



## City of Ann Arbor

### PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

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**TO:** Ron Mucha, Petitioner  
Tom Covert, Petitioner's Agent

**FROM:** Alexis DiLeo, City Planner

**DATE:** March 10, 2017

**SUBJECT:** **1140 Broadway** Rezoning with Conditions, Site Plan with Planned Project and Landscape Modification Requests (Z17-003, SP17-009)  
Planning Review #1

Planning staff has reviewed the submitted materials for this petition in compliance with city codes, ordinances and plans. The comments below note compliance, identify where the proposed development is deficient in some way, and suggests ways in which staff believes the proposal may be improved. Responses and revised plans addressing these comments should be provided for further review. Please note this memo provides comments from Planning staff and focuses on zoning (use, area, height and placement), off-street parking, general site layout, and future land use items. Other service units are reviewing the submitted materials for additional development-related items. Your responses and revised plans must correct or address comments provided by all service units.

1. **Lot Combination** – The proposed site includes eight parcels. All eight parcels must be combined into a single parcel prior to issuance of any permits. A simple request form is available from the City Assessor's Office and should be returned to that office when complete.
2. **Master Plan** – Chapter Six of the Master Plan: Land Use Element is devoted to Lower Town, which is roughly centered around the intersections of Broadway, Plymouth Road, and Maiden Lane. Chapter Six includes a discussion on the issues facing Lower Town, a vision, specific land use recommendations and design guidelines.
  - a. **Land Use Recommendation.** The proposed site is within, and is the largest component of, the Village Center of Lower Town. In the land use recommendation/design guidelines for the Village Center, the proposed site is identified as "The Former Kroger Site." Its detailed land use recommendation and the Village Center Design Guidelines begin on page 51. In summary, the detailed recommendation calls for a mixed-use urban village including residential (both apartments and townhomes), offices, retail and public areas. Only residential uses

are encouraged abutting Traver Creek. Building heights and massing should start low near the creek and increase to mid-rise or slender high-rises on Maiden Lane. Low is defined as two to four stories, mid-rise is defined as five to eight stories and any slender high-rise should be modeled after the Washington Square Building (200 E. Washington), the First National Building (201 S. Main) or the Glazier Building (100 S. Main). A PUD district is recommended for the future zoning designation.

Click [here](#) for a link to the Master Plan: Land Use Element.

- b. **Design Recommendations.** Design guidelines throughout Lower Town provide recommendations for building height; Traver Creek; transportation analysis; pedestrian and bicycle facilities; parking facilities; design amenities, elements and materials; landscaping, lighting and signage; and underground utilities. In addition, some specific design guidelines are offered for the Village Center area of Lower Town. In summary, buildings should be more slender than massive and more vertical than horizontal. Pedestrian, bicycle and transit access should be of primary importance. On-site parking should be provided under buildings or in parking structures. Design amenities, elements and materials should identify Lower Town as a special place.
- c. **Zoning District Consistency.** The requested C1A/R with Conditions zoning designation is not a Planned Unit Development district, the recommended zoning for the site. However, the C1A/R district allows the uses recommended by the future land use plan (residential, office and commercial). The C1A/R district also has a floor area ratio (up to 300%) that enables the mass of development envisioned by the recommendation. The C1A/R district is an appropriate traditional zoning designation for the site and is generally in keeping with the Master Plan: Future Land Use element recommendation. Nevertheless, be prepared to respond to why the proposed zoning designation deviates from the Land Use Element recommendation.
- d. **Design Guidelines Consistency.** The proposed site plan layout incorporates several of the key design guidelines for throughout Lower Town as well as the Village Center. Building heights transition from lower near the creek to highest along Maiden Lane. However, the plan calls for no more than four stories in height for buildings that front Traver Creek yet Building A's north wings are five stories. Traver Creek itself and its 25-foot natural features open space is protected from development and will be restored as part of the project. Parking is provided under buildings and in a parking structure that is completely wrapped by Building A for the best possible pedestrian experience. Some ground floor retail is proposed, yet not enough to create a village center. Vehicular access from all three surrounding

streets is also proposed as recommended. Buildings are located near the sidewalks for good pedestrian access and an appealing streetscape.

