

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of November 15, 2022

**SUBJECT: 530 N. Division Street PUD Zoning District and PUD Site Plan for City Council Approval
File No. SP22-2005**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission recommends that the Mayor and City Council approve 530 N. Division Street Planned Unit Development (PUD) Zoning District and Supplemental Regulations, and PUD Site Plan.

STAFF RECOMMENDATION:

Staff recommends that the 530 N. Division Street PUD (Planned Unit Development) Zoning District and Supplemental Regulations be **approved** because the uses, physical characteristics, design features, and amenities proposed provide a beneficial effect for the City, could not be achieved under any other zoning classification, will not have a detrimental effect on public utilities or surrounding properties, provide adequate justification for deviation from the master plan, provide sufficient analysis and justification in the supplemental regulations, and provide acceptable vehicular and pedestrian circulation.

Staff recommends that the 530 N. Division Street PUD Site Plan be **approved** because the development would comply with the PUD Zoning District and Supplemental Regulations as well as all applicable local, state and federal laws, ordinances, standards and regulations.

LOCATION:

The site is located on the east side of N. Division Street, south of the Broadway Bridge. Old Fourth Ward Historic District and Huron River Watershed. Estimated cost of the project is \$1,800,000.

SUMMARY:

A proposal to rezone a .19 acre (8,492 -square feet) site from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development), and to construct a three-story, approximately 9,956- square foot building containing four-units, totaling 24 bedrooms. This floor area includes the subgrade dwelling unit. Six carport vehicle parking spaces are proposed at the east end of the site with 2-EV-I (Electric Vehicle -Installed) and 4 EV-C (Capable) spaces.

REZONING PETITION:

Current Zoning – The site is currently zoned R4C which allows a maximum of three units based on the lot size. This site currently has four units and is nonconforming and is not increasing the number of residential units.

Proposed Zoning -- The proposed PUD Supplemental Regulations allow the following uses and configuration of the site:

- A three-story addition on the rear of the existing quad-plex. Each story contains a 6-bedroom unit including the below grade unit.
- Six vehicle carport parking spaces and 16 bicycle spaces (12 covered and 4 hoop style).
- Reduced drive-way width of 10 feet to allow the shared driveway to remain.
- Reduced Conflicting Land Use Buffer strips along the south and east property lines.
- Reduced open space from 37% to a minimum of 25%.
- Reduced front setback to 11-feet from N. Division Street and reduced northern side setback to 3-feet.

SITE PLAN PETITION:

Existing Conditions – The site is currently occupied by four units totaling 3,333- square feet.





Figure 1: Existing Conditions (2021)

Site Layout – The project is designed to activate the street frontage with all parking behind the residences. A small patio adjacent to the sidewalk will add to the active presence along the street.

Access and Parking – The site has a single access point off N. Division Street shared with the duplex to the south which leads to proposed and existing parking for both sites. The multi-family use proposed no longer requires parking spaces and was designed to meet the minimum number of spaces required before parking code was amended. The PUD zoning allows the modification to reduce the conflicting land use buffers along the east and south property lines, reduce the required driveway width, and reduced side and front setbacks. The site plan also proposes 12 Class B and 4 Class C bicycle parking spaces outside adjacent to the building.

Natural Features – There are no natural features on the site although there are two Walnut trees on the neighboring property to the north and a Locust tree in the public right-of-way. It is not anticipated these trees will be impacted.

Landscaping, Screening, Buffers – A 15-foot-wide conflicting land use buffer (CLUB) is required along the east and south sides of the parcel to screen from residential zoning. The east property line abuts a surface parking lot and the south property line shares a driveway. The petitioner proposes to reduce the 15-foot width requirement and the tree and shrub requirement. No natural features are impacted from this development. One street tree is proposed to be planted south of the driveway in the public row.

Storm Water Management – The site contains less than 10,000 square feet of impervious surface, so only treatment for the First Flush rain event is required. The infiltration testing showed that the southeast portion on the site had an infiltration rate of 33 in/hr. The volume of storage required for the entire site has been provided in the underground infiltration area at the southeast part of the parking area. A trench drain has been provided in the driveway at the lowest elevation possible to collect runoff from the driveway.

