

MEMORANDUM

TO: City Planning Commission

FROM: Lesley Rivera, Graduate Planning Intern

SUBJECT: Status of Cranbrook Park Rezoning (Z14-011)

DATE: August 21, 2015

The Ann Arbor Housing Commission submitted a petition in 2014 to rezone Mallett's Creek Court, a residential development containing three 2-family dwellings, from PL (Public Land) to R2A (Two-Family Dwelling District). This rezoning was requested to support the property's involvement in the U.S. Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) Program. The petition was postponed by the Commission on May 6, 2014 to allow staff to research the ownership and zoning status of the portion of the parcel located west of Malletts Creek, surrounded by Cranbrook Park (see attached staff report and minutes).

Upon further research, it was determined that the parcel was zoned PL (Public Land) and R3 (Townhouse Dwelling District) in 1990 as part of the Brookside Commons Phase II Site Plan. At that time, City Council approved R3 zoning for the 1.16-acre eastern portion of the site and PL zoning for the 1.21 western portion of the site. In 1996, City Council approved the Mallets Creek Court Site Plan, a petition by the Ann Arbor Housing Commission to develop three duplex structures on the R3 eastern portion of the site. The site plan did not propose any changes for the western portion of the site.

Subsequent to construction of Mallett's Creek Court, the western parcel has been used as an extension of Cranbrook Park, but was still part of the Housing Commission parent parcel. As a result of this research, the Parks and Recreation Unit and the Housing Commission submitted a request for an administrative land transfer to divide the property along the centerline of Malletts Creek. This transfer, which was approved on July 6, 2015, combines the 1.21 acre western parcel with Cranbrook Park. The 1.16 acre eastern parcel contains the Mallett's Creek Court duplex development.

As both the current PL and R3 zoning designations are consistent with the Cranbrook Park and Mallett's Creek Court uses, a rezoning is not necessary. Thus, file Z14-011 has been closed.

Attachment: May 6, 2014 Planning Staff Report and Minutes

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 6, 2014

SUBJECT: Ann Arbor Housing Commission Rezoning

Baker Commons Rezoning (106 Packard Street), File No. Z14-008
Green/Baxter Court Apartments Rezoning (1701-1747 Green Road), File No. Z14-009
Maple Meadows Rezoning (800-890 South Maple Road), File No. Z14-010
Mallett's Creek Court Rezoning (2670-2680 S. Main Street), File No. Z14-011
West Washington Rezoning (805-807 W. Washington Street), File No. Z14-013

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the following Ann Arbor Housing Commission rezonings:

- Baker Commons Rezoning from PL (Public Land) to D2 (Downtown Interface District);
- Green/Baxter Rezoning from PL (Public Land) to R4B (Multiple-Family Dwelling District);
- Maple Meadows Rezoning from R1C (Single Family Dwelling District) to R4B (Multiple-Family Dwelling District);
- Mallett's Creek Court Rezoning from PL (Public Land) to R2A (Two-Family Dwelling District); and,
- 805-807 W. Washington Rezoning from PL (Public Land) to R2A (Two-Family Dwelling District).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby waives the area plan requirements for the Ann Arbor Housing Commission Rezoning petitions because no new construction is proposed and surveys of the improvements have been provided.

STAFF RECOMMENDATION

Staff recommends that the petitions be **approved** because the proposed zoning classifications are consistent with the current uses on the sites and with the surrounding land uses. Staff also recommends that the area plan requirements for rezoning petitions be **approved** in this case because no new construction is proposed and surveys of the improvements have been provided.

DESCRIPTION OF PROJECT

The Ann Arbor Housing Commission (AAHC) was approved by the U.S. Department of Housing and Urban Development (HUD) to participate in the new Rental Assistance Demonstration (RAD) Program. As part of the RAD Program, the Housing Commission will convert all of its public housing units to project-based vouchers to stabilize the operating funds and enable AAHC to reinvest in the physical properties to continue to provide affordable housing to low-income individuals and families. Under the RAD program, the affordable housing on these properties will be governed by HUD with a Project-Based Voucher Use Agreement.

