



MEMORANDUM

TO: City Planning Commission

FROM: Matthew Kowalski, City Planner and Mariana Melin-Corcoran, City Planner

DATE: May 15, 2024

SUBJECT: PUD Pre-Petition Conference
601 Mary Court

A pre-petition conference is a required step to applying and receiving approval for a new PUD (Planned Unit Development) Zoning District or amending existing PUD Supplemental Regulations. This PUD conference discusses the request to designate 601, 603, 605, and 607 Mary Court as a PUD. The parcels currently have an R4C zoning designation. These four separate parcels will be combined into one 8,190 sq ft parcel.

Background

The proposed project site includes four parcels on the north side of Mary Court, bounded by Mary Street to the west and a public alley to the east. The four existing lots each contain one single-family home. These four lots will be combined into one 8,190 sq ft parcel, and the combined site is planned for rezoning to Planned Unit Development (PUD) for a multi-family residential building. Surrounding uses include multi-family residential to the north and west, commercial areas to the east, and University of Michigan buildings to the south. The proposed housing development would target student tenants.

The proposed three-story building would feature:

- 8 four-bedroom units of 1,612 sq ft each
- Total of 12,896 sq ft of floor area

Petitioner Justification for PUD Zoning

In their PUD application, the petitioner states that the purpose and additional benefit for the City of the proposed PUD is:

The proposed development will provide eight new four-bedroom apartments for students. The proposed building is near campus and near the U of M athletic facilities and will help address the housing shortage in Ann Arbor. The existing four 4-bedroom homes will be demolished, for a net gain of 16 beds (16 existing become 32 new). The existing homes are old and in need of significant upgrades. Even if improved, their performance will be significantly poorer than new construction. The new construction will have a thermal envelope that is better than code minimum, and include energy star appliances and high-performance HVAC. Also, the proposed development will include a storm water management system that does not currently exist – thus improving the local environment. The proposed development leaves the private Mary Court intact, making improvements to the pleasant (and uncommon) open space.

In their PUD Application, the petitioner justifies using a PUD, and shares why the proposed PUD should be considered consistent with the Comprehensive Plan:

“Only R4E would allow for this density (R4E = 75 dwelling units / acre maximum, proposed = 42 dwelling units / acre). Front and rear setbacks, as well as the conflicting land use buffer, would not be achieved in any R zone.

“The comprehensive plan calls for “Multiple Family” development in this part of the Central Area. The proposed apartment building fits this recommendation, and provides a building that is an appropriate scale for the transitional area between the commercial / retail building on State and Packard, and the University buildings along Hoover. The scale and the design of the proposed building is also consistent with the general Burns Park neighborhood.

Staff Analysis

The project site is adjacent to multi-family residential zoning. The 2009 Comprehensive Plan recommends multi-family development for this area. Based on the lot size, this development could not redevelop as a multi-family property without a PUD. To redevelop as a two-family property, the applicant could select the R2A district. This would allow a maximum of three units instead of the proposed eight, with four bedrooms per unit for 12 bedrooms total, instead of the proposed 32.

To evaluate the property as proposed, with eight bedrooms, staff suggest comparing a potential Planned Unit Development (PUD) against the R4E (Multiple-Family Dwelling) District zone, as R4E is the only district that allows the proposed density. The site lies near major transit corridors (State Street, Packard Street) and the University of Michigan athletic complex. Per the Unified Development Code, the R4E district is:

"intended to permit high-density, Multiple-Family development along signature transit corridors, as identified in the City's Master Plan, with nearby access to public land, schools, shops, and Personal Services outside the DDA boundary. The elements of land use planning and Site design should ensure that the impact of such intensity of land use on adjacent property and on the community as a whole is minimized."

The proposed project details are reviewed next to the chosen comparison district below:

| Proposed Project Details | | Meets Comparison Zone (R4E) Requirement? | |
|--------------------------|------------------|--|--|
| Lot size | 8,190 sq ft | No | Minimum 14,000 sq ft required |
| Front setback | 12.25 ft | No | Minimum 15 ft required |
| Side setback - South | 10 ft + 6.75 ft* | Yes | *Additional setback required for building length over 50 ft |
| Side setback - North | 10 ft | No | Additional setback required for building length over 50 ft, but not proposed |
| Rear setback | 7.75 ft | No | Minimum 30 ft required |
| Building height | 3 stories | Yes | No height limit in R4E |
| Density | 42 units/acre | Yes | Within Comprehensive Plan recommendation |

Applying the R4E standards presents some challenges for achieving the petitioners desired project layout. Firstly, the combined lot size at 8,190 sq ft does not meet the minimum R4E lot size of 14,000 sq ft or the existing R4C minimum lot size of 8,500 sq ft. In addition, the proposed project could not meet the minimum 15-foot front setback, however at 12.25 feet, the proposed front setback is consistent with the existing building at 601 Mary Court as well as the adjacent houses to the south along Mary Court. While the project could meet the standard 10-foot, plus 6.75-foot additional to accommodate the length of the building over 50 feet, on the south side, the project can only meet a 10-foot (not the required additional setback) side setback on the north side. The proposed rear setback is 7.75 feet, which would not meet the 30-foot rear setback requirement of the R4E zoning but is farther set back from the alley than the existing building at 607 Mary Court.

Meeting the setbacks on the north side, the front, and rear of the proposed building and within R4E would necessitate modifying the proposed site plan, either by decreasing the building footprint and therefore unit/bedroom count or increasing the building height. Although there is no height limit in the R4E district, the three-story height of the proposed project is compatible with the surrounding area. Further, the proposed design maintains the unique character of Mary Court, and a PUD would require the petitioners to construct the approved architectural plans.

A PUD offers the petitioner more flexibility on setbacks. Reducing the side, front, and rear setbacks within a PUD would allow retaining the proposed density. The project would double the existing density in a centrally located area, near the University of Michigan campus and central commercial areas. Currently there are four units with four beds each for a total of 16 beds and the proposed development would have eight units with four bedrooms each for a total of 32 bedrooms. The trade-off presented to the Planning Commission is whether to utilize a PUD and its flexibility to allow the desired layout and density or reject the PUD petition in favor of applying R4E zoning which could require either eliminating proposed units, increasing building height, or other unforeseen modifications to meet the larger setbacks.

Staff supports increasing density in the area and associated site improvements, such as taking out impervious surface parking and adding pervious surface behind the development.

Other than “Economy and efficiency of land use...” (5.29.11.F.1.b), the proposed design does not yet have other clear beneficial effects for the City, and staff encourage further explanation from the applicant as to their plan to meet the Standards for PUD Zoning District review (provided below). Affordable housing would not be required as part of this proposed project because the proposed density of 42 dwelling units/acre does not exceed the residential density recommendation of the Comprehensive Plan.

PUD Process

As provided in Section 5.29.11 of the Unified Development Code, the PUD process involves five steps: citizen participation, a pre-application conference with staff, a pre-petition conference with Planning Commission, PUD zoning district review and PUD site plan review. Staff began working with the applicant several months ago and continue to guide them through the application preparation, submittal, review, and approval process. At pre-petition conferences with the Planning Commission, applicants present the proposed conceptual plan and development program. The Planning Commission may offer “*their comments regarding the appropriateness of the proposed land uses, the proposal’s conformance with adopted master plan and policies, and the beneficial effects to be achieved*” (5.29.11.C.3).

F. Standards for PUD Zoning District Review⁹⁹

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

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.

UDC section 5.29.11.F

Attachments: PUD Pre-Petition Conference Application Form
Site Plan (includes Site Data Charts)
Zoning Comparison Table