SITE PLAN DATA ANALYSIS:

	REQUIRED	PROPOSED
Zoning District	R4C (Multiple-Family Residential)	PUD
Lot Area	.19 acre (8,492 sq ft)	.19 acre (8,492 sq ft)
MIN Lot Area / Dwelling Unit	2,175 sq ft	2,123 sq ft
Setback: Front (N. Division)	25 ft MIN	11 ft.
Setback: Side (North)	12 ft (plus 1.5 inches for each foot of building length over 50 feet)	3.7 ft
Setback: Side (South)	12 ft (plus 1.5 inches for each foot of building length over 50 feet)	16.3 ft
Setback: Rear (East)	30 ft (Unless abutting residential zoning)	40 ft.
Height	30 ft	29.8 ft.
Vehicle Parking	10 spaces (gravel lot)	6 spaces (2 EV-I, 4-EV-R)
Bicycle Parking	None	12 Class B spaces 4 Class C spaces

LAND USE ANALYSIS (SURROUNDING LAND USES AND ZONING):

	LAND USE	ZONING
NORTH	Office	PUD (Planned Unit Development)
EAST	Residential	R4C (Multiple-Family Residential)
SOUTH	Residential	R4C
WEST	Residential	R4C

CITIZEN PARTICIPATION:

The applicant held a meeting for citizens regarding the proposed rezoning and site plan on May 7, 2022 and provided a summary report as required. There was a total of 79 people that attended the meeting in addition to the project team. The petitioner held a PUD pre-petition conference with Planning Commission on November 10, 2020.

CITY MASTER PLAN:

Eight documents constitute the elements of the City Master Plan:

1. Sustainability Framework (2013)
2. Land Use Element (2009)
3. Downtown Plan (2009)
4. State Street Corridor Plan (2013)
5. Tree line Allen Creek Urban Trail Master Plan (2017)
6. City of Ann Arbor Comprehensive Transportation Plan (2021)
7. Parks and Recreation Open Space Plan (2016-2020)

8. Natural Features Master Plan (2004)

Chapter Five (Land Use) of the Master Plan: Land Use Element identifies key issues the City wishes to address with new development. Diversity of housing types, extensive landscaping, multiple-story buildings to reduce imperviousness, and land use and transportation balance are additional goals that are achieved by the mixed-use project proposed. The site is also located on a transit route, sidewalks are existing on both sides of the street.

Chapter Five (Land Use) also describes Land Use Goals, Objectives and Action Statements the 530 N. Division Street petition addresses several of the Goals of the Central Area:

- Goal A - To promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities and which conserve environmental quality.
 - Objective 1: To protect, preserve and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
 - Objective 4: To encourage the development of new architecture, and modifications to existing architecture, that complements the scale and character of the neighborhood.
This project provides the same number of units with an increase in the number of bedrooms and was reviewed and approved by the Historic District Commission
 - Objective 5: To develop density thresholds for each neighborhood that are appropriate in relation to the character, available services and infrastructure of the neighborhood, and in accordance with the norms of the neighborhood, resulting in improved quality of life for all residents.
The building is designed to fit in the historic neighborhood while being net positive in energy and carbon-neutral. This project will be a model for the 2030 initiative as a net positive energy, carbon positive building.
 - Objective 11: To improve the appearance of buildings and grounds to enhance the neighborhoods, encouraging property maintenance and improvement to promote pride in the community.

Historic Preservation Goals of the Central Area

- Goal A – To encourage the preservation, restoration or rehabilitation of historically and culturally significant properties, as well as contributing or complementary structures, streetscapes, groups of buildings and neighborhoods. To preserve the historic character of Ann Arbor’s Central Area. To enforce existing historic district ordinances through City staff, the Historic District Commission and neighborhood monitoring programs. To designate historic buildings to encourage their preservation.
 - Objective 1: To encourage preservation, restoration or rehabilitation while allowing for technological advances in building materials and techniques that may encourage preservation by making it more affordable without forsaking historical integrity.
 - Objective 5: Where new buildings are desirable, the character of historic buildings, neighborhoods and streetscapes should be respectfully considered to that new buildings will complement the historic, architectural and environmental character of the neighborhood.
 - Objective 7: To encourage the adaptive reuse of wholly or partially vacant historically significant buildings. Encourage the use of the PUD to provide

flexibility in redevelopments. The A2 Sustainable Framework plan includes climate and energy goals that relate to consumption of energy and the impact these consumption patterns have on our environment. Climate and energy goals target reducing greenhouse gas emissions, seeking sustainable sources of energy, lowering energy consumption communitywide, and reducing new and existing buildings' energy use, carbon impact, and construction waste, while respecting community context.

REZONING ANALYSIS:

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 petition 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.

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

While located within the Old Fourth Ward Historic District, this property is non-contributing, and thus the site can be redeveloped. The design of the proposed structure derived from a desire to fit contextually in the neighborhood, paying homage to the original structures mixed with a modern "addition". It received high praise and unanimous approval from the Historic District Commission.