All AAHC properties are owned by the City. The properties were acquired by the City for the Ann Arbor Housing Commission with funding from HUD. Ann Arbor City Code requires the City to acquire property for the AAHC, but the properties may be transferred to the AAHC at any time. In June 2013 City Council approved the transfer of ownership of the properties to the AAHC to enable the AAHC to participate in the RAD program and to secure private funding to rehabilitate the properties. Private investors and lenders will not provide funding for rehabilitation if the parcels are not zoned in conformance with their current use. To support this public-private partnership, Staff recommends rezoning five parcels of AAHC’s properties to standard residential zoning classifications to more closely match their current uses.

The following rezoning requests have been initiated by the City. Baker Commons, Mallets Creek and Maple Meadows will be renovated and no other changes are proposed for the sites. Green Baxter Court experienced a fire that will require one of its buildings to be demolished and reconstructed and the other three buildings will be renovated. The AAHC will either be renovating 805-807 W. Washington or selling the property if renovations are infeasible.

LOCATIONS AND DESCRIPTIONS OF INDIVIDUAL PETITIONS

Baker Commons – This 0.94 acre site is located at the southeast corner of Packard Street and S. Main Street. The parcel currently contains a five-story, 64-unit apartment building. No changes other than rehabilitation are proposed for the building or the site. Staff is petitioning for rezoning from PL (Public Land) to D2 (Downtown Interface District) to more closely reflect the current use and the Downtown Plan future land use recommendations for this area.

Comparison Chart

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	PL (Public Land)	D2 (Downtown Interface)	D2
Gross Lot Area	40,950 sq ft (0.94 ac)	40,950 sq ft (0.94 ac)	None
Lot Width	157 ft	157 ft	None
Floor Area in % of Lot Area	112%	112%	200% MAX with premiums

Surrounding Land Uses and Zoning

	LAND USE	ZONING
NORTH	Commercial	D2 (Downtown Interface)
EAST	Multi-Family Dwellings	R4C (Multiple-Family Dwelling)
SOUTH	Commercial	D2 (Downtown Interface)
WEST	Commercial	D2 (Downtown Interface)

Green/Baxter Court Apartments – This 2.42 acre (2 acres net) site is located at the northwest corner of Green Road and Baxter Road, east of Baxter Park, and west of the Greenbrier Apartment Complex. The parcel currently contains 23 apartments in four buildings and a community center.

In January 2014, a fire severely damaged one of the apartment buildings. The Housing Commission currently is in the process of submitting an updated site plan for a public project review to rebuild the damaged building. The new structure will have the same number of units as the original structure, but will have a slightly larger footprint to increase “visitability,” or handicap access on the first floor. Aside from this reconstruction, no changes other than rehabilitation are proposed for the other buildings or the site. Staff is petitioning for rezoning from PL (Public Land) to R4B (Multi-Family Dwelling District) to more closely reflect the current use.

Comparison Chart

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	PL (Public Land)	R4B (Multiple-Family Dwelling District)	R4B
Gross Lot Area	105,400 sq ft (2.42 ac)	105,400 sq ft (2.42 ac)	14,000 sq ft MIN
Lot Width	460 ft	460 ft	120 ft MIN
Lot Area Per Dwelling Unit	4,583 sq ft	4,583 sq ft	2,900 sq ft MIN

Surrounding Land Uses and Zoning

	LAND USE	ZONING
NORTH	Vacant	RE (Research)
EAST	Multi-Family Housing	R4A (Multiple-Family Dwelling)
SOUTH	Office	O (Office)
WEST	Park	PL (Public Land)

Maple Meadows – This 3.4 acre site is located on the west side of S. Maple Road, south of Bens Drive, north of Russell Street, and east of South Maple Park. The parcel currently contains 29 apartments in five buildings and a community center. No changes other than rehabilitation are proposed for the buildings or the site. Staff are petitioning for rezoning from R1C (Single Family Dwelling District) to R4B (Multi-Family Dwelling District) to more closely reflect the current use.