Please consider lowering Building A's five-story northern wings to four stories, consistent with the land use recommendation design guidelines, and increasing the height of the southern wings of Building B and C by one or two stories, also as recommended in the Master Plan.

- 3. Zoning Conditions.** Please clarify your offer to condition the rezoning to limit building height "to XX feet" as noted on your letter to Brett Lenart dated February 27, 2016. If it is your intention to establish a maximum height limit that would allow the proposed site plan and a modest amount of flexibility for architectural features and mechanical units to be added when construction plans are prepared, staff suggests the following language for your consideration to present to Planning Commission and City Council:

*The height limit in this C1A/R district shall be a maximum of five stories and 70 feet for all areas within 100 feet from Traver Creek and a maximum of seven stories and 90 feet anywhere else on the site. The maximum height limit shall include architectural features such as parapet walls, railings, sky lights and similar structures, but exclude chimneys, ventilation pipes, and antennas which may project above the 90-foot maximum height.*

**4. Site Data, Comparison Chart**

- a. The proposed site meets the minimum lot size (none) and minimum lot width (none) required for the requested C1A/R zoning designation.
- b. Any lot line that abuts a public right-of-way is a front lot line – the site has more than one front lot line. The rear lot line on this site generally follows Traver Creek and the single side lot line is along the east side of the site. Please correct the labels on the layout plan and revise the comparison chart accordingly.
- c. The minimum required front setback from any lot line that abuts a public-right-of-way is 10 feet. Building A provides a 15-foot front setback on Broadway. Buildings B and C do not provide the minimum required front setback to Broadway and Maiden Lane, and Maiden Lane, respectively; planned project modifications are requested to allow these reduced front setbacks.
- d. As noted in the comparison chart, the side and rear setback requirements equal the side and rear setbacks required by the abutting zoning districts. The site abuts R4A zoning to the north and R4C zoning to the east. However, the required setbacks provided in the chart do not include the additional setback dimensions when buildings are over 50 feet in length and 35 feet in height, per

Section 5:62 of the ordinance. Please note the following in the comparison chart and consider adding to your planned project modification request:

Side Setback: Building A length = 288 feet

Additional setback required due to length over 50 ft =  
 $(288 \text{ ft} - 50 \text{ ft}) \times 1.5 \text{ in} = 357 \text{ in additional}$

Building A height = 80 feet

Additional setback required due to height over 35 ft =  
 $(80 \text{ ft} - 35 \text{ ft}) \times 3 \text{ in} = 135 \text{ in additional}$

Total additional setback =  $357 \text{ in} + 135 \text{ in} = 492 \text{ in} = 41 \text{ ft}$

Building A side setback required =  $12 \text{ ft} + 41 \text{ ft} = 53 \text{ ft}$

Rear Setback: Building A length = 265 ft

Additional setback required due to length over 50 ft =  
 $(265 \text{ ft} - 50 \text{ ft}) \times 1.5 \text{ in} = 322.5 \text{ in}$

Building A height = 80 ft

Additional setback required due to height over 35 ft =  
 $(80 \text{ ft} - 35 \text{ ft}) \times 3 \text{ in} = 135 \text{ in}$

Total additional setback =  $322.5 \text{ in} + 135 \text{ in} = 457.5 \text{ in} = 38 \text{ ft } 1 \text{ in}$

Building A rear setback required =  $30 \text{ ft} + 38 \text{ ft } 1 \text{ in} = 68 \text{ ft } 1 \text{ in}$

- e. The C1A/R district allows up to 300% FAR. The comparison chart indicates the proposed FAR is 284%. If this figure is not based on measurements from the exterior face of exterior walls to the exterior face of exterior walls for all buildings and structures without any exclusions, describe and provide a detail of all excluded floor area.
- f. Include the open space figures provided on sheet 08 in the comparison chart. There is no minimum open space requirement in the C1A/R district. Staff notes that establishing a minimum open space requirement is proposed as a justification for the planned project modifications.
- g. You have correctly noted that one off-street parking space for each dwelling unit and a minimum of one off-street parking space for 310 square feet of retail store are required. It appears that 607 dwellings and 4,400 square feet of retail space are proposed, and would require  $(607 + 15 =) 622$  off-street parking spaces. The comparison chart and site plan requirements note #5 on sheet 02 conflict in the number of parking spaces required and proposed. Please correct.

