

## **PLANNING STAFF REPORT**

### **For Planning Commission Meeting of December 2, 2025**

**SUBJECT: The Dean (558 S Fifth Ave) Rezoning**  
**554 S Fifth Ave, 558 S Fifth Ave, 201 E Madison St, 211 E Madison St,**  
**215 E Madison St, 543 S Fourth Ave, 547 S Fourth Ave, 551 S Fourth**  
**Ave, 553 S Fourth Ave**  
**File REZ25-0004**

#### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Dean rezoning petition to D1 (Downtown Core) base, Midtown overlay, and Secondary Street frontage designation, approve the Dean area plan, and accept the voluntarily offered conditions to:

1. Limit the maximum height to 161 feet.
2. Adhere to design requirements of the Downtown Development Authority.
3. Provide a 10-foot setback adjacent to residential zoning.

#### **STAFF RECOMMENDATION:**

Staff recommend **approval** of the **rezoning petition** to designate the site **D1 (Downtown Core) base, Midtown overlay, and Secondary Street frontage designation**, **accept** the condition to require a 10-foot setback from lot lines adjacent to residential zoning, **reject** the conditions to limit the maximum height to 161 feet, and **reject** the condition to adhere to Downtown Development Authority design requirements, because the proposed designations are consistent with the overarching goals of the 2009 Comprehensive Plan and align with the draft recommendations of the 2026 Comprehensive Plan.

Staff recommend **approval** of the **area plan** because it demonstrates the permitted uses and development of the proposed zoning designation will be compatible with the City's adopted plans and policies.

## LOCATION:

This site is located on the north side of East Madison Street between South Fourth and Fifth Avenues and includes 9 parcels: 554 S Fifth Ave, 558 S Fifth Ave, 201 E Madison St, 211 E Madison St, 215 E Madison St, 543 S Fourth Ave, 547 S Fourth Ave, 551 S Fourth Ave, and 553 S Fourth Ave. It is in the central area of the city.

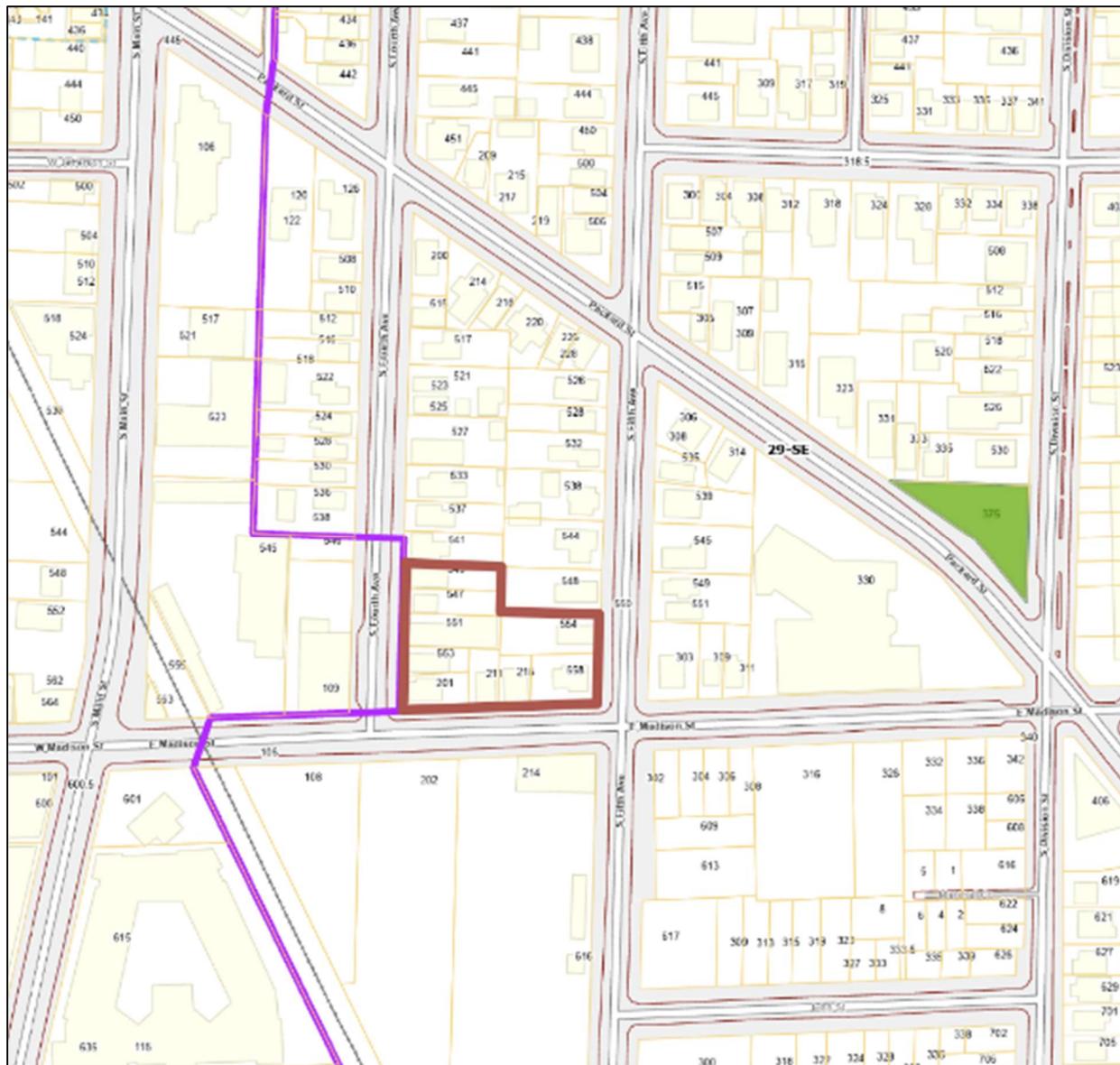


Figure 1: Location Map - The Dean

## **SUMMARY:**

A petition has been submitted to rezone 9 parcels on the north side of East Madison Street between South Fourth and Fifth Avenues from R4C (Multiple-Family Dwelling) and M1 (Limited Industrial) to D1 (Downtown Core) base, Midtown Character overlay, and Secondary Street frontage designation. Voluntary conditions are offered to the zoning designation to:

- 1) restrict the maximum height to 161 feet,
- 2) adhere to Downtown Development Authority design requirements, and
- 3) increase the required side and rear setback to 10 feet when abutting residentially zoned property.

The rezoning will allow the construction of a high-rise residential building as illustrated on the accompanying area plan. A separate site plan application for a 14-story building with two levels of parking and 12 floors of residential use providing around 180 apartments is being reviewed concurrently and will be scheduled for Planning Commission approval following a decision on the rezoning petition.

Initially, a combined application for rezoning and site plan approval was submitted. The first review revealed that the site plan layout included four curb cuts and would require a variance to exceed the normal curb cut allowance based on street frontage length. A variance cannot be approved until the zoning designation is known, otherwise the variance would be for a speculative condition.