Comparison Chart

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	R1C (Single Family Dwelling District)	R4B (Multiple Family Dwelling District)	R4B
Gross Lot Area	150,210 sq ft (3.4 ac)	150,210 sq ft (3.4 ac)	14,000 sq ft MIN
Lot Width	340 ft	340 ft	120 ft MIN
Lot Area Per Dwelling Unit	5,180 sq ft	5,180 sq ft	2,900 sq ft MIN

Surrounding Land Uses and Zoning

	LAND USE	ZONING
NORTH	Single and Multi-Family Dwellings	R1C (Single-Family Dwelling) R4B (Multiple-Family Dwelling)
EAST	City Storm Detention Pond	R4B (Multiple-Family Dwelling)
SOUTH	Single Family Dwellings	R1C (Single-Family Dwelling)
WEST	Park	PL (Public Land)

Mallett’s Creek Court – This 2.3 acre site is located on the west side of S. Main Street, south of Kingsbrook Avenue, and northeast of Cranbrook Park. The west side of the site intersects with the Mallett’s Creek floodway. The parcel currently contains three 2-family dwellings. No changes other than rehabilitation are proposed for the buildings or the site.

Staff is petitioning for the east portion of this parcel to be rezoned from PL (Public Land) to R2A (Two-Family Dwelling District) to more closely reflect the current use. To avoid creating a residential zone in the floodway, the west portion is proposed to remain in the PL (Public Land) District.

Comparison Chart

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	PL (Public Land)	R2A (Two Family Dwelling District)	R2A
Gross Lot Area	Approx 100,797 sq ft (2.3 ac)	Approx 100,797 sq ft (2.3 ac)	8,500 sq ft MIN
Lot Width	157 ft	157 ft	60 ft MIN
Lot Area per Dwelling Unit	16,800 sq ft	16,800 sq ft	4,250 sq ft MIN

Surrounding Land Uses and Zoning

	LAND USE	ZONING
NORTH	Townhouse Dwellings	R3 (Townhouse Dwelling)
EAST	Apartment Dwellings	PUD (Planned Unit Development)
SOUTH	Park	PL (Public Land)
WEST	Park	PL (Public Land)

West Washington – This 0.18 acre site is located at the southwest corner of W. Washington Street and Mulholland Avenue. The parcel currently contains one 2-family dwelling. No changes are proposed for the building or the site. Staff is petitioning for rezoning from PL (Public Land) to R2A (Two-Family Dwelling District) to more closely reflect the current use. While the parcel will be non-conforming due to the R2A minimum lot size requirements, the proposed zoning is consistent with the R2A zoning surrounding the site. The property will be renovated if funding can be secured. City Council and HUD have approved the sale of this property if the AAHC needs to use the sales proceeds to renovate its larger properties.

Comparison Chart

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	PL (Public Land)	R2A (Two Family Dwelling District)	R2A
Gross Lot Area	Approx 7,840 sq ft (0.18 ac)	Approx 7,840 sq ft (0.18 ac)	8,500 sq ft MIN
Lot Width	66 ft	66 ft	60 ft MIN
Lot Area per Dwelling Unit	3,920 sq ft	3,920 sq ft	4,250 sq ft MIN

Surrounding Land Uses and Zoning

	LAND USE	ZONING
NORTH	Two-Family Dwellings	R2A (Two-Family Dwelling)
EAST	Two-Family Dwellings	R2A (Two-Family Dwelling)
SOUTH	Condominiums	PUD (Planned Unit Development)
WEST	Two-Family Dwellings	R2A (Two-Family Dwelling)

STAFF COMMENTS

Public Services (Systems Planning Unit):

Mallett’s Creek Court: Both the floodway and floodplain intersects the west portion of the site. Consider leaving floodplain portion PL (Public Land).

South Seventh Housing: The site falls almost entirely within the floodway and floodplain. A residential zoning classification is inappropriate.

