PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 16, 2010

SUBJECT: Heritage Row PUD Zoning District and PUD Site Plan (407-437 South Fifth Avenue) File Nos. SP09-033 and Z09-030

PROPOSED CITY PLANNING COMMISSION MOTION
The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Heritage Row PUD (Planned Unit Development District) Zoning, Supplemental Regulations, PUD Site Plan (conditioned on City Council approval of the PUD Zoning), and Development Agreement.

STAFF RECOMMENDATION

Staff recommends that Heritage Row PUD Zoning District and Supplemental Regulations be **approved** because the uses, physical characteristics, design features and amenities proposed have a beneficial effect for the City; the beneficial effect could not be achieved under any other zoning classification and is not normally required; the proposed uses will not have a detrimental effect on public utilities or surrounding properties; the multiple-family use is consistent with the master plan; affordable housing is proposed since the recommended density is exceeded; the existing historical houses will be preserved and restored; the supplemental regulations include sufficient analysis and justification; safe, convenient, uncongested and well-defined circulation is provided that also encourages alternative transportation methods; and disturbance to existing features is limited to the minimum necessary and substantially offsets any negative impacts.

Staff recommends that Heritage Row PUD Site Plan be **approved** because the development would comply with the PUD zoning district and supplemental regulations proposed, and all applicable local, state and federal laws, ordinances, standards and regulations; the development would limit disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development will not cause a nuisance and will not have a detrimental effect on the public health, safety or welfare.

DESCRIPTION OF PETITION

This petition was postponed on February 18, 2010 to allow an opportunity for the petitioner to gather feedback from the City Planning Commission and public, and incorporate that feedback.

Issues and Responses – Staff provided a summary of the issues mentioned at the February 18, 2010 Planning Commission meeting to the petitioner. The summarized issues and a brief description of how the petition was revised in response are provided below.

1. Finalize exterior building materials.

The window pattern on all four sides of the new buildings will now be a more traditional double-hung type with a traditional grid work pattern on the interior of the window. The window wall area of all three buildings facing the east has been reduced slightly and will

match the pattern and size of the front windows. Based on the advice of some neighborhood residents, Planning Commission and Planning staff, the petitioner has proposed a light tan colored brick for the new buildings. Revised elevations have been submitted that reflect this change.

2. **Provide additional screening in the rear of the site.**

   In consultation with Land Development staff, the petitioner has modified the Landscape Plan to provide an increased vegetated screen along the eastern property line. The petitioner will install a total of 30 evergreen Arborvitae shrubs along this line to help buffer the new buildings from the properties along Hamilton to the east. These shrubs will be 8-9 feet tall when planted and can grow to a maximum of 20-30 feet tall.

3. **Provide a streetscape view from Hamilton Place to the east.**

   The petitioner has provided a streetscape view from Hamilton. This view has been provided in the attached documents.

4. **Provide ridge heights of the houses being preserved along Fifth Avenue.**

   These numbers have been provided on the site plan.

5. **Incorporate Secretary of the Interior Standards for Rehabilitation.**

   The petitioner has agreed to restore all materials on the existing houses according to Secretary of the Interior Standards for Rehabilitation. This commitment has been added to the Development Agreement and PUD Supplemental Regulations for the project.

6. **Increased setbacks for the northeast corner of the center building.**

   The petitioner has increased the setback for the northeast corner of the center building to the corner of the Hamilton lot from 4 feet to 8 feet. As a result, the side setback for the South building has decreased from 10 feet to 7 feet.

SERVICE UNIT COMMENTS

Planning and Development Services – All Planning staff and Planning Commission concerns have been addressed by the petitioner in the attached letter. As a result, Planning staff supports this project because it satisfies both main goals of the Central Area chapter of the City's Master Plan, the PUD Standards for Approvals (identified in the February 18 staff report) and would represent an overall benefit to the city. The project as proposed would provide an attractive residential development in an area that is adequately served by infrastructure and in close proximity to many of the services desired by current and future residents of the City. The mix of units proposed, including the large number of efficiencies and primarily one, two and three bedrooms units will promote occupancy by more than just the student population. In response to Goal B of the Central Area chapter of the Master Plan, this project represents a unique type of development which combines restoration of existing historical houses and new residential development in a way that is sensitive, attractive and innovative in an area that is adjacent to downtown Ann Arbor.

Staff feels that all of the PUD standards have been satisfied and the increased density requested is acceptable given the public benefits to the entire city, including the commitment to preserve and restore the historical houses, Energy Star certifications, underground parking and unit mixture and total bedroom count of the project. It is worth noting that while the existing R4C zoning would permit only 24 units and the petitioner is requesting 82 units, (an increase of 58 units), the R4C zoning would allow 6 bedrooms per unit for a total of 144, while the petitioner is

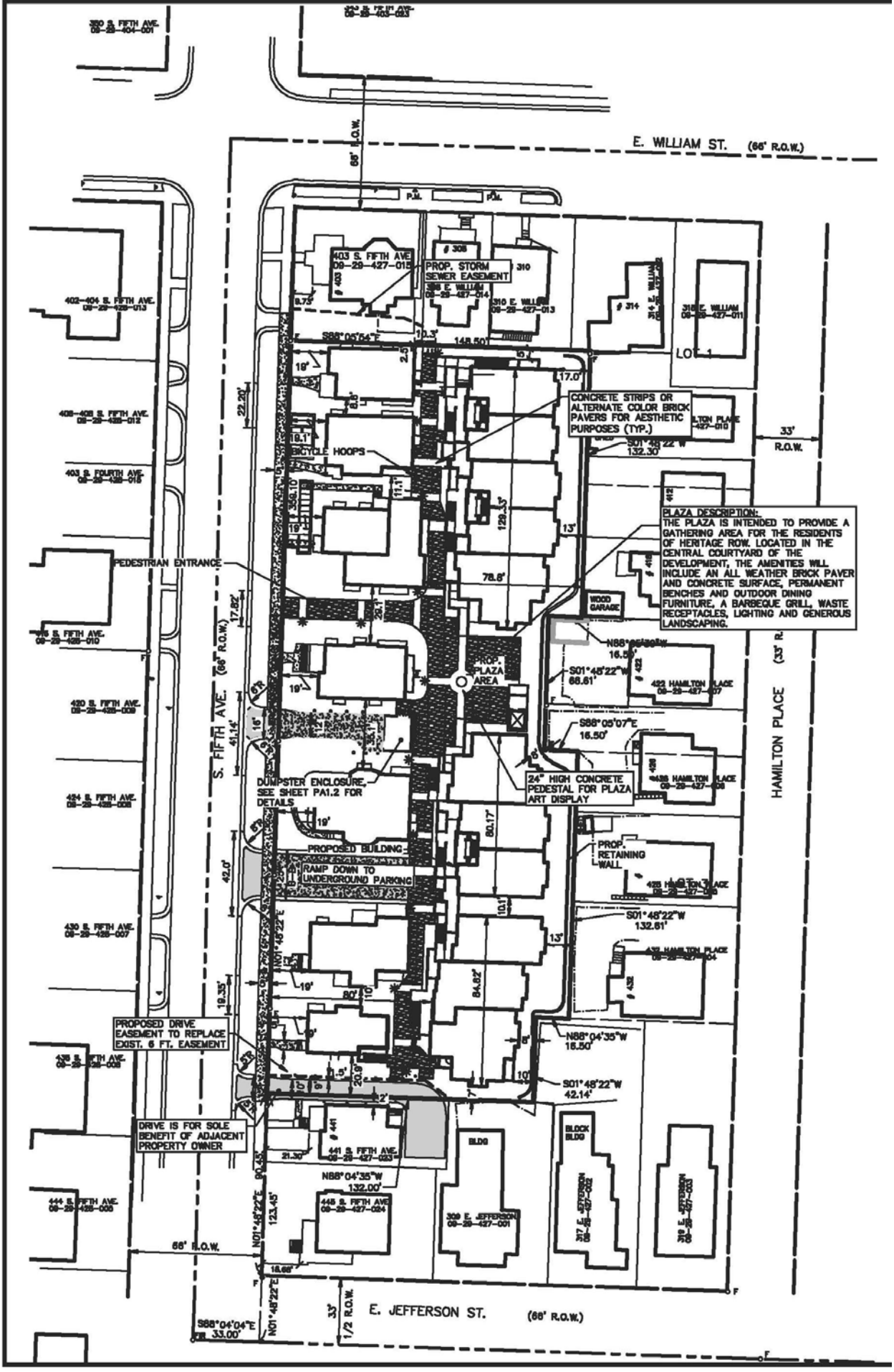
proposing a maximum of 163 bedrooms (an increase of only 19 bedrooms over what would be permitted under the existing R4C code). The maximum number of bedrooms proposed is restricted in the PUD Supplemental Regulations to 163. In addition, the maximum density permitted under the existing R4C zoning (24 units, 144 bedrooms) would require only 36 vehicle parking spaces, while the current proposal is providing 60 underground vehicle parking spaces.

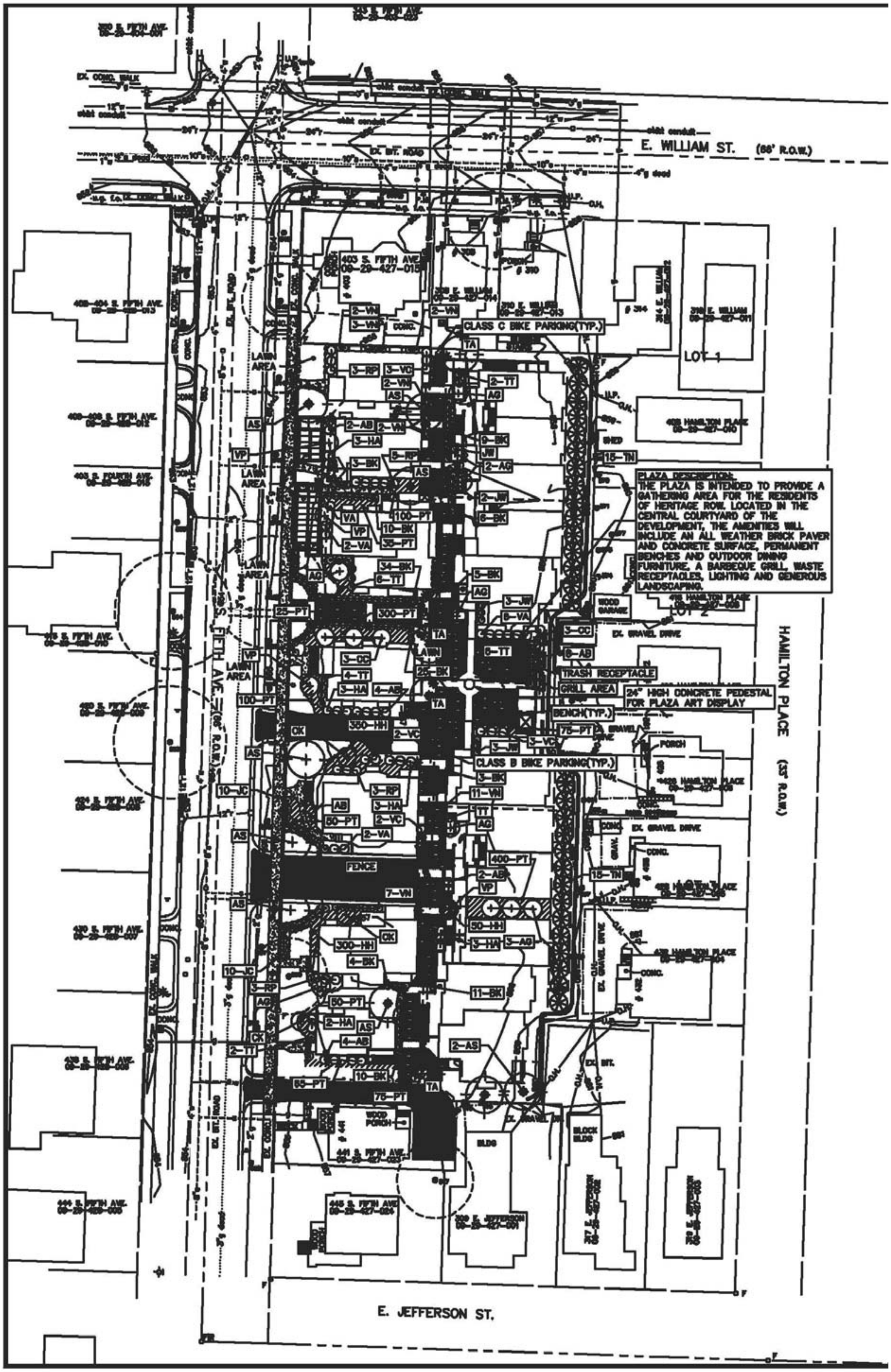
Prepared by Matthew Kowalski
Reviewed by Wendy Rampson
jsj/3/11/10

Attachments: Site Plan and Elevations 3/2/10
Supplemental Regulations 3/2/10
Development Agreement 3/2/10
Petitioner Response Letter 2/24/10
February 18, 2010 Staff Report

c: Petitioner: Alex de Parry
Fifth Avenue Limited Partnership
403 South Fifth Avenue
Ann Arbor, MI 48104

City Attorney
Systems Planning
File Nos. SP09-033 and Z09-030


E. WILLIAM ST. (66' R.O.W.)
S. FIFTH AVE. (66' R.O.W.)
HAMILTON PLACE (33' R.O.W.)
E. JEFFERSON ST. (66' R.O.W.)
403 S. FIFTH AVE. 09-29-427-015
PROP. STORM SEWER EASEMENT
CONCRETE STRIPS OR ALTERNATE COLOR BRICK PAVERS FOR AESTHETIC PURPOSES (TYP.)
BICYCLE HOOPS
PEDESTRIAN ENTRANCE
PLAZA DESCRIPTION:
THE PLAZA IS INTENDED TO PROVIDE A GATHERING AREA FOR THE RESIDENTS OF HERITAGE ROW. LOCATED IN THE CENTRAL COURTYARD OF THE DEVELOPMENT, THE AMENITIES WILL INCLUDE AN ALL WEATHER BRICK PAVER AND CONCRETE SURFACE, PERMANENT BENCHES AND OUTDOOR DINING FURNITURE, A BARBEQUE GRILL, WASTE RECEPTACLES, LIGHTING AND GENEROUS LANDSCAPING.
PROP. PLAZA AREA
WOOD GARAGE
DUMPSTER ENCLOSURE, SEE SHEET PA1.2 FOR DETAILS
24" HIGH CONCRETE PEDESTAL FOR PLAZA ART DISPLAY
PROPOSED BUILDING
RAMP DOWN TO UNDERGROUND PARKING
PROP. RETAINING WALL
PROPOSED DRIVE EASEMENT TO REPLACE EXIST. 6 FT. EASEMENT
DRIVE IS FOR SOLE BENEFIT OF ADJACENT PROPERTY OWNER
LOT 1
BLDG
BLOCK BLDG
S88°05'04"E 148.50'
S01°48'22"W 132.30'
S88°05'07"E 16.50'
S01°48'22"W 66.61'
S01°48'22"W 132.61'
N88°04'35"W 16.50'
S01°48'22"W 42.14'
N88°04'35"W 132.00'
N01°48'22"E 123.45'
S88°04'04"E 33.00'
N01°48'22"E
66' R.O.W.
33' R.O.W.
1/2 R.O.W.


E. WILLIAM ST. (66' R.O.W.)
HAMILTON PLACE
(33' R.O.W.)
E. JEFFERSON ST.
S. FIFTH AVE.
LOT 1
LOT 2
CLASS C BIKE PARKING(TYP.)
PLAZA DESCRIPTION:
THE PLAZA IS INTENDED TO PROVIDE A GATHERING AREA FOR THE RESIDENTS OF HERITAGE ROW LOCATED IN THE CENTRAL COURTYARD OF THE DEVELOPMENT. THE AMENITIES WILL INCLUDE AN ALL WEATHER BRICK PAVER AND CONCRETE SURFACE, PERMANENT BENCHES AND OUTDOOR DINING FURNITURE, A BARBEQUE GRILL, WASTE RECEPTACLES, LIGHTING AND GENEROUS LANDSCAPING.
TRASH RECEPTACLE
GRILL AREA
24" HIGH CONCRETE PEDESTAL FOR PLAZA ART DISPLAY
BENCH(TYP.)
CLASS B BIKE PARKING(TYP.)
EX. GRAVEL DRIVE
LAWN AREA
FENCE

Heritage Row Apartments

J BRADLEY MOORE & ASSOCIATES

North Building North Elevation

North Building East Elevation

North Building West Elevation

North Building South Elevation

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Heritage Row Apartments
Fifth Avenue

J BRADLEY MOORE
& ASSOCIATES
4044 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

revisions

job 27109

drawn hcm
date 12.22.09
01.13.10
02.02.10

sht RA 1.2b

Hamilton Place perspective (with existing trees)

Hamilton Place perspective (without existing trees)

Streetscape (West Elevation)

SCALE: 1/4" = 1'-0"

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4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

Heritage Row Apartments
Fifth Avenue

Fifth Ave. Streetscape
Central Building

job 27109

drawn kwk
date 12.22.09
01.15.10
02.02.10
02.22.10
sht PA1.1c

Streetscape (West Elevation)

SCALE: 1/4" = 1'-0"

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Heritage Row Apartments
Fifth Avenue

Fifth Ave. Streetscape
North Building

job 27109

drawn kwk
date 12.22.09
01.15.10
02.02.10
02.22.10
sht PA1.1n

Streetscape (West Elevation)

SCALE: 1/4" = 1'-0"

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4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

Heritage Row Apartments
Fifth Avenue

Fifth Ave. Streetscape
South Building

job 27109

drawn kwk
date 12.22.09
01.15.10
02.02.10
02.22.10
sht PA1.1s

Heritage Row
Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations for the comprehensive, unified redevelopment of these seven parcels to provide an economy and efficiency in land, energy and provision of public services and utilities, and to expand the supply of affordable housing for lower income households in the Central Area.

Section 2: Applicability

The provisions of these regulations shall apply to the property described as follows:

Commencing at the intersection of the centerline of South Fifth Avenue (66 feet wide) and the centerline of East Jefferson Street (66 feet wide); thence S 88°04'04" E 33.00 feet along the centerline of said East Jefferson Street; thence N 01°48'22" E 137.95 feet along the East line of said South Fifth Avenue, and its extension thereof, to the POINT OF BEGINNING,

thence continuing N 01°48'22" E 373.60 feet along the East line of said South Fifth Avenue;
thence S 88°05'54" E 148.50 feet;
thence S 01°48'22" W 132.30 feet;
thence N 88°05'39" W 16.50 feet;
thence S 01°48'22" W 66.61 feet;
thence S 88°05'07" E 16.50 feet along the North line of Lot 3, Block 4 South, Range 6 East, of said "Original Plat of the City of Ann Arbor";
thence S 01°48'22" W 132.61 feet;
thence N 88°04'35" W 16.50 feet along the South line of said Lot 3;
thence S 01°48'22" W 42.14 feet;
thence N 88°04’35”W 132.00 feet to the POINT OF BEGINNING. Being a part of Lots 1, 2, 3 and 4, Block 4 South, Range 6 East, of said "Original Plat of the City of Ann Arbor", and containing 1.23 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Being Subject to:

1.) Right-of-way for ingress and egress, as recorded in Liber 1765, page 313, Washtenaw County Records.
2.) Terms, conditions, and description set forth in Driveway Agreement as recorded in Liber 378, page 30, Washtenaw County Records.