## **EXISTING CONDITIONS:**

Four of the site's nine parcels are zoned M1 (Limited Industrial), the remaining five parcels are zoned R4C (Multiple-Family Dwelling). Each parcel contains an existing building in residential use. 551 S Fourth Ave was constructed in 1950 as an industrial garage; it now contains garage and storage space on the first floor and residential apartments on the second floor.

The M1 district is a nonresidential and special purpose district specifically intended to provide for "various types of industrial and manufacturing uses" with "low land coverage," large setbacks and "low concentration." Permitted uses are compatible with each other, but not appropriate adjacent to residential uses, and include trade schools; vehicle rentals and sales; vehicle service and repair; contractors and construction services/office and research; transportation uses; manufacturing, processing, assembly, fabrication uses; and warehousing/storage uses.

The R4C district is a residential district specifically intended for multiple-family dwellings in the central area of the City close to downtown and campus areas. Permitted uses include residential dwellings in single-family, two-family, and multiple-family buildings.

The site is also in the Floodplain Management Overlay zoning district (which is slightly larger than the mapped flood hazard areas, the flood fringe and floodway components combined). The flood fringe Although close by, there is no

combined). The flood fringe of the floodplain extends over the southwest half of the site. Although close by, there is no floodway on the site.



*Figure 2: Floodplain Management Overlay zone map*

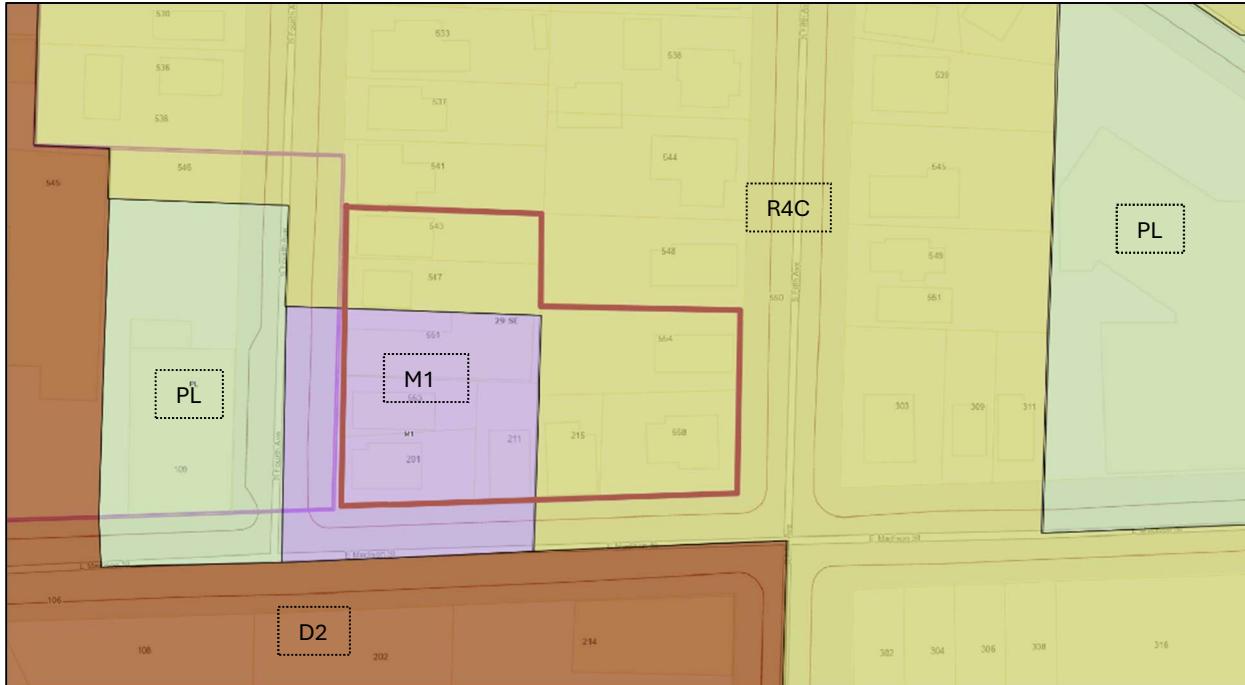


Figure 3: Current Zoning Map (base districts)

**REZONING PETITION:**

**Proposed** – Parcels that comprise The Dean site are currently zoned M1 or R4C. The applicant requests rezoning to D1 (Downtown Core) base, Midtown Character overlay, and Secondary Street frontage designation.

<b>Table 1: Existing and Proposed Zoning Regulations Comparison</b>					
<b>District</b>	<b>Lot Area (minimum)</b>	<b>Density</b>	<b>Height (maximum)</b>	<b>Front Setbacks</b>	<b>Side and Rear Setbacks</b>
M1	13,000 sq. ft.	Max. 75% FAR	35 ft.	Min. 15 ft.	Min. 30 ft. side, 50 ft. rear when abutting R
R4C	8,500 sq. ft.	Max. 20 d.u./ac.	30 ft.	Min. 25 ft.	Min. 12 ft. side, 20 ft. rear
D1	No minimum	No maximum FAR			
Midtown Character			180 ft.		N/A
Secondary Street				Min. 0 ft., Max. 10 ft.	

Voluntary conditions for the zoning designation are offered to:

- 1) restrict the maximum height to 161 feet,
- 2) adhere to Downtown Development Authority design requirements, and
- 3) increase the required side and rear setback to 10 feet when abutting residentially zoned property.

The applicant's offer in the form of a draft "Conditional Rezoning Agreement" is attached.

**Review Criteria** – Changes to the referenced Zoning Map of Chapter 55, Unified Development Code, of the Ann Arbor City Code may be made pursuant to Section 5.29.10. To assist the Planning Commission and City Council with their decision, applicants submit a petition which addresses:

1. The extent to which the rezoning is necessary.
2. How the rezoning will affect the public welfare and property rights of persons located in the vicinity.
3. How the rezoning will be advantageous to the City.
4. How this particular location will meet the convenience and service requirements of potential users and occupants.
5. Any changed or changing conditions in any particular area, or in the City generally, which may have bearing on the request.
6. Other circumstances and factors which further justify the request.

When conditions are voluntarily offered, the Planning Commission has the authority to review the offered conditions against the rezoning standards to ensure that such standards are met. The Planning Commission may recommend approval with the conditions as submitted, may recommend approval with revised conditions provided that the revised conditions are voluntarily offered by the applicant, or may recommend denial.

**General Analysis** – The 2009 Comprehensive Plan encourages more dense development with a particular emphasis on more housing overall and a wider range of housing types, and encourages more sustainable developments, living arrangements that enable less or no reliance on personal vehicles, and reduced vehicle miles traveled. The 2009 Plan is proposed to be replaced by a 2026 plan to continue to guide policies and standards along those same lines, but with the explicit core values to be affordable, equitable, sustainable, and dynamic.