Planning:

South Seventh Housing Site – This 0.9 acre site is located on the east side of S. Seventh Street, north of Murray Court, and south of W. Washington Street and currently is zoned PL (Public Land). The parcel contains four 2-family dwellings located almost entirely within the Allen Creek floodway. This site was originally proposed for rezoning because of its inclusion in the RAD program. However, after reviewing the site's location within the floodway, Staff decided to withdraw the petition and keep the site within the PL designation for the time being.

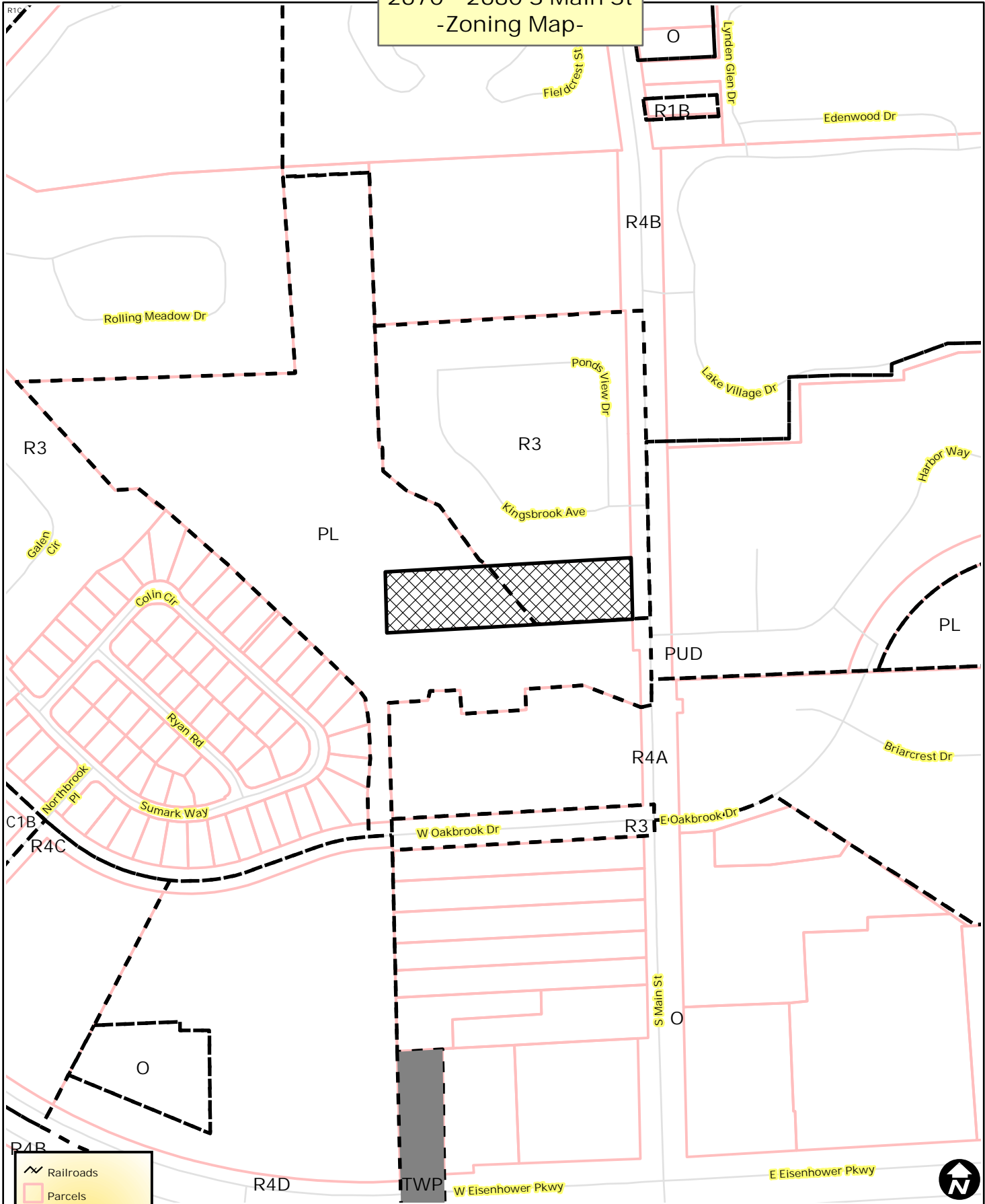
Citizen Notification – Because there are no proposed changes in land use and because no development is proposed for these sites, the zoning ordinance requirement to hold Citizen Participation Ordinance meetings has been waived for these petitions. Postcard notifications of the Planning Commission public hearing were mailed to property owners within 500 feet of each site when AAHC submitted the petition requests.

