



Legislation Text

File #: 10-1081, **Version:** 1

Resolution to Approve an Amendment to the Consent Judgment Regarding the Glen Ann Place PUD

Planning and Development Services has been asked to provide a brief summary of the background of this project, what is being asked of the City, and a staff recommendation.

The developer of the Glen Ann Place PUD, Joseph Freed and Associates LLC, has requested an amendment to the consent judgment that ended the litigation that followed the Historic District Commission's denial of the project. The consent judgment was entered into by the developer, Council and the Historic District Commission in 2007 in which the Council granted approval of a modified PUD, and the HDC granted approval of the demolition of the houses on the property and approval of the construction of the modified PUD (after the developer agreed to reduce the height of the building and make revisions to the façade).

The consent judgment granted these approvals for three years, with an expiration of November 30, 2010. The petitioner has requested a five year extension due to current economic conditions. Because the approval of this project was a consent judgment, it is within the City Council and HDC's discretion to grant this approval if they would like to provide an opportunity for this development to be completed. Whether or not this extension is granted, the lawsuit between the two parties will remain settled. Staff supports an extension of two years, consistent with the City's policy of extending site plans for two year periods.

The following is a list of considerations regarding this request:

- A two year extension is consistent with requirements in Chapter 57 (Subdivision and Land Use Control).
- The Supplemental Regulations of the PUD indicate a number of community benefits of the proposed project that include: a) efficient use of land, b) mixed land uses, c) providing retail opportunities to residential, employment and institutional communities nearby, and d) an \$1,008,000 affordable housing contribution.
- The commercial lending environment is currently very challenging.
- The proposed project is still appropriate for this location.
- The site no longer has contributing historic structures because the two early 20th century houses on the site have been removed.
- Private development in this location would reduce the likelihood of the site being acquired by the University of Michigan.

- The consent judgment included a number of modifications to the site plan that was originally approved by City Council including: a) a reduction of the 10-story building to 9-stories, b) the color on the elevations were modulated between red and limestone to segment the massing of the building, c) the retail/office levels of the building were recessed on the east elevation at the color modulation lines to strengthen the architectural articulation of the façade, d) the balcony recesses were made a Verde color that is darker than the base color of the building to highlight the vertical augmentation of the façade.

Attachments: Glen Ann PUD Site Plan
 Consent Judgment with attached Elevation Drawings
 8/11/ 2010 Letter from Joseph Freed and Associates, LLC

Prepared by: Wendy L. Rampson, Planning Manager

Whereas, On July 5, 2005, City Council approved the Glen Ann Place PUD Rezoning and Site Plan at the corner of Glen and Ann streets, including 1025 E. Ann Street as well as 201, 213, 215 and 217 Glen Avenue;

Whereas, the necessary approvals for the project were subsequently denied by the Historic District Commission;

Whereas, the City Council, Historic District Commission and the Petitioner, Glen Ann Place, LLC and Joseph Freed and Associates, entered into a Consent Judgment to settle the subsequent lawsuit regarding the Glen Ann Place development (Circuit Court Case No. 07-295-AA); and

Whereas, the Petitioner has now requested that the Consent Judgment be modified to allow additional time for the development to be completed;

RESOLVED, That the Historic District Commission approve the amendment of the Consent Judgment to extend the termination of approval of the Glen Ann Place Site Plan and construction of the project from November 30, 2010 to November 30, 2012; and

RESOLVED, That approval of the amendment be conditioned upon the City Council also approving the extension.