## 5. Site Layout.

- a. Other than the natural feature open space adjacent to Traver Creek, the site layout lacks meaningful public open space. Both the future land use recommendation in the Master Plan and the current PUD Supplemental Regulations call for a village-like design with plazas and open spaces available to the public. Please reevaluate the proposed layout to incorporate one or more plazas or open spaces for public use.
- b. The patio and enclosure surrounding the pool encroach into the minimum required 10-foot front setback on Broadway. Please revise the site plan layout.
- c. Extend the sidewalk system to serve the bay of four surface parking spaces at the southeast corner of Building A.
- d. Rather than use pavement markings to reserve space to store solid waste and recycling carts near the northwest corner of Building C, create a storage area as an extension of the sidewalk. As currently designed, drivers will assume the area is for stopping or standing since it within the driveway and continuous to the parallel parking spaces.
- e. What features are proposed to slow, minimize or prevent cut through traffic?

**6. Off-Street Parking.** A minimum of 622 off-street parking spaces are required, 577 spaces are proposed. As you noted, a variance of 45 spaces must be granted by the Zoning Board of Appeals. Jon Barrett is the Zoning Coordinator and staff for the ZBA. He can assist with any matters related to variances.

**7. Building Design.** Staff have applied the applicable Downtown Design Guidelines to the proposed project and offer the following comments:

- a. The proposed buildings lack a distinct base, middle and top. Given the long exposures of each building onto a public street, a distinct base and – most importantly – a distinct, unique, a variable top are essential to visually dividing each building into smaller modules that provide a sense of scale for pedestrians.
- b. The south elevation of Building A does not front a public street but is at the termination of a perpendicular street view from Maiden Lane. That portion of Building A should have enough presence and detail to make that view noteworthy.
- c. The Downtown Design Guidelines include many recommendations related to identifying and reinforcing the positive characteristics of adjacent sites. The

proposed designs appear to be overwhelmingly influenced by the institutional buildings east of the site. It is difficult to immediately ascertain the proposed development is residential.

d. Note our Design Guidelines Consistency comments above.

- 8. Natural Feature Open Space Activity.** A fence and some underground utilities are shown as existing within the natural feature open space, the 25-foot required buffer adjacent to the Traver Creek watercourse. A proposed mud tracking mat is shown on sheet 06 (but no other sheet) that partially encroaches into the natural feature open space. Please clarify, confirm and identify all existing and proposed encroachments and activity, both temporary and permanent, within the natural feature open space. Provide the area in square feet of each instance of encroachment or disturbance.

Authorization from the Planning Commission is required for any activity in the natural features open space including both temporary and permanent. Please address the nine criteria applied by the Planning Commission, paraphrased below from Section 5:51 (6)(a) to (i) of the Zoning Ordinance:

- a. Relative extent of the need for the proposed activity.
- b. Availability of alternative locations and methods.
- c. Extent and permanence of effects the activity may have.
- d. Probable impact of activity in relation to other activities nearby the wetlands and watercourse.
- e. Probable impact on other specific values.
- f. Size and quantity of the natural feature open space being considered.
- g. Amount and quantity of the remaining natural feature open space.
- h. Proximity of the activity in relation to the natural feature.
- i. Economic value of the proposed activity if permitted compared to if not permitted.

**9. Planned Project Modification.**

- a. You have petitioned for planned project modifications to reduce the minimum required front setback in the C1A/R district. The petition meets the standards for approval including providing one or more of the acceptable benefits.

- b. Please include in your request a reduction to the side and rear setbacks as mentioned above, per Section 5:62 of the Zoning Ordinance, in addition to the front setback reduction already requested.
  - c. Note that required parking is not actually being provided in accordance with Chapter 59 Off-Street Parking. Please revise your statement 5 on page 4 of the petition.
- 10. Architectural Drawings and Renderings.** The architectural drawings provided in the plan set are hard to read. Please decrease the scale of the drawings. Consider providing one full sheet for each proposed building elevation. Please also provide perspective sketches of each building individually and the entire site.
- 11. Petition Notarization.** After revising your planned project petition and, if applicable, the Chapter 62 Landscape Ordinance Modification petition, please arrange for your signature to be notarized. Notarized petitions must be uploaded to the project file in order to schedule the proposal for a public hearing by the Planning Commission.