Further, the provisions of these regulations shall be adopted and incorporated into the Heritage Row Apartments Planned Unit Development District. These regulations, however, are intended to supplement only those provisions in the City Code that may be modified as a part of a PUD such as zoning, landscaping and parking, and shall not be construed to replace or modify other provisions or regulations in the City Code.

Section 3: Findings

During the public hearings on the Planned Unit Development, the Planning Commission and City Council determined that:

(A) It is desirable to develop the property described above with a development that achieves an economy and efficiency in land, energy and provision of public services and utilities, preserves historical resources and expands the supply of affordable housing in the City. This beneficial effect could not be achieved under any other zoning classification and is not one which is required under any existing requirements.

(B) The surrounding neighborhood contains existing single and multiple-family homes, apartment buildings, industrial and commercial uses, Main Street's shopping, dining and entertainment to the west, employment centers to the north, and athletic venues to the south and the U of M's central campus to the east. The proposed uses will be compatible with these surrounding conditions.

(C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a pedestrian-oriented community be established in a location with opportunities for it to prosper nearby. Additionally, the preservation of the historical streetscape and inclusion of on-site affordable housing in this development furthers the City goals set forth the Master Plan Land Use Element. The uses proposed are consistent with the master plan future land use recommendations, and affordable housing is provided in support of additional residential density beyond that envisioned by the future land use recommendation. Affordable units in new construction in a near downtown neighborhood are particularly scarce and are a significant beneficial effect of the development.

(D) Safe, convenient, uncongested and well-defined vehicular, bicycle and pedestrian circulation within and to the district have been provided. Alternative transportation methods are encouraged, and the historical streetscape will be preserved.

(E) Disturbance to existing natural features has been limited to the minimum necessary, and the significant historical features on the site will be restored and preserved. The development will result in a greater benefit to the community than any negative impacts due to the loss of a landmark tree. The innovative design of the site, mixture of housing units, underground parking for residents and guests of the buildings, and a plaza amenity with public art will mitigate any negative impacts the development may have on the surrounding neighborhoods and the City's Downtown.

(F) The regulations and performance standards contained in the supplemental regulations are sufficient to determine the purported benefits, how they will be provided, and how they will be evaluated. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of neither special privileges nor deprivation of property rights.

Section 4: PUD Regulations

(A) Permitted principal uses shall be:

1. Multi-family dwellings, provided that all bedrooms in a dwelling unit have an exterior window that allows natural light.

(B) Permitted accessory uses shall be:

1. Outdoor plaza areas for active or passive recreation.

2. Those accessory uses allowed in the R1 districts.

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(C) Setbacks: As shown on Exhibit A and summarized below:

Front: 19 feet minimum

Side(North): 2.5 feet minimum to existing house, 5 feet to proposed North building

Side(South):17 feet minimum to existing house stairway, 7 feet to proposed South building

Rear: 13 feet minimum, except 10 feet minimum for southern 35 feet of South building

Exterior building walls above the finished grade shall be set back from lot lines abutting public streets and lot lines abutting another lot as provided above. Exterior building walls below the finished grade may abut a lot line when also in conformance with any applicable building codes and City ordinances, regulations and policies (such as the City of Ann Arbor Public Services Standard Specifications Manual).

(D) Height:

Maximum height of the new buildings shall be restricted to:

1) 39.625 feet at the west elevation-stairwell parapet only
2) 38.625 feet predominant parapet height
3) 37.375 feet at the east elevation

Maximum height of the existing buildings shall be restricted to:

1) 38.875 feet as measured to the peak of the tallest existing ridge height

Reasonable exceptions to the maximum height limit shall be allowed at the discretion of the Planning Commission for roof-top mechanical equipment (which are also subject to screening requirements elsewhere in these supplemental regulations), elevator and stairway shafts and other customary roof-top appurtenances.

(E) District and Lot Size: The minimum district and lot size shall be 1.23 acres (53,689 square feet).

(F) Floor Area and Density Limits:

The maximum usable floor area shall not exceed 133% of the lot area (53,689 square feet). Usable floor area shall be calculated by measuring from the exterior face of building walls. Usable floor area used for structured off-street parking may be excluded from the maximum floor area allowance.

The maximum density shall be 82 dwelling units total for the site and a maximum of 163 bedrooms, as shown on an approved site plan.

(G) Off-Street Parking:

1. Off-street parking for vehicles shall be provided at the minimum rate of .73 spaces per dwelling unit with 60 spaces minimum.

2. Off-street parking for bicycle shall be a minimum of 112 Class A, 6 Class B, and 28 Class C bicycle parking spaces shall be provided.

(H) Open Space, Landscaping and Screening:

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1. Open Space – A minimum of 53% of the lot area shall be useable open space as defined in the Zoning Ordinance. This area shall include a plaza with associated amenities including benches, landscaping and public art.

2. Landscaping – All open space areas except for sidewalks, terraces, pedestrian paths, paved recreational space and off-street bicycle parking facilities, shall be landscaped with live trees, shrubs, ground cover, lawn or flower beds. Landscaping shall be provided as shown on an approved site plan.

3. Screening of Mechanical Equipment – All mechanical equipment, including roof-mounted and ground-mounted, visible from the public right-of-way within 100 feet of the district shall be screened from view. Screening may be provided by architectural walls, retaining walls, fences, or hedges.

(I) Energy and Environmental Design:

1. The three new buildings and the existing buildings will be compliant with the federal Energy Star Program, and in particular will contain additional insulation beyond that required by the applicable building codes as well as energy saving lighting, HVAC systems, and appliances rated and approved by the Energy Star program. Documentation of proposed compliance shall be provided with building permit applications for each building.

2. The existing seven buildings will be rehabilitated with new mechanical, electrical, and plumbing systems and additional thermal insulation where possible. All existing and new buildings will have fire suppression systems. These systems and all other systems or techniques used in the building beyond those requirements of the applicable building codes shall be incorporated into a Development Agreement to be executed by the City and the owners of the property.

3. A renewable energy source shall be utilized as the primary energy source for the building. The renewable energy source may be located on-site, such as geothermal energy for heating and cooling systems, or off-site such as purchasing renewably produced energy for electricity, or a combination thereof.

4. All on-site irrigation shall use stormwater collected on-site.

(J) Affordable Housing: A minimum of 18% of the total number of dwelling units in the district shall be designated as affordable housing for lower income households, as defined in Chapter 55 of Ann Arbor City Code. The affordable units shall be provided in the district; however, when the affordable housing requirement results in a fractional unit, the requirement may be rounded up to the next whole number or the fractional unit shall be converted to an affordable housing contribution in lieu of the fractional unit consistent with the formula adopted by annual resolution of city council. Affordable housing units shall be made available for lease or sale to eligible lower income households consistent with City ordinances, policies and regulations regarding affordable housing, and under terms reasonably acceptable to the City.

(K) Architectural Design:

1. Development of the three new buildings shall be articulated design elements, both horizontal and vertical, that add interest to the face of the building. The articulation, modulation, materials and colors of the design shall result in an overall character that is complimentary to the established neighborhood surrounding the district as determined by the City Planning Commission and City Council.

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2. Exterior façade materials and colors of the three new buildings shall be in harmony with the existing character of the surrounding residential neighborhood. Exterior brick shall be a lighter colored standard brick such as Glen-Gery “Olde Detroit” or equal. Exterior window trim and building trim shall have a dark bronze finish. Metal stairs and landings shall be black or dark bronze in color. Changes to the exterior facades as shown on the approved site plan shall require either the approval of the planning and development services director if minor or the City Planning Commission if major. Minor or major changes shall be determined by the planning and development services manager, in consultation with the chair of the City Planning Commission if desired.

3. The seven existing houses on the site shall be preserved and restored. Aluminum and/or pressboard siding covering original wood siding shall be removed and exterior facades shall be restored using either original material or composite siding equal to Hardi Plank siding. Historic color palates shall be used, and the existing foundation stone shall be re-used to cover the new foundations of the houses. All existing windows, siding, doors and architectural accents shall be restored according to Secretary of Interior Standards for Rehabilitation. These features may only be removed after consultation with the City’s Planning Manager.

4. Changes to the architectural design of the three new buildings, as shown on the approved site plan, shall require either the approval of the City’s Planning Manager, if minor, or the City Planning Commission, if major. Minor or major changes shall be determined by the Planning Manager, in consultation with the chair of the City Planning Commission.

MJK/WLR; March 2, 2010

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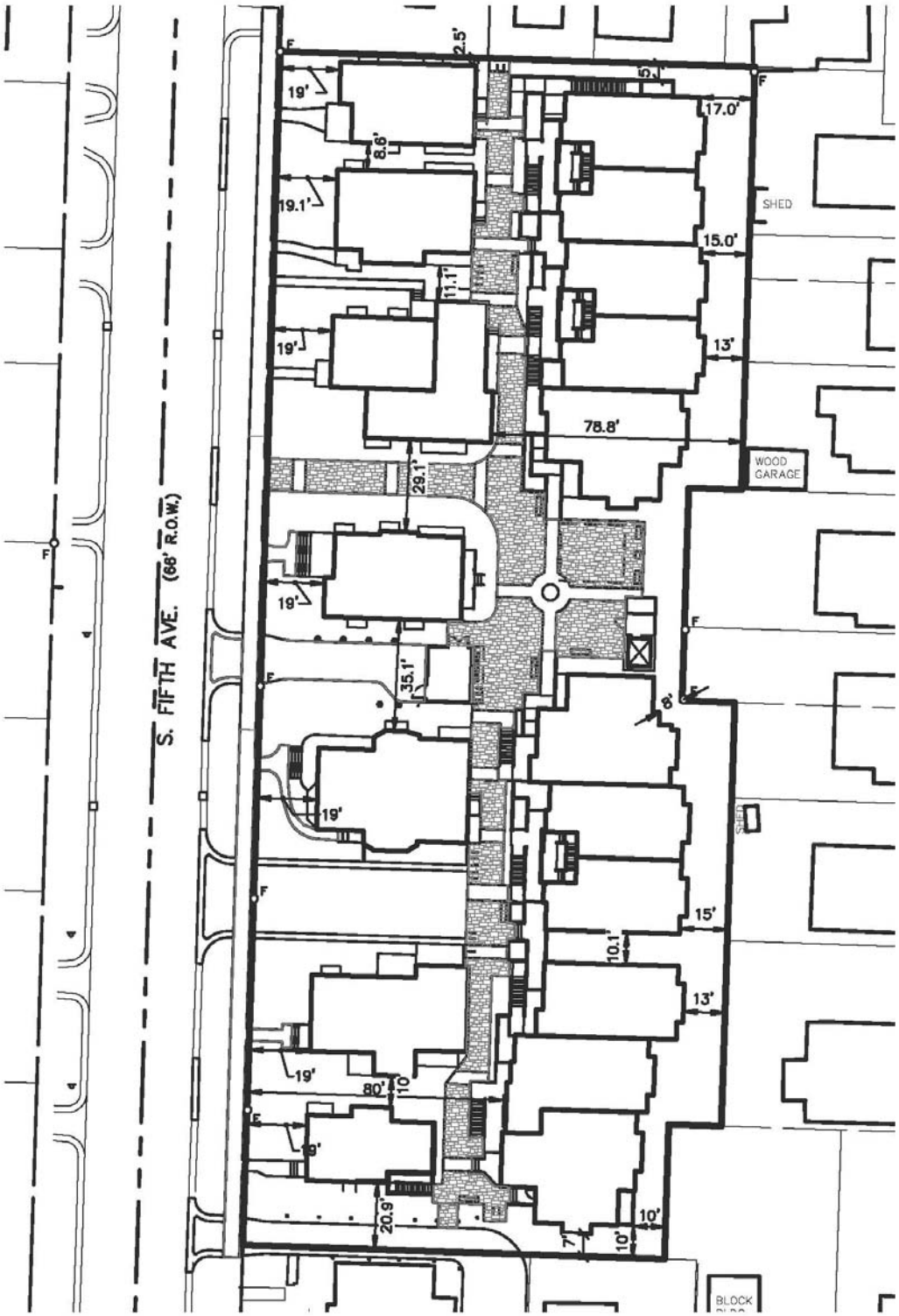
HERITAGE ROW
EXHIBIT A –PUD SUPPLEMENTAL REGULATIONS



HERITAGE ROW DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this ___ day of ___, 2010, by and between the City of Ann Arbor, a Michigan Municipal Corporation, with principal address at 100 North Fifth Avenue, Ann Arbor, Michigan 48107, hereinafter called the CITY; and Fifth Avenue Limited Partnership, a Michigan limited partnership, with principal address at 403 South Fifth Avenue, Ann Arbor, Michigan 48104, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as City Place, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as City Place (and sometimes referred to as “Project” or “Site Plan”), and desires site plan and development agreement approval thereof, and

WHEREAS, the PROPRIETOR desires to build or use certain improvements with and without the necessity of special assessments by the CITY, and

WHEREAS, the CITY desires to insure that all of the improvements required by pertinent CITY ordinances and regulations be properly made, and that the PROPRIETOR will install these improvements prior to any permits being issued.

THE PROPRIETOR HEREBY AGREES:

(P-1) Should PROPRIETOR proceed with the Project, to prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for private storm water management systems, sidewalks and streetlights (each an “Improvement”, and collectively, “the Improvements”) provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To construct all improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in an Improvement that occurs within one year from the date of acceptance of an Improvement by the CITY**,** commencing on the latest date of the acceptance of the Improvement by the CITY. If the PROPRIETOR fails to complete construction of an Improvement, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above requiring it to commence and complete the improvement in the notice within a reasonable time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR, if the PROPRIETOR does not complete the work within the time set forth in the notice.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public improvements set forth in Paragraph P-1 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the PROPRIETOR’S engineer inspects.

(P-4) To install all water mains, storm sewers, sanitary sewers and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits.

(P-5) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to South Fifth Avenue, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along South Fifth Avenue frontage when such improvements are determined by the CITY to be necessary.

(P-6) To indemnify, defend, and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the PROPRIETOR, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-7) To cause to be maintained General Liability Insurance and Property Damage Insurance in the minimum amount of $1,000,000 per occurrence and naming the CITY as named insured to protect and indemnify the CITY against any claims for damage due to public use of the public improvement(s) in the development prior to final written acceptance of the public improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in full force and effect during construction of the public improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-8) Existing landmark and street trees shown on the site plan as trees to be saved shall be maintained by the PROPRIETOR in good condition for a minimum of three years after acceptance of the public Improvements by the CITY or granting of Certificate of Occupancy. Existing landmark and street trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public Improvements or granting of Certificate of Occupancy, shall be replaced by the PROPRIETOR as provided by Chapter 57 of the Ann Arbor City Code.

(P-9) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the PROPRIETOR to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY.

(P-10) To combine, prior to any building permits being issued, all individual parcels comprising site of said development into one contiguous parcel.

(P-11) To construct, repair and/or adequately maintain on-site storm water management system. If the PROPRIETOR fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR if the PROPRIETOR does not complete the work within the time set forth in the notice. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units.

(P-12) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area.

(P-13) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, PROPRIETOR shall review existing noise

sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-14) To include the elevation drawings, as submitted to City Council, as part of the approved site plan and to construct all buildings consistent with said elevation drawings. If the PROPRIETOR proposes any material changes to the approved building elevations, setbacks, aesthetics, or materials, as determined by the Planning and Development Services Manager or designee, that those changes be brought back to the City Council for consideration. Nonmaterial changes to the approved building elevations, setbacks, aesthetics, or materials may be approved by the Planning and Development Services Manager or designee. The PROPRIETOR is required to submit signed and sealed drawings to staff reflecting the elevations, setbacks, aesthetics, materials and site plan approved by City Council.

(P-15) To preserve and restore materials on the seven existing houses on the site. The portions of the existing houses shown on the site plan shall remain intact and not be disassembled during the duration of construction. The three houses not being relocated shall remain in their current location. Restoration of the houses shall include retaining and repairing all original: siding, windows, doors, trim, moldings, porches, and other architectural features according to the Secretary of the Interior's Standards for Rehabilitation. Original foundation stone blocks visible above ground shall be reused on each of the houses where they are present. Where the PROPRIETOR questions the integrity or serviceability of original materials or features, the Planning Manager or designee shall determine whether the materials are deteriorated beyond repair, and if so, PROPRIETOR will replace the materials with matching materials in matching dimensions.

(P-16) To remove all discarded building materials and rubbish from the development at least once each month during construction of the development improvements, and within one month after completion or abandonment of construction.

(P-17) Prior to application for and issuance of certificates of occupancy, to disconnect 14 footing drains from the sanitary sewer system in accordance with the *Guidelines for Completion of Footing Drain Disconnections, City of Ann Arbor - Development Offset-Mitigation Program* (November 2005 edition, as amended). The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis, at the discretion of the CITY Public Services Area. CITY agrees to provide PROPRIETOR with a certificate of completion upon PROPRIETOR'S submittal of approved and final closed-out permits to the CITY Public Services Area.

(P-18) Prior to the application for and issuance of any Certificate of Occupancy, to enter into an agreement with the CITY, with terms acceptable to the CITY, to provide a minimum of 18% of total units of affordable housing for lower income households, consistent with terms in the PUD Supplemental Regulations for the site, and consistent with all City ordinances, policies and regulations regarding affordable housing.

(P-19) PROPRIETOR shall ensure all new and restored residential buildings on the site will be Energy Star compliant and earn the Energy Star certification. All on-site irrigation will be done using recycled stormwater from on-site storage tanks.

(P-19) PROPRIETOR is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the person(s) signing below on behalf of PROPRIETOR has (have) legal authority and capacity to enter into this agreement for PROPRIETOR.

(P-20) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved development agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR shall be responsible for all costs

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and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or development agreement.

(P-21) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-22) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

THE CITY HEREBY AGREES:

(C-1) In consideration of the above undertakings, to approve the Heritage Row Site Plan.

(C-2) To provide timely and reasonable CITY inspections as may be required during construction.

(C-3) To record this agreement with the Washtenaw County Register of Deeds.