Prepared by Katy Ryan
Reviewed by Wendy Rampson
4/30/14

Attachments: Zoning/Parcel Maps
Aerial Photos

c: Ann Arbor Housing Commission
City Attorney's Office

2670 - 2680 S Main St
-Zoning Map-

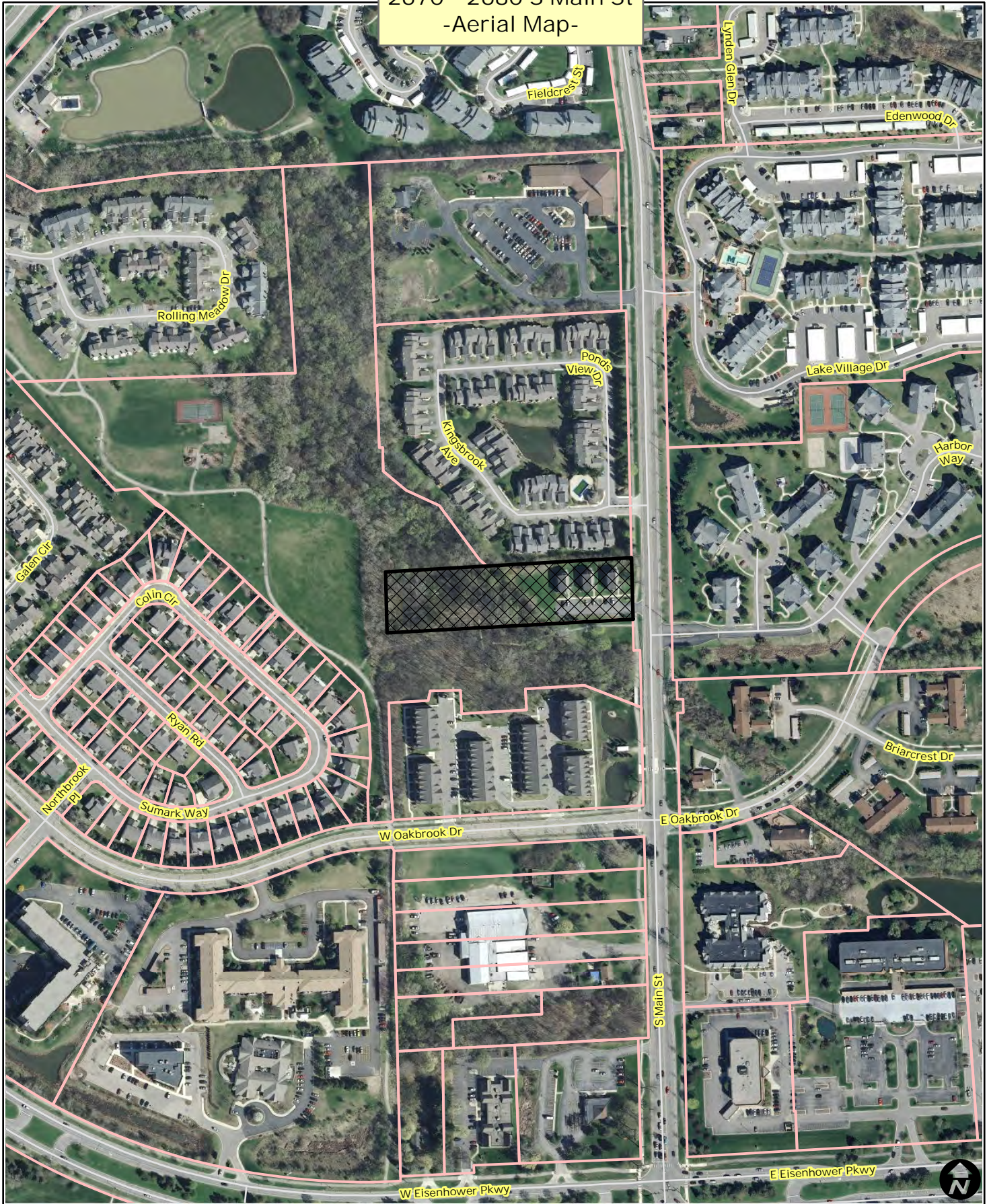


-  Railroads
-  Parcels
-  Huron River
-  Zoning
-  Township Islands
-  Zoning Districts



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2670 - 2680 S Main St
-Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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Map Created: 4/8/2014



City of Ann Arbor
Formal Minutes - Final
Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Tuesday, May 6, 2014

7:00 PM

County Building, 220 North Main Street,
Board of Commissioners Public Conference Room

10-c 14-0724

Public Hearing and Action on 5 Ann Arbor Housing Commission Properties Proposed for Rezoning

(1) Baker Commons Rezoning for City Council Approval - A request to rezone this 0.94 acre parcel located at 106 Packard Street from PL (Public Land District) to D2 (Downtown Interface). The parcel currently contains a 64-unit apartment building (Ward 5)

(2) Green/Baxter Court Apartments Rezoning for City Council Approval - A request to rezone this 2.0 acre parcel located at 1701-1747 Green Road from PL (Public Land District) to R4B (Multiple-Family Dwelling District). The parcel currently contains 24 apartments in four buildings and a community center. (Ward 2)

(3) Maple Meadows Rezoning for City Council Approval - A request to rezone this 3.3 acre parcel located at 800-890 South Maple Road from R1C(Single-Family Dwelling District) to R4B (Multiple-Family Dwelling District) to more closely reflect the current use. The parcel currently contains 30 apartments in five buildings and a community center. (Ward 5)

(4) Mallett's Creek Court Rezoning for City Council Approval - A request to rezone this 3.3 acre parcel located at 2670-2680 South Main Street from PL(Public Land District) to R2A (Two-Family Dwelling District) to more closely reflect the current use. The parcel currently contains three 2-family dwellings. (Ward 4)

(5) 805-807 W. Washington Rezoning for City Council Approval - A request to rezone this 0.18 acre parcel from PL(Public Land District) to R2A (Two-Family Dwelling District) to more closely reflect the current use. The parcel currently contains one 2-family dwelling. (Ward 5)

