

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 20, 2020

**SUBJECT: Brightdawn Village Site Plan for City Council Approval
(2805 Burton Road)
File No. SP20-013**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Brightdawn Village Site Plan and Development Agreement

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Brightdawn Village development.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Brightdawn Village development. Per 5.29.4 of the Unified Development Code (UDC).

STAFF RECOMMENDATION

Staff recommends that the site plan be **approved** because, if the proposed landscape modifications are approved, the plan would comply with all local, state and federal laws and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development would not cause a public or private nuisance and would not have a detrimental effect on public health, safety or welfare.

Staff recommends that the wetland use permit be **approved** because issuance of the permit is in the public interest, the permit is necessary to realize the benefits from the development, and the activity is otherwise lawful.

LOCATION

This site is located on the east side of Burton Road, which runs parallel to US-23, and is in the Swift Run watershed (South Area). Ward 3.

DESCRIPTION OF PETITION

This vacant 8-acre site is currently zoned R4B (Multiple-Family Dwelling District). The petitioner is requesting to construct four, four-story buildings that include 120 condominium units. A community clubhouse is also proposed on the ground floor of Building #2. The homes consist of two, and three-bedroom floor plans.

There are 284 parking spaces proposed on site, 140 of these spaces being located beneath each building in underground garages, 136 surface spaces, and 12 barrier-free with 25% of these spaces being small car spaces. Per 5.29.1 of the UDC, additional parking may be provided if it does not increase impervious surfaces beyond that which would be provided by meeting the maximum parking required. Two EV stations are located in each of the underground garages for a total of eight. The petitioner is prepared to add EV spaces if the proposed EV Ordinance is approved before this petition is approved.

Site access is proposed from two curb cuts off Burton Road. As part of this development, the petitioner proposes improvements along Burton Road from Packard Road and connecting to Eli Drive. These improvements include street lighting, curb and gutter, utilities, paving and the public sidewalk portion fronting this site.

Two solid waste and recycling facilities are proposed along the eastern edge of the parking lot. Class C bicycle spaces are located in the front of each building and Class A bicycle parking spaces are located in the parking garages.

Currently no storm water treatment exists for the site. Storm water management has been reviewed by the WCWRC's office and meets the 100-year storm water detention requirement. Storm water detention is provided by north and south underground detention basins, which provide infiltration and discharges into either a city storm system located in Eli Dr. or into the southern wetland. The Burton Road paved portion is also detained in these underground storm structures.

Natural features on the site include a wetland in the south, woodlands in the northern, eastern and central areas of the site, and numerous scattered landmark trees. A watercourse crosses the site in the south, carrying water from the vicinity of US-23 through the wetland to a culvert under Burton Road and may ultimately lead to Swift Run Drain. The wetland is not regulated by the Michigan Department of Environment, Great Lakes, and Energy, but is subject to the City of Ann Arbor Guidelines for the Protection and Mitigation of Natural Features.

The existing wetland is approximately 26,000 square feet surrounded by a 25-foot natural features open space buffer and is of low to medium quality. Numerous invasive species, including buckthorn and Common reed grass, are found in and around the wetland. Approximately 1,200 square feet of the existing wetland would be impacted for the installation of a boardwalk over the wetland to access a proposed community garden, an irrigation line to be bored underneath the wetland for the community garden, a detention outlet, and 715 square feet of wetland fill for the construction of a sidewalk and road improvements along Burton Road. There will also be permanent impacts to the natural features open space for the installation of the boardwalk over the wetland. Wetland mitigation totaling 1,853 square feet is proposed adjacent to the existing wetland for this wetland disturbance.

Three low to mid-quality woodlands are located in the northern and central areas of the site. The plan proposes to remove the central woodland to construct the building and parking. There

are 10 woodland trees and 28 landmark trees proposed to be impacted. Mitigation trees are proposed to be planted throughout the site for all woodland and landmark trees removed or impacted. A conflicting land use buffer is required on the south side of the site to screen from the adjacent residential use. The plan proposes to use the existing vegetation to meet this requirement.

Bio-retention is proposed in the central interior landscape island. The petitioner provided in excess of what is required by code.

This proposal will be constructed in a single phase. The estimated cost of construction is \$32,000,000.