GENERAL TERMS

Both the PROPRIETOR and the CITY agree as follows:

(T-1) This agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

(T-4) The obligations and conditions on the PROPRIETOR, as set forth above in this Agreement and in the approved site plan, shall be binding on any successors and assigns in ownership of the following described parcel:

> Commencing at the intersection of the centerline of south Fifth Avenue (66 feet wide) and the centerline of East Jefferson Street (66 feet wide); thence S 88°04'04" E 33.00 feet along the centerline of said East Jefferson Street; thence N 01°48'22" E 123.45 feet along the East line of said South Fifth Avenue, and its extension thereof, to the POINT OF BEGINNING, thence continuing N 01°48'22" E 373.60 feet along the East line of said South Fifth Avenue; thence S 88°05'54" E 148.50 feet; thence S 01°48'22" W 132.30 feet; thence N 88°05'39" W 16.50 feet; thence S 01°48'22" W 66.61 feet; thence S 88°05'07" E 16.50 feet along the North line of Lot 3, Block 4 South, Range 6 East, of said "Original

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Plat of the City of Ann Arbor;" thence S 01°48'22" W 132.61 feet; thence N 88°04'35" W 16.50 feet along the south line of said Lot 3; thence S 01°48'22" W 42.14 feet; thence N 88°04'35" W 132.00 feet to the POINT OF BEGINNING. Being a part of Lots 1, 2 3 and 4, Block 4 South, Range 6 East, of said "Original Plat of the City of Ann Arbor," and containing 1.23 acres of land, more or less. Being subject to easements and restrictions of record, if any.

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the PROPRIETOR, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits unless and until the CITY has notified the PROPRIETOR in writing that the PROPRIETOR has satisfactorily corrected the item(s) the PROPRIETOR has failed to perform.

(T-6) This agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and Ann Arbor City Code. The venue for any action arising under this agreement shall be a court of appropriate jurisdiction in Washtenaw County.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above written.

CITY OF ANN ARBOR, MICHIGAN
100 North Fifth Avenue
Ann Arbor, Michigan 48107

Witnesses:

_____

By: _____
John Hieftje, Mayor

_____

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

_____
Roger W. Fraser, City Administrator

Approved as to Form:

_____
Stephen K. Postema, City Attorney

Fifth Avenue Limited Partnership
A Michigan limited partnership

DRAFT

Witness:

_____

403 South Fifth Avenue
Ann Arbor, Michigan 48103

By: _____
Alex de Parry, President
Ann Arbor Builders, Inc.
Its General Partner

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STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 20____, before me personally appeared John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation by its authority.

_____

NOTARY PUBLIC
County of Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as his free act and deed.

_____

NOTARY PUBLIC
County of Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

DRAFT

DRAFTED BY AND AFTER RECORDING RETURN TO:
Wendy L. Rampson, Interim Manager
Ann Arbor Planning & Development Services
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 794-6265

Fifth Avenue Limited Partnership
403 South Fifth Avenue
Ann Arbor, MI 48104
734-761-8990 (Office) 734-761-4885 (Fax)

February 24, 2010

Mathew Kowalski
City Planner
100 North Fifth Avenue
Ann Arbor, Michigan
48104

Dear Mr. Kowalski:

Please be advised that we have made the following changes that will be reflected on the two sets of plans being submitted toady:

#1 The trees proposed to be planted along the rear (east) property line have been changed to an evergreen species acceptable to Mr. Rupple that will grow to create a "green screen"

#2 We have changed the fenestration on the proposed new buildings to a more traditional looking double-hung type window with traditional grill work pattern

#3 We have reduced the window area in the bays along the eastern face of the proposed new buildings

#4 We have reconfigured the NE corner of the center building to double the set-back at its closest approach to the closest interior lot line corner.

#5 We have called out the ridge heights of the existing houses to be preserved on the streetscape drawing

We have decided, in consultation with our neighbors, to use a lighter, tan colored brick for the new buildings in the rear (Glen Gery "Knob Hill"). We are working to revise the color renderings & animations to accurately depict the changes above and hope to have these to you by later in the week for dissemination to the PC members.

Let me know if you need anything else.

Sincerely,

Alex de Parry

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 18, 2010

SUBJECT: Heritage Row PUD Zoning District and PUD Site Plan (407-437 South Fifth Avenue) File Nos. SP09-033 and Z09-030

PROPOSED CITY PLANNING COMMISSION MOTION
The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Heritage Row PUD (Planned Unit Development District) Zoning, Supplemental Regulations, PUD Site Plan (conditioned on City Council approval of the PUD Zoning), and Development Agreement.

STAFF RECOMMENDATION

Staff recommends that the Heritage Row PUD Zoning District and Supplemental Regulations be **postponed** following a public hearing and Commission discussion to allow the petitioner time to incorporate comments received.

Staff recommends that the Heritage Row PUD Site Plan be **postponed** following a public hearing and Commission discussion to allow the petitioner time to incorporate comments received.

LOCATION

The site is located on the east side of South Fifth Avenue, south of East William Street and north of East Jefferson Street. The site is comprised of seven parcels: 407, 411, 415, 419-21, 427, 433, and 437 South Fifth Avenue. The site abuts the East William Street Historic District to the north (Central Area, Allen Creek Watershed).

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DESCRIPTION OF PROJECT

Existing Conditions – Currently, there a seven residential structures on seven separate parcels containing a total of 21 units. A brief history of the houses is listed below. There are a total of five curb cuts for the site and vehicle parking is provided in informal parking lots along the rear of the site and there is no formal bicycle parking provided. There are four landmark trees and there are no storm water controls for the site.

PUD Zoning District and Supplemental Regulations – The petitioner seeks to rezone seven lots (1.23 acres) currently zoned R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District). A PUD Zoning District is proposed and Supplemental Regulations have been drafted to allow multiple-family use and outdoor plaza use. Highlights of the proposed Supplemental Regulations include:

- Multiple-family residential is the permitted **principal use.** Accessory uses permitted under the R1 residential districts.
- Minimum **front setbacks** averaging 19 feet along South Fifth Avenue.

- Minimum **side setbacks** are 2.5 feet (north) and 10 feet (south).
- Maximum **height** is 39.6 feet at the west elevation-stairwell parapet only; 38.5 feet average height.
- Minimum 650 square feet of **lot area per dwelling unit** (density) and 329 square feet of lot area per bedroom.
- The total **floor area** limited to 133 percent of the lot area.
- Minimum 0.75 off-street **vehicular parking** spaces per unit required or 62 spaces total.
- Minimum of 112 Class A, 6 Class B, and 28 Class C off-street **bicycle parking** spaces.
- Minimum of 18 percent (15% is required) of all dwelling units are **affordable** units to lower income households.
- **Landscape, screening** and **architectural design** standards.
- Energy Star certification is required for **energy and environmental design**.

PUD Site Plan – The petitioner is proposing to preserve and restore the seven existing houses, built between 1838 and 1902, on the site. Three of the houses (407, 411, and 415 S Fifth) will remain where they are currently located, with approximately 19-foot front setbacks, and the remaining four houses will be moved in order to match the averaged 19 foot front setback. Numerous additions on the rear of each of the houses will be removed. All houses will have new foundations constructed. The aboveground portions of the foundations will utilize the original foundation stones currently on the existing houses. The new foundations will have ingress/egress window wells constructed of landscape timbers added. The renovated houses will contain a maximum of 38 residential rental units containing a maximum of 55 bedrooms. The unit mixture will range from a minimum of 11 efficiency apartments, and will include one-bedroom apartments, two-bedroom apartments, three-bedroom apartments, and possibly one five-bedroom apartment.

The petitioner is also proposing to construct three buildings in the rear of the site behind the restored houses. The area between the houses and new buildings will be finished with brick pavers and benches. These buildings will be 3½ stories high and will contain a total of 44 units (99 bedrooms) with a mixture of 33 two-bedroom apartments and 11 three-bedroom apartments. A maximum of 82 units are being proposed for the site; 18% of the total units will be designated as Affordable Housing units; 15% is required by City Code. If the maximum of 82 units are constructed, a total of 15 units will be designated as affordable housing.

The maximum height of the new buildings will be 39.8 feet, with an average height of 38.5 feet. The total height could be lowered approximately one foot by the removal of an architectural accent parapet wall around the exterior edge of the roof. The petitioner has indicated this can be removed if desired by Planning Commission. The only purpose of this wall is for aesthetics, and it does not increase ceiling heights within the buildings.

All entrances to the new buildings will be located in the front (west) and no direct access to the rear is proposed. The north building will be 128 feet long, the center building will be 80 feet long and the southern building will be 81 feet long. The northern building and

the center building will be separated by 50 feet and an approximately 1,500-square foot plaza area. This landscaped plaza area will contain elevator and stairway access to the underground parking as well as benches, tables and a grill for use by the residents. The center and southern building will be separated by 12 feet.

Parking will be provided in one underground parking structure accessed from a single curb cut on South Fifth Avenue. This structure will be located directly under the three new buildings in the rear of the site. This structure will contain a total of 62 vehicle parking spaces and 112 bicycle parking spaces. Additional bicycle parking will be located on the ground level at several locations between the remaining houses and the new structures. The site currently has five curb cuts on Fifth Avenue; two will be removed and three will remain and be modified in order to comply with City Code. Of the remaining curb cuts, one will provide access to the underground parking structure, one will be used for the solid waste/recycling facility and one will remain for use solely by the adjacent residential property to the south (441 Fifth Avenue). The petitioner is proposing to relocate and restore one of the existing garages on the site to contain the solid waste and recycling facilities.

The new buildings are proposed to be clad in brick veneer with limited metal face panels and cable rails around stairs and entrances. The new buildings will have flat roofs with parapets accents and awnings over entrances. The petitioner is proposing to restore the original siding, windows, doors and trim on the preserved houses.

Storm water runoff from impervious surfaces is proposed to be collected in an underground system located under behind the new buildings and a small underground tank located in front of 411 and 415 South Fifth Avenue. The storm water management system will function both as a detention and retention system. Some storm water collected will be re-used for all on-site irrigation of landscaping.

There are four landmark trees on the site, two are proposed to be removed (26-inch Sugar Maple and 28-inch Sugar Maple) and two will have disturbance within their critical root zones. All tree removal/disturbance will be mitigated as required by City Code. The 101 inches of landmark trees to be removed or impacted require 50.5 inches of replacement.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Multiple-Family Residential/Office	D2 (Downtown Interface District)
EAST	Multiple-Family Residential	R4C (Multiple-Family Dwelling District)
SOUTH	Multiple-Family Residential	R4C
WEST	Multiple-Family Residential, Parking, and Church	R4C and P (Parking District)

ZONING COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED BY CURRENT ZONING
Zoning		R4C	PUD	R4C
Gross Lot Area		7 lots, ranging from 5,200 sq ft to 10,300 sq ft	53,579 sq ft MIN (1.23 acres)	8,500 square feet (2,175 sq ft per dwelling unit) MIN
Open Space		N. A.	59% MIN	40% MIN
Setbacks	Front	Varies from approx 14 ft to 28 ft	19 ft MIN	25 ft MIN * (19 ft averaged front setback per Section 5:57)
	Side: North	Varies from 3 ft to 15 ft	2.5 ft MIN	Total of two 38 ft MIN* (12 ft MIN, total of two 26ft + 12ft per Section 5:62)
	Side: South	Varies from 3 ft to 15 ft	10 ft MIN	
	Rear	Varies from 45 ft to 80 ft	15 ft MIN	41 ft MIN * (30 ft min + 11 ft additional per 5:62)
Height		Varies – 38.88 feet MAX	39.6 ft MAX to parapet wall	30 ft MAX (to mid-point between eaves and ridge)
Parking – Automobiles		Varies	62 spaces MIN	122 spaces (1.5 spaces/ dwelling unit) MIN
Parking – Bicycles		Varies	112 spaces Class A MIN 6 spaces Class B MIN 28 spaces Class C MIN	9 spaces MIN - Class A 9 spaces MIN - Class C (1 space/5 units) MIN

* Chapter 55, Section 5:62: Additional front, side, and rear setbacks for buildings over 50 feet in length.

SITE HISTORY

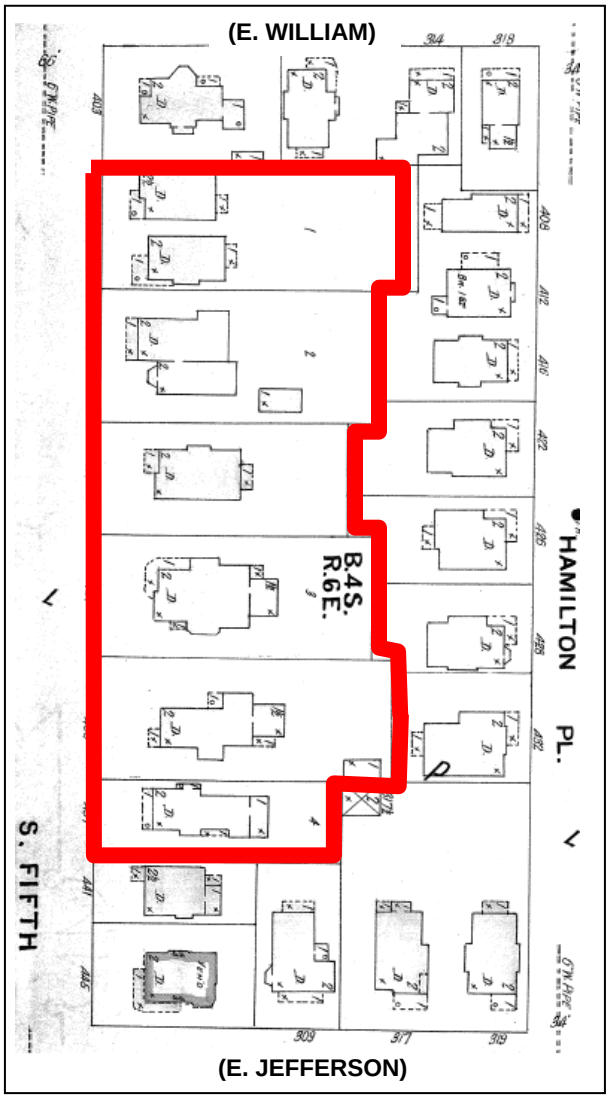
The seven existing houses make up the bulk of one of the most intact late 19th-early 20th century streetscapes in the City of Ann Arbor. The following are brief descriptions of the properties (more information is available from staff upon request).

407 South Fifth Avenue – c.1899
This Dutch Gambrel style house was built around 1899. The first occupant listed in the Polk Directory was Ms. Richmond Bannister (widow of William) in 1902.

411 South Fifth Avenue: Andrew Reule House – c.1901
This house is a fine example of the Queen Anne style and features cross-gabled roofs and varying sized windows, including unusual oval and Diocletian shapes. Mr. Reule, a downtown clothier, occupied this house from 1902 until at least 1940.

415 South Fifth Avenue: Clayton Gaskell (Beakes) House – c. 1838
This Greek Revival style house is believed to be one of the oldest surviving houses in the city. Though it has been altered over the years, particularly the interior, it remains architecturally significant. It features a pedimented gable-front orientation, lunette in the attic, well-defined cornice, corner pilasters, and classical side entry. The house was the home of two important Ann Arbor mayors: Hiram Beakes, from 1860 until the late 1880s; and a short time later Samuel Beakes (no relation), for whom Beakes Street is named.

419 South Fifth Avenue: Henry & Mary Mann House – 1902
This late Queen Anne style house is symmetrical in form, with fancy shingle and fan patterned siding in the gables and brackets and upper spindles on the front porch. The house also features returns in the front gable and a full pediment and plain round Doric posts on the porch.



1906 Sanborn Map showing neighborhood with building footprints very similar to their appearance in 2008. Project area outlined.

427 South Fifth Avenue: Francis M. Hamilton House - c.1894
This house first appears in Polk Directories in 1893 or 1894. Francis Hamilton moved in 1896, and Hamilton descendents lived there until 1938. Mr. Hamilton was a Mayor of Ann Arbor, and the developer of Hamilton Place, in his Fifth Avenue backyard. The house is a restrained and symmetrical Queen Anne, with cross-gables, a cutaway corner and an open front porch.

433 South Fifth Avenue – c. 1850s(?)
This very old and very charming house with its low pitched roof and symmetrical eaves appears on the 1880 Panorama View of the City of Ann Arbor, and could date back to the 1850s. Herbert Slauson lived here for many years after the turn of the 20th century. He was the Superintendent of Ann Arbor Public Schools, and the namesake of Slauson Middle School.

437 South Fifth Avenue: John McCarthy House – 1866
This house is an example of the simplest and most typical form of the Italianate style. It features a plain three-bay façade with the entrance at the right. The door is flanked by pilasters and a modified entablature.

PLANNING HISTORY

In January 2008, the City Planning Commission (CPC) recommended denial of a site plan and conditional zoning petition for this site. In May 2008, CPC recommended denial of a PUD site plan that was nearly identical to the original site plan and conditional zoning request. The applicant withdrew both applications before they were scheduled for City Council review. After a second, slightly smaller PUD petition was submitted, CPC recommended denial and City Council denied the petition at its December 2008 meeting.

On April 21, 2009 staff and CPC recommended approval of a site plan that consisted of two large apartment buildings with a parking lot located in the middle of the buildings. This site plan was approved by City Council on September 21, 2009.

In August 2009, City Council approved a historic district moratorium on construction, addition, alteration, repair, moving, excavation and demolition, for these and other properties along South Fourth and South Fifth Avenues. This moratorium was established to allow a Study Committee appointed by City Council to research the appropriateness of establishing a new historic district in this area. The moratorium was extended to August 2010 at the February 1, 2010 City Council meeting.

The petitioner has conducted three public meetings to present the current plan to the general public. The first meeting was held in accordance with the Citizen Participation Ordinance on August 12, 2009. Subsequent meetings were held on October 12, 2009 and December 14, 2009

PLANNING BACKGROUND

This project lies within the Central Area but outside of the Downtown Development Authority boundary. The City of Ann Arbor Master Plan: Land Use Element (Chapter 7, Central Area) recommends multiple-family residential for future land use of the entire subject site. This land use classification includes areas on the edge of downtown and in the campus area where higher density development such as apartments and group quarters is appropriate, although the preservation of existing single and two-family structures in this area is encouraged as well. Several Goals in Section III(Goals in the Central Area) of the Central Area Chapter are particularly relevant to the proposed petition, *Goal A – 'To promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities and which conserve environmental quality*.' and *Goal B – 'To encourage sensitive, attractive, and innovative development and renovation in downtown Ann Arbor and in adjacent neighborhoods.*'.

In the area of *Goal A,* the desire and need to preserve the existing character, scale and integrity of the existing housing stock and established neighborhoods is a repeated theme in many of the action statements. In addition, the Plan recommends encouraging more affordable housing, achieving and maintaining a balance of rental and owner-

occupied dwellings, and increasing rental and ownership opportunities for lower income persons and families.

Regarding *Goal B,* most action statements are focused on compatibility, appropriateness, and sensitivity.

The following are some of the specific applicable objectives found in Chapter 7, Central Area Section III:

- To protect, preserve, and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
- To encourage the development of new architecture, and modifications to existing architecture, that complements the scale and character of the neighborhood.
- To ensure that new infill development is consistent with the scale and character of existing neighborhoods, both commercial and residential.
- To protect housing stock from demolition or conversion to business use, and to retain the residential character of established, sometimes fragile, neighborhoods adjacent to commercial or institutional uses.
- To encourage the construction of buildings whose scale and detailing is appropriate to their surroundings.
- To pay special attention to the interface zones between downtown Ann Arbor and Central Area residential neighborhoods; and to insure that projects in these areas both contribute to downtown liveliness and help buffer established neighborhoods from further erosion.