No changes other than rehabilitation are proposed for the buildings or the sites.

Staff Recommendation: Approval

South Seventh Housing Rezoning for City Council Approval - A request to rezone this 0.9 acre parcel located at 221-253 South Seventh Street from

PL(Public Land District) to R2A (Two-Family Dwelling District) to more closely reflect the current use. The parcel currently contains four 2-family dwellings. No changes other than rehabilitation are proposed for the buildings or the site. (Ward 5) Item Withdrawn

Jennifer Hall, Executive Director of the Ann Arbor Housing Commission, introduced Dr Woods from the Housing Commission Board. She gave background information on why they are asking for rezoning of the housing sites. She explained that they are the largest provider of affordable housing in Ann Arbor with 18 different locations, plus 1500 units of vouchers all throughout the County. She said when she started with the Housing Commission about 2.5 years ago she took a tour of the housing sites, evaluated the finances and looked at the condition of their sites. She found there was not enough money in their budget to fix up the units in need of repair. She explained that there have not been new affordable housing units built in the US since 1986. She said the Housing Commission's funding comes from HUD, with the largest source of funding being the IRS program, known as Low Income Housing Tax Credits; LIHTC. HUD provides funding for capital improvements, but she noted that they do not receive enough funding from HUD to maintain their units, and since they are not allowed to use capital improvement funding for maintenance of their units they are also not able to put away money to save for future capital improvements. HUD has noted that they are losing 10,000 to 15,000 units per year due to lack of funds needed to keep the units operable with the immediate need of \$40,000 per unit and \$80,000 per unit over a 15 year timeframe. She said they did their own capital needs assessment here in Ann Arbor and found they needed \$40,000 per unit investment over a 15 year timeframe.

