

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 6, 2014

SUBJECT: Amendments to Chapter 55 (Zoning Ordinance) regarding Building Height and Massing Requirements in the Main Street Character Overlay District

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Zoning Ordinance, Section 5:10.20A regarding building height and massing standards for the Main Street character overlay zoning district.

STAFF RECOMMENDATION

Staff recommends that the petition be **approved** because the change responds to Council Resolutions R-13-078 and R-14-025, and will further the goals of the Downtown Plan and the Master Plan Land Use Element with regard to protecting the livability of residential neighborhoods adjacent to the downtown.

BACKGROUND

A city-initiated rezoning of 425 South Main Street (see Z14-015) from D1 Downtown Core base zoning district to D2 Downtown Interface base zoning district, if approved, would create the first instance of a parcel zoned D2 in the Main Street character overlay district. There currently are no building massing standards for D2 in this character overlay district; the proposed amendments would establish maximum height and minimum side and rear setback standards.

The Ordinance Revisions Committee (ORC) met four times in February and March 2014 to discuss several zoning map and ordinance changes to the Main Street character overlay district, as directed by City Council and Planning Commission, generally implementing recommended changes identified in the October 2013 Downtown Zoning Evaluation Report.

In creating the building height and massing standards for the proposed D2 zoning in the Main Street character overlay district, the ORC evaluated several approaches to limit the visual and shading impact on the residential district directly to the east of the site. Staff suggested an approach based on research done by the City of Toronto, Ontario, Canada. Toronto has a 45-degree setback requirement because at their latitude, this is the angle needed for sunlight to reach the sidewalk during the seasons and times of day when people are most likely to be out walking. Ann Arbor's latitude (42° N) is within one degree of Toronto's (43° N).

The proposed amendments create side and rear setback requirements for any D2 property that is located within 25 feet of a residential zoning district. This setback would be applied from the top of the fourth story; the Main Street character overlay district has a maximum 4-story streetwall height that essentially forms the base of the building. Above the fourth story, each additional story would have to be set back a distance equal to its height from the edge of the

story below. The tower portion of the building could either be designed in stair-step fashion or could be uniformly set back.

While no side or rear setback is proposed for the base of a building under these amendments, it should be noted that there is a 16-foot wide public alley separating the 425 South Main Street parcel from the adjacent residentially zoned land. This alley will create a defacto 16-foot setback for the base of any building on this site. The attached diagram was prepared for the ORC to help visualize the proposed side and rear setback. A digitally-prepared graphic will replace the hand-drawn version in the Zoning Ordinance.

The ORC discussed at length the Council resolution recommendation for a 60 foot height limit to be established for the new D2 district in the Main Street character overlay district. As noted in the Downtown Zoning Evaluation Report, this site is very near the traditional heart of downtown where taller buildings are appropriate, but is in a transition zone and must bridge the gap between the core and the adjacent residential neighborhoods. Directly across Main Street to the west is the Ashley Mews PUD, which includes a 110 foot tall building. The D1/Main Street zoning district has a maximum height limit of 180 feet and the adjacent R4C Multiple-Family Dwelling district has a maximum height of 30 feet.

The ORC ultimately recommended a 100-foot maximum height limit for the D2 zoning in the Main Street character overlay district. While taller than the recommended 60 feet, it recognizes the established building pattern to the west, and the height will be mitigated by the proposed upper level side and rear setback requirement. This height limit represents dimension that roughly in the middle of the 180-foot D1 height limit and the 30-foot R4C height limit.

PROPOSED ORDINANCE AMENDMENT

Amendments are proposed to establish a maximum building height and side and rear setback standards for the Main Street character overlay zoning district. Also proposed are formatting changes to make the existing language in the Building Massing Standards chart clearer.

Proposed text to be added is shown with underline, proposed text to be deleted is shown with ~~strikethrough~~. **Shading** has been added for ease of the reader and will not be included in the Zoning Ordinance.

Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)							
Overlay Zoning District	Streetwall Height		Offset at Top of Streetwall	Max. Building Height		Massing Articulation	Side and Rear Setback
	Max. Height	Min. Height		Required Average	D1 District		
						Maximum Building Module Length (Horizontal Dimension)	Minimum Distance from Lot Line Abutting R Zoning District
South University	3 stories	2 stories	5 feet	150 feet	60 feet	45 feet	For D1, a minimum 30 foot setback. For D2, a minimum 40 foot setback. This setback shall be measured from the rear and side exterior walls of the building to any R zoning district boundary on the same block as the building.
State Street	3 stories	2 stories	5 feet	180 feet	Not applicable.	None	Not applicable.
Liberty/Division	3 stories	2 stories	5 feet	180 feet	60 feet	40 feet (in D2 only)	5 foot setback – side and rear <u>lot line abutting R zoning district</u>
East Huron 1	3 stories	2 stories	None	150 feet	Not applicable	None	Rear or side exterior wall of the tower shall be located no further than 150 feet from the East Huron property line. Rear or side exterior wall of the base and the tower shall be located no closer than 30 feet to a lot line abutting a residential zoning district. In no case shall the required setback reduce the width or depth of a lot suitable for building to less than 25 feet.
East Huron 2	4 stories	2 stories	5 feet	180 feet	Not applicable	None	Not applicable
Midtown	4 stories	2 stories	5 feet	180 feet	Not applicable	None	Not applicable

Overlay Zoning District	Streetwall Height		Offset at Top of Streetwall	Max. Building Height		Massing Articulation	Side and Rear Setback
Main Street	4 stories	2 stories	5 feet	180 feet	Not applicable 100 feet	None	Not applicable From any lot line within 25 feet of any R zoning district, each story above the fourth story shall have a side and/or rear setback at least equal to the height of that story, applied from the edge of the story below. See diagram.
Kerrytown	3 stories	2 stories	5 feet	Not applicable	60 feet	40 feet	10 foot setback – side lot line abutting R zoning district 20 foot setback – rear lot line abutting R zoning district
First Street	3 stories	2 stories	5 feet	Not applicable	60 feet	66 feet	15 foot setback – side lot line abutting R zoning district 20 foot setback – rear lot line abutting R zoning district 10 foot offset – side lot line abutting R zoning district

The schedule of area, height, open space and building coverage requirements in the D1 and D2 base zoning districts is provided here for reference. No amendments are proposed.

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area (FAR)		Minimum Height		Max. Building Height	Max. Building Coverage	Min. Open Space	Min. Gross Lot Size
	Normal (without premiums)	With Premiums (Sections 5:64-5:65)	In Feet	In Stories				
D1	400% of lot area	700% of lot area 900% of lot area with affordable housing premiums	24	2	See Character Overlay Zoning District Massing Standards (Table 5:10.20A)			
(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance (December 26, 2009); otherwise none. (2) The usable floor area of the second story must be a minimum of 75% of the first story usable floor area.								

Table 5:10.19B. Schedule of Area, Height, Open Space and Coverage Requirements: D1 and D2 Downtown Districts								
D2	200% of lot area	400% of lot area	24	2	See Character Overlay Zoning District Massing Standards (Table 5:10.20A)	80% of lot area	10% of lot area	None
			(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance (December 26, 2009); otherwise none. (2) The usable floor area of the second story must be a minimum of 75% of the first story usable floor area.					

HISTORY AND PLANNING BACKGROUND

The circumstances and events leading up to the city-initiated rezoning of 425 South Main Street are addressed in that petition’s staff report – see Planning staff report, May 6, 2014, file number Z14-015.

Prepared by Alexis DiLeo
 Reviewed by Wendy Rampson

Attachments: 45-degree Side/Rear Setback Illustration

c: Andrew Klein, Representative for K.R.G Investments
 City Attorney’s Office
 File No. Z14-015

