

ANN ARBOR PLANNING DEPARTMENT STAFF REPORT

For Planning Commission Meeting of February 4, 2020

SUBJECT: The Garnet – PUD Zoning & PUD Site Plan for City Council Approval
(325 East Summit)
Project Nos. Z19-021, SP19-045

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Garnet Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan, and Development Agreement.

STAFF RECOMMENDATION:

Staff recommends that The Garnet PUD Zoning District and Supplemental Regulations be **denied** because the uses, physical characteristics, design features, and amenities proposed do not provide a beneficial effect to the City to the extent required by City Code. The benefits that are provided could be accomplished under the C1A zoning district.

Staff recommends that The Garnet PUD Site Plan and Development Agreement be **denied** because the proposed PUD Zoning District and Supplemental Regulations do not meet the intent of a PUD zoning district.

LOCATION:

This site is located on East Summit at the corner of Broadway Street (which is a continuation of Beakes). It is one block east of North Fifth Avenue, and one parcel south of Depot Street.

PROJECT SUMMARY:

The petitioner seeks to rezone from C1B (Community Convenience Center) to PUD (Planned Unit Development) to allow development of a 16,790 square foot, four-story residential condominium building over 11 parking spaces in a ground-floor-entry parking garage. A driveway from the public alley on the west side of the site leads into the garage and solid waste/recycling storage area. The proposed FAR is 196%.



A citizen participation meeting was held on November 6, 2019 at the Graduate Hotel, 615 E. Huron. Invitations were sent to all residents and property owners within 1,000 feet of the site. A [meeting report](#) is attached.

HISTORY:

On September 16, 2019 the Ann Arbor City Council denied zoning and site plan petitions for this project. The zoning request was to change the zoning from C1B (Campus Convenience Center) to C1A (Campus Business District) with conditions that would allow a 65-foot tall building and maximum floor area ratio of 199%. The site plan was for the same building proposed in this petition.

Sanborn maps show this site and the two lots to the north as a gas, coke, coal, and ammonia storage site from 1888 (earliest map) to 1899. By 1908, all but an aboveground 38,000 cubic foot iron gas tank had been removed, and the existing house and the barn to the north had been built. The tank was removed by 1916.

REZONING ANALYSIS:

Required Information. Changes to the text or map of the Unified Development Code (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Sections 5.29.9 and 5.29.10. To assist the Planning Commission and City Council with their decision, applicants provide a [PUD Zoning District Application](#) and [PUD Development Program](#) with justifications in support of the request. The petition addresses:

- The current zoning and history of the site.
- The objective, purpose, and beneficial effect of the PUD for the city.
- Why this beneficial effect cannot be achieved under any other zoning.
- Why the uses proposed will not have a detrimental effect on public utilities and surrounding properties.
- How the proposed PUD is consistent with the Master Plan Land Use Element recommendation.
- Vehicular and pedestrian circulation.
- Disturbances to natural or historical features and why this disturbance is necessary.
- Proposed modifications to the City Code.

Affordable housing is required as part of any residential PUD petition that includes housing density above what is permitted under the existing zoning. The formula for the required amount is listed in Chapter 55 (Unified Development Code). This petition exceeds the base density (0 units/acre for commercial) by over 25%, which requires a minimum of 15% of the total units be dedicated as affordable or a contribution in lieu of units of \$279,078.

Beneficial effects are required by City Code section 5.29.10.F Standards for PUD Zoning District Review. This section describes and gives examples of required beneficial effects that warrant PUD zoning:

1. The use(s), 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 of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:

- a. Innovation in land use and variety in design, layout and type of Structures that furthers the stated design goals and physical character of adopted land use plans and policies.
- b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.
- c. Provision of Open Space.
- d. Preservation and protection of Natural Features that exceeds the requirements of this chapter, especially for those features prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.
- e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.
- f. Expansion of the supply of Affordable Housing Dwelling Units.
- g. The use and reuse of existing Sites and Buildings that contributes to the desired character and form of an established neighborhood.

