

MEMORANDUM

TO: Planning Commission

FROM: Brett Lenart, Planning Manager

DATE: October 13, 2016

SUBJECT: Working Session Pre-petition Conference on Potential Amendment/Rezoning of Portion of Mallets Wood 2 PUD

A pre-petition conference with the Planning Commission has been requested by potential developers regarding Mallets Wood 2. Petitions have been submitted, but not yet accepted for review, for the rezoning of a 3.8 acre parcel at 3300 Cardinal Avenue from PUD to R1E and a site plan for the development of 21 single family homes under condominium ownership. The site contains a large number of landmark trees and areas of wetlands. The proposed rezoning would amend the current approved PUD for this portion of the site. While the proposed amendment would not result in PUD regulations for this phase of development, the pre-petition session provides the opportunity to consider the original public benefits (originally attributed to all phases).

Background

A petition was approved on June 5, 2006 for the Malletts Wood 2 PUD. This approved plan contained 36 dwelling units in 12 separate two-story building on the 3.8 acre site. The expiration date was administratively amended twice. A third extension was requested, but the site plan ultimately expired in 2013 after the Natural Resource Planning Coordinator requested an updated tree survey and it was not provided. The PUD public benefits included housing in a scale and intensity compatible with the existing neighborhood, and the conservation of natural features with no adverse effects on the abutting Mary Beth Doyle Park.

The owner, Malletts 2, LLC (represented by Bill Kinley), and the applicant, Joe Maynard of Washtenaw Engineering, would like to meet with the Planning Commission to discuss natural features impacts to the site. Staff is concerned that the PUD site plan, which the applicant is proposing to use for the required alternative analysis, will have fewer impacts to natural features and therefore be the more appropriate proposal for the site. Per Chapter 57, Section 5:126 Natural Features Statement of Impact, the alternative analysis report must justify why the proposed disturbance is the minimum necessary to reasonably accomplish the permitted use.

During the public hearings on the PUD, the Planning Commission and City Council determined that (as documented in the PUD Supplemental Regulations, Section 3):

- (A) *The surrounding neighborhood contains an eclectic mix of mostly small-scale one- and two-story single-family residences (including an original 1800's farmhouse still existing on Butternut Street) on individual lots with tree-lined streets adjacent to Malletts Creek on the north and Mary Beth Doyle Park on the west and fourteen site-condominium dwelling units developed on Cardinal Avenue in the originally approved Mallett's Wood PUD (MW1).*
- (B) *It is desirable to develop the property described above for residential uses.*
- (C) *The southeast quadrant of the City lacks diversity in type and income range that City policy has long advocated, with a disproportionate representation of the City's most affordable housing.*
- (D) *The immediate boundaries of the property are surrounded exclusively by R1C (single-family residential) and PL (Park) zoning districts, while Mary Beth Doyle Park itself is surrounded by a variety of residential zoning districts, including R1B, R3, R4A and R6 zoning districts. Thus, a housing density equal to or greater than allowed in the R1C district is consistent with other residential zoning districts adjacent to Mary Beth Doyle Park.*
- (E) *It is in the best interest of the surrounding properties and the City of Ann Arbor that additional new housing in a price ranges both higher than as well as similar to those of the surrounding neighborhood be provided to meet the needs of a wide range of buyers, particularly mature singles, empty nesters, retirees and those with physical limitations. The proposed regulations, by maintaining a scale and intensity in keeping with the MW1 development and the surrounding neighborhoods while optimizing the conservation of the site's natural features and its association with Mary Beth Doyle Park will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety or welfare.*
- (E) *The architectural design and mixture of unit types of the buildings, the limitations placed on setbacks, building height and placement, the creation and conveyance of public sidewalks and public access to Mary Beth Doyle Park throughout the development, the conveyance of approximately one (1) acre of land to the City adjacent to MW2, in addition to the 1.15 acres conveyed with the development of MW1, and the limits placed on vehicular access from the public right of way will provide beneficial effects for the City and the adjacent neighborhood*
- (F) *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 a special privilege or deprivation of property rights.*

Amending the PUD for the remaining portion of the property to R1E would have the following potential changes based on corresponding regulations:

	PUD	R1E
Permitted Principal Uses	Single, Two-Family, and Multi-Family Dwellings	Single Family Dwellings
Height	2 Stories/30 feet maximum	30 feet maximum
Lot Size (Phase II)	3.77 acres; up to 2 parcels	None other than lot size
Lot Area Per Dwelling Unit	7,200 square feet each	Minimum 4,000 per square feet
Parking	4 space per 3 dwelling units, minimum	1 legal off-site space per unit
Unit size	No restriction	Maximum 2,000 square feet

Potential Amendments

The petitioner is providing a new proposed R1E layout, and providing the previously approved plan as an alternatives analysis. The PUD provides more opportunity to ensure that natural features are retained on the site. The proposed amendment would reduce the number of units from a maximum of 36 to an estimated 21 units.

Process and Next Steps

The purpose of the required pre-petition conference is for the Planning Commission to learn about the potential public benefits or impacts of a newly proposed or amended PUD district, and to provide feedback about whether the proposal already includes sufficient public benefits or may need to be strengthened. In this case, consideration of how the previous public benefits articulated might be impacted by the proposed rezoning.

Pre-petition conferences are held during working sessions of the Planning Commission to facilitate an open back-and-forth discussion. Comments are not binding but the Planning Commission should provide an honest evaluation of the whether the potential public benefits could or could not meet the standards of approval for a PUD Zoning District.