- This project as designed has beneficial effects for every group it touches - tenants, neighborhood, the City of Ann Arbor, utilities, builders, students, developers and the public at large. This will be a highly visible big step forward in sustainable building and hopefully a good story that will receive national attention.

This property is currently a 4-unit rental property within R4C zoning. The proposed development remains a 4-unit rental property when completed, meeting all the occupancy limits, parking requirements and other key features of R4C zoning. The lot, however, contains several anomalies that would require variances. In most ways we are making the lot less non-conforming than it its currently.

This development is all-electric and therefore the natural gas supply to the property will be removed. Every utility connected to this property will show either reduced or eliminated use for this property.

- Some of the City of Ann Arbor's stated goals for development are to increase density in areas served by public transit, greatly increase the sustainability of new developments and reduce the number of cars downtown. This project does all these things.
- The development meets the previously required 6-car minimum for parking in this R4C district. A solar carport will cover the six spots along with roof-top solar making approximately two-thirds of the solar energy needed to power the house. 2 parking spots will come with electric car chargers and the remain 4 will be pre-wired for future chargers.
- Although this property was platted over 150 years ago and is in the Old Fourth Ward Historic District, this property itself has been ruled a non-contributing structure by the Historic District Commission and thus the property can be redeveloped.
- See PUD Modification Table attached. These modifications include driveway width, conflicting land use buffers, lot area/unit, open space, front and side setbacks, and street tree relocation.

SERVICE UNIT COMMENTS:

Forestry – Staff notes the petitioners request to modify the CLUB on the east and south sides of the site. The deviation from code will need to be detailed in the Supplemental Regulations of the PUD. Staff supports the deviation from code along the driveway. However, staff does not support the deviation from code for the other CLUB areas outside of the driveway. A bigger building and more parking do not justify deviating from the landscape code requirement.

Public Services - The mitigation calculations for the increase in sanitary sewer flow have been reviewed and are approved. Flow equivalent to 1 GPM, will need to be removed from the sanitary sewer system in order to mitigate new flow from this proposed development. Alternatively, a payment in lieu of performing actual flow removal may be made.

An acknowledgement from the owner of parcel address 524 N. Division Street for the shared drive approach shall be submitted to the city. If this agreement cannot be obtained, the drive approach remains as it is currently, separate the drive approaches, or leave the drive approach as one approach and treat each parcel separately. This last option may require widening the subject properties drive approach to the north.

Planning – The rezoning of this parcel from R4C to PUD zoning accomplishes many goals identified in the City's Comprehensive Plan and supporting documents. The existing land use recommendation designates the site as residential land use. This proposed use does meet this land use recommendation. The PUD petition does accomplish several Goals, Objectives, and Action Statements in the City's Comprehensive Plan as detailed above.

Given the smaller size (less than 10,000 square feet) of this parcel, the evolution of land uses adjacent to the parcel and the goals of the Comprehensive Plan, it was determined that a PUD zoning designation was the most effective path forward. Due to the application of Conflicting Land Use Buffers (CLUB) on both the east and the south sides of the site, setbacks, and driveway width the proposed building could not be developed which addresses the goals of the Comprehensive Plan while contributing positively to the surrounding neighborhood. As noted previously, the parcel to the east is zoned as residential, but used as a surface parking lot. The parcel to the south is currently used as a duplex with no CLUB between these two sites due to a shared driveway although there is proposed a snow storage area and landscape tree located at the southeast corner of the site.

In order to maintain an active street front façade, the front setback was reduced, and the building was moved closer to the front setback line at the sidewalk, which is consistent with other structures in the immediate area with the exception of the office building to the north. A small patio will also be constructed adjacent to the sidewalk. The reduced parking count complied with previous parking standards when this petition was submitted and since this time parking is no longer required for this proposal.

The petitioner is using a PUD to gain additional occupant density, while maintaining the same number of units, and it is being used to create flexibility in the building design to better fit the surrounding area and comprehensive plan goals in exchange for sustainability elements. To guide in sustainability aspects of the project, additional bicycle parking, EV parking, and solar power are provided and required in the PUD Supplemental Regulations.

The petitioner is requesting the CLUB along the east property line be reduced to approximately 10 feet and added a 5-foot screening fence to screen the carport from the adjacent parking lot. The existing gravel parking lot has a similar layout without screening.

Prepared by Chris Cheng
Reviewed by Brett Lenart
11/5/22

Attachments: [Aerial Map](#)
[Zoning Map](#)
[Site Plan](#)
[Architectural Plans](#)
[Citizen Participation Summary](#)

Reference Documents: [Land Use Element](#)
[Draft Supplemental Regulations](#)

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Systems Planning
Project No. SP22-2005