Hall learned of HUD's new pilot program, called the Rental Assistance Demonstration Project [RAD program, which would allow them to convert public housing to project-based vouchers. HUD considers property used for public housing to be theirs, so with this program the City's Housing Commission has been able to secure approximately \$25 million in private financing, which has triggered the current need to rezone most of the properties to the appropriate zoning so that if they burned down they could be rebuilt. She explained that private investors are less likely to invest if the properties can't be secured. She stated that she was willing to remove from the agenda or request a postponement of the West Washington housing site, since it is not critical to have it rezoned in the immediate future, given that it will be the last property that they will make a decision on and they may decide to keep it. She said they currently do not have an investor for that property and her goal is to have as much affordable housing in the City as possible.

K. Ryan presented the staff reports.

PUBLIC HEARING

Van Harrison, 245 Mulholland, representing the Pumping Station Condominium Association, said that he was pleased that information sent to the Commission had been read and understood. They are in agreement with postponing taking action on the item. Their concerns are with 'creeping incrementalism'. He said when this parcel was City property and part of the old pumping station it was set aside initially as a maintenance lot with gravel surface, then one day people paved it. He had talked to Craig Hupy about the stormwater runoff situation and enquired how the paving came about, pointing out the extended surface area, with run off to the south. He relayed that the City did not want more storm sewers in this area due to Allen Creek storm surges. They agreed with more long term plans needed before the sale of the parcel to address the current issues, adding that if necessary they would pursue legal remedies to make sure the City's stormwater requirements are followed. They requested that the matter be looked at more carefully in the future.

Margaret Penirian, 464 Colin Circle, brought a petition with 60 signatures opposing the proposed Mallett's Creek Court rezoning. She said the rezoning would split the park in half, noting that the three houses are in the open area before one enters the woods, down the hill and crossing the bridge over the creek. She said large equipment would be unable to cross through this area, due to the wetness and puddles. She explained the other entrance off Oakbrook Drive, saying that one can't realize the value of the park until one goes there, and it should be zoned as suggested, just above the creek.

Bill Sharp, 167 Kingsbrook, stated that he lives where the Mallett's Creek Court property backs up to the woods. He said there was a discrepancy in lot size from what was on the agenda and from the staff report. He was happy to hear that only the housing area was proposed to be rezoned. He explained that the Malletts creek floodplain comes up to the edge of the banks and encouraged the City to keep that woodsy area as public land and not consider rezoning that area. He was happy for the City to consider rezoning the area where the houses are located.

Mark Meyerhof, 163 Kingsbrook, stated that his wife and he bought their condo 6 years ago because of the view overlooking the open field. He brought concerns about the possibility of having their current view

blocked by possible future development if the Housing Commission sells off that parcel of land.

Marcia Meyerhof, 163 Kingsbrook, said mostly they are interested in preserving the current trees and wildlife on that parcel. She asked if the proposed rezoning might be making room for a builder to come in.

Kim Schrimmer, 488 Colin Circle, said they need green space in Ann Arbor because Ann Arbor is green. As a nurse anesthetist at University of Ann Arbor, she said her family purchased a small house because of the nearby big park where they could spend time. She urged Ann Arbor not to develop all green spaces because we need green for health reasons.

Michelle Braun, 529 Galen Circle, reaffirmed comments about the Malletts Creek area, and added that the residents in her neighborhood have the same concerns about more building in the area, and the possibility of losing the existing forest and green space. She said they tore trees down when they built new condos in the area.

Nela Humm, 400 Galen Circle, wondered how they can get notification about what is happening and what is being proposed in their neighborhood. She said she lives outside of a 500 ft radius from the park, but any development in the park would affect her.