CITIZEN PARTICIPATION

The petitioner held a virtual meeting on May 28, 2020 with interested citizens. Invitations were sent to all residents and property owners within 1,000 feet of the site. The full report is provided by the petitioner and attached.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Park Land	PL (Public Land District)
EAST	US-23 Hwy & Township	TWP (Township)
SOUTH	Residential & Duplexes	R1C & R2A (Single and Two-Family Dwelling District)
WEST	Single-Family Residential	R1C (Single-Family Residential District)

COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED
Zoning		R4B	R4B	R4B
Gross Lot Area		8.06 acres (351,034 sf.)	8.06 acres (351,034 sf MIN)	.32 acre (14,000 sf MIN)
Setbacks	Front	N/A - Vacant	15 ft	15 ft MIN 40 ft MAX
	Side(s)	N/A - Vacant	168 ft MIN (South) 206 ft MIN (North) *	48.25 ft MIN (South)* 33.25 ft MIN (North) *
	Rear	N/A - Vacant	86 ft MIN	35.45 ft MIN (2 fronts for this site)
Minimum Useable Open Space		N/A - Vacant	62%	55% MIN
Minimum Active Open Space/Dwelling Unit		N/A - Vacant	1,385 sf MIN	300 sf MIN

Maximum Density (Dwelling Units/Acre)	NA - Vacant	120 Units	15 Units/Acre (120 units)
Height	N/A - Vacant	45 ft	45 ft MAX**
Parking - Automobiles	N/A - Vacant	284 Spaces MIN	180 spaces MIN ***
Parking – Bicycles	N/A - Vacant	40 spaces MIN 32 – Class A 8– Class C	24 spaces MIN 50% – Class A 50%– Class C

*Required side setback shall be increased 1 ½ inches for each foot of building length over 50 feet and 3 inches for each foot of building height above 35 feet.

**For buildings with parking below at least 35% of the building

***Additional parking may be provided if it does not increase impervious surfaces beyond what which would be provided by meeting the maximum parking required.

HISTORY

The subject site includes Lots 14 through 22 of Supervisor’s Plat No. 1, which was recorded in Pittsfield Township in 1938. The plat was subsequently cut in half by the construction of US-23. Now half of the remaining platted subdivision is east of US-23 and remains in Pittsfield Township and half is west of US-3 in the City of Ann Arbor. Most of the lots along Burton Road were annexed into the City of Ann Arbor in the 1970s.

The adjacent subdivision to the west, Pittsfield Hills Subdivision No. 2 (consisting of Brandywine Boulevard, Terhune Road, Yost Boulevard, Lillian Road, Eli Road, Donegal Court, and Galloway Court) was platted in 1960. At the time there was unplatted land between Supervisor’s Plat No. 1 and Pittsfield Hills Subdivision No. 2 that was not associated with either subdivision. The 120-foot wide strip of unplatted land is now owned by a single individual according to City of Ann Arbor tax records, but is used as common area by the residents of Pittsfield Hills Subdivision No. 2. Two stub streets in Pittsfield Hills Subdivision No. 2 extended to its eastern plat boundary. The right-of-way for Eli Road, the stub street in the north, connects to the Burton Road right-of-way. The right-of-way for Terhune Road, the stub street in the south does not directly connect with the Burton Road right-of-way because of the unplatted land that lies between the two subdivisions.

In 2007, a petitioner assembled the parcels to create an eight-acre site, requesting rezoning to R4C (Multiple-Family Dwelling District), and proposed to construct 120 multiple-family dwelling units in five buildings, along with surface parking, a community building and playground areas. Since approval of this planned project site plan and rezoning, three administrative amendments were granted to extend the deadline for construction. The site plan expired December 28, 2017 and any new development requires new site plan submission and approval.

Previously, the petitioner requested conditional R4D (Multiple-Family Dwelling District) rezoning to not exceed 160 dwelling units or exceed 4 stories in height in exchange for additional open space, club house and patio, playground, community garden, 40 affordable rental units leased at 80% of the area median income, etc. This proposal was denied in 2019.

PLANNING BACKGROUND

The basic recommendation that higher densities may be appropriate if improvements to Burton Road and connection to other streets are provided remains applicable.

The City's Transportation Master Plan and Master Land Use Plan both support connections to adjacent neighborhoods with both vehicular and non-motorized infrastructure.

STAFF COMMENTS

Systems Planning – Engineering supports a full road connection between Burton Road to Eli Drive.

Sanitary flow from the four demolished single-family homes, which were verified through water and sewer records, can be used to offset the increase in flow. The mitigation calculations for the increase in sanitary sewer flow have been reviewed and are approved. Flow equivalent to 121 GPM, will need to be removed from the sanitary sewer system in order to mitigate new flow from this proposed development. Alternatively, a payment in lieu of performing actual flow removal may be made.

