

Water Street Monthly Report: March/April/May 2009
Respectfully Submitted by April L. McGrath, Director of Administrative Services

Following is the Water Street Update for the months March, April and May 2009:

Zoning Amendments: City Council was asked to consider the first reading of amendments adding new zoning districts to the Zoning Ordinance for Water Street. The intent of these amendments is to provide a streamlined “by-right” plan review process for some development, rather than requiring the slower, discretionary PUD process for all projects. At first reading, Council had some concerns, wanting to ensure that PUD would still be clearly an option for developers who did not wish to use the proposed zoning districts. Staff has made changes to the PUD chapter of the zoning, which will be before Council as part of the second reading at the June 16, 2009 City Council meeting.

Attached is the information regarding the proposed amendment changes.

Vetting Process/Water Street Subcommittee:

Council has requested that any and all proposals go before Council for review. Staff will continue to update Council as needed and will bring forward all purchase agreements for approval. In an effort to increase communication we have established a Water Street Subcommittee with Council Members Brian Robb, Pete Murdock and Michael Bodary. The intent of the sub-committee is to provide Council an earlier look at details of potential future sales of the Water Street properties. In staff’s effort to be transparent and the continuation of this project, Administration felt, as did many Council members, that including Council in as much as possible will help move this project forward and facilitate a more comfortable and participatory process.

Demolition and remediation of Water Street:

The City of Ypsilanti (with assistance of Washtenaw County) prepared and submitted applications on November 14, 2008 for grant funding from the Environmental Protection Agency for Brownfield Clean-up funding for remaining environmental contamination in the Water Street redevelopment project area. We are excited to announce that we received all three grants for a total of \$600,000, as well as received a waiver from the typical match requirement. This money will be used to remediate some of the remaining contamination on the site, including the demolition of buildings located atop contaminated soil. Sites specified for the grant are located at 20 E Michigan Avenue (the fenced area in the western part of the site); 38, 34 and 40 East Michigan and 14 S. River Street (the “First Class” cluster of buildings); and the RIM building on South River Street. The City of Ypsilanti has also been approved for a \$250,000 from the

Washtenaw County Neighborhood Stabilization Program to demolish the remaining buildings.

In total the City has received \$850,000 for demolition and remediation. Because of the preliminary steps required by the EPA grant process, visible demolition will not begin immediately, but staff is hoping that the buildings will be leveled by the end of the 2009 calendar year.

Miscellaneous:

State Historic Preservation Offices: It was unclear the role that SHPO was to play in the development of Water Street. It was imperative that staff find out before development could occur on the site. Multiple meetings were held with the SHPO to discuss their role in the Water Street Redevelopment Project. It was discussed in the past that SHPO would have no jurisdiction over this project, however, after further research it was concluded that that was a statement made in error by SHPO. Both SHPO and the Michigan Economic Development Commission (MEDC) both determined that SHPO has review rights over the property.

Staff feels confident that SHPO and the MEDC both support our project and will work directly with us to ensure that this does not impede development. Staff is currently working with SHPO to draft a Memorandum of Understanding and upon completion will come to Council for approval.

Infrastructure: Staff will be working with Orchard, Hiltz, McCliment (OHM) to create a comprehensive infrastructure plan for the Water Street Redevelopment Project. We hope to present this plan to Council in June 2009. Mid-Western Consulting will take the lead on the detailed construction plans as developers come on board. The intent of this two-step process is to have sufficient plans to respond to early development proposals while retaining enough flexibility to adjust as later proposals come forward.

Brownfield Plan: The City and County Brownfield Authority are currently in the process of revising our Brownfield Plan for the site to maximize and capture as much Tax Increment Financing (TIF) as possible. We will be presenting our finalized plan to Council upon completion. Our anticipated date for completion is July 2009.

Development Updates:

As of May 29, 2009: City is working with four developers to formalize purchase agreements to bring back to Council.

Developer #1: A fast food establishment on the corner of River and Michigan Ave

Developer #2: Commercial/retail space on the frontage of Michigan Ave from River (next to the potential fast food establishment) to Park Street.

Developer #3: Active Senior Housing Development along the Huron River in the South West portion of the property.

Developer #4: Multi-Family/Student Housing development in the Southern portion of the property.

Staff is currently working with all four developers to bring final purchase agreements and approvals to Council.

If there is anything that I missed or other items you would like to know about in greater detail, please do not hesitate to contact me at amcgrath@cityofypsilanti.com or (734) 743-7290.

ARTICLE IX. PLANNED UNIT DEVELOPMENT*

*State law reference(s)--Planned unit development, MCL 125.584b, MSA 5.2934(2).

Sec. 122-571. Description and purpose.

- (a) It is the purpose of this article to provide guidelines for development or redevelopment which is planned as a unit. Toward this end, it is the intent of these regulations to allow flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, energy, public services, and utilities; encourage useful open space; provide better housing, employment, shopping opportunities, compatibility of design, and use between neighboring properties; facilitate the preservation and reuse of historic structures; and encourage development that is consistent with the city's master land use plan.
- (b) The approval of a planned unit development application shall require an amendment to this chapter to revise the zoning map and designate the subject property as "PUD, planned unit development." An approval granted under this article, including all aspects of the final site development plan and conditions imposed on it, shall constitute an inseparable part of this chapter.
- (c) The provisions of this article are not intended as a device for ignoring this chapter, the specific standards set forth in this chapter, or the planning upon which it has been based. Provisions of this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with the guidelines of this article to insure appropriate, fair, and consistent decision-making.