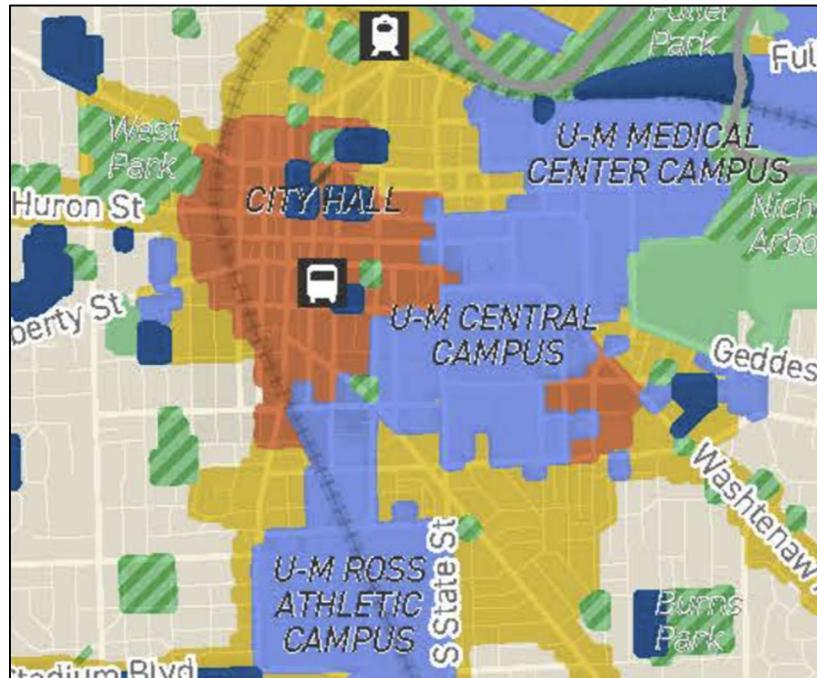


Figure 4: Snip of Draft Future Land Use Map (v3) from Draft Comprehensive Plan

The proposed 2026 plan includes a future land use map to help illustrate how land use regulations can be used to further the core values of the plan. The draft future land use map recommends the “hub” land use category for present-day Downtown as well as the area south and east to meet the University of Michigan’s adjoining central and south campuses. The Dean site is located within this red-shaded “hub” future land use designation, see Figure 4.

The “hub” is a general term for a conceptual land use category that has not yet been crafted (this will come after the 2026 Comprehensive Plan is adopted and a new planning initiative is started to draft code amendments to create and adopt new zoning districts and likely repeal existing ones). However, the consensus is that “hub” should be similar in intent, use and development mass as the current D1, D2, and TC1 districts.

**Base Zoning Analysis** – The proposed rezoning to **D1 base** designation is in keeping with the overarching goals of the 2009 Comprehensive Plan. It is also in keeping with

the draft 2026 Comprehensive Plan that not only reinforces those overarching goals but plainly recommends the subject site have the same land use regulations as present-day Downtown, which is about half D1 and half D2 (Downtown Interface).

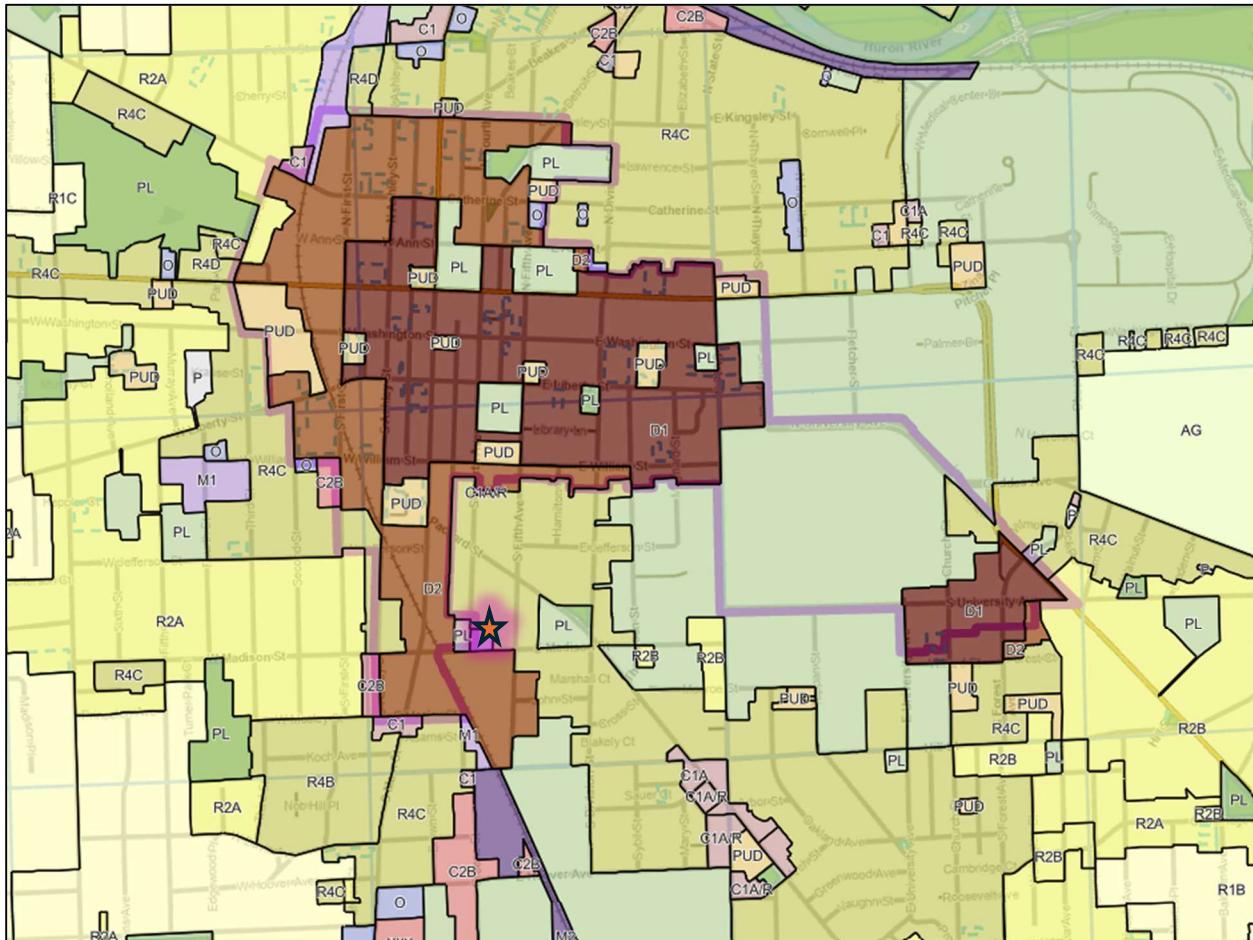


Figure 5: Current Zoning Map of base districts. D1 shown in darkest red, D2 shown in red/orange. R4C shown in dark olive green. PL shown in medium green. Pink line indicates Downtown Development Authority. Star indicates The Dean site. Note not all property owned by the University of Michigan designated PL.