Stormwater - On February 18, 2014 the Ann Arbor City Council approved a resolution adopting a Green Streets policy for all public street construction and reconstruction. This project complies with the green streets policy.

Traffic- *The following comments were made for the previously submitted site plan submittal and remain if there is discussion regarding removing the connection between Eli and Burton Road.*

Transportation recommends that the Planning Commission consider the following.

The proposed plan will increase the number of residents in this area but fails to provide an integrated, connected neighborhood. Failure to include the planned access between Burton Road and Eli Road will have public safety and service implications. These implications include:

- School bus service to the site would not be possible as the AAPS drivers are prohibited from backing maneuvers. This is a condition that would be particularly impactful to a special needs student who would be eligible for door to door service.
- The ability to provide access and services during future predictable events, e.g. utilities and road maintenance, will be greatly impacted.
- Intra-neighborhood trips conducted by vehicle will be forced out of the local street network onto the arterial road system.

Additionally, the Brightdawn Village proposal does not meet the vision and the goals of the City's transportation plan. The City's [comprehensive transportation](#) plan has the following vision: *"An integrated multi-modal system that will build upon the unique qualities of each part of the city."*

The transportation plan also has the following goals, unmet goals are noted in bold:

1. Provide effective access and mobility for people and goods, with minimal negative impacts for all. *Note: Failure to provide connectivity does not provide effective access.*

2. Protect and enhance the natural environment and energy resources, and the human and built environment. *Note: Forced detours would increase driving time for some trips.*

3. Promote a safe, secure, attractive, and productive transportation system. *Note: Trips would be forced onto the arterial system even if the final destination is within the neighborhood, e.g. Pittsfield Elementary School.*

4. Invest in transportation infrastructure in a manner consistent with other goals, and within the financial constraints of public/private resources. *Note: The proposed design will not allow for the most efficient service delivery.*

5. Promote cooperation between the City of Ann Arbor and other governmental entities, particularly the surrounding townships and municipalities and the University of Michigan, in support of transportation initiatives in a manner consistent with the other goals. *City of Ann Arbor 2009 Transportation Plan Update Page 2-2*

6. Ensure that meaningful public involvement will be part of any transportation project in the City of Ann Arbor.

7. Promote a transportation system supportive of and integrated with land use decisions. *Note: A transportation system that does not connect all areas of a neighborhood is not supporting the land use.*

8. Promote green transportation improvements to reduce vehicle emissions.

Parks – For the proposed development, the park contribution formula to improve nearby parks such as Sylvan Park, Scheffler Park, Buhr Park or Rose Park would be as follows:
 $120 \text{ units} \times .0125 \text{ ac} \times \$50,000 = \$75,000.00$. The petitioner has noted this contribution on the site plan.

Fire – (4) - Four story, fully fire suppressed apartment buildings with a total of 120 dwelling units meets multiple-family residential fire protection requirements.

Planning – In 2007, this site was rezoned from R1C (Single-Family Residential) to R4B to allow density to increase from 6 dwelling units/acre to 15 dwelling units/acre for a total from 48 dwelling units to 120 units. The proposed plan is consistent with current zoning.

Connecting the pavement of Burton and Eli Roads promotes general safety, beyond that solely for emergency vehicles, by providing an alternative access point to properties on both streets. Alternative access routes are critical in timely emergency service response for ambulances and police as well as firefighters, both to get to and away from sites.

Connection will also allow more efficient delivery of public services such as mail and waste pick-up, and will allow more efficient routing of school buses and other transportation providers. It is important for the general convenience of the future Brightdawn Village residents to be able to get to the nearby schools and stores on Washtenaw Avenue. Without such a connection, vehicles will be forced to join and add to the congestion on Packard Road, Carpenter Road and perhaps Brandywine Boulevard-Yost Boulevard.

In the past, it was common practice to design subdivisions to seamlessly connect with one another, forming larger neighborhoods. Evidence of this can be found by the existing stub streets of Eli Road and Terhune Road.

Staff's recommendation is for the proposed pavement of Burton Road to connect with Eli Road without obstruction. This is viewed to be the best solution to achieve proper secondary access, eliminate maintenance concerns and satisfy planning recommendations. No additional natural features would be impacted if the roads were to connect.