The following are some of the specific applicable objectives found in Chapter 7, Central Area Section IV (Historic Preservation):

<u>Historic Preservation</u>

- To encourage the preservation, restoration or rehabilitation of historically and culturally significant properties, as well as contributing or complimentary structures, streetscapes, groups of buildings and neighborhoods. To preserve the historic character of Ann Arbor's Central Area.
- To encourage preservation, restoration or rehabilitation while allowing for technological advances in building materials and techniques that may encourage preservation by making it more affordable without forsaking historical integrity.
- Where new buildings are desirable, the character of historic buildings, neighborhoods and streetscapes should be respectfully considered so that new buildings will complement the historic, architectural and environmental character of the neighborhood.

STANDARDS FOR PUD ZONING DISTRICT REVIEW

As set forth in Section 5:80(6) of the Zoning Ordinance, there are eight criteria to consider when evaluating a PUD Zoning District petition. The criteria are paraphrased below in bold text. The petitioner has provided a detailed Project Narrative (attached) that contains information relative to each of the standards for review. Staff's responses to each criteria and the petitioner's Project Narrative are provided below in *italic* type.

1. **The use(s) provide a beneficial effect for the City, which may include: innovation in land use; efficiency of land use, natural features and energy; providing usable open space; preserving and protection natural features; employment and shopping opportunities; expanding supply of affordable housing; use or reuse of existing sites.**

Staff believes the proposed zoning district would provide several of the example beneficial effects for the City as well as satisfy goals and objectives of the Master Plan. Staff feels that this is an innovative development in a neighborhood adjacent to downtown. This project accomplishes the goal of preserving the historical streetscape in an adjacent downtown neighborhood while increasing density to contribute to downtown liveliness. The project is providing 59% useable open space, which is in excess of the code requirement of 40%, and will feature a central plaza with an area for the display of public art. The proposed development seeks to provide housing for niche market that is currently underserved, housing for entry level downtown workers, while providing a wide range of available living arrangements. Efficiency in land use and energy will be provided through the design of the development and its commitment to energy conserving features. The supply of affordable housing will also be expanded by the proposed development. Proposing 18% affordable housing on-site, near downtown, is a particularly beneficial effect for the City.

2. **Beneficial effect could not be achieved under any other zoning district and not required under any existing standard or ordinance.**

The restrictions placed on the maximum number of bedrooms on the site and the minimum lot area requirements per unit, as well as the requirements for 18% of units designated as affordable housing, and architectural design of the development could not be achieved under any other zoning district and are not required under any existing standard or ordinance.

3. **Uses shall not have a detrimental effect on public utilities or surroundings.**

The principal use of the district is multiple-family residential which will not have a detrimental effect on public utilities or the surroundings. A sanitary sewer impact study completed by the City's consultant indicated sufficient capacity exists to handle the proposed development.

4. **Uses shall be consistent with master plan or adequate justification is provided.**

The proposed uses are consistent with the master plan.

5. **Residential density consistent with master plan or underlying zoning, or additional density has been proposed in order to provide affordable housing.**

The proposed district will allow more residential density than the underlying zoning or future land use recommendation in the master plan, but 18% affordable housing (15 % is required) has been proposed as part of the increased density.

6. **Supplemental regulations include analysis and justification to determine what the benefit is, how it will be provided, and performance standards for evaluation.**

Supplemental regulations have been drafted and continue to be refined by staff to ensure that sufficient analysis, justification and performance standards will be included so that the proposed beneficial effects are achieved and maintained.

7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district, and alternative transportation is encouraged.

This criterion appears to have been satisfied. Vehicular and pedestrian circulation is well defined and access is safe. The traffic information provided for the project concluded there would be no congestion in or near the district as a result of the rezoning.

8. Minimum necessary disturbance to existing natural features and historically significant architectural features.

It appears the development has minimized the disturbance to the existing natural features. Staff believes that all seven of the existing structures on the site are considered historically significant and none of the structures should be demolished. While these structures will have new foundations constructed and some will be moved, the petitioner is working with a preservation architect to restore them to the original appearance by re-using exterior materials such as trim, siding, windows and doors. The petitioner is also working with the preservation architect to ensure compatibility of the three proposed buildings with the historically significant structures.

STAFF COMMENTS

This review and recommendation was based on the plan set dated 02/03/10.

Systems Planning – Fourteen footing drain disconnections are required to mitigate the impact of this development on the waste water treatment system. The sanitary sewer impact study conducted and provided by the petitioner during the previous site plan submittal (City Place) indicated sufficient capacity exists in the downstream local sanitary sewer system to support the development. The new development plan will result in less sanitary sewer flow from the previous proposal; therefore a new sanitary sewer study is not required at this time. The southernmost existing curb cut will be allowed to remain to service only the parcel to the south (441 S. Fifth Avenue) and will not be counted as a curb cut for this development.

Washtenaw County Water Resources Commissioner (WCWRC) – The storm water plan has been approved by the WCWRC.

Parks – A parks donation is not being requested due to the plaza and associated amenities being provided on the site.

Planning – Planning staff has worked closely with the petitioner to address neighborhood and staff concerns throughout the review process and, as a result, many concerns have been addressed through this process. However, staff has outstanding concerns regarding architectural design and materials on the exterior of the new buildings. Staff has requested more detailed information and examples of the design materials. If the intent of the petitioner is to design a background building, the current proposal represents a more prominent design and may overshadow the restored houses along

Fifth Avenue. Staff also has concerns regarding the height of the new buildings, particularly as it affects the neighborhood along Hamilton Place. Given the height of these new buildings and the minimal setback in the rear, it is recommended that the petitioner limit window exposure along the rear (east side) of the new buildings to protect the privacy of residents along Hamilton Place. Since minimal parking is being provided on the site, the petitioner should also consider providing additional options for vehicular parking off site.

Staff acknowledges that the proposed petition represents a significant increase in density over the existing land uses on the site. However, the proposed petition presents the City with the opportunity to address two of the main goals of the Central Area chapter of the City's Master Plan, while preserving and restoring a historically significant streetscape. These goals and supporting objectives are identified in the Planning Background section of this report and summarized here:

- Goal A: 'to promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities, and which conserve environmental quality."
- Goal B: 'to encourage sensitive, attractive, and innovative development and renovation in downtown Ann Arbor and in adjacent neighborhoods; and to pay special attention to the interface zones between central Ann Arbor and residential neighborhoods, and to insure that projects in these areas both contribute to downtown liveliness and help buffer established neighborhoods from further erosion.'

The goal of Planned Unit Developments is to allow a project that does not exactly fit with the current zoning designation or the master plan future land use recommendations but does provide sufficient justification to deviate from those and does provide an overall beneficial effect for the City. In staff's opinion, the proposed development will provide sufficient beneficial effects for the City as summarized below:

- The project will provide 18% total or 15 affordable housing units (based on 82 units maximum) in new construction near the downtown.
- The wide range of units and number of efficiency, one and two-bedroom units will provide housing mixture not provided in many new projects. This unit mixture could be attractive to a unique mixture of future residents and provide more affordable housing than large multiple-bedroom units.
- This proposal represents an innovative type of project that mixes historical preservation and new development in a manner not previously proposed in the City.
- Development of the site as a single unit will provide for better quality and more quantity storm water management than if the lots were individually redeveloped.
- The preservation of a historical streetscape and restoration of the existing houses is complimentary of the existing character of the surrounding neighborhood.
- The proposed development includes tangible energy and environmental design elements.
- Underground parking and the provision of useable open space in excess of what is required by City Code is provided. The addition of a landscaped plaza with the display of public art can be enjoyed by all surrounding neighborhood residents.

The existing site is currently under a historic district moratorium while a Study Committee appointed by City Council researches the appropriateness of establishing a new historic district that would include this site. The moratorium is on construction, addition, alteration, repair, moving, excavation or demolition within the proposed district. If the historic district is approved by City Council, any project on this site would be required to be approved by the Ann Arbor Historic District Commission regardless of the actions of City Planning Commission and City Council regarding the PUD zoning district and site plan.

Prepared by Matthew Kowalski
Reviewed by Wendy Rampson
jsj/2/12/10

Attachments: Petitioner's Project Narrative (Included)
2/11/10 Draft Supplemental Regulations (NOT Included)
2/11/10 Development Agreement (NOT Included)
Citizen Participation Report (Included)
Zoning Map (Included)
Aerial Map (Included)
Ground Level Site Plan (NOT Included)
Lower Level Site Plan (Included)
Landscape Plan (NOT Included)
Elevations (NOT Included)
Floor Plans (NOT Included)
Streetscape Drawings (Not Included)

c: Owner: Fifth Avenue Limited Partnership
403 South Fifth Avenue
Ann Arbor, MI 48104

Petitioner: Midwestern Consulting, LLC
3815 Plaza Drive
Ann Arbor, MI 48108

Systems Planning
File No. SP09-007

PUD STANDARDS FOR ZONING DISTRICT REVIEW

The Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

A. The use or uses, physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination thereof, on present and potential surrounding land uses. The beneficial effects for the City which warrant the zoning include, but are not limited to, features such as:

1. **Innovation in land use and variety in design, layout and type of structures which furthers the stated design goals and physical character of adopted land use plans and policies**;

   The Site is located in the heart of Ann Arbor, halfway between the Main Street retail activity and the University of Michigan Central Campus. It is also one block from the AATA bus terminal. As such, it is a unique location on which higher-density housing is particularly appropriate. Yet creating high density housing is discouraged by the existing R4C zoning. This zoning category, implemented in 1963, and with its more suburban zoning parameters, is no longer appropriate for this Site. Thus, the rezoning to PUD to provide higher density housing and housing for residents of all ages earning more modest incomes who desire to live close to Downtown Ann Arbor is an innovative use of this Site.

   Furthermore, increasing the density on the Site is consistent with the City's plans for this area. Increasing the number of residents in the Downtown area is consistent with the Downtown Plan (1988), the Central Area Plan (1992), and the Downtown Residential Task Force (2004). While the Site is not located within the boundaries of the Downtown Development Authority, and as such, is excluded from the Calthorpe Study (2005) and the Ann Arbor Discovering Downtown study (2007), nevertheless the project is consistent with the goals contained in those studies.

   In Fifth Avenue Limited Partnership's (FALP) previous PUD proposal with the Planning Commission and Planning staff, much emphasis has been place on how the project impacts the existing neighborhood. It is important to read the planning documents carefully and realize that much of what these plans are trying to prevent is the spread of commercial and institutional uses into residential neighborhoods. For instance, 407 S. Fifth Avenue, until about 3 years ago, was a dentist office. This is what the planning documents are attempting to prevent...not the replacement of existing multiple family uses with more multiple family uses. Additional multiple family uses do not change the character of the neighborhood because those uses are already on the Site.

   The proposal is innovative in that is will rehabilitate all seven of the older houses on the Site. The rehabilitation of the seven existing houses will preserve the

streetscape and is consistent in many ways with the City's land use plans and policies. Furthermore, the height of the three new structures to be located on the rear of the site behind the existing houses will be compatible with the surrounding neighborhood which already has a variety of building types, styles, and heights. Therefore, the project is consistent, in many meaningful ways, with the City's goals and policies.

2. **Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities**;

   FALP proposes to contruct three new Energy Star Certified buildings employing updated building techniques and environmentally sustainable features on the rear of the site behind the existing houses. These techniques include levels of insulation well beyond what is required by the applicable codes so as to make the buildings as energy-efficient as is reasonably possible, an energy management system, compact fluorescent bulbs, and either a ground source or air source heat exchange system for heating and cooling, all beyond code requirements. Thus, the project will provide high levels of efficiency regarding natural resources and energy and reduce the "carbon footprint" of its occupants.

   FALP also will install underground parking underneath the three new buildings on the Site so as to fully utilize this valuable urban resource—centrally located land. Rather than a surface parking lot, FALP will provide parking for residents and guests below grade, efficiently using the land and simultaneously reducing the impervious surface (on a per resident basis).

3. **Provision of useable open space**;

   Currently, these multiple family housing buildings do not provide any organized open space to the occupants, and the back yards contain several garages and surface parking areas. The project will replace these areas with yard and plaza space which will be much more useable by the occupants of the new and existing buildings.

4. **Preservation and protection of natural features that exceeds ordinance requirements, especially for those features prioritized in the land development regulations as being of highest concern, or that preserves existing conditions instead of merely providing mitigation**;

   There are few natural features on the Site, consisting only of a few landmark trees. Impact on the natural features will be addressed as required by City ordinances.

5. **Employment and shopping opportunities particularly suited to the needs of the residents of the City**;

   The project maintains the multiple family rental uses currently on the Site and does not include any employment or shopping opportunities.

6. **Expansion of the supply of affordable housing for lower income households**;

The project will provide 13 units for residents earning below 80 percent of the Area Median Income (AMI) and will be rent controlled to maintain rents affordable to those residents. The details of the affordable housing units will be contained in a Housing Affordability Agreement between FALP and the City. The remaining units will be very competitive in rental rates so as to be affordable to a wide range of residents; in essence the project will contain "workforce housing" which is in short supply in the Downtown area. The affordable housing units will be the first ones created in the Downtown area through the PUD process. The "workforce housing" units will also add additional diversity to the Downtown area.

7. **The use and re-use of existing sites and buildings which contributes to the desired character and form of an established neighborhood.**

   FALP intends to re-use the Site, which consists of valuable and scarce urban land, in a way which benefits the Downtown area. A critical component of Downtown success is increasing the population of the Downtown area. This project will increase the number of people living at the Site from about 50 to about 163. These additional residents will strengthen the Downtown and increase pedestrian activity. Furthermore, the established neighborhood surrounding the Site is one of multiple family uses: while there are some single family, owner-occupied units, they are the minority. Thus, this project does not change the character of the established neighborhood.

   The proposal is uniquely creative in that it will rehabilitate the seven existing houses to Secretary of the Interior Standards for Rehabilitation, thus preserving the streetscape as it exists now.

   The appearance of these older houses will be restored to their Period of Significance and will provide new life for these multi family structures. They are large structures with many bedrooms, on a busy thoroughfare, in an area which has been dominated by rentals for many years. The existing houses are rental units and will remain rental units into the foreseeable future. Therefore, those who want no change to the area are not realistic; cities cannot be frozen with no adaptation to new realities. This development will allow for the rehabiltation of these older buildings, and the project will contribute to the character and form of the surrounding neighborhood.

B. This beneficial effect for the City shall be one which could not be achieved under any other zoning classification and shall be one which is not required to be provided under any existing standard, regulation or ordinance of any local, state, or federal agency.

See IV. F. 3 supra

C. The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.

All required public utilities are located near the Site and are adequate to support the project. Nor will the project have a detrimental effect on surrounding properties. The

project will replace the garages and parking areas with green yard and vegetation, thus preventing any detrimental effect on surrounding properties.

D. The use or uses proposed shall be consistent with the Master Plan and policies adopted by the City or the petitioner shall provide adequate justification for departures from the approved plans and policies.

The Central Area Plan (CAP), adopted by City Council in 1992, is the main planning document which affects the Site. It contains six major themes, as well as a Future Land Use section. The 45 pages dedicated to the six major themes contain a wide variety of goals, and in many instances, FALP's proposal directly supports these goals. Thus, it would be inaccurate to conclude that FALP's proposal is inconsistent with the CAP, even if the proposal does not meet every single goal contained within it.

Regarding the Housing and Neighborhood theme of the CAP, it is essential to analyze the nature of the Site. It is very close to Downtown, and it is also just west of the University of Michigan campus. As such, it is located in an area filled with multiple family rental units; there are no predominantly single family residential neighborhoods nearby. To the north is the dense Downtown, to the east is multiple family housing, generally filled with U of M students, to the west are institutional and commercial uses, and to the south is multiple family housing extending down the slope to more commercial and University of Michigan uses. Thus, many of the issues with which the CAP was concerned, mainly weakening of the single family neighborhoods adjoining the Downtown area, do not apply to the Site.

FALP's proposal preserves residential uses at the site, protecting this area from commercial and institutional intrusion (CAP, at 20); creates new multiple family housing, rehabilitates the existing multifamily buildings (CAP, at 21); and provides additional housing affordable to people of more modest incomes, in contrast to the new housing which has recently been created or planned for the central Downtown area. (CAP, at 21 and 23.) Because the proposal includes underground parking, it will minimize the negative parking congestion impacts typically associated with close-in neighborhoods. (CAP, at 23.)

Of course, the very first goal of the Housing and Neighborhood theme is to promote sound and attractive residential neighborhoods, which meet the housing needs of the current and future population, served by urban services, and which conserve environmental quality. (CAP, at 24.) FALP's proposal directly meets this goal. It will increase the number of residential units and people in the immediate vicinity of Downtown. Their presence, both physical and financial, will directly strengthen the core of the City. Moreover, it will achieve this goal in a manner that enhances environmental quality because of the significant savings in the "carbon footprint," and improved storm water treatment.

Nor does the CAP contemplate that there will be no development or re-development; rather the CAP is intended to guide that development. Thus, the reference to protecting and preserving "existing housing" in Bullet Point 2 on Page 24 does not mean that each structure should never be subject to change, but refers instead to the general housing stock in established residential areas, also recognizing the "distinctive qualities of each neighborhood." Because the neighborhood is virtually

all multiple family housing, the proposal does protect and preserve existing housing uses, and meets this goal.

The proposal is also consistent with several Bullet Points in the Neighborhood Preservation sub theme. Bullet Point 4 seeks to minimize the displacement of residential uses by commercial and institutional uses. (CAP, at 24.) FALP's proposal does this, and strengthens the residential use of this area. Bullet Point 7 and 8 seek to enhance the diversity of people and housing, and variety of lifestyles and income levels. (CAP, at 25.) The proposal does this by providing opportunities for people of moderate income to rent housing near the Downtown. These are key areas where the proposal is directly consistent with the goals of the Central Area Plan.

FALP's proposal both complements and is consistent with the scale and character of the neighborhood. There are several larger scale buildings in the area, including but not limited to the Ann Arbor District Library, the Washtenaw Apartment Building, Muehlig Funeral Home, and the Bethlehem United Church of Christ. The predominant height of other structures is three or two and one half stories. The proposed height of the three new buildings is three and one half stories, and the ridge line of the new structure will be less than one foot taller than the ridge line of most of the older houses. Thus, while taller than some structures, it is not out of scale with the neighborhood.

The design is also consistent with the neighborhood. The owner has taken great care, really unprecedented measures, to design a development that rehabilitates all seven of the existing houses and preserves the existing street scape, thus addressing the main concern of the neighbors. The three new buildings will be set well back from Fifth Avenue at an average depth of 85 feet. Thus, the new the buildings will recede behind the rehabilitated houses. The three new buildings will have approximate footprints of 5100 square feet for the north building, 3228 square feet for the center building, and 3016 square feet for the south building. The existing "Washetenaw" apartment building located on William has a footprint of approximately 9000 square feet and a building height of approximately 40.2 feet. Therefore, the proposal is consistent with the scale and character of the neighborhood.

