

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 15, 2009

**SUBJECT: Briarwood Lots 12, 13, 14 and 15 PUD Supplemental Regulations Text Amendment (1201, 1301 and 1401 Briarwood Circle)
File No. Z09-017**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to the Briarwood Lots 12, 13, 14 and 15 Planned Unit Development Supplemental Regulations to rename the development, remove references to Lots 12 and 13 and reduce the minimum size of the district.

STAFF RECOMMENDATION

Staff recommends that the proposed supplemental regulations text amendment be **approved** because it resolves conflicts that have arisen from the adoption of other planned unit development supplemental regulations and clarifies the application of these supplemental regulations.

DESCRIPTION OF AMENDMENT

A technical amendment is proposed to the Briarwood Lots 12, 13, 14 and 15 PUD Supplemental Regulations to rename the development, to remove references to Lots 12 and 13 and to reduce the minimum size of the PUD. The petition seeks to ensure two distinct PUD Zoning Districts and PUD Supplemental Regulations without any overlapping names, legal descriptions and district sizes. These amendments compliment and correspond to the Briarwood Lots 12 and 13 PUD Supplemental Regulations which were adopted on September 22, 2008.

HISTORY AND PLANNING BACKGROUND

The land which was to be developed as the Briarwood Subdivision was annexed into the City in June 1969. At that time, three zoning classifications were placed on the property – the area of the mall structure and extending 50 feet from the outside wall was zoned C2B Business Service, the area between the C2B district and the mall's ring road was zoned P Parking, and the area outside the ring road was zoned AG Agricultural-Open Space. The AG zoning designation was intended as a holding zone to allow for review of appropriate zoning classifications as development was proposed.

The original site plan for the Briarwood Mall was approved in November 1971. The Briarwood Subdivision Plat was approved in November 1978, creating 16 lots on the outside of the ring road. The overall Briarwood area initially developed as anticipated but by the early 1990s development proposals were starting to significantly differ from the initial, informal expectations. This emerging trend prompted the City Planning Commission to initiate a study of the Briarwood

area which lead to the Briarwood Subarea Plan, an amendment to the South Area Plan, adopted in November 1995. The Briarwood Subarea Plan provided detailed future land use recommendations for the remaining undeveloped lots.

In 1996, the Briarwood Lots 12, 13, 14 and 15 PUD Zoning District was approved which rezoned these lots from AG to PUD and adopted Supplemental Regulations for the district. The Supplemental Regulations closely matched the detailed future land use recommendation in the Briarwood Subarea Plan. A PUD Site Plan was approved in 1997 for a La-Z-Boy Furniture Gallery on Lots 14 and 15 and construction began immediately thereafter. In 2005, a PUD Site Plan for a Dick's Sporting Goods was approved on Lots 12 and 13 but was never constructed.

In 2008, a revised PUD Zoning District and Supplemental Regulations that addressed only Lots 12 and 13 and PUD Site Plan for two hotels was approved. Approval of the revised PUD Zoning District effectively split the original PUD zoning district in half, but no formal action was taken to amend the original supplemental regulations.

Currently, the La-Z-Boy Furniture Gallery is closed and the building is vacant. Staff is initiating this amendment to the original supplemental regulations to create two distinct PUD zones, which will also facilitate redevelopment of the former La-Z-Boy site. (The former La-Z-Boy site is technically out of compliance with its zoning district since its district is smaller than the minimum size currently required in the supplemental regulations. It conforms to all other aspects of its zoning district, such as setbacks, landscaping and off-street parking.) With this amendment, it will be clear that any future development proposals on Lots 12 and 13 must conform to the supplemental regulations of the Briarwood Lots 12 and 13 PUD, and any future development proposals on Lots 14 and 15 must conform to the supplemental regulations of the Briarwood Lots 14 and 15 PUD. This amendment does not preclude any future amendments to either set of supplemental regulations. Additional amendments may be proposed and adopted at any time.

STAFF COMMENTS

Planning – The amendments proposed by staff are technical in nature, rather than substantive. No other changes beyond the PUD name, legal description and minimum size are proposed by staff. However, the Commission should note that agents representing Lots 14 and 15, the former La-Z-Boy site, have expressed interest in expanding the permitted uses. Staff would be pleased to review and provide a recommendation on any substantive changes to the PUD if proposed by others, including the Commission, but believe it is only appropriate for staff to propose technical amendments.