As condensed into the Supplemental Regulations, this PUD zoning petition says the district provides:

- Redevelopment of an under-utilized parcel consistent with residential densities in the areas adjacent to Downtown Ann Arbor providing better utilization of limited resources and infrastructure;
- Permitting a more efficient use of the subject property and providing moderate density residential uses within walking distance to the urban core of Ann Arbor;
- Reduction in the need for vehicular transportation and Downtown Ann Arbor parking. The site offers its residents multiple emission-reducing transportation alternatives to nearby places of employment (e.g. the university, the medical complex or downtown), as well as, central city shopping/working/entertainment venues like Kerrytown and the Farmer's market.
- Environmental remediation of the subject property, estimated to cost between \$200,000-\$300,000;
- Significant improvement to the on-site storm water management and reduction of the heat-island effect, while offsetting greenhouse gas emissions associated with the building proper through the installation of a green roof on the building; and
- Including either Affordable Housing or a fee in lieu of the same.

The Current Zoning is C1B (Community Convenience Center). Permitted principal uses allowed include residential, religious assembly, day care centers, schools, hotel, retail, restaurants, office, and medical/dental. The district is intended to primarily serve the needs of the surrounding community. This means the surrounding neighborhood but could also include a larger service area.

Proposed Supplemental Regulations were drafted to allow the following changes to the current configuration of the site:

- Front setbacks of 10 feet on the East Summit front and 7 feet on the Broadway front. (The current zoning requires 10 feet minimum and 25 feet maximum.)
- Maximum building height is 65 feet and shall not exceed an altitude of 850.00 feet above sea level. Maximum four stories. Mechanical equipment, chimneys, elevator penthouses,

solar panels, and similar may extend up to 10 feet above the maximum building height. (Current zoning has a maximum of 4 stories/50 feet.)

- 200% maximum floor area ratio. (Current zoning has a maximum of 150% FAR.)

In the supplemental regs, these regulations match or exceed the current zoning:

- Side (north) setback of zero feet.
- Rear (west) setback of zero feet.
- Multiple-Family Residential use.
- Lot size of 8,571 square feet. (Currently 3,000 sf minimum.)
- Parking: a minimum of 11 parking spaces for vehicles and 18 spaces for bicycles shall be located beneath the building. (Current zoning requires one space per residential unit and 1 bicycle parking space per 5 residential units at 30% class A and 70% class C.)

SITE PLAN:

Existing Conditions – The 8,571 square foot site consists of one lot which contains a 2,500 square foot single-family home.

Proposed Development – The proposed site plan is for a 16,790 square foot, four-story residential condominium building over 11 parking spaces in a ground-floor-entry parking garage. A driveway from the public alley on the west side of the site leads into the garage and solid waste/recycling storage area. The proposed FAR is 196%. The site plan is divided into two parts, a [civil plan set](#) and an [architectural plan set](#).

Other development details include:

- Dwelling Units – The proposed site plan provides 10 dwelling units. The number of dwelling units is not specified in the Supplemental Regulations. Therefore, the number of dwelling units may increase or decrease at the developer's discretion as long as the size and shape of the building does not change.
- Landmark Trees – There are two landmark trees on the site. An 18" honey locust is to be protected, while the other, a 16" honey locust, is to be removed. Mitigation will be provided for the tree to be removed.
- Storm Water Management – Storm water management for the first flush volume is required. Storm water will be captured by a green roof with a minimum size of 3,075 square feet that will cover much of the building's roof. Infiltration is not proposed on the site because of known soil contamination.
- Parkland Contribution –The PROS Plan suggests a formula that equates to a contribution of \$625 per dwelling unit in order to maintain the current ratio of acres of parkland per dwelling unit in the City. For 10 dwelling units, the requested contribution would be \$6,250.00, which the petitioner has agreed to contribute.