(Ord. No. 626A, § 5.144, 7-15-1994; Ord. No. 1087, 2-3-2009)

Sec. 122-572. Permitted uses.

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning Commission recommendation, the City of

Ypsilanti Master Plan as a basis for principal uses permitted in a planned unit development.

<i>Underlying Zoning District</i>	<i>Permitted Uses under Planned Unit Development</i>
R1, R2	Planned unit developments shall not be permitted in these districts.
R3, R4	Any combination of uses permitted in the R3 and R4 zoning districts. Limited commercial, service, and office uses shall be permitted in combination with and related to residential uses.
RO, B1, B2, B3 or RC	Any combination of uses permitted in the RO, B1, B2, B3 or RC (Ord. No. 918, 8-4-2000) zoning districts. Residential uses shall be permitted only if in combination with such commercial or office uses.
B4, WS or CI	All commercial, service, and office uses or any combination of such uses shall be permitted. Limited light industrial uses shall be permitted if in combination with such commercial or office uses. However, the CI district shall permit a stand alone light industrial use. (Ord. No. 918, 8-4-2000)
M1, M2	All industrial and office uses and any combination of such uses. Limited commercial and service uses shall be permitted if in combination with industrial uses. Residential uses shall not be permitted.
CRD, RRD	<u>Any combination of uses permitted in the CRD or RRD zoning districts, or other uses consistent with the Master Plan.</u>

(Ord. No. 626A, § 5.145, 7-15-1994; Ord. No. 970 1-2-03)

Sec. 122-573. Requirements for planned unit developments.

The following requirements shall apply to all planned unit developments:

- (1) *Unified control.* The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. The applicant shall provide legal documentation of a single

ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.

- (2) *Minimum size.* The minimum size of a planned unit development shall be 43,560 square feet (one acre) of contiguous land. The city council may approve a planned unit development for a parcel as small as 21,780 square feet (one-half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.
- (3) *Applicable base regulations.* Unless waived or modified in accordance with the procedures and standards set forth in this article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in this chapter for the uses listed below shall be applicable for uses proposed as part of a planned unit development:
 - a. Multiple-family residential uses shall comply with the regulations applicable in the R4 multiple-family residential district.
 - b. Commercial and office uses shall comply with the regulations applicable in the B3 central business district.
 - c. Manufacturing uses shall comply with the regulations applicable in the M2 light manufacturing district.
 - d. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if conflicts exist between provisions, the regulations applicable to the most dominant use shall apply.
 - e. Regardless of use, planned unit development with an underlying zoning district of CRD or RRD shall comply with the regulations applicable in that underlying district.
 - f. To encourage flexibility and creativity in development consistent with the planned development concept, departures from compliance with the base regulations may be granted by the city council, upon recommendation of the planning

commission, as a part of the approval of the planned development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

- (4) *Street access.* Each lot, main building, and principal use within a planned development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.
- (5) *Usable open space.* The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.
- (6) *Landscaping and maintenance of common areas.* All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.
- (7) *Additional considerations.* During review of a proposed planned development, the planning commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.

(Ord. No. 626A, § 5.146, 7-15-1994)

For publication Sunday, May 31

Public Hearing Notice
City of Ypsilanti City Council
Tuesday, June 16, 2009

The City of Ypsilanti Council will be holding the second reading of zoning amendments for the Water Street property at its June 16, 2009, meeting. The meeting will be in the Council Chambers of the City Hall, One South Huron Street, Ypsilanti, Michigan 48197, at 7pm.

Zoning Ordinance Text and Map Amendments: Water Street

The Planning Commission has recommended amendments to the Zoning Ordinance to facilitate development on Water Street. The Commission has developed two new zoning districts: the CRD, Commercial Redevelopment District, and RRD, Residential Redevelopment District, which would be applied to the Water Street property. The CRD district is intended for the Michigan Avenue frontage of the site, and extending southerly along S. River Street, and would permit dense urban mixed-use development with a wide range of commercial, office, entertainment, and residential uses. The RRD district is intended for the southern portion of the site, permitting a mix of residential, office, and low-intensity commercial uses. The Planning Commission will be considering both the adoption of these districts and rezoning of the site to these zoning districts. The Huron River frontage is proposed to be rezoned to PL, Public Land, from the waterline to approximately 50 feet inland. This zoning would facilitate public access to the river and the planned Border to Border Trail segment within the site. The site is currently within several zoning districts, including B4, General Commercial; M1, Light Manufacturing; M2, General Manufacturing; PL, Public Land; and the Entryway Overlay District. These designations would be replaced with the proposed districts. The proposed district text and zoning map are available from the Planning & Development Department, and on the City's website.

UPDATED FOR SECOND READING: additional language has been proposed for Article IX of the Zoning Ordinance, "Planned Unit Developments". This additional language would clarify that PUD projects are permitted in the proposed CRD and RRD districts, and specify that PUD projects proposed in this area use the CRD or RRD district as the "base regulations".

All interested citizens are invited to attend this meeting and to send written comments to the City of Ypsilanti, Planning and Development Department, One South Huron Street, Ypsilanti, Michigan 48197. For further information, please call 734-483-9646.

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon two days notice to the City of Ypsilanti. Individuals with disabilities requiring auxiliary aids or services should contact the City of Ypsilanti by writing or calling the following:

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197
(734) 483-1100

Frances McMullan
City Clerk