Prepared by Alexis DiLeo, City Planner
Reviewed by Connie Pulcifer and Wendy Rampson
jsj/9/10/09

Attachments: Proposed Amendment to Briarwood Lots 12, 13, 14 and 15 PUD Supplemental Regulations (9/10/09)
Zoning Map

c: City Attorney
Systems Planning
File

BRIARWOOD LOTS ~~12, 13, 14,~~ AND 15 PLANNED UNIT DEVELOPMENT

SUPPLEMENTAL REGULATIONS

Section 1: Purpose.

It is the purpose of the City Council in adopting these regulations to provide for the comprehensive, unified development of the unique undeveloped parcels adjoining an existing commercial subdivision and regional shopping mall. These regulations seek to promote development that contributes to the regional character of the shopping center; establishes an integrated design of buildings, parking, landscaping, and pedestrian paths; and enhances the 1-94 corridor, contributing to a quality gateway image for the City.

Section 2: Applicability.

The provisions of these regulations shall apply to the property described as follows:

Lots ~~12, 13, 14,~~ and 15 "Briarwood Subdivision," a part of the north 1/2 of Section 8, ~~T35T3S~~, R6E, City of Ann Arbor, Michigan, as recorded in Liber 22 of Plats, pages 67 through 75 inclusive, Washtenaw County Records.

Further, the provisions of these regulations shall be adopted and incorporated into the Briarwood Lots ~~12, 13, 14,~~ and 15 Preliminary Phase Planned Unit Development zoning. These regulations, however, are intended to supplement only those provisions in the City Codes which may be modified as a part of a PUD, such as zoning, landscaping and parking, and shall not be construed to replace or modify other provisions or regulations in the City Codes.

Section 3: Findings.

During the public hearings on this PUD, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the lots described above for regional commercial land uses and approved in the recommendations contained in the adopted Briarwood Subarea Plan.
- (B) The surrounding established subdivision, of which the lots described above are a part, contains an enclosed regional shopping mall with a wide range of goods and services, office buildings, banks; a motel, and other accessory uses.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that the character and quality of the established commercial subdivision should be preserved, protected and maintained by restricting land use and development on the lots, described above, to that which will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety and welfare.
- (D) The limitations placed on land uses and the integrated landscaping, parking, pedestrian pathways, building placement, and architectural design will contribute to the regional quality of the existing commercial subdivision and will enhance the image of the City from the 1-94 corridor.

- (E) The petitioner's participation in a comprehensive traffic study of adjacent roadways and contribution to remedial measures will mitigate any negative impacts the development may have on the surrounding public street system.
- (F) The parcel described above meets the standards for approval as a planned unit development, and the regulations contained herein do not constitute the granting of special privilege nor deprivation of property rights.

Section 4: PUD Regulations.

(A) Permitted principal uses shall be:

- 1) Retail sales of items which are purchased infrequently, such as, but not limited to, furniture, house wares, computers, or appliances, and which supplement the regional nature of the existing shopping center by providing a depth of market choices and drawing from a market area of at least a 15-mile radius.
- 2) Offices, other than medical or dental offices, in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged, or sold.
- 3) A motel, with a maximum capacity of 125 rooms.
- 4) A restaurant, not to exceed 8,000 square feet, to be constructed only in concurrence with and adjacent to the motel in 3) above. Issuance of a certificate of occupancy for the restaurant prior to issuance of a certificate of occupancy for the motel shall not be permitted.

(B) Permitted accessory uses shall be:

- 1) Maintenance and management buildings, utility structures and solid waste receptacles incidental to the primary uses, provided they are located so as not to be detrimental to the integrated character of the landscaping, parking, pedestrian pathways, building placement or architectural design, nor the positive image of the City from the I-94 corridor.
- 2) Meeting rooms, conference rooms, kitchens, or dining areas incidental to the primary uses, provided they are located within the interior of a building and are for use by the building's occupants only. The serving of meals for purchase by the general public is prohibited.
- 3) Child care centers, provided primarily as a service to the neighboring commercial subdivision.
- 4) Outdoor areas for sitting, eating, or food service, provided they are located so as not to be detrimental to the integrated character of the landscaping, building placement, or architectural design of the PUD, and provided the total area does not exceed five percent of the square footage of the building with which each area is associated.
- 5) Temporary structures for the display or sale of merchandise or any open display or sale of merchandise other than the food service in 4) above is prohibited.