The Development-Redevelopment theme of the CAP addresses many issues. One of these is maintaining residential uses in the Central Area despite pressures from commercial and institutional uses. (CAP, at 39.) The goal is to maintain people living in the Downtown and close in neighborhoods, which sustains the market for retail, services, entertainment, and extends the cycle of Downtown activity into weekends and evening hours. (CAP, at 39.) FALP's proposal achieves this precise goal by adding additional residential units right next to the Downtown area. Such a use is also consistent with the goal of increasing residential uses close to the central core. (CAP, at 41).

The two key goals of the Development-Redevelopment theme are to encourage sensitive, innovative development in Downtown and adjacent areas, particularly in the "interface zones," such that these projects contribute to Downtown liveliness, and to buffer established neighborhoods from erosion. As discussed above, the area in which the Site is located is multiple family residential, and there are no established

neighborhoods that need buffering. Thus, the key issue is enhancing Downtown activity, and the project will do just that.

Rehabilitating the seven existing houses also meets the goals of protecting housing stock from demolition. These houses, built as single family homes, will be restored, thus returning them to use in a more efficient manner consistent with their use over the decades. The project not only protects housing stock from demolition, but also retains the existing residential character of neighborhoods adjacent to commercial or institutional uses. This project does protect the residential character of this neighborhood.

In analyzing whether the project is consistent with the Central Area Plan, it is important to look at several other themes. For instance, the proposal meets numerous goals of the Circulation and Parking theme of the CAP by reducing traffic congestion because many of these residents will be walking or biking rather than using cars(CAP, at 34); creation of additional housing in the Downtown core and interface areas (CAP, at 35); and reducing parking in the neighborhoods (CAP, at 36) because of the on-site underground parking garage.

Perhaps the most important theme of the Central Area Plan is the Downtown theme. FALP's proposal significantly advances important goals of this theme. It creates more housing units, which will contribute people to the Downtown, enhance pedestrian activity, and help create a 24 hour presence. These units will also have market rents that will be affordable to a wide range of people. Thus, more people who work in Downtown may be able to live Downtown. In this way, the proposal helps strengthen Downtown in the most significant manner possible, and as such, it is directly consistent with the Central Area Plan.

The proposal is also consistent with the Future Land Use component of the Central Area Plan, which calls for this area to be used for multiple family residential uses. It specifically notes that this area is appropriate for higher density development. Thus, FALP's proposal is completely consistent with this theme of the CAP.

As is evident, the Central Area Plan contains a myriad of goals. Clearly, the project meets many of these goals, and in fact will strengthen the Downtown core. While it does not meet every goal within the CAP, nevertheless, the project is consistent with the overall Central Area Plan.

Moreover, the proposal is consistent with the Downtown Residential Task Force study (2004). The goal of this study was to analyze ways to increase density within one quarter mile of the boundaries of the DDA. The Site is immediately outside of the DDA and thus within the boundaries of this Task Force study. Clearly, the proposal is consistent with and advances the goals this Task Force was trying to achieve.

E. If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the Master Plan, or the underlying zoning when the Master Plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide affordable housing for lower income households in the following manner:

1. Proposed PUD projects exceeding the residential density recommendation of the Master Plan or the underlying zoning when the Master Plan does not contain a recommendation by up to 25 percent shall provide 10 percent of the total dwelling units as dwelling units affordable to lower income households. Proposed PUD projects exceeding the residential density recommendation of the Master Plan, or the underlying zoning when the Master Plan does not contain a residential density recommendation, by over 25 percent shall provide 15 percent of the total dwelling units as dwelling units affordable to lower income households.

   Thirteen of the units (15 percent of the total number of units) will be reserved for residents earning below 80 percent of the AMI. This will be guaranteed through the Supplemental Regulations. The project will therefore create the first affordable rental housing units in the Downtown area through the PUD process.

   FALP is gearing the building to be affordable to people generally earning between 80 and 120 percent of the "Area Median Income" (AMI). This is the cohort currently renting the units on the Site, and FALP desires to continue with this market. FALP is achieving this goal by keeping the unit sizes moderately sized. There are some larger units that might be appropriate for families or larger renting groups. Thus, the project will provide housing for Downtown workers who do not earn at the top ranges of income, such as City or County employees, support staff for many Downtown businesses or restaurants, or people attending or working at the University of Michigan.

2. Dwelling units affordable to lower income households shall be provided by the development of units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or any combination thereof.

   See above

3. When the affordable housing requirement results in a fractional unit, the fractional unit shall be converted to an affordable housing contribution in lieu of units, using the formula: the fraction shall be multiplied by the per-unit PUD affordable housing contribution as determined by the formula adopted annually by City Council.

   See above

4. The commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.

   Not applicable

5. Provisions to implement the affordable housing proposal shall be included in the PUD supplemental regulations or the development agreement, or both as determined by the City.

See above.

F. The supplemental regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.

Through the Supplemental Regulations, the City will be assured that the project will deliver the beneficial effects contemplated by the City and FALP. The Supplemental Regulations (SR) will provide for the number of units to be constructed which will create the additional residents to strengthen the Downtown. The design of the development will be established as part of the SR, thus insuring that the development as constructed will appear as represented in the approval process. Through the SR, and a separate required Housing Affordability Agreement, the project will deliver the affordable housing units as intended by the parties. Finally, through the SR, which will reference a Development Agreement, the City can confirm that the project will be Energy Star certified.

G. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.

Because the Site is adjacent to Downtown, and the market of intended residents is people working in the Downtown area, the project should require the use of fewer single occupancy vehicles. Parking beneath the building for residents and guests will eliminate any impact on neighboring streets or properties. The Site is located one block from the AATA bus terminal, thus being about as convenient as possible for alternative modes of transportation. This project is the epitome of "transit oriented design."

H. Disturbance of existing natural features, historical features, and historically significant architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.

The proposal calls for the rehabilitation of all of the existing seven older buildings on the Site. In this way, it retains the streetscape the way it exists today, and limits the disturbance of historical features of the Site. This proposal is a unique and creative re-use of the site and should be encouraged. It allows the efficient use of scarce urban land in a higher density configuration which nonetheless retains the historical character and streetscape of the existing neighborhood.

CITIZEN PARTICIPATION REPORT

The following is a summary of the public participation meeting that was held to present and discuss the proposed Streetscape PUD project to be located in the 400 block of South Fifth Avenue. It was attended by members of the development team and the public.

NOTICES: 2,019 notices were sent by a combination of mail, email and personal delivery.

NUMBER OF ATTENDEES (not including development team): 16

MEETING DATE/LOCATION: Tuesday, August 12, 2009 at 6:00 pm, Ann Arbor Public Library. Meeting ended at 7:20 pm.

INTRODUCTION and INITIAL COMMENTS and QUESTIONS:

Alex de Parry opened the meeting by explaining that its purpose was to present the proposed Streetscape proposal and to answer any questions that attendees might have. Introduced was Brad Moore, the project architect. Presented was a three dimensional color rendering showing the proposal of the building and a description of how it evolved from the concept drawing that was presented to us by Mike Forgacs in February 2009. Then shown was an overlay of the Forgacs version and our version showing the similarities and differences of the two proposals. It was explained that one of the shortcomings of the proposed plan was that on site storm water management would not be possible because it had a 20 foot rear lot set back and we needed 30 feet in order to accommodate the underground storm water storage tanks. In response to a question regarding retention versus detention, Brad Moore answered that we wanted to have 100% on site retention. Brad also explained that we would need to meet present codes for handicap access and that we had used the same front set back averaging that the Forgasc version used. Another reason for connecting the existing buildings with the connector building was to eliminate what would be a space between the buildings that would only get sun light from around 11 am till 1 pm in the afternoon. Also discussed was that we moved the garage entrance location away from the landmark tree that would not have survived if the entrance ramp was right next to the tree and the roots would have been cut.

Attendee Question: They (the front buildings) will be tied together in the back with a new structure?
Alex answered that, yes, they will be tied together with a new structure.

Attendee Question: Does the new structure have windows and doors?
Alex answered that yes, they will have windows throughout the building.

Attendee Question: How much of the buildings will be saved?
Alex answered that 90 to 100% of the original buildings will be saved.

Attendee Question: And the elevations will be the same elevations as they are now?
Alex answered that the elevations will identical. No changes are being made.

Attendee Question: The houses are being moved forward?
Alex answered that they are being moved forward and we are using front set back averaging to arrive at the front set back of approximately nineteen feet. We are also creating more green space in the front court yards.

Attendee Question: Will there be windows in the rear building?
Brad answered that there will be windows in the rear building. Windows will look out onto the front open space between the existing buildings.

Attendee Question: What will happen on the inside?
Alex answered that all new heating, plumbing, electrical, insulation and drywall will be installed.

Attendee Question: Will the front doors still be used?
Brad answered that the buildings will be restored using all the original front entrance locations to the houses. These will serve as entrances to the apartments in the preserved houses. There will be one common front entrance to the rear building that will give handicap access to all apartment units from within the building through a common corridor. And there will be common entrance to the building.

Attendee Question: Will the rear building be black?
Alex answered that we were asked to shade the rear building dark to bring attention to the front buildings and that we will do a rendering using off white for the rear building.

Attendee Question: Will there be windows in the rear building?
Brad answered that there will be windows in the rear building.

Attendee Question: Is the parking entrance between buildings four and five?
Alex answered that the entrance to the lower level parking area was between buildings four and five.

Attendee Question: Will they look like townhouses?
Brad answered that horizontal siding and double hung windows will be used, but the intent is for the rear building not to stand out. The individual houses will use colors that would have been used when originally built and will have a variety of paint colors in order to draw attention to the individual houses. The rear building will be a backdrop to the houses.

Attendee Question: Is the parking underground and how many stories are you going down?.
Brad explained that the parking is one level underground and that there would be approximately 96 parking spaces. Also noted was that we would also have approximately 50 to 60 bike spaces in the lower level parking garage. We are also maintaining a thirty foot rear set back from the existing rear property line.

Attendee Question: What is the total bedroom count?
Alex answered that it is 187 bedrooms.

Attendee Question: What is the size and price range of the apartments?

Alex answered that the apartment sizes would vary based on the location within the building. We were working from the outside elevations which are a given on the existing buildings in order to lay out the interior units. Brad explained that the houses would be restored to how they originally looked when first built and that doorway and window locations would remain as they were originally located. Prices would have a range of $700 to $800 for the affordable units and up depending on size and location within the building. A one bedroom was approximately 600 sq feet in size. There will also be four ADA compliant apartments. We are working with the existing exterior elevations and the existing window and door locations are set. So the floor plans in the houses will be similar to the existing floor plans while making them meet today's handicap accessibility requirements. There will be a range of sizes for the apartments based on the location within the building.

Attendee Question: Would the target market essentially be students? What is the difference between the R4C plan and the current plan?
Alex answered that the R4C version was comprised of 24 six bedroom units and the PUD version presently is comprised of approximately 14 efficiency apartments, 10 one bedroom apartments, 45 two bedroom apartments, and 15 three bedroom apartments, but this can change as we refine the plans.

Attendee Question: What is the South building and the North building?
Alex answered that what she was looking at was the R4C proposal and is not the current PUD proposal we are discussing.

Attendee Question: Is the parking entrance between houses 4 and 5?
Brad answered yes.

Attendee Question: Will there be enough parking?
Alex answered that there will be 96 parking spaces and, as we are marketing to people who want to live downtown, many of these people do not want to own cars or have a need for a car with public transportation so readily available.

Attendee Question: Will there be one common entrance to the connector building?
Brad answered that there will be one main entrance to the connector building.

Attendee Question: How energy efficient would the building be?
Brad and Alex answered that we were striving to build an extremely energy efficient building utilizing the latest energy saving techniques possible including geothermal or heat exchanger technology for HVAC, a heat recovery system for domestic hot water heating, maximum insulation of exterior walls and ceilings, and the elimination of natural gas as a fuel source. There will also be about 60 bike racks.

Attendee Question: How long will construction take?
Alex answered that the construction schedule would be 12 to 16 months with the goal of having the building dried in in four months.

Attendee Comment: The University said that the football stadium would be finished with construction before football season started.

Attendee Question: Will our building shake? We are 1000 feet away on the corner of Liberty and Fifth Avenue. Are you willing to take photographs of our building?
Brad answered that we are not driving any pilings and that the lower level parking structure would be like a large basement. The city parking structure planned for the library parking lot is multiple levels and designed to anticipate a tall building on top of the parking structure and thus the need for pilings. Alex added that our engineer's analysis of the soils showed excellent bearing capacity and thus no need for any pilings. So there would be no piling vibrations coming from our site. And there will be no vibrations coming from the excavation as we dig the basement. We also have city requirements that we have to meet regarding noise and dust. Our construction does not involve pile driving and we will not transmit any vibrations from our site through the ground. Concern was also raised by both projects coming on line at about the same time and if this would generate additional noise. We will have an excavator digging the basement.

Attendee Comment: All of Fifth Avenue will be shut down when construction starts on the parking lot. The city is putting in a new water main.
Alex commented that we are also replacing the existing water main in the street and will block one south bound lane.

Attendee Question: Are parking spaces assigned?
Alex answered that parking will be assigned and controlled by key card to the parking level.

Attendee Comment: There is not enough parking for downtown Ann Arbor. Having 96 spaces of parking will take away from city parking lots and every one has a car.
Alex answered that people are not as dependent on cars as in the past and bikes are being used much more frequently. That is why we have so many bike spaces. And Zip cars have become more widely used.

Attendee Question: Will parking be covered?
Alex answered that, yes, parking will be covered.

Attendee Question: House locations changed a little?
Alex explained that 415 South Fifth Avenue was moved in between 427 and 433 South Fifth Avenue. There had been an earlier neighbor request to have the tallest buildings on the north end of the site. And putting 415 in that location ensured that even the additions on the rear of the original building would be left intact. Also the front set back to the connector building would be even further back at approximately 65 feet from the sidewalk. Other set backs to the rear building are 63 feet, 54 feet, and 47 feet.

Attendee Comment: Should the houses be preserved, you could still add the new structure in the rear. If you kept the existing configuration, you could not do underground parking?

Alex answered that having underground parking would not be possible with the existing configuration. So we run into the problem of addressing the concern over parking. Also on site storm water retention becomes a problem. We need room for storage tanks.

Attendee Question: Is that a requirement?
Brad answered that the city requires on site storm water retention

Attendee Question: Can you make another drawing showing the architecture of the connector building? The drawing is pretty, but I can't tell what the back building will look like.
Alex answered that, yes, we will provide another drawing that shows the rear building in a lighter tone.

Attendee Question: How tall is the tallest building and how much taller is the rear building?
Alex answered that the houses on the north end of the site are about 38.5 feet tall to the ridge line and the rear building would be about 42.5 feet to the ridge line. Brad answered that the rear building would be three stories to the eave with additional living space under the roof.

Attendee Question: So the picture is really real about the roof?
Alex answered that it is really real and that is what it will look like.

Attendee Question: So how much taller is the rear roof line?
Alex answered four feet.

Attendee Question: So the rear building will be 30 feet from the lot line and straight up?
Brad answered yes the building is 30 feet from the rear lot line.

Attendee Question: What color is the rear building? It looks very dark.
Alex answered that the intent is to make the rear building complementary to the existing buildings and not to mimic the existing buildings. We will show how the rear building will be complimentary to the existing houses and not compete with them. We will change the color of the rear building to white to show the complementary nature of the rear building to the existing streetscape.

Attendee Question: I know Ann Arbor from 60 years ago and want to keep it that way.
Alex answered that all cities change and grow. Ann Arbor 60 years ago would have been very different from Ann Arbor 100 years ago.

Attendee Question: What about the existing street trees?
Alex answered that all of the existing street trees are being preserved. The entrance to the underground parking is located further south to make sure the landmark Burr Oak would not be disturbed.

Attendee Question: Will you detail from the other end of the street?
Alex answered that we would.

Attendee Question: Is 437 South Fifth Avenue is missing?

Alex answered that this house was not the greatest when originally built, has had multiple additions, and the original house was very small. We have created more green space in the front yards and we had to accommodate the entrance ramp for the lower level parking and to protect the existing street trees. We moved the entrance down to protect the landmark tree. We have created a range of 30 to 40 feet of separation between the houses to increase front yard open space.

Attendee Question: Will there be a resident manager?
Alex answered that there will be a resident manager and day time staff. Access to the building will also be secure with key card entry. We want to attract young, single, working and professional people and people who just want to live downtown. A comment was made later that the Knob Hill Apartments attract a cross section of renters and many have been there for years. We agreed that there are many older people who want to downsize and live downtown, but cannot afford the prices of the downtown condos and that is a market we definitely want to attract. Cross generational living, i.e., people of all ages and all walks of life, is who we want to attract to our building. Many of these people choose not to have cars. People ride bikes and walk down town. The young professional generation is not as car dependent as in the past. A lot of people take the bus. Many shop at the White Market and go out to eat. We are looking for single people, young professionals, people who want to live downtown.

Attendee Question: Do you have living spaces above the eave in the back building?
Brad answered yes.

.Attendee Question: What is the construction time?
Alex answered twelve to fourteen months at the outside. This is frame construction and will go quickly. We will have the building under roof in 3 to 4 months and then all the work will be on the inside of the building.

Attendee Question: Are you moving the houses? How long will it take?
Alex answered that the houses are originally built I wall sections and then stood up. The wall sections will be disassembled as they were assembled and moved off site while the basement is being constructed and then moved back on site.

Attendee Question: How will we survive the driving of the pilings for the parking structure?
Alex answered that we survived the library addition when they drove piling after piling. We felt the vibrations, but survived the construction. We did not have problems during the library construction. We disliked the noise more than the vibrations.

Attendee Question: The stadium was supposed to be done before the football season started and they are not done.
Alex answered that we are building a much simpler building. We are not building a stadium. This is quite a bit simpler.

Attendee Prepared Statement: We came tonight with an open mind, but came with a prepared statement. (See attached statement that was presented at this point in the question and answer period.)

Attendee Question: How many floors are there? Brad answered that there are three stories to the eave and a fourth level under the roof.

Attendee Question: How much taller is the rear building?
Ridge line to ridge line, the rear building is four feet taller.

Attendee Question: Is the ridge line real in the drawing?
Brad answered that the ridge line is real.

Attendee Question: All of the other things that you previously discussed…the geothermal and all the other stuff, are they being included?
Alex answered absolutely. It has always been our goal to use state of the art technology to make this building super efficient. And we will not use natural gas as a fuel source.

Attendee Question: What is geothermal heating?
Brad answered that geothermal heating and cooling uses the earth as a heat source in the winter and a heat repository in the summer. Lawrence Tech has a geothermal demonstration set up that people can view. Also the use of heat exchangers using the naturally occurring energy in the air is another technology that advancing rapidly and Japan is leading this technology. It's like battery technology…all are advancing dramatically.