**Overlay Zoning Analysis** – The D1 and D2 base zoning designations only regulate permitted uses and development mass. Neither district provides regulations for building height or form, or side/rear setbacks. These dimensional standards are regulated by overlay districts; therefore, it is essential to also designate an overlay zoning district for any site zoned D1 or D2. There are nine overlay zoning districts: East Huron 1, East Huron 2, First Street, Kerrytown, Liberty/Division, Main Street, Midtown, South University and State Street. Purpose statements for each overlay district are provided in Section 5.14.1 of the UDC (11<sup>th</sup> edition, page 25).

Knowing that some combinations of base and overlay district are not available<sup>1</sup>, the proposed **Midtown overlay** district is the most appropriate for the Dean site given the proposed D1 base designation. The draft 2026 Comprehensive Plan suggests expanding the core of downtown eastward and southward to meet the edge of campus. The Midtown overlay district is currently framed on all sides by other character overlay districts. Its purpose is “higher density development with a strongly defined street edge and active open spaces.”

Consideration can be given to designating the Liberty/Division overlay district for the Dean site, but that overlay district was crafted with the East William Historic District in mind. Its purpose is to increase building mass but maintain the traditional scale and rhythm of residential buildings. Because the maximum height permitted in the Liberty/Division overlay district is the same as the Midtown overlay district (180 feet), and there are no historic districts south of Packard Street, the purpose of Midtown fits better than the purpose of Liberty/Division.

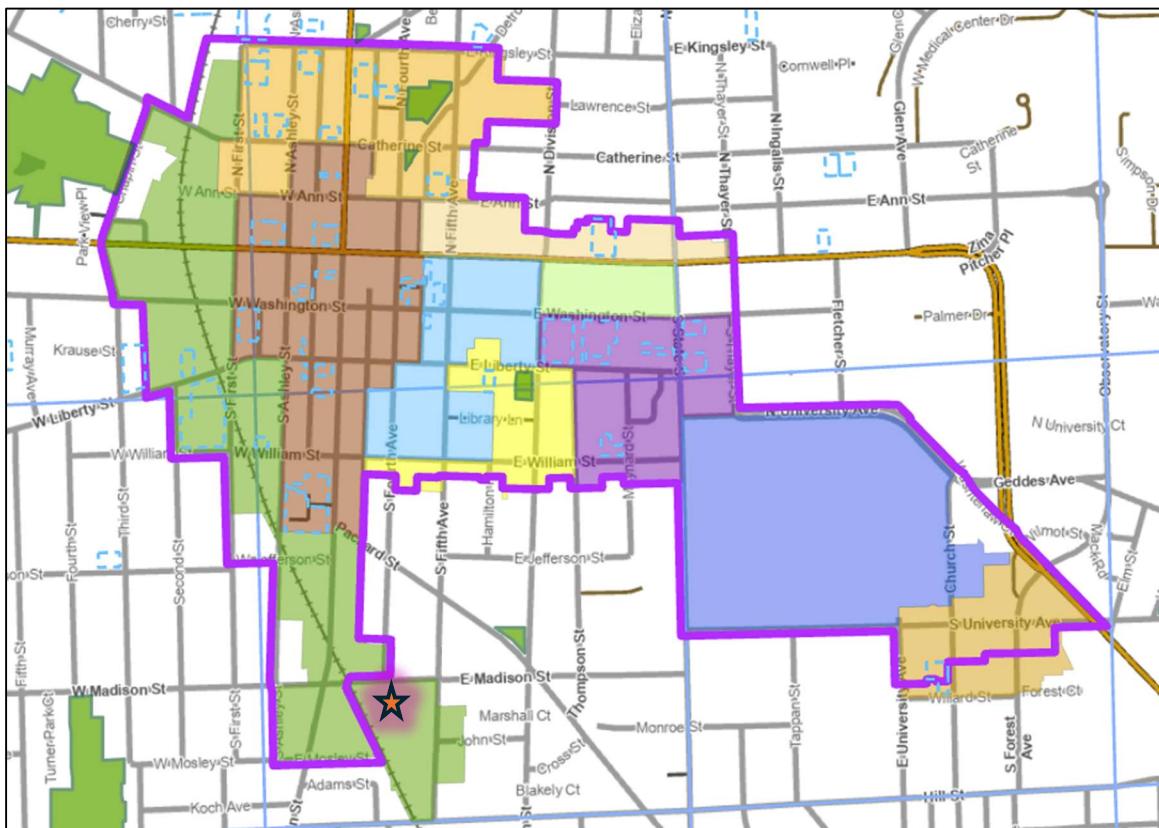


Figure 6: Current Zoning Map of overlay districts. Light blue indicates Midtown. Yellow indicates Liberty/Division. Brown indicates Main Street. Green indicates First Street. Purple indicates State Street.

<sup>1</sup> There are no provisions for D1+Kerrytown or First Street. There are no provisions for D2+State Street, East Huron 1, East Huron 2, or Midtown.

**Street Frontage Designation Analysis** – Neither base nor overlays regulate the required front setbacks in downtown zoning districts. Front setbacks are regulated by the street frontage designation and so it is also essential to designate one of three applicable street frontages: Primary Street, Secondary Street, or Front Yard Street. Primary Street requires building placement at the front lot line, Secondary Street allows a range of building placement (between 0 and 10 feet from the front lot line), and Front Yard Street requires buildings to have a 15-foot front yard at least.

The proposed rezoning petition seeks **Secondary Street** designation, which staff endorse as the most appropriate designation. The purpose of the Midtown overlay is to create a strongly defined street edge and the Secondary Street designation allows that while enabling a degree of flexibility for some open space and extra room for pedestrian amenities if needed when right-of-way widths aren't as wide as in the destination commercial core. East Madison Street to the west and south of the site are currently designated Secondary Street (from when those properties were privately owned by the Fingerle Lumber Company).

