nos. Z18-018 and AP18-003**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 841 Broadway Street PUD (Planned Unit Development District) Zoning and Area Plan ~~subject to approval of the Traffic Impact Analysis by City Staff prior to City Council approval.~~

**STAFF RECOMMENDATION:**

Staff recommends that the 841 Broadway PUD 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, provides adequate justification for deviation from the master plan, provides sufficient analysis and justification in the supplemental regulations, and provide acceptable vehicular and pedestrian circulation

Staff recommends **approval** of the PUD Area Plan because the contemplated development would comply with all applicable state, local and federal law, ordinances standards and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; the development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare; and the proposed uses or other uses permitted under the proposed zoning would be compatible with the city's adopted plans and policies. Staff notes that the proposed layout plan can change at the site plan stage as further analysis of natural features and other site aspects are considered.

**UPDATE:**

Citizen's Participation Meeting- The staff report omitted an additional public meeting that was held for the project. In conjunction with the requirements for the PUD Zoning, an additional public meeting was held. This meeting took place on November 6, 2018. The notice was sent to all residents within 1,000 feet of the site and five members of the public attended. The required meeting summary was submitted with the PUD application.

In response to questions raised regarding this petition staff has prepared the following updates:

Area Plan/Concept Plan – As required for any rezoning to a mixed use zoning district, an area plan or concept plan is required. In regards to a PUD zoning, the ordinance calls out a PUD Concept plan to meet all requirements of an Area Plan. The requirements for Concept Plans are listed in the Area Plan section. Staff has chosen to refer to an Area Plan in the report to assist in code references. While there is a level of uncertainty with a Concept Plan versus a detailed Site

Plan, the ordinance does permit approval of a PUD Zoning District based only on a Concept Plan submittal. Staff did explain the process and potential questions with an Area Plan to the petitioner, however, as provided in code, they chose this route. Similar to any zoning district, any future development on the site must comply with the PUD supplemental regulations and submission (and approval of) of a site plan. While the Concept Plan illustrates a proposed development, the supplemental regulations are composed to allow flexibility on the site for future development and require some elements deemed most important to staff. The assigned zoning district does not guarantee any land use or layout and only identifies what Zoning would permit. Zoning does not supersede any State and Federal requirements or additional City Code sections required for approval of a site plan.

Traffic – Since the publication of the staff report, Traffic Engineering has continued to work on reviewing the project and have revised their recommendation. Staff has concluded that based on the status of this as an Area Plan, conceptually, this zoning is approved. This approval is with the condition and clarity that the Site Plan to be submitted will be the final determination. As the Area Plan does not permit construction, the traffic impact study has been partially reviewed at a level commensurate with that of an Area Plan. The Site Plan will determine final trip generation, site configuration, and other aspects of the site that will be reviewed by City Staff. Based on the conceptual scale of this project, it is anticipated that traffic mitigation measures will likely be required which have not yet been determined or agreed upon between the City and the developer. This could be in the form of physical improvements, financial contributions, or other means to address any adverse traffic impacts to be mitigated, based on the final plan. A representative from Hubbel, Roth, and Clark (HRC) will be at the meeting tonight to answer any questions.

Floodplain - In order to help Planning Commission understand the floodplain review process, staff provides the following:

What are limitations/possibilities for development in the floodway?

The National Flood Insurance Program recommends that all development in the floodway be discouraged. State law prohibits residential uses, including hotels, in the floodway. The lowest floor of any non-residential structure must be elevated or flood-proofed to an elevation 1 foot above the flood elevation. All development in the floodway, must submit an engineering study certifying that the development will not raise the flood elevation.

What are limitations/possibilities for development in the flood fringe (area of floodplain outside the floodway)?

The lowest floor of a new residential structure must be elevated to an elevation 1 foot above the flood elevation. The lowest floor of a new non-residential structure must be elevated or flood-proofed to an elevation 1 foot above the flood elevation. Construction within the floodplain requires a permit from the Michigan Department of Environmental Quality (MDEQ). Flood flow may not be obstructed in a manner that causes a rise in flood elevations at the property line. The State, County, and City all require no net loss of flood storage capacity; i.e., no fill without compensatory dredging.

Site Specific Floodplain:

The proposed area plan would not be permissible since residential structures are proposed in the floodway, as currently mapped by FEMA. The petitioner has conducted a more detailed topological survey than used by FEMA and have done a hydrological study to show that the floodway may be smaller than what is shown on the official FEMA Flood Insurance Rate Map (FIRM). On August 31, 2018 the petitioner submitted an application to FEMA for a Letter of Map Revision to modify the floodplain and floodway. City staff has signed this application, but the determination will be made by FEMA. The typical timeframe for a Letter of Map Revision is 6 months. The Allen Creek Berm Opening Project would not affect the floodplain designation on this site, only property to the south of the berm opening.