Attendee Question: Will there be management?
Alex answered there will be on site management.

Attendee Question: Will fire safety issues be addressed?
Alex answered yes.

One additional comment was made by an attendee after she had gotten up and as she was leaving the meeting. It is:

Attendee Comment: There is not enough parking downtown and if there are sixty additional people with cars, they will park somewhere downtown. All the business owners are concerned about parking downtown. We want to keep Ann Arbor the way it was. Don't change Ann Arbor. Build outside of town. Do it some place else.

Revisions made to the proposed development plan.

The following modifications and revisions were made to our development proposal in response to the comments, suggestions, and the written statement that we received.

1. All seven houses will be rehabilitated and left on the lots they are presently located on in order to preserve the existing street scape.

2. The new rear building(s) will not be connected to the existing houses as had been proposed. Three new free standing buildings are proposed with underground parking to be located under the new buildings. The Germantown Neighborhood Association proposal had two new buildings measuring approximately 50' by 130' for a total foot print of approximately 13,000 sq ft on the rear of the site with the ramp connecting to the underground parking area located next to the Buhr Oak tree in the middle of the site. We have moved the ramp further south in order to protect the tree We are proposing three smaller new buildings with the following dimensions: the building located on the north end of the site is approximately 42' by 115', thus a 4830 sq ft footprint , the building located in the center of the site is approximately 42' by 81', thus a 3402 sq ft footprint , and the building located on the south end of the site is also approximately 42' by 81', thus a 3402 sq ft footprint, or a total foot print of approximately 11,650 sq ft.

3. An interior open plaza has been created that will connect to Fifth Avenue by a landscaped pedestrian walkway. The plaza will serve as a focal point for the site.

4. The historic integrity of the neighborhood is preserved.

5. The rehabilitated houses will retain their existing interior floor plans and unit mix.

City Place Meeting
Sign In Sheet
August 12, 2009

Name	Address	Email Address
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Martha Portz Luczak	438 S. 5th Ave	Luczakfamily@comcast.net
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Shirley Zempel	434 S. 4th Ave	zempel.shirley@gmail.com

Fifth Avenue Limited Partnership

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July 29, 2009

To Our Neighbors,

As required by the Citizen Participation Ordinance which went into effect on January 1, 2009, we would like to invite you to an informational meeting during which we will present our revised plan for a portion of the 400 block of South Fifth Avenue. The meeting will be held on August 12, 2009 at 6:00 P.M. on the third floor of the Ann Arbor Public Library at the corner of E. William Street and S. Fifth Avenue.

The property, which is located on the east side of South Fifth Avenue, presently consists of seven buildings that have been converted into rental properties. We are proposing a project which will incorporate almost 100% of the existing exterior elevations of 6 of the 7 houses as originally built, as shown below in the conceptual rendering, will increase front yard open space, and will incorporate underground parking. Note that this rendering does not show the existing street trees.

This notice is being sent to property owners located within 1000 feet of the site. There will be opportunities for discussion and comment.

An application is being prepared for submittal to the City of Ann Arbor along with a written description of the proposal and a conceptual sketch of the development and a site plan. City review is anticipated to occur in August of 2009.

Persons with disabilities are encouraged to participate in publics meetings. Accomodations, including sign language interpreters, may be arranged by contacting the petitioner. Requests need to be received at least 48 hours in advance of the meeting.

Regards,

Alex de Parry

Alex de Parry
Fifth Avenue Limited Partnership

CITIZEN PARTICIPATION REPORT
Heritage Row Apartments
Meeting Held December 14, 2009

The following is a summary of our third public meeting that was held to present updates from the previous two meetings regarding the proposed Streetscape PUD project to be located in the 400 block of South Fifth Avenue. It was attended by members of the development team and the public.

NUMBER OF ATTENDEES (not including development team): 19 (some attendees did not sign in). Email notifications were sent to those who attended the previous meetings, the GNA, AnnArbor.com, AnnArborchronicle.com, Local in Ann Arbor blog, and the City of Ann Arbor,

MEETING DATE/LOCATION: Monday, December 14, 2009, at 6:30 pm, Ann Arbor Public Library. Meeting ended at approximately 7:40 pm although several attendees who arrived late continued discussions with Mr. Dziurman and Alex de Parry.

INTRODUCTION, COMMENTS and QUESTIONS:

- Alex de Parry opened up the meeting by introducing John Dziurman, the preservation architect who is assisting in the historic rehabilitation plans of the exiting houses. Mr. Dziurman then proceeded with an explanation that the seven existing houses will be saved and rehabilitated to their original period of significance.

- A picture of the house located at 433 South Fifth Avenue was passed around showing that the building was originally built in the Italianate style and was "modernized" in the 1920's to its appearance as seen today. It was explained that the exteriors of the other houses that are covered in siding will also be restored to their turn of the century architectural styles. Existing siding would be removed.

- It was noted that some of the houses would be moved forward on their sites to an average front setback of 19 feet. Three of the houses already have a nineteen foot front set back as do most of the other buildings on the block. But because they all have different front elevations with different porches, they would not appear to be "lined" up in a row. This is being done to accommodate the three new buildings to be constructed behind the existing houses.

- The parking will be located underneath the three new buildings in a parking garage

- Mr. Dziurman also described the central plaza area proposed for the center of the site.

- Historic colors would be used for the existing houses and a discussion of possible colors took place.

- A discussion followed that we would be using rehabilitation codes for the existing houses.

- A site plan was presented showing the existing houses and the three new buildings. A discussion followed comparing it to the GNA site plan that was proposed. We are not connecting the rear buildings to the existing houses as the GNA had proposed.

- 15% of the units would be reserved as affordable.

- The houses would not be disassembled, but lifted up in order to put new foundations underneath them.

- We are looking for more pictures of the houses as originally built.

- An attendee asked whether we had finalized the elevations of the rear buildings. Mr. Dziurman answered that we were going through finalizing the design, but were not yet happy with the final version. So we did not want to show an elevation that we were not satisfied with. The design of the rear buildings should not compete with the existing houses, but should be a back drop to the houses. The new rear buildings should be complimentary to the existing houses. A color rendering would be posted on the Heritagerow.net web site as soon as it was completed. Mr. Dziurman stated that we had looked at all kinds of styles and pictures and we were just not ready yet. We wanted to get it right.

- Comparisons were made to the "Washtenaw" apartment building as to height. It was noted that the "Washtenaw" is 40.2 feet tall and thus taller. The height of our new buildings is 38.9 feet. Four of the existing buildings have a height of 38.5 feet. It was also noted that the Washtenaw is hardly seen from Hamilton Street as it is obscured by the surrounding houses.

- The Washtenaw is actually taller than the buildings we are proposing.

- Forty four new units would be created in the new buildings comprised of 34 2-bedroom units and 10 3-bedroom units. The existing houses will retain their existing floor plans

- Existing density in the surrounding neighborhood is already much greater than what is presently allowed and most existing buildings are nonconforming.

- A picture of a contemporary building was passed around showing the look we were trying to achieve.

- Also discussed was the outdoor plaza area that we are creating. Comparisons were made to Ashley Mews and the lack of landscaping. We are adding landscaping to the plaza area.

- On site storm water management would also occur.

- It was also noted that all the buildings including the existing houses will be sprinkled.

- Also discussed was how the houses would be lifted onto new foundations.

- Mr. Dziurman wants to work with everyone in coming up with a plan that is acceptable. I really want to work with you. I am looking at this as if, would I approve this.

- We have to meet current codes. We will use the rehabilitation code.

- All the buildings will be sprinkled.

- We are looking at historic tax credits.

- Mr. Dziurman said this could be a tremendous project in agreement with an attenddee comment.

- Everyone was told about our web site.

FIFTH AVENUE LIMITED PARTHERSNIP
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CONTACT: Alex de Parry
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fifthavenuecommunities@gmail.com

FOR IMMEDIATE RELEASE
November 30, 2009

A neighborhood meeting will be held at 6:30 PM on December 14, 2009 at the Ann Arbor Public Library in the second floor meeting room. Preservation architect John Dziurman will present our "Heritage Row" plan that has incorporated community input and comments received at our previous neighborhood meetings and one that also meets the Secretary of Interior's Standards for Rehabilitation.

All seven of the existing houses will be rehabilitated and the existing streetscape will be preserved. Our design for the rear of the site consists of three separate, free standing 3.5 story buildings similar in scale to the "Washtenaw" apartment building located one block east on East William. Underground parking will be located on the rear of the site underneath the three new buildings. A plaza area will be located behind the existing houses in the center of the site.

# # #

HERITAGE ROW
Sign-In Sheet
Monday Dec. 14, 2009

Name	Address	Email Address
RYAN STANTON	301 E. LIBERTY	STANTIRJ@GMAIL.COM
DAVID ASKINS	330 MULHOLLAND ST	dave.askins@annarborchronicle.com
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Scott Munzel	121 W. Washington	
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OKSANA V. POSA	916 Hutchins A A 48103	xewsha@gmail.com

CITIZEN PARTICIPATION REPORT
Heritage Row Apartments
Meeting Held October 12, 2009

The following is a summary of our second public meeting that was held to present updates from the first public meeting held on August 12, 2009 regarding the proposed Streetscape PUD project to be located in the 400 block of South Fifth Avenue. It was attended by members of the development team and the public.

NUMBER OF ATTENDEES (not including development team): 7. Email notifications were sent to AnnArbor.com, the GNA Neighborhood Association, the City of Ann Arbor, AnnArborChronicle.com, and to the people who attended our first meeting.

MEETING DATE/LOCATION: Monday, October 12, 2009, at 6:00 pm, Connor O'Neil's Restaurant on Main Street. Meeting ended at approximately 7:10 pm. Discussions continued after the meeting with several attendees.

INTRODUCTION and PURPOSE of the MEETING:

- The meeting was called to introduce Mr. John Dziurman, a historic preservation architect, as a new member of our development team. Mr. Dziurman has joined our team in order to assist us in rehabilitating all 7 of the existing houses to Secretary of Interior's Standards for Rehabilitation in response to comments we had received at our August 12, 2009 Citizen Participation Meeting held at the Ann Arbor Public Library.

- Mr. Dziurman discussed his background as a preservation architect and that his role is to prepare a plan that will rehabilitate all seven of the existing houses. Several of the houses would get moved forward on their existing sites. Some of the later rear addititions that have nothing to do with the defining features of the original houses would be removed.

- Mr. dziurman discussed some of the history of the various houses and that he spoke with SHPO regarding moving some of the houses forward a bit in order to contruct new basements and said this was doable.

- Mr. Dziurman said that this could be a show case project, one that has not been done before in Ann Arbor as far as he knew.

- Also discussed was the construction of new buildings behind the existing houses, much like the Germantown plan that he had seen. But at this point we were not sure what they would look like.

- A discussion of historic rehabilitation standards followed and how they would be applied to the existing houses.

- Periods of Significance were discussed and how it was our goal to meet these standards for rehabilitation. In general, the discussion centered on the fact that we were modifying our proposal to incorporate the concerns and suggestions we heard at the August 12, 2009 meeting. Attendees were pleased to hear that all seven houses would be rehabilitated in order to preserve the existing streetscape.

- We told attendees that a follow up meeting would be scheduled to keep everyone updated.

Neighborhood meeting October 12, 2009

Reply

|

Alex de Parry show details Oct 5

to Andrea, Beverly, Deanna, Herb, Julie, Martha, Mary, Mike, Piotor, Ray, Shirley, Susan, Tom, Vera, Vivienne

from Alex de Parry <fifthavenuecommunities@gmail.com>
to Andrea David <yakbuttertea@comcast.net>, Beverly Strassman <bis@umich.edu>, Deanna Relyea <relyead@gmail.com>, Herb David <herbdavid@herbdavidguitarstudio.com>, Julie Wetherbee <jwh@umich.edu>, Martha Luczak <luczakfamily@comcast.net>, Mary Morgan <mary.morgan@annarborchronicle.com>, Mike Forgacs <mforgacs@comcast.net>, Piotor Michalowskie <piotorm@umich.edu>, Ray Detter <rdetter@umich.edu>, Shirley Zempel <zempel.shirley@gmail.com>, Susan Whitaker <suswhitaker@gmail.com>, Tom Whitaker <tgwhitaker@gmail.com>, Vera Politis <dtpolitis@gmail.com>, Vivienne Armentrout <vnarmentrout@sbcglobal.net>
date Mon, Oct 5, 2009 at 3:23 PM
subject Neighborhood meeting October 12, 2009
mailed-by gmail.com

hide details Oct 5

Greetings,

Tom Whitaker and I chatted Sunday afternoon and agreed that keeping the lines of communication open is beneficial for everyone. I've set up a meeting at 5:30 on October 12, 2009 at Conor O'Neill's and invite you to attend.

We'll be following up on our discussion which you attended on August 12, 2009. Joining us will be John Dziurman, a respected preservation architect, who is advising us on how to incorporate the various goals and suggestions that we have received. It would be very helpful for John to hear from you directly. Below is his web site that will give you information about his background and accomplishments.

http://www.dziurmanarchitects.com/

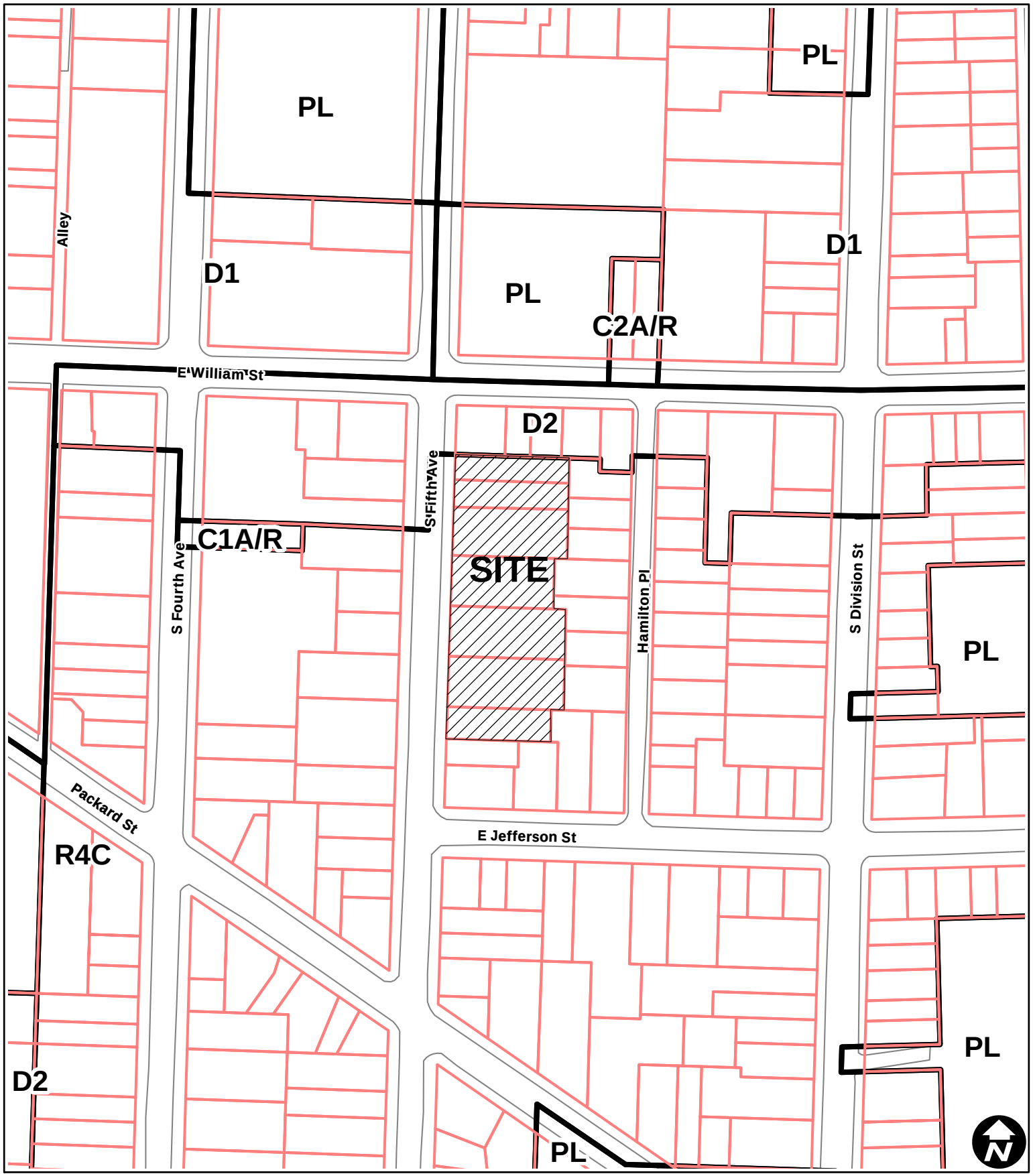
Please forward this message to anyone else whom you feel would like to participate. I hope to see you there.