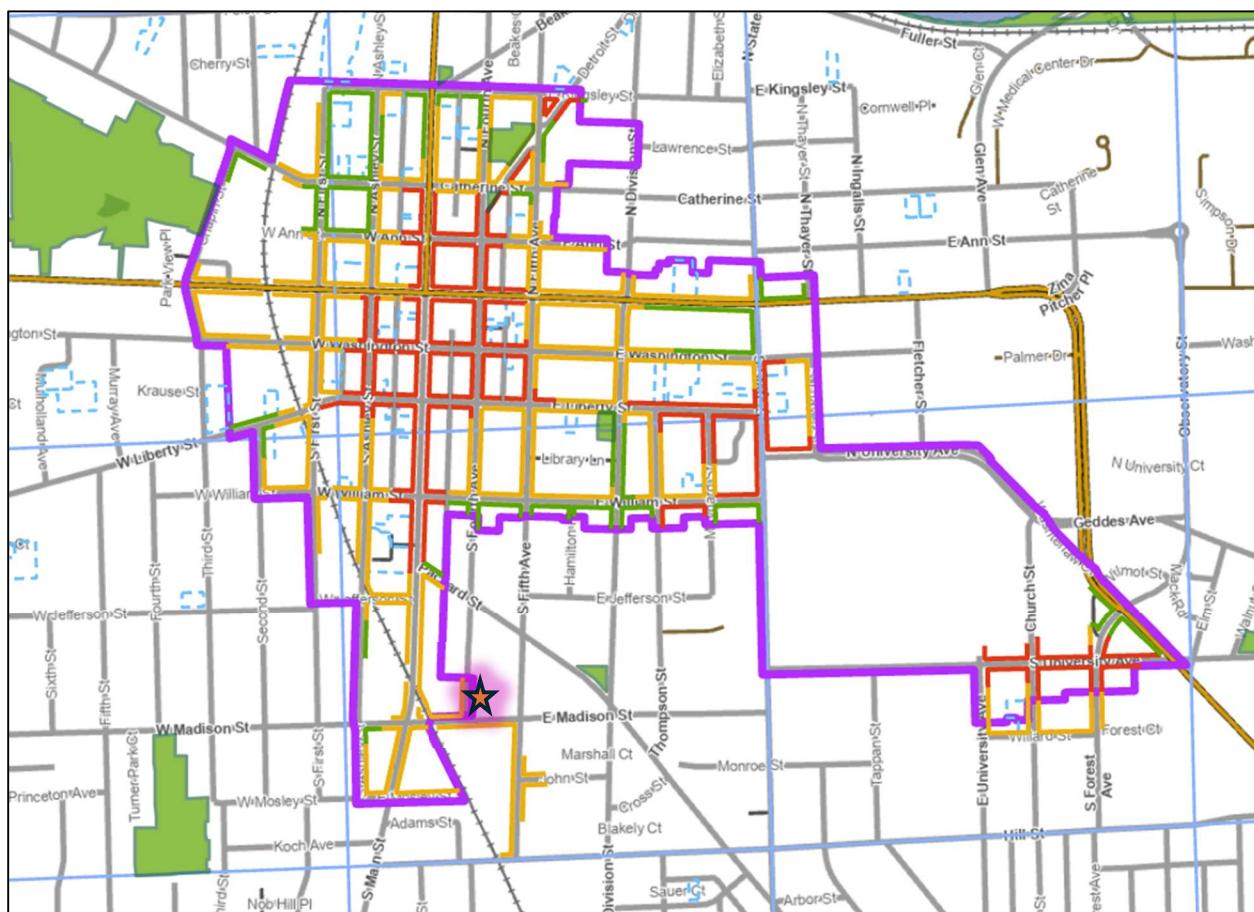


Figure 7: Current Zoning Map street frontage designations. Red indicates Primary Street. Orange indicates Secondary Street. Green indicates Front Yard Street.

**Conditional Zoning Analysis** – Three conditions have been offered to the requested zoning designations. They are:

1. Height Restrictions. The maximum building height shall be 161 feet as measured from the average grade.
2. Design Standards. Although the Project is located just outside the Downtown Development District (“DD” District), the Developer agrees to adhere to the design requirements of the Downtown Authority for projects developed within the DD District.
3. Building Setbacks. The required Side and Rear Setbacks in the Midtown Downtown Overlay District is zero feet. The Developer agrees to increase this to 10' when abutting any residential zoned property.

**#1 Height Restrictions - Staff recommend rejecting the condition to restrict height to 161 feet.** Our analysis concludes that the Midtown overlay zoning district, which regulates height, is an appropriate designation. Rather than further restricting the height and setting the expectation that all future rezonings should establish unique height limits, consideration should be given to a different base or overlay zoning designation.

Staff increasingly observe that unique dimensional standard limitations do not serve their intended function. After initially softening the perceived change that comes from rezoning, applicants find that conditions tied exactly to proposed site plan prevent normal design changes that almost always arise during construction (for example, a change in building materials means thicker joists and beams, increasing height by two feet). The offered condition to reduce the maximum height from 180 feet to 161 feet is solely based on proposed height of the anticipated building. It will not provide a noticeable difference on the downtown skyline and is likely to require another rezoning to change.

**#2 Design Standards – Staff recommends rejecting the condition regarding design standards.** The intent is clear, but the references are incorrect. More importantly, adherence is already required. Per Section 5.28.5 Design Review, projects zoned or proposed to be zoned D1 or D2 are subject to design review. The Downtown Street Design Manual, initiated by the Downtown Development Authority and adopted by the City as part of the Public Services Standard Specifications, applies to the South Fourth Avenue frontage of the site.

Following the Downtown Street Design Manual recommendations for the East Madison Street and South Fifth Avenue frontages as much as possible – considering those streets do not have a typology designation – could be a provision of a development agreement associated with a site plan but should not be an additional standard of the zoning designation.

**#3 Building Setbacks – Staff recommends accepting the condition to require a 10-foot side and rear setback when adjacent to residential zoned property.** The Midtown overlay district was crafted to only abut other downtown zoning, not residential zoning such as R4C. The minimum side and rear setback for Midtown in Table 5.17-6 is “n/a”. The offered 10-foot setback fills a newly created gap in the standards (see Table 1: Zoning Regulations Comparisons, above). As the first situation where Midtown overlay zoning abuts R zoning, it is appropriate to have a standard for this circumstance. For comparison, the Liberty/Division overlay district requires a minimum of 5 feet for lot lines abutting any R zoning district.

#### **AREA PLAN REVIEW:**

Area plans are required with an amendment to the Zoning Map unless a site plan to develop the land is submitted in conjunction with the Zoning Map amendment. Area plans must show that the permitted uses and permitted development of the proposed zoning will be compatible with the City’s adopted plans and policies. Ordinance and regulations in effect at the time of area plan approval are applicable to the site for three years, meaning that approved area plans “lock in” standards for three years to allow follow-up with a site plan to develop the rezoned land. Area plans remain valid until replaced by a plat or approved site plan which also ends the lock-in period.

Initially, The Dean was a combined application for Zoning Map amendment and site plan approval to rezone to D1+Midtown+Secondary Street designations and construct a 256,205-square foot, 14-story building, 159 feet in height, with two levels of parking and 12 floors of residential use. The building was to contain about 182 apartments, 84



Figure 8: Early rendering of The Dean from Site Plan v1.

vehicle parking spaces, 190 bicycle parking spaces and 3 curb cuts. Per Section 5.21.2, the maximum number of openings in a public street based on the site's frontage is 2.

The zoning designation of the site must be known in order for the Zoning Board of Appeals to grant a variance from the applicable development standards. Therefore, the rezoning petition and site plan application must be considered separately and after the rezoning has been approved by City Council, the site plan can be considered by the Zoning Board of Appeals and Planning Commission.

The Dean Area Plan illustrates a high-rise residential development could be constructed on this site meeting the standards of the D1 base, Midtown overlay, and Secondary Street zoning designations. A site plan to construct a high-rise residential development is concurrently under review, file number SP25-0016, with status "requires resubmit" at the time this staff report was published. Revised plans are expected to be submitted within the next 8 weeks for continued review. An application to the Zoning Board of Appeals for a curb cut variance is pending.