(C) Setbacks:

- 1) Front - 40 feet from the edge of the 1-94 right-of-way; 25 feet from property line at

Briarwood Circle.

- 2) Side - 0 feet.
- 3) Rear - There are no rear setbacks because the properties are situated with frontage on two roadways.

(D) Height: maximum heights shall be restricted to:

- 1) 48 feet and four stories for a motel use.
- 2) 30 feet and two stories for a restaurant use.
- 3) 30 feet and two stories for commercial/retail or office uses.

| (E) Lot Size: minimum size of the PUD shall be ~~15.38 acres~~ 7.75 acres. The platted lots may be sold individually provided that cross-easements for access, shared parking, shared storm water retention, and utilities are created and recorded; that an agreement, signed by the purchaser(s) of any lot(s) and the owner(s) of the remaining lot(s) and recorded, is created which addresses unified landscape design and maintenance; and that future purchaser(s) remain subject to all provisions of the Briarwood Subdivision Agreement of November 20, 1978, Washtenaw County Records, Liber 1705, Pages 951-956, which is attached to this supplemental regulation as Appendix A.

(F) Floor Area Ratio: floor area in percentage of lot area shall not exceed 20 percent for the entire development.

(G) Parking: permitted parking shall be no more than one space per 200 square feet, except for a restaurant use, which shall be no more than one space per 100 square feet, and for hotel use, which shall be no more than one space per room. Bicycle parking shall be provided on the final phase PUD site plan in accordance with final land uses and corresponding types of spaces as specified in Section 5:167 of Chapter 59 (Off-Street Parking) of the Ann Arbor City Code.

(H) Landscaping, Screening and-Buffers: Detailed landscape drawings and materials lists shall be submitted for review and approval at final phase PUD site plan. These plans must meet the following standards:

- 1) North - a minimum setback and landscape buffer from Briarwood Circle, 25-foot wide, containing shrubs and trees as shown on the approved preliminary phase PUD plan landscape concept.
- 2) South - a minimum setback and landscape buffer from 1-94, 40-foot wide, containing shrubs and trees as shown on the approved preliminary phase PUD plan landscape concept.
- 3) East and West - No minimum side setbacks or buffers are required in order to enable the petitioner to have maximum flexibility to achieve the goals of the integrated development. However, species, quantities, sizes, and placement of landscaping shall be reviewed and approved at final phase PUD site plan to insure adequate buffering between land uses.
- 4) Landscape plantings shall be placed so as to screen the existing vehicular use areas at Briarwood Mall and the proposed vehicular use areas from Briarwood Circle and from 1-94 and so as to screen proposed vehicular use area(s) from adjacent buildings and retention ponds. A range of heights and varieties of plants shall be used so as to meet the criteria established on the Landscape Concepts of the preliminary phase PUD

drawing by Beckett and Raeder, page 4, dated July 1, 1996 and amended November 6, 1996. Vegetated earth berms may be used to supplement no more than 25 percent of the plantings. Final species, quantities and sizes shall be reviewed and approved at final phase PUD site plan and shall meet the materials standards established in Chapter 62 (Landscaping and Screening) of the City Code, Section 5:606, and in these supplemental regulations.

- 5) Only native, non-invasive Michigan plant material species shall be utilized in natural areas, as designated on the preliminary phase PUD drawing by Beckett and Raeder, page 4, dated July 1, 1996 and amended November 6, 1996.
- 6) Invasive plant species, as included on a list adopted in Chapter 60 (Wetlands Preservation), shall not be used in or around any detention or retention pond areas, existing or future.

(I) Site Access:

- 1) Handicapped accessible sidewalk connections shall be provided in at least three locations for crossing Briarwood Circle and ramps shall be provided for crossing all driveways which enter Briarwood Circle.
- 2) Curb cuts onto Briarwood Circle shall be aligned with existing Briarwood Mall parking aisles and planting islands so as to minimize traffic conflicts and the number of curb cuts. The final locations and number of curb cuts shall be reviewed and approved at final phase PUD site plan.

