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**- M E M O R A N D U M -**

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**TO:** Matt Kowalski, Planning and Development Services Unit

**FROM:** Jerry Hancock – Stormwater and Floodplain Programs Coordinator,  
Systems Planning Unit, Public Services Area

**DATE:** February 6, 2023

**SUBJECT:** 415 W. Washington St. Rezoning and PUD Concept Plan  
Project Number REZ22-0001

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I have reviewed the proposed Rezoning and PUD Concept Plan, dated 10-25-23, and provide the following comments for the petitioner:

The zoning of 415 W. Washington is proposed to be changed from PL (Public Land) to PUD (Planned Unit Development). The PUD standards per the Unified Development Code, Section 5.29.11.F.4 4. state that “the use or uses proposed shall be consistent with the master plan and policies adopted by the City or the Applicant shall provide adequate justification for departures from the approved plans and policies”.

For the past 19 years the policy direction the City has taken for floodplain mitigation, through the various Hazard Mitigation Plans (2004, 2007, 2012, 2017 and 2022), has been to look for opportunities to purchase property, demolish structures, and lower the intensity of use in the floodplain. The concept plan to sell this City owned parcel works at cross purposes to the City’s floodplain mitigation efforts. Additionally, the concept plan to develop the site in a more intense way than its past and current state is inconsistent with the floodplain mitigation direction the City has established.

The majority of the 415 W. Washington St. site is in the floodplain of Allen Creek. The floodway portion of the site is being recommended for open space and the future Treeline – Allen Creek Urban Trail. That is an ideal use of the floodway in this urban area. The remainder of the site is in the flood fringe portion of the floodplain. The proposed elevated residential structure, occupying the flood fringe, can be designed to meet the Michigan Building Codes and the City’s Flood Management Overlay Zoning District. However, meeting the building and zoning code is only part of the review and decision process in approving zoning changes. City policies, such as those contained in Hazard Mitigation Plans, are to be taken into account.

While codes do allow residential uses in the flood fringe, residential structures in the flood fringe increase the responsibility and cost of City emergency services in responding to flood events, create risk of occupants being injured in a flood, and floodplain construction is more costly. The United States Department of Housing and Urban Development prohibits spending federal money for residential uses in the floodplain for these reasons, as such federal money will not be available for this proposal.

The current proposal to rezone the land from PL to PUD, sell the property, develop it more intensely than the existing condition, and to facilitate a large residential structure is inconsistent with the established floodplain mitigation policies of the City. As such the proposed rezoning would not meet the review standard of the UDC, Section 5.29.11.F.4 4 unless adequate justification is provided for departing from the policy direction the City has taken for floodplain mitigation.

*415 W. Washington St. Rezoning FLOOD Review (1)*