All the best,

Sign In Sheet
October 12, 2009

Name	Address	Email Address
RYAN STANTON, AZ.COM	301 E. LIBERTY	stant1rj@gmail.com
TOM LUCZAK, observer	438 S. Fifth Avenue, AZ	luczakfamily@comcast.net
Vivienne Armentrout Local contribution	920 Vargas Rd	vnarmentrout@socglobal.net
Scott Munzel	121 W. Washington St.	
DAN WILLIAMS	294 Rolling Meadows	dan@williamsbuilding.com
NELSON R MANOHAR	411 S FIFTH AVE #2	nelsonmanohar@yahoo.com

Heritage Row
-Zoning Map-



0 160 320 640 Feet

Map Legend
City Boundary
Railroads

Maps available online:
http://gisweb.ewashtenaw.org/website/mapwashtenaw/

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Heritage Row
-Aerial Map-

0 160 320 640 Feet

Map Legend
- City Boundary
- Railroads

Maps available online:
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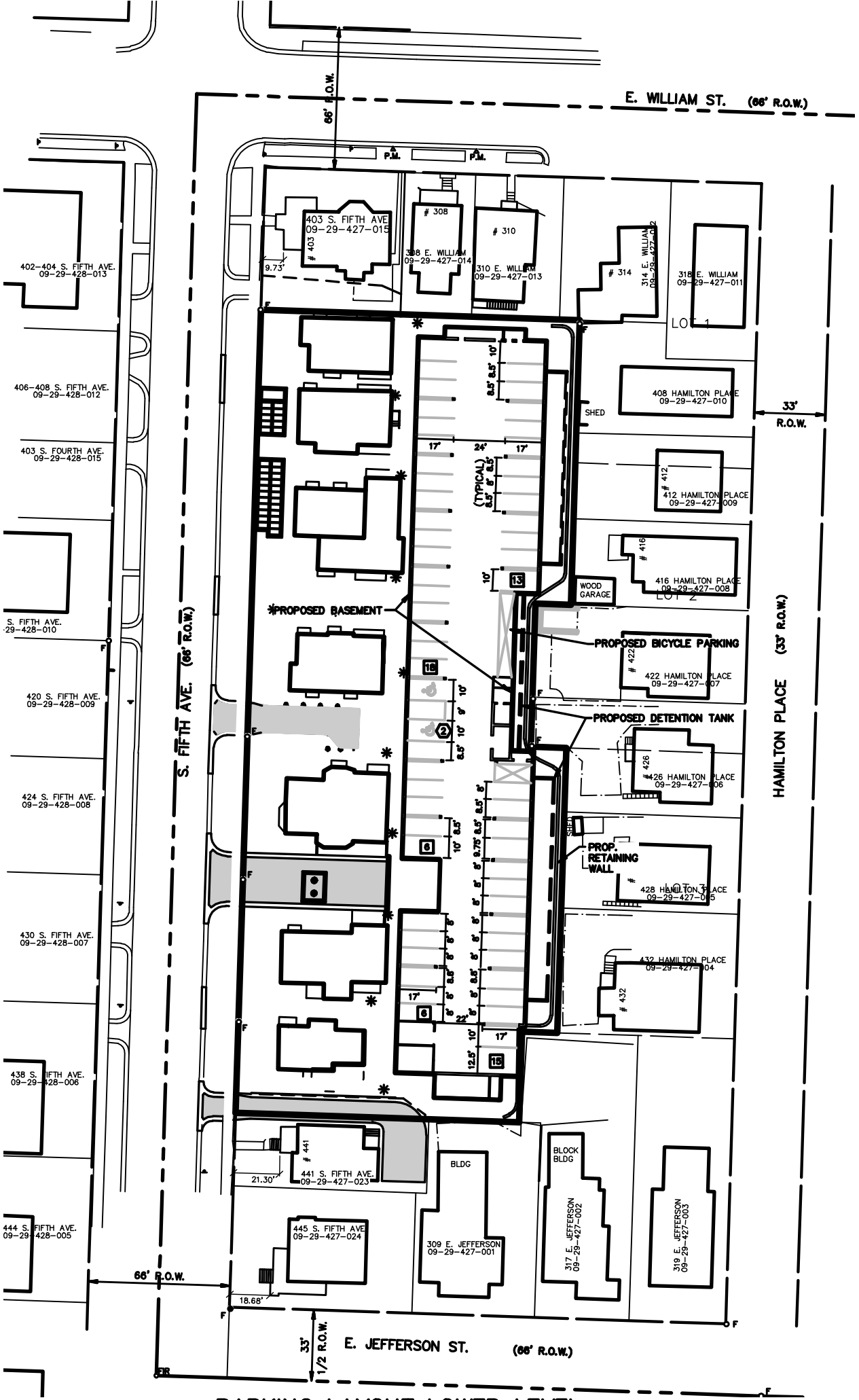

PARKING LAYOUT LOWER LEVEL

SCALE: 1" = 40'

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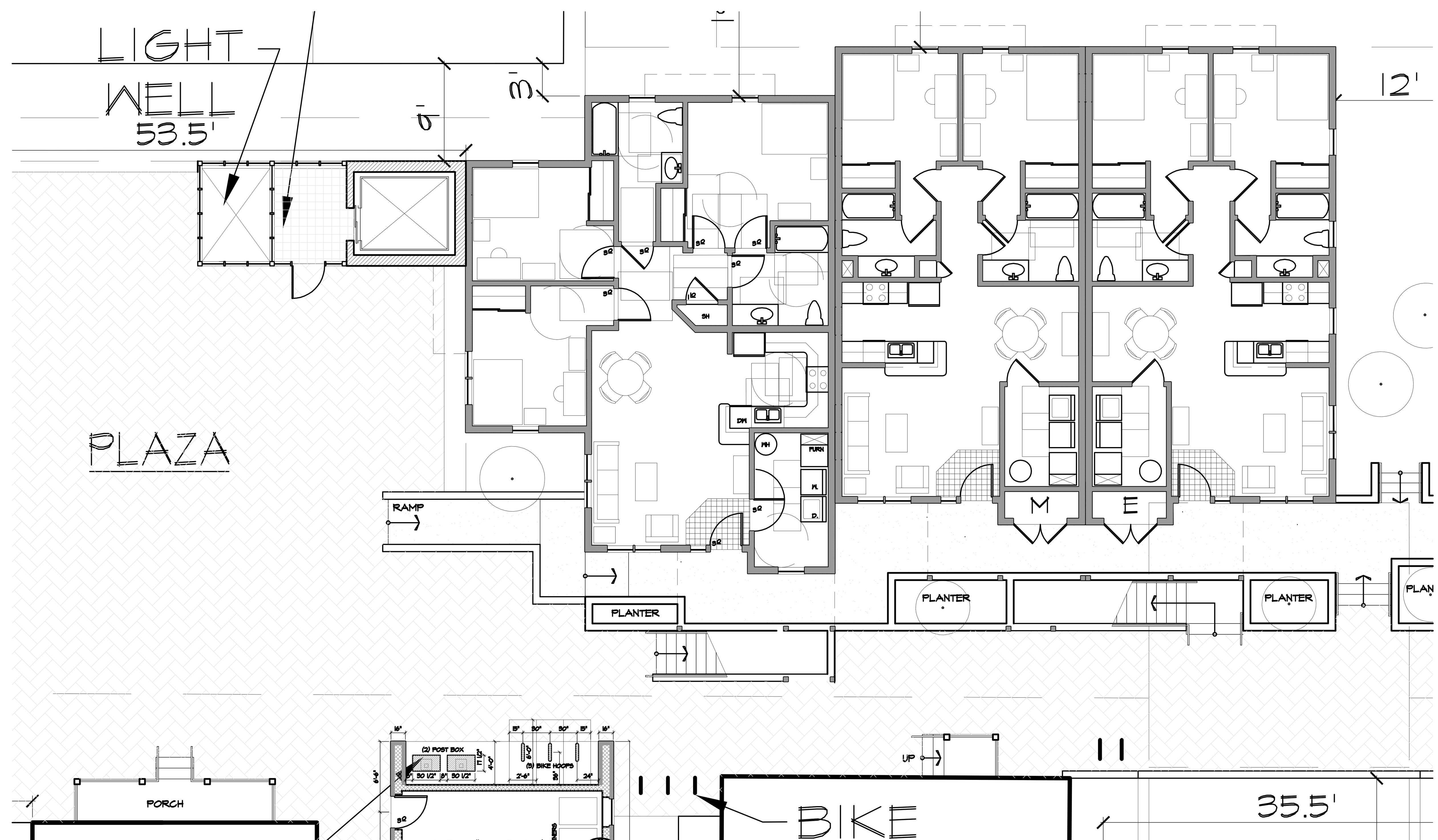
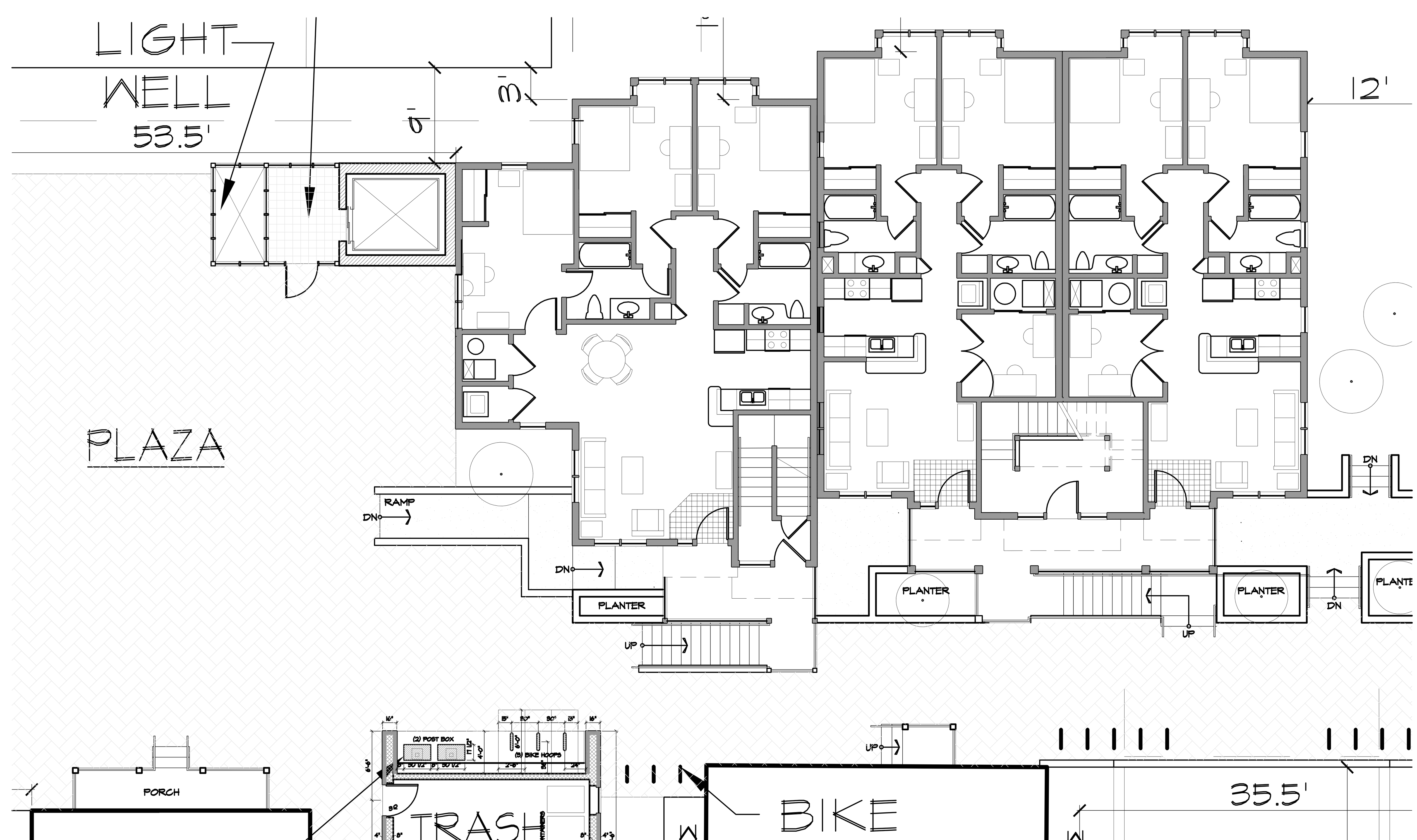
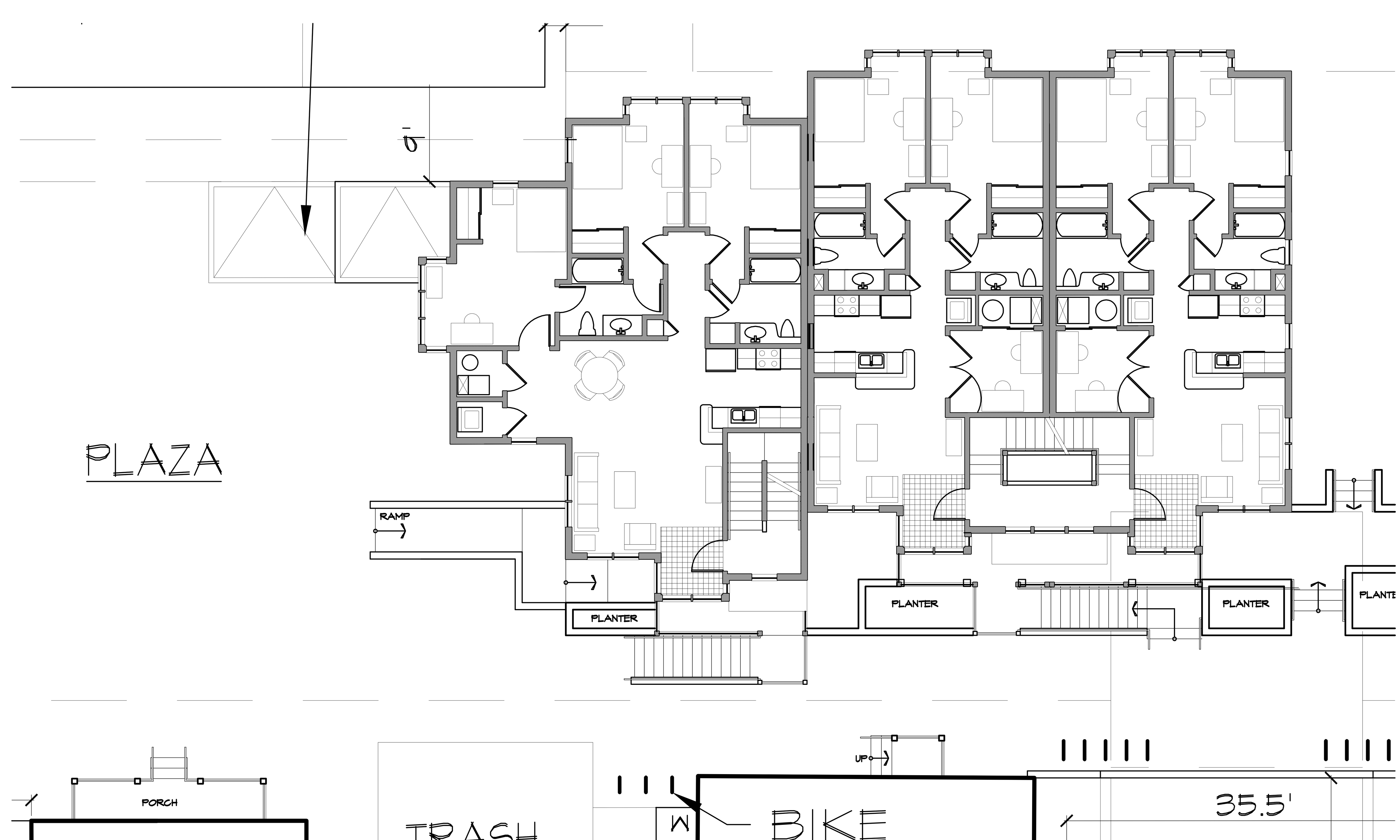


Garden Level Plan
SCALE: 1/8" = 1'-0"



1st Level Plan
SCALE: 1/8" = 1'-0"



2nd-3rd Level Plan
SCALE: 1/8" = 1'-0"

sht PA1.6

drawn kwk
date 12.22.09
01.15.10
02.02.10

job 27109

revisions
date reason

J BRADLEY MOORE
& ASSOCIATES
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

