



Legislation Text

File #: 24-0362, **Version:** 1

An Ordinance to Amend the Zoning Map, Being a Part of Section 5.10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor, Rezoning of 1.06 Acres from R4C (Multiple-Family Residential District) to PUD (Planned Unit Development), 711 Church PUD Zoning and Supplemental Regulations (CPC Recommendation: Denial - 2 Yeas and 5 Nays) (ORD-24-05)

Approval of this ordinance will rezone six lots at the southeast corner of Willard Street and Church Street with a combined total of 46,302 square feet from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development) and adopt Supplemental Regulations to allow a high-rise, multiple-family building including sustainability features and required affordable housing. A site plan to develop a high-rise building varying from 12 to 17 stories with 273 apartments will be scheduled separately.

There are eight standards for PUD zoning district approval set forth in Section 5.29.11 of the Unified Development Code. Each standard is presented with analysis beginning on page 4 of the February 6, 2024 Planning Staff Report, attached. A more concise analysis is provided here.

1. The use(s), physical characteristics, design features or amenities proposed have a beneficial effect for the City.

The purported beneficial effects are: sustainability (LEED Gold certification, electrification, renewable energy, and passive house technologies); affordable housing (2% more than the minimum required); density, reducing urban sprawl, reduced vehicle travel; and public amenities.

Staff find this standard has not been met. These features could warrant approval but the degree and extent of benefits are not proportional to the petition. The petition seeks ten times the dwelling unit density as permitted in the underlying R4C district while offering the same benefits, some to a lesser extent, as comparably sized by-right developments or other PUD petitions of lesser density increases. For example, affordable housing is provided but at only 2 percentage points above the minimum standard, LEED certification is required but at the lowest level, sustainability features are required but rely on public improvements to the regional and local electric grid for full effect.

2. This beneficial effect could not be achieved under any other zoning classification and is not required to be provided by existing standards.

Staff find this standard has not been met. The fundamental benefit of the proposed PUD district is increased density over the current R4C zoning designation. This could be achieved by rezoning the site to one of several existing zoning designations such as R4E (Multiple-Family Dwelling, about 3x density increase), C1A/R (Campus Business Residential, about 3x density increase), D1 (Downtown Core, at least 5x density increase), and D2 (Downtown Interface, at least 3x density increase).

3. The uses do not negatively impact public utilities or surrounding properties.

This standard has been met.

4. The uses are consistent with the master plan and policies, or adequate justification has been presented.

Staff find this standard has not been met. While the overarching goals of the Comprehensive Plan are to move towards a more dense, more sustainable, more affordable, less auto-oriented, more inclusive and safer community, the goals of maintaining sensitivity to context and thoughtful transitions between our dense, most intensive zones and our established neighborhoods. Staff find the justification provided does not support the proposed petition, rather only supports rezoning the site to D2 Downtown Interface base and South University Character overlay.

5. When residential uses are proposed and the proposed density exceeds the master plan recommendations or the underlying zoning, 15% of the residential floor area or units must be affordable housing dwelling units. Payment in lieu may be considered.

This standard has been met.

6. Supplemental Regulations provide analysis, justification, and regulations to determine and achieve purported benefits.

This standard has been met. The proposed Supplemental Regulations include: limit for only residential uses above 3rd floor and minimum building height, ensuring high-density residential; limited vehicle parking, increased bicycle parking, including cargo bike stalls and e-bike charging capability, and increased electric vehicle charging stations, ensuring support for reduced vehicle miles traveled and alternative transportation; standards for LEED Gold certification, natural gas connection limitations, minimum solar energy generation, to ensure sustainability benefits; affordable housing requirements beyond the minimum standard of approval; architecture and material standards; and art requirements ensuring public amenity benefits.

7. Vehicle and pedestrian transportation within and to the district is provided that also supports alternative methods of transportation.

This standard has been met.

8. Disturbance to natural features and/or historically significant architectural features is limited to the minimum necessary.

This standard has been met.

The City Planning Commission held public hearings on the rezoning petition and site plan on February 6, 2024. Following a discussion during which the recommended motion was amended to add a requirement for art as a public amenity, increase the bicycle parking space standard from one to two spaces per unit, eliminate the workforce housing requirement and increase the affordable housing requirement from 15% to 17% to the Supplemental Regulations, the amended motion failed to obtain six affirmative votes and was denied. (Per City Planning Commission Bylaws Sections 9.1 and 9.2, motions are made in the affirmative and failure to obtain six affirmative votes constitutes a denial.)

In addition to the Supplemental Regulations amendments directed by the City Planning Commission, the attached ordinance contains further amendments to the Supplemental Regulations at the request of the petitioner: bicycle parking requirements for cargo bikes reduced from 5% of all spaces to two spaces and requirements for e-bike charging reduced from 5% of all spaces to 28 spaces; electrification requirement exceptions on natural gas use expanded to also exclude auxiliary hot water generation; and design and materials requirements changed from meeting Unified Development Code downtown building design and material standards to meeting only material standards.

Attachments: Ordinance (711 Church PUD Zoning District and Supplemental Regulations)
February 6, 2024 Planning Staff Report
February 6, 2024 Planning Staff Report Attachments
February 6, 2024 City Planning Commission Minutes

Prepared by: Alexis DiLeo, City Planner

Reviewed by: Brett Lenart, Planning Manager
Derek Delacourt, Community Services Area Administrator

Approved by: Milton Dohoney Jr., City Administrator
(See Attached Ordinance)