Ron Gardner, 159 Kingsbrook, said that their condo, backs up to the three existing structures. He said if he understands the proposal as explained by staff, they are looking at splitting the parcel. He encouraged that any decision be postponed and that they continue reviewing the issue, taking into consideration the presented concerns and that they try to maintain the existing foot print, move slowly, and defer the decision until they have taken a better look at the situation.

Jeff Borack, Oakbrook Subdivision, stated that he understands the balance between individual needs and the needs of society. He said he supports the proposal but asked the City to keep it as tight as possible to minimize future development.

Ethel Potts, 1014 Elder Blvd, said it is obvious that the neighbors have been using the open space as a park. She asked if there is any plan to get the park to be included in the PROS Plan, and then it would really have some protection, since it needs official protection.

Cindy Heisel, Oakwood Villas, encouraged that the City not mess around

with park, since it is used by everyone in the area. She said that the residents from the elderly housing in the nearby area frequent the park, and she did not want the park to be taken away from them either.

Jeff Gerhart, 1442 Pine Valley, said he supported the overall package of rezoning, adding that people who live in public housing are residents too and they have rights too; this request is about improving lives and the properties they live in. He said this request will address long term issues and raise all boats.

Chen Lin Fen, said he wants to show his appreciation to the people who have shown their support of his invention; Tinilite.

Noting no further speakers, the Chair declared the public hearing closed.

Moved by Clein, seconded by Bona that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the following Ann Arbor Housing Commission rezonings:

- **Baker Commons Rezoning from PL (Public Land) to D2 (Downtown Interface District);**
- **Green/Baxter Rezoning from PL (Public Land) to R4B (Multiple-Family Dwelling District);**
- **Maple Meadows Rezoning from R1C (Single Family Dwelling District) to R4B (Multiple-Family Dwelling District);**
- **Mallett's Creek Court Rezoning from PL (Public Land) to R2A (Two-Family Dwelling District); and,**
- **805-807 W. Washington Rezoning from PL (Public Land) to R2A (Two-Family Dwelling District).**

COMMISSION DISCUSSION ON MALLETT'S CREEK:

Peters asked Hall if there are any current plans to sell any of the area.

Hall apologized for any confusion on the projects, clarifying that the Housing Commission is only approved by HUD and the City to sell the West Washington site and the 2 single-family homes in a single-family neighborhood. She said when they convert to project based vouchers, HUD is requiring them to sign a 20 year commitment to keep units as affordable housing as long as HUD exists, and the Housing Commission would need permission to do anything with these parcel.

Hall explained that they had no idea that the housing site stretches into the park, and had assumed it was part of the park, since the City has

always maintained it as part of the City's park system and it has never been used by the Housing Commission. She said since they have no intention to build on that parcel, City staff suggested splitting off that portion and deeding it to the park system, with access easements to use the bridge. She said the City attorney's office is currently in the process of making this happen, adding that she is okay with moving this item to a future meeting. She showed on the map where the proposed land division would be along the eastern side of the creek, noting that they do not want any portion of the floodplain to be on their housing site.

Peters asked if postponement to the next meeting would allow staff enough time to work out the details so they could take action on both items.

Rampson suggested postponement indefinitely of this item as well as the West Washington site to allow staff to deal with ownership issues that exist.

Clein reiterated that the Housing Commission has no intention to sell the property, and asked for verification from Hall that the Housing Commission would also need HUD approval if any such changes were to be proposed.

Hall said, yes.

Briere said one of the concerns heard this evening is that 500 feet notification from the property line of the parcel in question was insufficient, given the adjacent park. She asked if any registered neighborhood groups could be included in the notification list.

Rampson said any and all registered neighborhood and condo association groups are already included in the notification whenever there are proposed projects in their general area. She said another way to stay informed is through the City's email notification [RSS feed] system.

Briere said it was important to her that when these items came back before the Commission that residents could be notified either through their neighborhood association or direct email.

Westphal asked if all owners and residents had been notified with a postcard notice within 500 feet of the parcel in question.

Rampson said yes.

Moved by Clein, seconded by Peters, to postpone the Malletts Creek Court Rezoning request to a future meeting. On a voice vote, the Chair declared the motion carried.