Prepared by: Alexis DiLeo, Principal Planner  
Reviewed by: Hank Kelley, Deputy Planning Manager

Attachments: The Dean Area Plan (11/14/25)  
Conditional Rezoning Application November 13, 2025  
"Conditional Rezoning Agreement"

**CONDITIONAL REZONING AGREEMENT**  
**(The Dean – Residential Housing Project)**

This Conditional Rezoning Agreement (the "Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2025 (the "Effective Date"), by and between the City of Ann Arbor, a Michigan municipal corporation, with its offices located at 301 E. Huron Street, Ann Arbor, MI 48104 (the "City"), and East Madison Project Owner LLC, a Delaware limited liability company (the "Developer"), with its principal offices located at 10 Campus Boulevard, Newtown Square, PA 19073.

**THE PARTIES RECITE THAT:**

**WHEREAS**, the City is organized and existing under and pursuant to the laws of the State of Michigan, and exercising all of the powers provided for therein and pursuant to State law;

**WHEREAS**, the Developer is a Delaware limited liability company organized and existing in good standing under and pursuant to Delaware law, and exercising all of the powers provided therein;

**WHEREAS**, the Developer has contracts to acquire 9 parcels of real property located within the City, which collectively consist of approximately .95 acres of land bounded by S. 4th Avenue, E. Madison Street and S. 5th Avenue (as depicted and legally described on **Exhibit A**) (collectively, the "Property"). Four of the parcels are zoned M1(limited industrial district) and five of the parcels are zone R4C (multiple family residential). The parcels contain aging multi-family structures of average or poor quality which will all be removed;

**WHEREAS**, under and pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL §125.3405 *et seq*), certain conditions voluntarily offered by the Developer, may become a condition of rezoning of land;

**WHEREAS**, on November \_\_\_\_\_, 2025, the Developer submitted an Application to Rezone the Property (the "Conditional Rezoning Request") from the M1 and R4C zoning districts to the D1 Downtown District, voluntarily offering certain conditions in connection with the rezoning request, in order to develop, construct, use and operate a high-rise multiple-unit residential building of approximately 220 dwelling units (the "Project" or the "Dean"). The Project is generally depicted in the Plan (the "Area Plan") attached hereto

as **Exhibit B** and as more specifically described and limited by the terms and conditions set forth herein;

**WHEREAS**, the Project and Conditional Rezoning Request by the Developer described herein, were not required by the City; rather it was offered voluntarily by the Developer and the offered conditions, intended acts and forbearances are deemed necessary by Developer to preserve and enhance the character of the area and, in general, is consistent with the City's Master Plan and other policies to provided necessary and convenient housing opportunities serviced by multi-modal transportation options, and to promote sustainable development with recreational amenities;

**WHEREAS**, Developer has not alleged or demonstrated that the existing zoning is invalid for any reason, but rather the proposed conditional rezoning of the Property with the conditions offered was determined by Developer, and confirmed by the City, to be compatible with the both the developed and changing character of the neighborhood and the goals of providing sufficient and suitable housing opportunities for the City's growing work force and University of Michigan student population, while promoting the public health, safety and welfare;

**WHEREAS**, the City has relied on Developer's representations that it will act in conformance with the conditions of rezoning as set forth herein and the Site Plan attached as **Exhibit B** (subject to change in accordance with conditions of rezoning and final site planning and engineering), so that the development of the Property will accomplish the above-stated goals and objectives of the City;

**WHEREAS**, the City Planning Commission, on \_\_\_\_\_, 2025, held a Public Hearing on the request for Conditional Rezoning and proposed amendment to the City's Zoning Map and thereafter at its meeting on \_\_\_\_\_, 2025, voted to recommend approval of the request for Conditional Rezoning to the City Council; and

**WHEREAS**, the City Council, on \_\_\_\_\_, 2025, voted to approve the request for Conditional Rezoning based upon the conditions set forth in this Agreement and the attached Exhibits;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and the Developer agree as follows:

1. **CONDITIONS OF REZONING.** If the Property is developed under the D1 District, the Property shall be developed, used and operated in a manner consistent with the following conditions of rezoning:

a. **Height Restrictions.** The maximum building height shall be 161 feet as measured from the average grade.

b. **Design Standards.** Although the Project is located just outside the Downtown Development District ("DD District"), the Developer agrees to adhere to the design requirements of the Downtown Development Authority for projects developed within the DD District.

c. **Building Setbacks.** The required Side and Rear Setbacks in the Midtown Downtown Overlay District is zero feet. The Developer agrees to increase this to 10' when abutting any residential zoned property,

2. **MISCELLANEOUS PROVISIONS.**

a. **Effective Date of Rezoning.** The rezoning shall take effect following the publication pursuant to MCL 125.340.

b. **Agreement Consistent with Police Powers.** The action of the City in entering into this Agreement is based upon the understanding that many of the housing, transportation and environmental objectives of the City are reflected in the design of the Project as proposed and the City is thus achieving its police power objectives and has not, by this Agreement, bargained away or otherwise compromised any of its police power objectives.

c. **Termination of Agreement.** In the event that the Developer or its designee fails to acquire the Property within twenty-four (24) months of the Effective Date (unless extended by the parties by mutual agreement), then this Agreement shall be deemed null and void and of no further force and effect and the Property will at the discretion of the City revert back to the M1 and R4C Zoning Districts without restrictions.

d. **Entire Agreement.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the City and the Developer concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

e. **Relationship of the Parties.** The relationship of the City and the Developer shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and the Developer, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

f. **Michigan Law to Control.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

g. **Due Authorization.** The City and the Developer each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the City, its City Council, and all other governmental agencies whose approval may be required as

a precondition to the effectiveness hereof, and as to the Developer, by the appropriate manager/members, and that the persons who have executed this Agreement below have been duly authorized to do so.

h. **Agreement to Run with the Land; Recording.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and shall run with the Property. This Agreement shall be recorded by Developer at its expense with the office of the Washtenaw County Register of Deeds and a copy provided to the City.

i. **Counterparts.** This Agreement may be signed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date first set forth above.

City of Ann Arbor, a Michigan municipal corporation

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By:

Its:

And:

---

By:

Its:

State of Michigan      )  
                            ) ss  
County of Washtenaw)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the City of Ann Arbor, and \_\_\_\_\_, the \_\_\_\_\_ of the City of Ann Arbor, to me known to be the persons described in and who executed the foregoing Conditional Rezoning Agreement and acknowledged before me that they executed the same as their free act and deed.

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\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

Developer:

East Madison Project Owner LLC, a Delaware  
limited liability company LLC

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By:  
Its: Manager

State of \_\_\_\_\_ )  
                    ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me personally appeared  
\_\_\_\_\_, on behalf of East Madison Project Owner LLC, to me  
known to be the person described in and who executed the foregoing Conditional  
Rezoning Agreement and acknowledged before me that they executed the same as their  
free act and deed.