Heritage Row Apartments
Fifth Avenue

Center Building Plans

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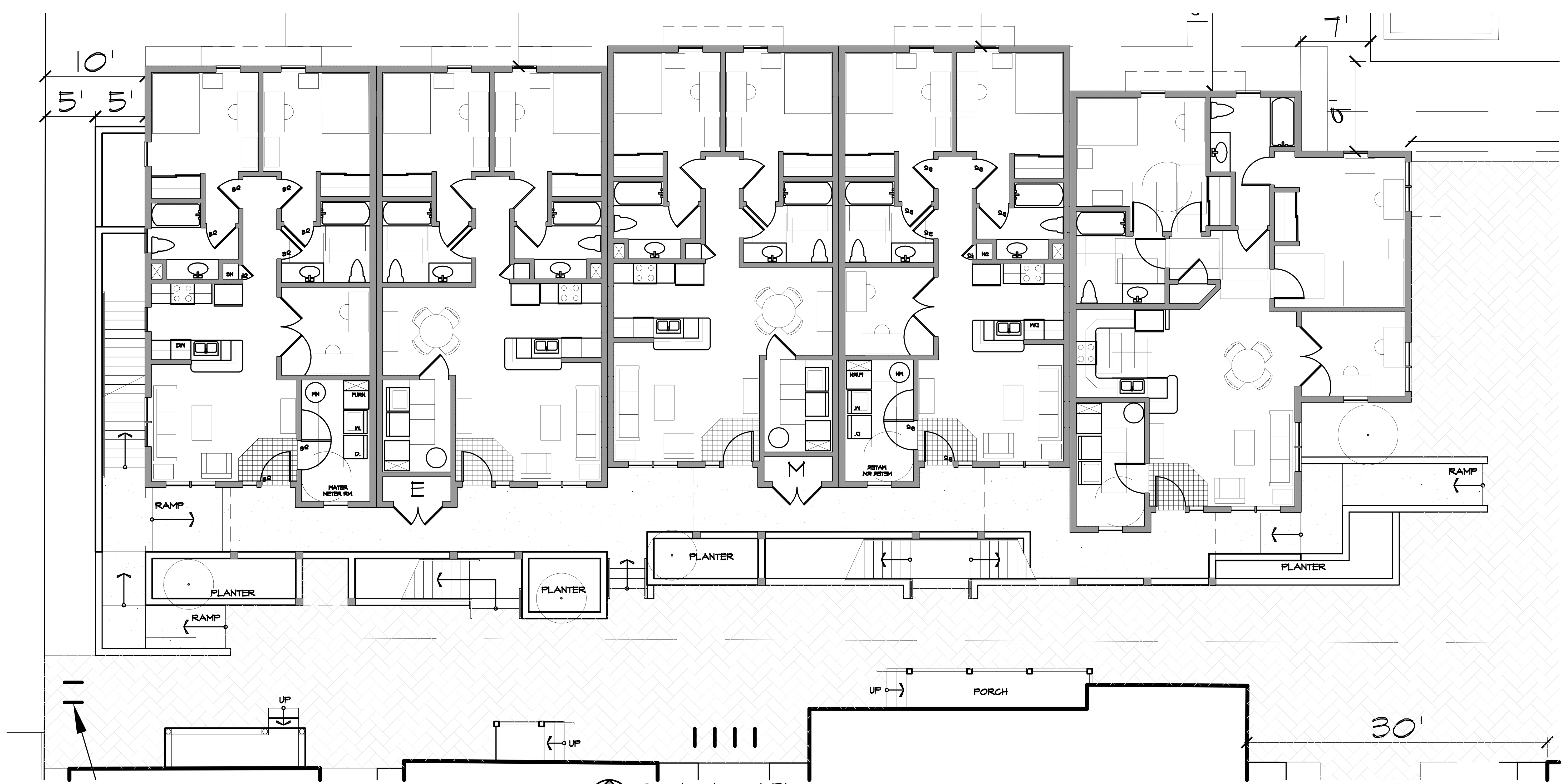
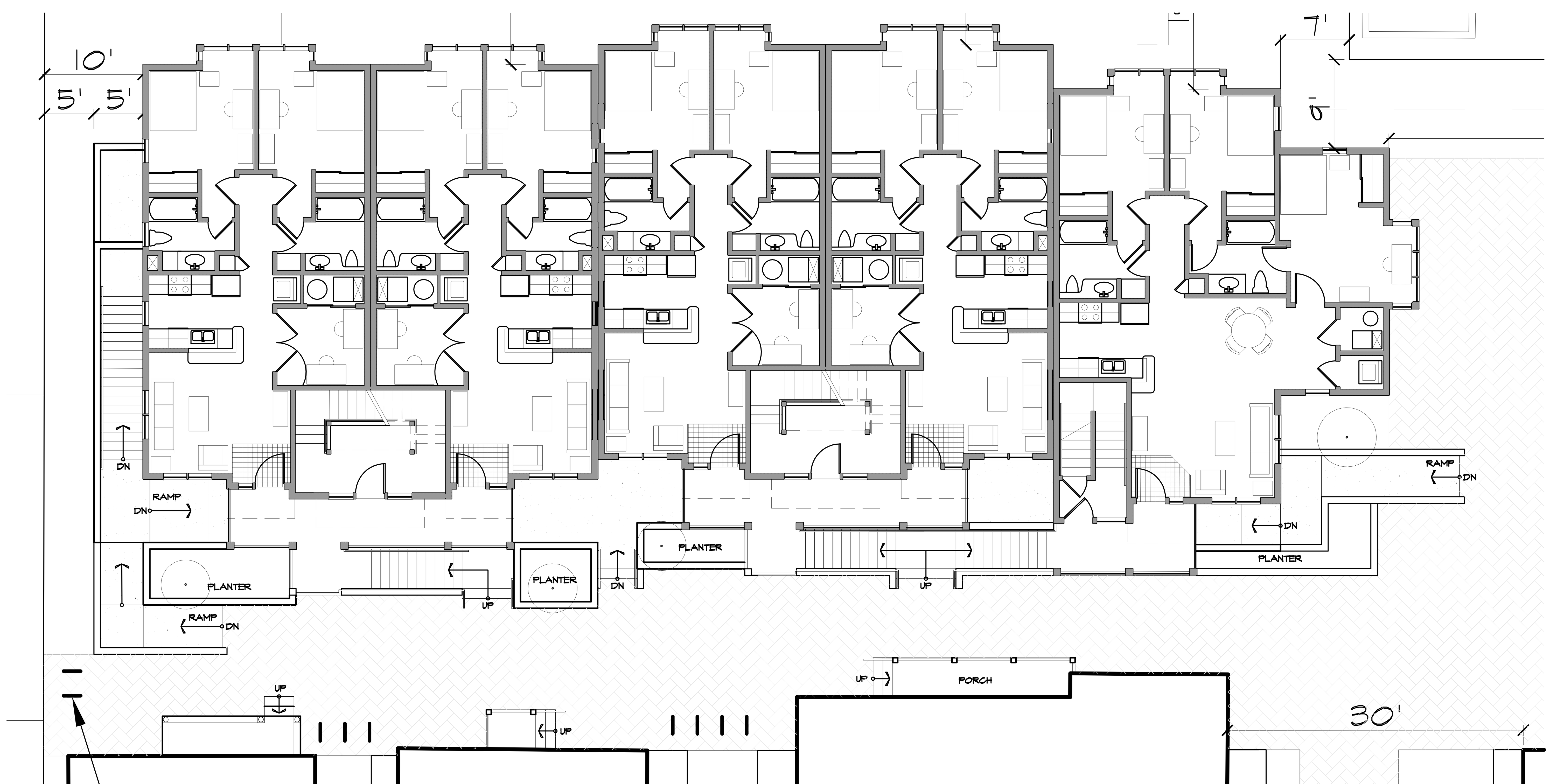
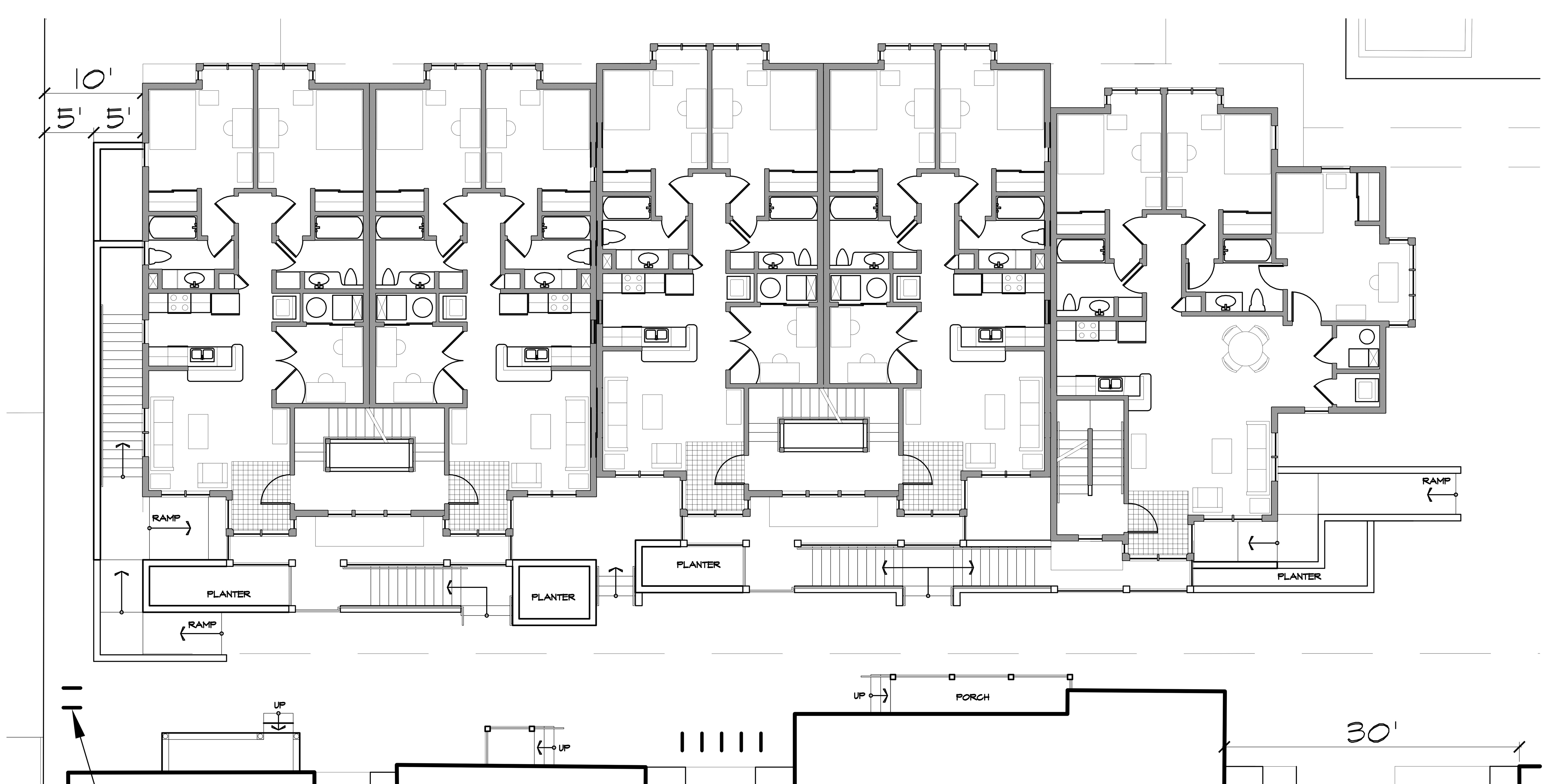


Garden Level Plan
SCALE: 1/8" = 1'-0"



1st Level Plan
SCALE: 1/8" = 1'-0"



2nd-3rd Level Plan
SCALE: 1/8" = 1'-0"

sht PA1.5

drawn kwk
date 12.22.09
01.15.10
02.02.10

job 27109

revisions
date reason

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Heritage Row Apartments
Fifth Avenue

North Building Plans

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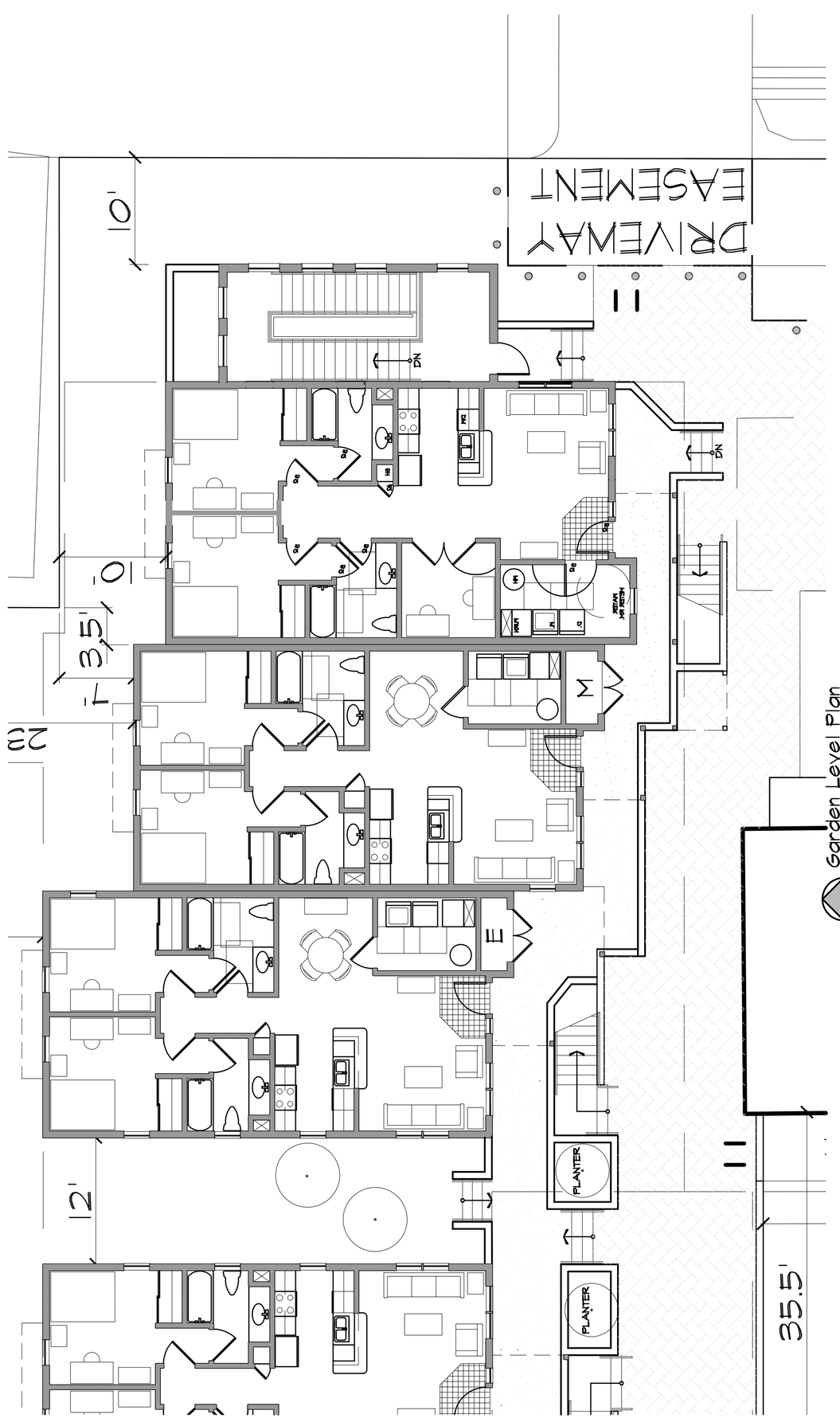

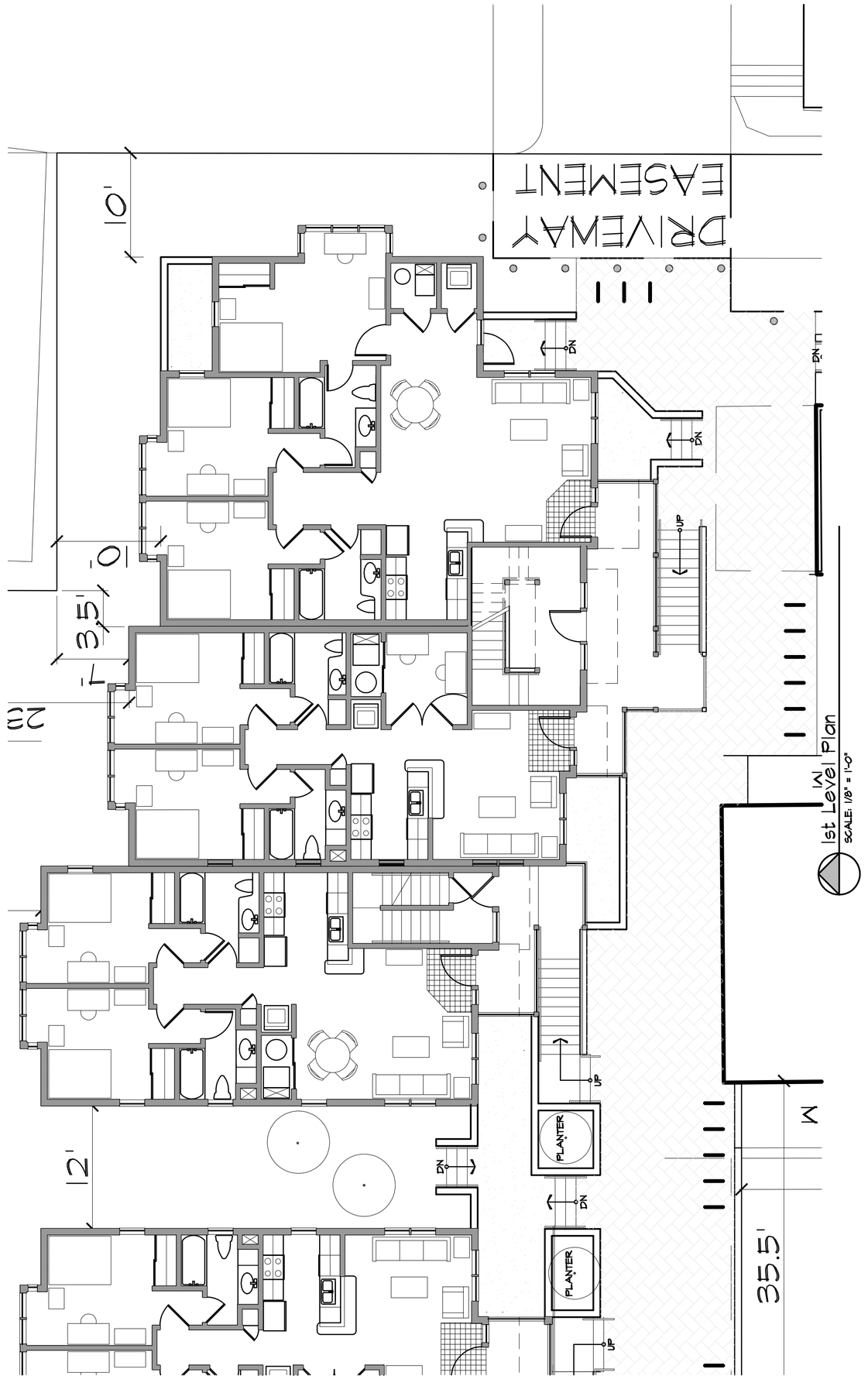

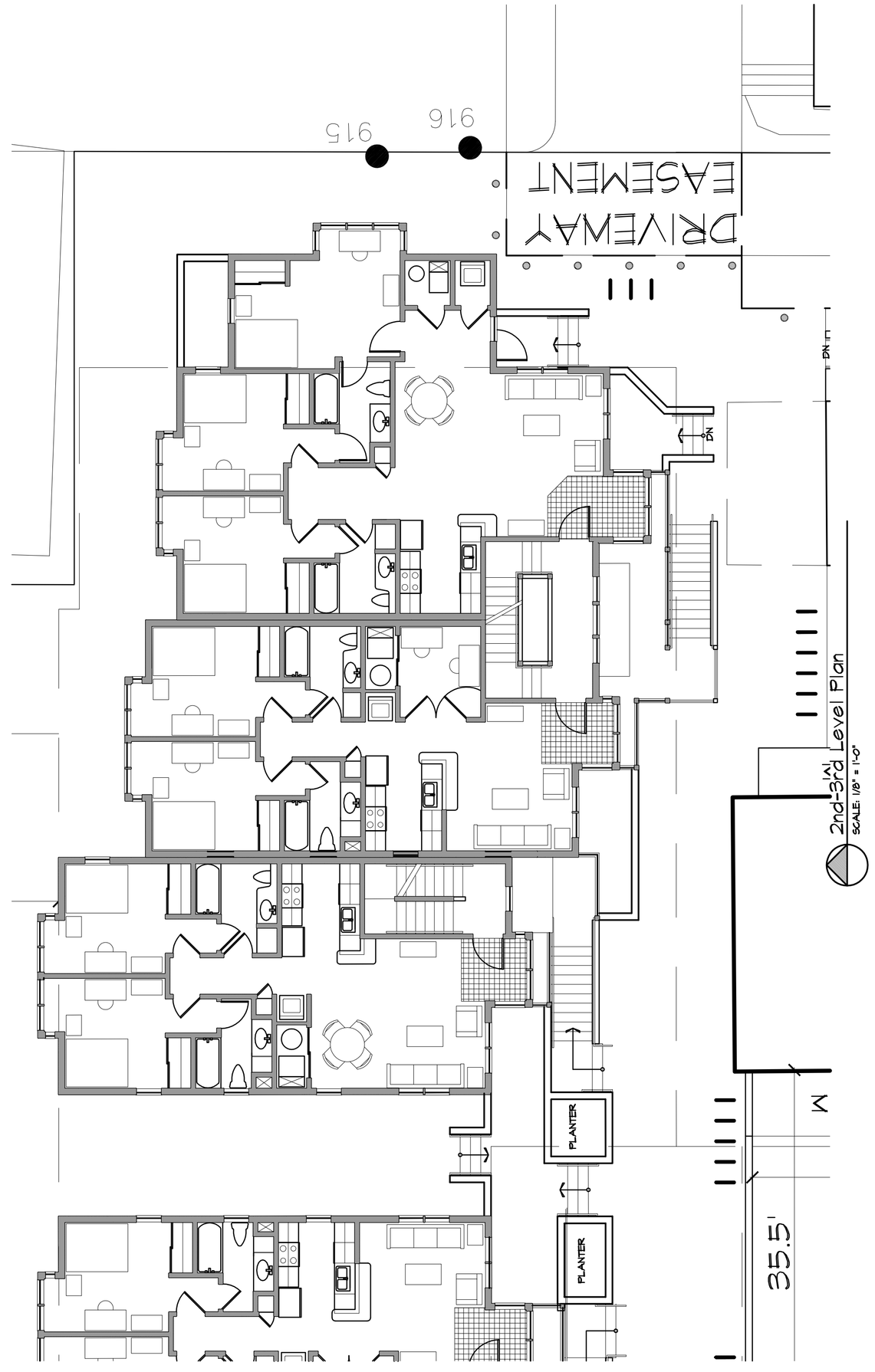

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Heritage Row Apartments
Fifth Avenue

South Building Plans

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& ASSOCIATES
4044 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

revisions
date reason

job 27109

drawn kwk
date 12.22.09
01.15.10
02.02.10

sht PA1.7