COMPARISON CHART:

	EXISTING	EXISTING REQUIRED	PROPOSED
ZONING	C1B	n/a	PUD
USES	Office	n/a	Residential
NUMBER OF UNITS	n/a	n/a	10
BUILDING			
EXISTING BUILDINGS	2,500 sf	n/a	n/a
USABLE SQUARE FOOTAGE	2,500 sf	n/a	16,790 sf
PROPERTY REGULATIONS			
LOT AREA MIN	8,571 sf	3,000 sf	8,571 sf
LOT WIDTH MIN	77.42 ft	20.00 ft	77.42 ft
BUILDING HEIGHT AVE	25 ft	4 stories/50 ft	56 ft 6.75 in
USABLE FLOOR AREA (FAR) MAX	29%	150%	196%
PROPERTY SETBACKS			
FRONT SUMMIT	9.26 ft	10 ft to 25 ft	10.30 ft
FRONT BROADWAY	63.40 ft	10 ft to 25 ft	7.18 ft
SIDE NORTH	19.71 ft	None	0.31 ft
SIDE WEST	1.00 ft	None	0.01 ft
OFF STREET PARKING			
PARKING:			
1 SPACE PER UNIT RESIDENTIAL 1/333 sf to 1/250 sf OFFICE	6	7.5	11
BICYCLE PARKING			
1 PER 5 UNITS RESIDENTIAL 1/3000 sf OFFICE	0	0 Total 30%A, 70% C	7A / 12B / 4C

LAND USE ANALYSIS (SURROUNDING LAND USES AND ZONING):

	LAND USE	ZONING
NORTH	Commercial & Multiple-Family Residential	C1B (Community Convenience Center)
EAST	Single- & Multiple-Family Residential	R4C (Multiple-Family Dwelling)
SOUTH	Single- & Multiple-Family Residential	R4C (Multiple-Family Dwelling)
WEST	Commercial & Office	C1B (Community Convenience Center)

CITY MASTER PLAN AND FUTURE DEVELOPMENT:

City Master Plan – The Land Use Element (2009) recommends a future land use of Commercial-Office for this block.

Concerning the floodplain and possible future development on this block, if the project to punch a hole in the railroad embankment near Depot Street goes through, the block bounded by North Fifth Avenue, Depot Street, Broadway, and East Summit will no longer be in the floodplain. The Garnet site is not currently in the mapped floodplain, but the parcels to the west on this block are.

SERVICE UNIT COMMENTS:

The site plan and application materials were reviewed by staff from the Planning, Fire Marshal, Forestry/Natural Resources, Park Planning, Engineering, Recycling/Solid Waste, Land Development, GIS, and Transportation units. The zoning application was reviewed by staff from Planning, Fire Marshal, Engineering, GIS, and Transportation.

Planning – Site Plan: The proposed PUD site plan meets all applicable development standards for the proposed PUD zoning district.

PUD Zoning: Staff believes the proposal does not meet the first of the Standards for PUD Zoning District Review, which requires a beneficial effect for the City that cannot be achieved in any other zoning designation. While the project has merits (moderate density, walkability, environmental remediation) and is an appropriate scale and use for the site, it does not provide the innovation, efficiency, open space, natural features, employment and shopping, affordable housing (beyond the minimum required to apply for a PUD) or reuse of buildings specified in 5.29.10.F. The project has the potential to provide additional affordable housing in order to meet this PUD standard.

The benefits described by the applicant could be achieved in the C1A zoning district. City Council denied the previous application for this project, which would have rezoned the property to C1A with conditions, in September of 2019.

Land Development – Because there is known contamination on the site, a paragraph has been added to the development agreement to allow City staff to request analytical results of water discharged by the building's sump pump. If contamination is found, the City may require the project developers or condominium association to disconnect the sump pump from the City storm sewer system, filter the water, and/or other remedial actions.

Parks – The petitioner has agreed to make the requested parks contribution of \$6,250. It will be used to improve nearby parks such as Wheeler Park, North Main Park, or the Farmer's Market.

Prepared by Jill Thacher
Reviewed by Brett Lenart
2/4/20

Attachments: Zoning Map
Aerial Photo
Draft Development Agreement
Draft Supplemental Regulations

References: [Civil Plan Set](#)
[Architectural Plan Set.](#)
[Citizen Participation Report](#)

c: Petitioner – 325 E Summit Condos, LLC
Petitioner's Agent – Macon Engineering LLC (Kathy Keinath)
Project No. SP19-045, Z19-021



325 E Summit St



Map date: 1/15/2020
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325 E Summit St



 Railroads
 Tax Parcels



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