(J) Architectural Design:

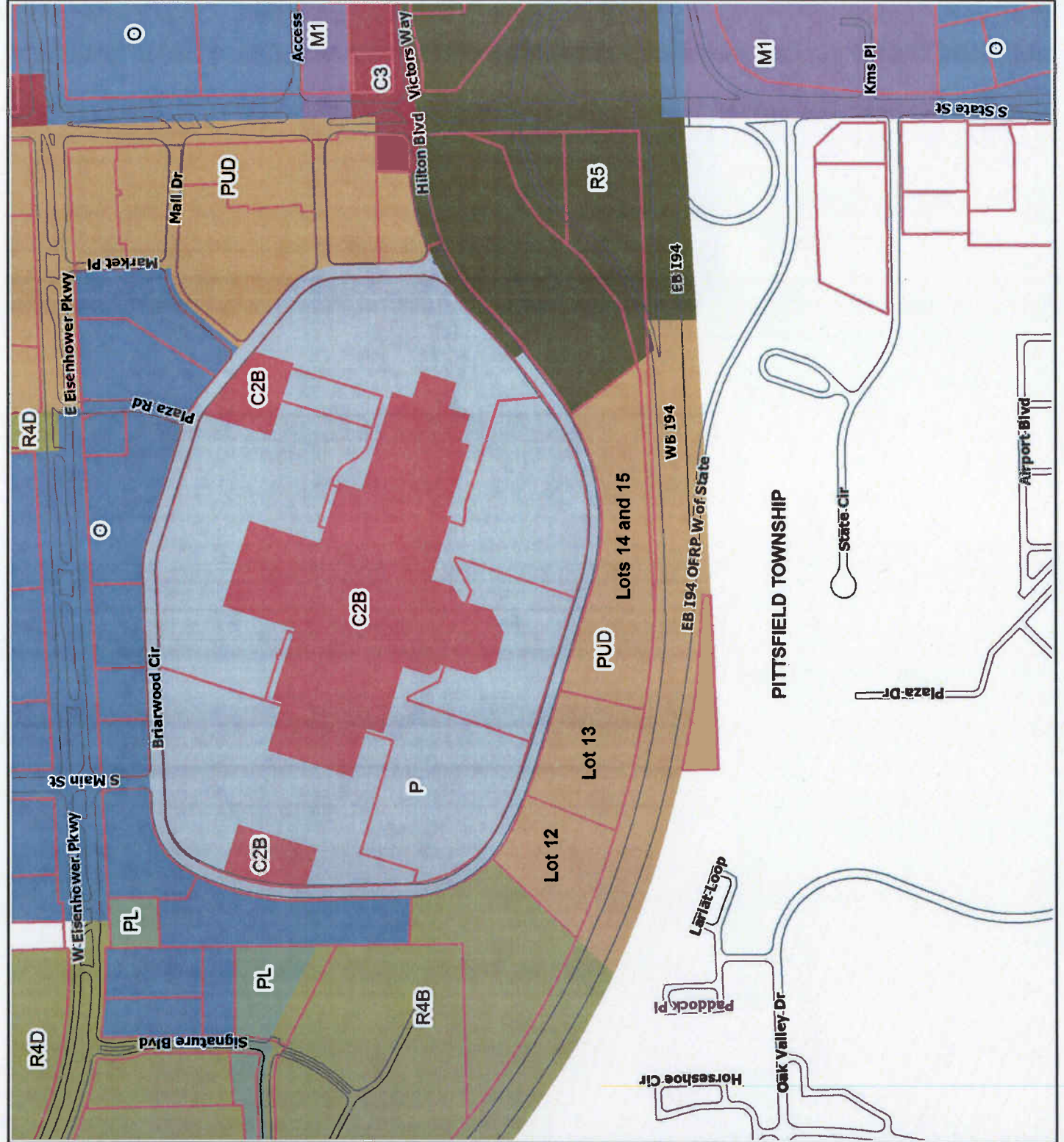
Detailed architectural drawings, colors and materials shall be submitted for review and approval as part of the final phase PUD site plan. These plans must meet the following standards:

- 1) Exterior materials and colors shall be in harmony with the existing character of other Briarwood structures.
- 2) Building facades shall be detailed and shall provide architectural relief, a variety of materials, fenestration and/or varied roof lines on all sides of the buildings.
- 3) Transformers, meters, rooftop-mounted equipment, and loading/service areas shall be screened and not visible from 1-94.

DJ/lgh
9/27/96
Revised 9/10/09 (AMD)

Parcel and Zoning Map:

Briarwood Lots 12, 13, 14 and 15 PUD Supplemental Regulations Text Amendment



Map Legend

- Parcels
- Edge Of Pavement



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Zoning Map:

Briarwood Lots 12, 13, 14 and 15 PUD Zoning District Text Amendment

Map Legend

- Parcels
- Edge Of Pavement



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