---

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

**Drafted by:**

Alan M. Greene, Esq.  
Dykema Gossett PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304

**After recording return to:**

Alan M. Greene, Esq.  
Dykema Gossett PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304

**EXHIBIT A**  
TO CONDITIONAL REZONING AGREEMENT  
(Legal Description)

**EXHIBIT B**

TO CONDITIONAL REZONING AGREEMENT  
(Area Plan)



**November 13, 2025**

City of Ann Arbor  
Attn: Planning Commission  
301 E. Huron Street  
Ann Arbor, MI, 48107

**Re: Conditional Rezoning Application for D1 Designation**

This letter is a supplement to the zoning request form for *The Dean* Ann Arbor project. It supplements the rezoning form and provides additional information to justify a rezoning to D1 Downtown Core with a Midtown Downtown Character overlay. The explanations below illustrate how those designations will benefit the design of the proposed project to better meet the goals of the City's Plans and Ordinance. This letter also responds to the City of Ann Arbor zoning review report prepared by Alexis Dileo, the City's Principal Planner, dated September 25, 2025, and clarifies why the Midtown Overlay is best suited for this project as compared to the Liberty/Division overlay.

**BENEFITS OF REZONING THE SITE TO D1**

D1 is the best zoning option for this project. The D1 district is, according to the Zoning Ordinance, *"intended to contain the downtown's greatest concentration of development and serves as a focus for intensive pedestrian use. This district is appropriate for high-density mixed residential, office, and commercial development"* (Zoning Ordinance, Pages 20-21). As noted in the rezoning application, *The Dean* will help meet the need for significant housing demand in the City at an appropriate location near the downtown and University of Michigan campuses. Our Site is across the street from the UofM athletic campus, a 2,300-bed student housing project to the south, and a block from Main Street. There are several new or planned mid-rise residential projects in the area. In addition, *The Dean* Ann Arbor will be placed at the bottom of a hill, which will diminish the visual impacts compared buildings of a similar height at other locations in the City.

A review of the various City and agency plans provide support for our request, as listed below. Plans and codes reviewed included the City's draft Comprehensive Land Use Plan, the Downtown Development Authority (DDA) Plan and its design guidelines, the Zoning Ordinance, the City's Transportation Plan, A2Zero Plan, the University of Michigan Campus Plan, The Ride's Transit Plan for 2045, and the Regional Transit Authority's Transit Master Plan. Those documents embody common and consistent themes that support our rezoning, with conditions, request.

**Our project is within the 'Hub District' area designated by the City's Draft Master Plan.** The City's Draft Comprehensive Land Use Plan (June 2025) designates our Site as part of the central "Hub" district. That district is intended for downtown and mid- to high-rise mixed uses as *"an active, mixed-use area that integrates residential and commercial uses."* Our Site helps provide the need for additional student housing at a convenient location to the Downtown, and the U-M Central and Athletic Campuses. Thus, the residential uses for this project are consistent with the City's new draft Master Plan and its objectives.

**Concentrates residential development along existing transit routes and near a planned Bus Rapid Transit Route.** Our location is between four AAATA transit routes (aka "the Ride"), and a University of Michigan bus line, which run along Madson, 4<sup>th</sup> and 5th Avenues. Adding a bus stop along those streets

will provide easy access throughout the AAATA system. In addition, our site is within ¼ mile of the Blake Transit Center and the A2D2 Express Bus at 5<sup>th</sup> and Williams Street. Longer range, The Ride Transit Plan proposes a future Bus Rapid Transit line along Packard just to the north and east of *The Dean Site*. Rezoning and development of our site can help move the needle to gain ridership for all the transit lines and reduce the carbon footprint.

**Location Promotes Walking, Biking and Transit.** *The Dean* Ann Arbor will be well served by pedestrians, bicyclists, and transit travelers. Residents can easily walk, bike or take transit to the University of Michigan, its athletic facilities to the south, shopping, recreation, entertainment and restaurants downtown and nearby. If this residential density was placed outside of the Hub area, without convenient adjacency to transit, bikeways, and sidewalks, it could translate to 1,663 new vehicle trips (45 in the morning and 136 in the evening peak hours). Given our limited vehicle parking, ample bike parking, location along bikeways, transit routes and sidewalk connectivity to destinations, our traffic impact study envisions just 14 vehicle trips in the morning and 31 in the evening (see the Multi Modal Traffic Impact Assessment-*The Dean* report). This modal transfer is consistent with the City's Climate Change and Sustainability policies.

**Replaces the outdated M-1 Limited Industrial District which currently applies to 40% of the site.** Industrial uses were historically allowed on this site due to the adjacent railroad and creek, but the character of the area has radically changed. Uses allowed by current zoning for about half (four parcels – see Sheet 2) of the Site are no longer appropriate. Removing the M-1 designation eliminates uses by-right that could currently be developed next to existing residential and the campus, such as outdoor storage, warehousing, adult entertainment business, auto repair, food/beverage processing and manufacturing facility, laundry and dry-cleaning plant, and light manufacturing. **We will replace uses that are “non-conforming” for the area, with uses that are instead consistent with the City’s Hub Designation for the area. This is a unique zoning factor that helps avoid a precedent for other properties.**

**Removes residential structures within the Allen Creek Floodplain.** Living areas of current residential structures are within the defined Allen Creek Floodplain. One of the goals of the City and FEMA is to remove residential living areas within the floodplain. Our proposed project will just have parking and lobby areas within the flood zone. Housing will be elevated outside of the floodplain area.

#### **SUPPORT FOR MIDTOWN DOWNTOWN CHARACTER OVERLAY**

The City of Ann Arbor report prepared by Alexis Dileo is generally supportive of the rezoning request and notes that the “*East Madison Street is a logical southern edge. The D1 district seems to be the appropriate base zoning designation for the site.*” Alexis’ report also states that “*the Midtown character overlay district is an acceptable designation and extends the South Fifth Avenue civic corridor.*”

The report does then suggest that the Liberty/Division character overlay district may be another option for the City to consider. We understand this consideration as the proposed project site area, which, although noncontiguous with either the Midtown or Liberty/Division overlay areas, is near the overlay and is grouped within the same central ‘Hub’ designation on the proposed Future Land Use Map in the 2025 Master Plan Draft. This section, and the attached maps, provides some additional rationale, from the perspective of a community planner, why the Midtown District is the best choice for a Downtown Character Overlay Zoning District and why the Liberty/Division overlay is not appropriate.

