



## Legislation Text

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**File #:** 08-1120, **Version:** 1

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Resolution to Approve City Place PUD Site Plan and Development Agreement, 1.23 Acres, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Approve Failed - 2 Yeas and 6 Nays)

Attached is a resolution requesting approval to construct a five-level, 90-unit apartment building consisting of 164 bedrooms and one level of underground parking for 97 vehicles. The proposed building will replace the seven existing houses on the property.

A development agreement has been prepared that addresses public and private utilities, special assessment district for future improvements to South Fifth Avenue, preservation of landmark and street trees, street tree planting escrow, contribution for improvements to nearby parks, on-site storm water management, geothermal heating and cooling, footing drain disconnections, noise control, and elevations. The City Attorney's Office has reviewed the agreement and the petitioner has acknowledged concurrence with its provisions.

The City Planning Commission recommended denial of this request at its meeting of September 4, 2008. As contained in the attached minutes, concerns expressed in support of the denial recommendation involve the loss of the existing historic structures, PUD standards not being adequately met, inadequate public benefit, compliance with master plan recommendations and underlying zoning requirements, proposed density and height, and the potential for setting a precedence for redeveloping entire blocks.

Prepared By: Laurie Foondle, Management Assistant

Reviewed By: Mark Lloyd, Planning and Development Services Manager

Jayne Miller, Community Services Administrator

Approved By: Roger W. Fraser, City Administrator

Whereas, Fifth Avenue Limited Partnership has requested site plan approval in order to construct a five-level, 90-unit apartment building consisting of 164 bedrooms and one level of underground parking for 97 vehicles to replace the existing structures at 407-437 South Fifth Avenue;

Whereas, A development agreement has been prepared to address public and private utilities, special assessment district for future improvements to South Fifth Avenue, preservation of landmark and street trees, street tree planting escrow, contribution for improvements to nearby parks, on-site storm water management, geothermal heating and cooling, footing drain disconnections, noise control, and elevations;

Whereas, The Ann Arbor City Planning Commission, on September 4, 2008, reviewed said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated

December 16, 2008;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the City Place PUD Site Plan, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, and (3) the individual development parcels are combined prior to the issuance of grading permits.