

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 22, 2024

SUBJECT: Owl Creek Phase 2 (3380 Nixon Road)
Rezoning – File No. REZ23-0006
Site Plan for City Council – File No. SP23-0012

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission recommends that the Mayor and City Council approve the Owl Creek Phase 2 Rezoning Petition to R4D (Multiple-Family Dwelling) district and accept the conditions to limit the maximum height to 75 feet as stated in the Statement of Conditions letter.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission recommends that the Mayor and City Council approve the Owl Creek Phase 2 Site Plan at 3380 Nixon Road subject to providing an \$81,875.00 park contribution prior to the issuance of any certificate of occupancy.

STAFF RECOMMENDATION:

Rezoning with conditions – Staff recommends that the rezoning petition to R4D (Multiple-Family Dwelling) With Conditions be **approved** and the offer of conditions to impose a height limit **be accepted** because they are consistent with overall goals of the Comprehensive Plan and compatible with the surrounding neighborhood.

Site Plan – Staff recommends that the **site plan** be **approved** because, with the variance granted by the Zoning Board of Appeals, the contemplated development complies with all applicable state, local, and federal laws, ordinances, standards and regulations. The development limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land.

LOCATION:

The 27.65 acre subject site is at the southeast corner of Nixon Road and US-23.

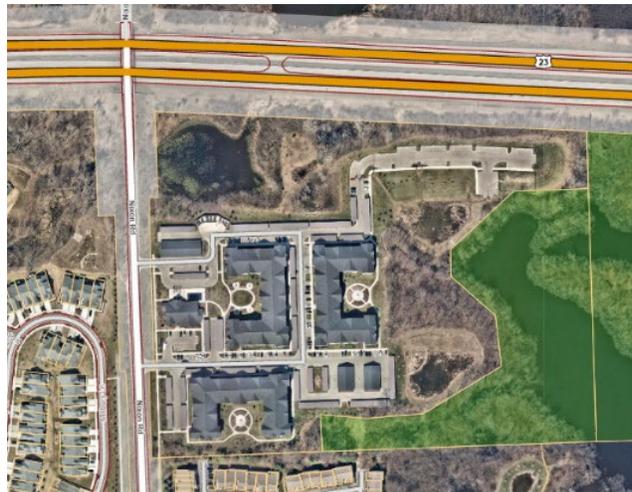


Figure 1 Owl Creek Phase 1, US-23 to the north (top) and Nixon Road to the west (left)

SUMMARY:

The Owl Creek Phase 2 project consists of a petition to rezone the site to R4D With Conditions and a site plan to add a 131-unit apartment building next to an existing parking lot. There are currently three, three-story apartment buildings on the property; adding this building would bring the site total to 395 units.

There are currently 548 parking spaces on site; 12 of them are barrier free and four are electric vehicle (EV) spaces. The proposed total parking is 540 spaces. The new building necessitates minor parking configuration changes that would result in the loss of eight spaces. Of the 96 spaces shown serving the new building, 10 are EV installed and 86 are EV capable. The project adds 24 Class A bicycle parking spaces in garages and 12 Class C outdoor spaces; site totals are 74 Class A and 38 Class C.

REPORT:

Rezoning Petition – The applicant proposes to condition the rezoning by limiting the height of buildings in this R4D district to 75'. The current maximum height of the buildings on site is 38.7' and the proposed height of the new building is 59.8' and five stories tall.

Site Plan and Variance – On August 23, 2023 the Zoning Board of Appeals granted a variance of 7.08 feet from the rear yard setback requirements of the R4D zoning district ([link](#) to ZBA23-0019). The variance allows the new building to be constructed over an existing twelve-space parking lot without moving or reducing the size of the building and/or parking lot.

Surrounding properties to the west and south are zoned R4A (multiple-family dwelling) and developed with multi-family housing. To the north is US-23, and to the east is the 55-acre Oakwoods Nature Area zoned PL (Public Land).

OUTSTANDING STAFF COMMENTS

Engineering – Comments noted by Engineering on sheet nine of the site plan submittal must be addressed prior to petition approval.

Natural Area Preservation (NAP) – There is a population of Butler's garter snakes, a state species of special concern, in the abutting Oakwoods Nature Area and in the unmown grass north and east of the existing parking lot. NAP requests that this area be protected with silt fencing and disturbed as little as possible during construction. The applicant stated that "No construction is proposed for the area of concern and will not be disturbed."

Parks – The developers have agreed to make a parks contribution of \$81,875 which is included in the proposed motion as a condition of approval. The amount corresponds to the Parks and Recreation suggested contribution for 131 additional dwelling units.

Prepared by Jill Thacher, Planner
Reviewed by Hank Kelley, Deputy Planning Manager
2-9-2024

Attachments: Site Plan Set dated 11/10/2023
Aerial Map Zoom
Aerial Map

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Zoning Map
December 4, 2023 Statement of Conditions letter

c: Applicant and Engineer – Midwestern Consulting LLC (Scott Betzoldt)
Applicant and Owner – Adam Bleznak (Owl Creek Apartments)
Architect – J. Bradley Moore & Associates (Brad Moore)