As noted in Alexis's report, the Liberty/Division overlay "retains a small-scale residential character" with a "quieter residential feel." *The Dean* site does indeed abut a smaller scale residential student-occupied housing neighborhood to the north. However, large properties to the south are part of the University of Michigan athletic campus. Moreover, this site is part of an area identified for change in the draft Master Plan. Our site is also within an area contemplated by the Downtown Development Authority (DDA) to be added as an expansion of the downtown district. From the site going west on Madison Street toward Main Street, there are a variety of high activity commercial and industrial buildings, such as Union Rec, an auto shop and gas station, and mid-rise residential buildings. Along the south side of Madison, across the street, is the Lumber Co. and the start of the University of Michigan athletic campus. (Exhibit B)

The existing Liberty/Division overlay sits between the Main Street downtown and the State Street student 'downtown' area, in the form of a low-rise residential neighborhood. The stated intent of the Liberty/Division overlay is to preserve existing historic small-scale residential buildings and maintain the 'traditional' scale of historic residential buildings in new development. This intent is appropriate for the area currently within the Liberty/Division district area. This intent does not align and is not appropriate for the properties making up *The Dean* properties and other uses along Madison Street.

Further, the Unified Development Code states in Section 5.14, the Liberty/Division district "*coincides with the East William Historic District, and for this reason, preservation of the integrity of these resources is a high priority...*". The current boundary of the Liberty/Division overlay is jagged to coincide with the East William and the East Liberty Historic Districts, which make-up nearly the entire area of that overlay district (Exhibit A). Whereas the properties of the proposed *The Dean* are not in a historic district, nor do they match the quality or features of the historic homes, nor do they directly abut any historic homes. Instead, the current zoning on some of the lots within the project site are zoned industrial – which is the opposite end of the zoning spectrum of uses (Exhibit C).

Whereas, the areas in the Midtown Overlay district aim to accommodate higher density residential and mixed-use development to serve the downtown and university students. As a higher density residential development, *The Dean* best aligns with the intent of the Midtown Overlay and its correlating dimensional requirements. The Midtown Overlay and the conditions offered in this rezoning, including the setback along the north property line, will accommodate development on surrounding lots as the City works to implement the Master Plan goals.

Additionally, the intent of the Midtown Overlay is to have a strongly defined street edge and active open spaces. One condition offered by *The Dean* is application of the DDA's design standards. The design will promote activity at the street edge, compared to what exists today. Some of the planned key features for an active street edge and activity to create a sense of identity are listed below.

- Front Porch Reframe is inspired by the porches and stoops of the nearby neighborhood and the new Elbel Field, the south-facing facade encourages interaction between public and private realms. The project includes proposing activity and visual interest at the street edge and a Front Porch.
- A Bike Room that has an active frontage along 4<sup>th</sup> Avenue and Madison Street with punched windows to enhance the pedestrian realm and promote bike travel.
- Referencing the neighborhood's material richness and architectural rhythm, the façades are a woven composition of old and new.
- Streetwall massing hugs the corner of 4th Avenue and Madison Street and grazes the facade along 5th Avenue and Madison Street to properly hold the corners at the existing grade drops.

In summary, by rezoning the Site to D1, the City will be able to meet important density, residential needs, transportation mode-shift, and sustainability goals. We therefore request consideration of the rezoning to D1 with a Midtown Downtown Overlay for the proposed 'The Dean' development.

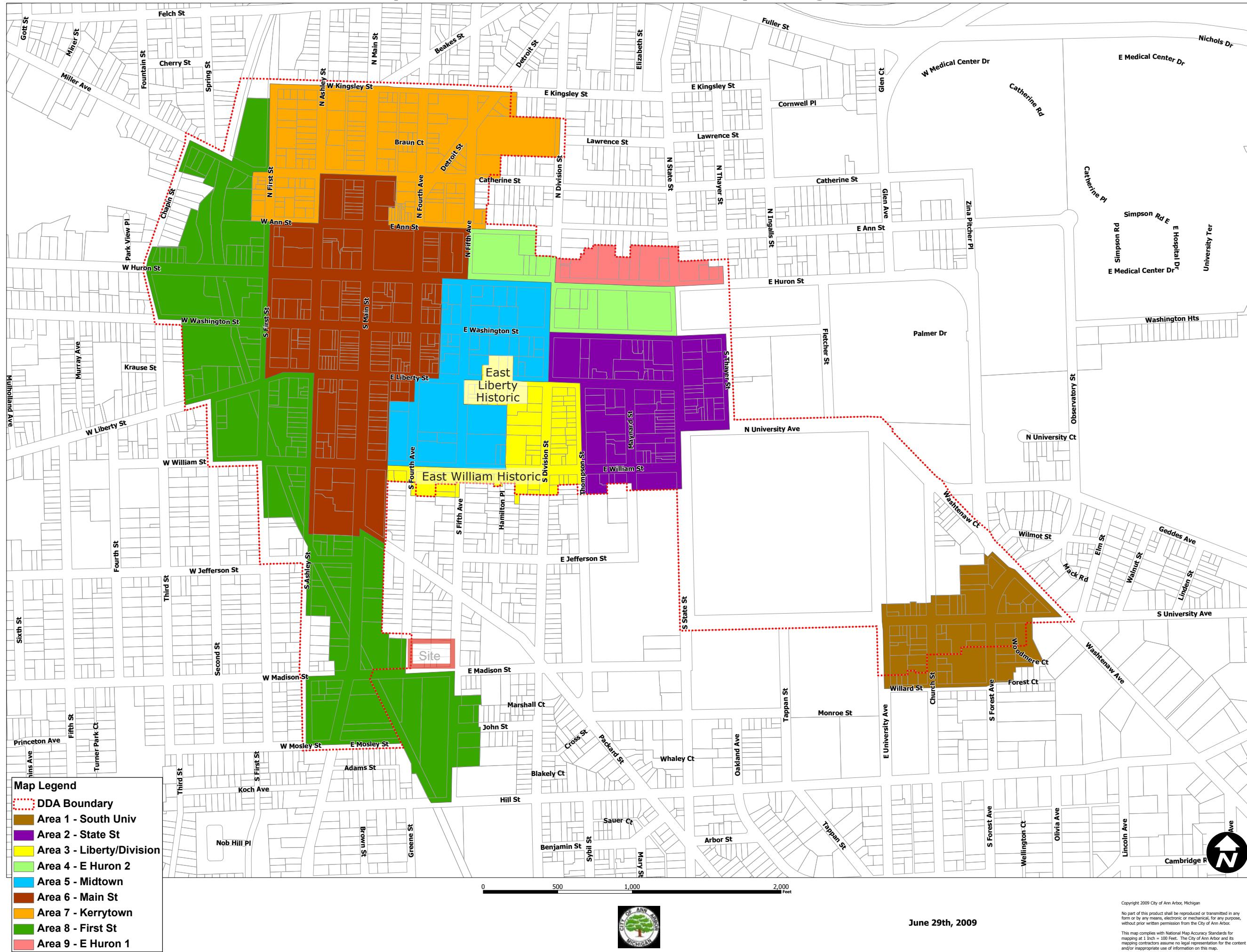
Thank you for your consideration and we look forward to further discussions on the proposed project and rezoning request. Please reach out to me with any questions before the Planning Commission meeting.

Sincerely,

*Brad Strader*

Brad Strader, Director of Planning  
Cincar Consulting

## Proposed Downtown Character Overlay Zoning Districts



# SITE LOCATION | MICRO



## SITE LOCATION | CURRENT ZONING