A draft development agreement to address issues including the improvement of Burton Road, mitigation of sanitary sewer flow, off-site tree mitigation, and any other off-site issue that may arise is included.

Prepared by Chris Cheng
Reviewed by Brett Lenart

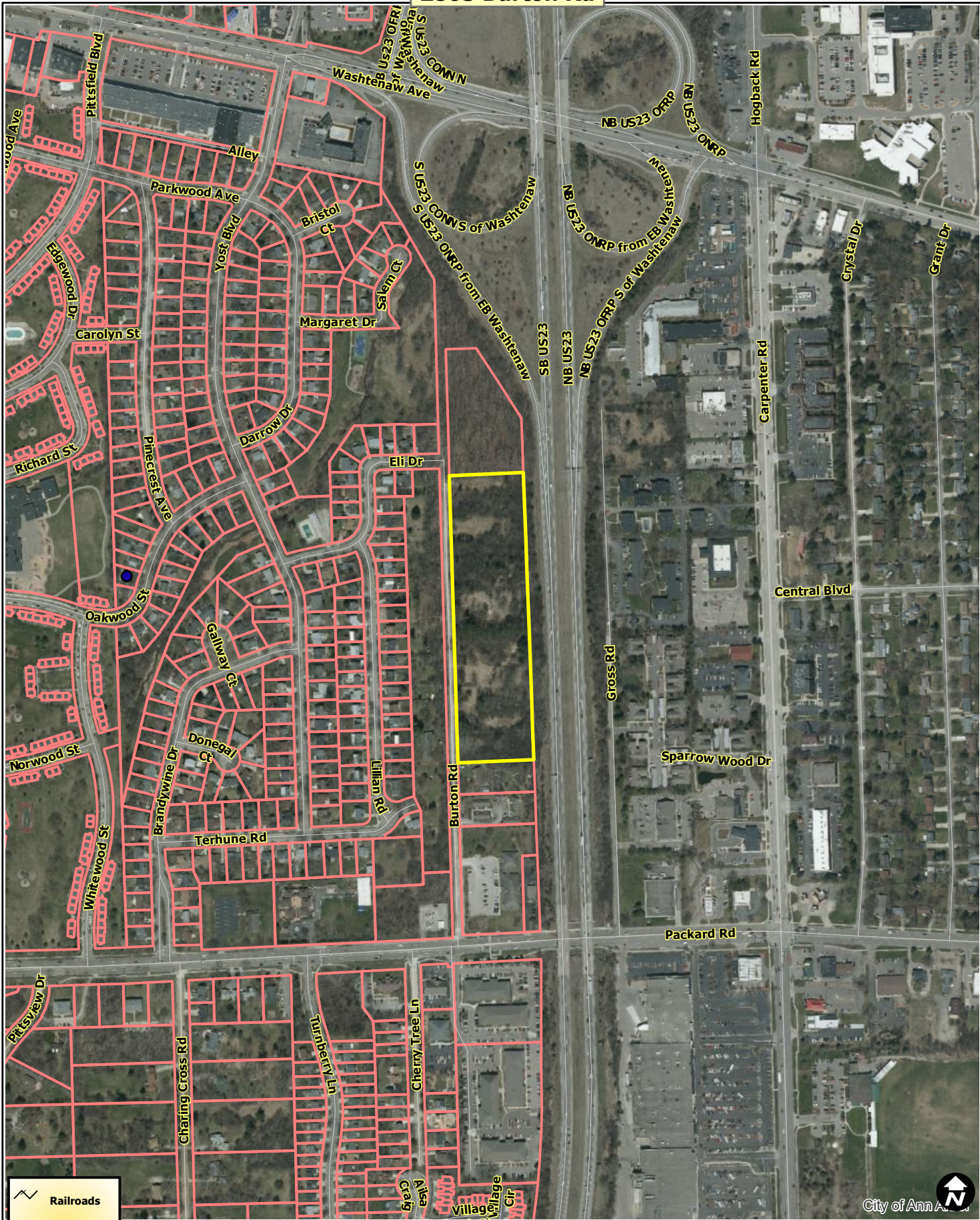
Attachments: [Parcel/Zoning Map](#)
[Aerial Photo](#)
[Site Plan/ Landscape Plan/Utilities](#)
[Elevations](#)
[Brightdawn Draft Development Agreement](#)
[Citizen Participation Report](#)

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Petitioner's Representative: Tom Covert
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City Attorney
Systems Planning
File Nos. SP20-013

2805 Burton Rd



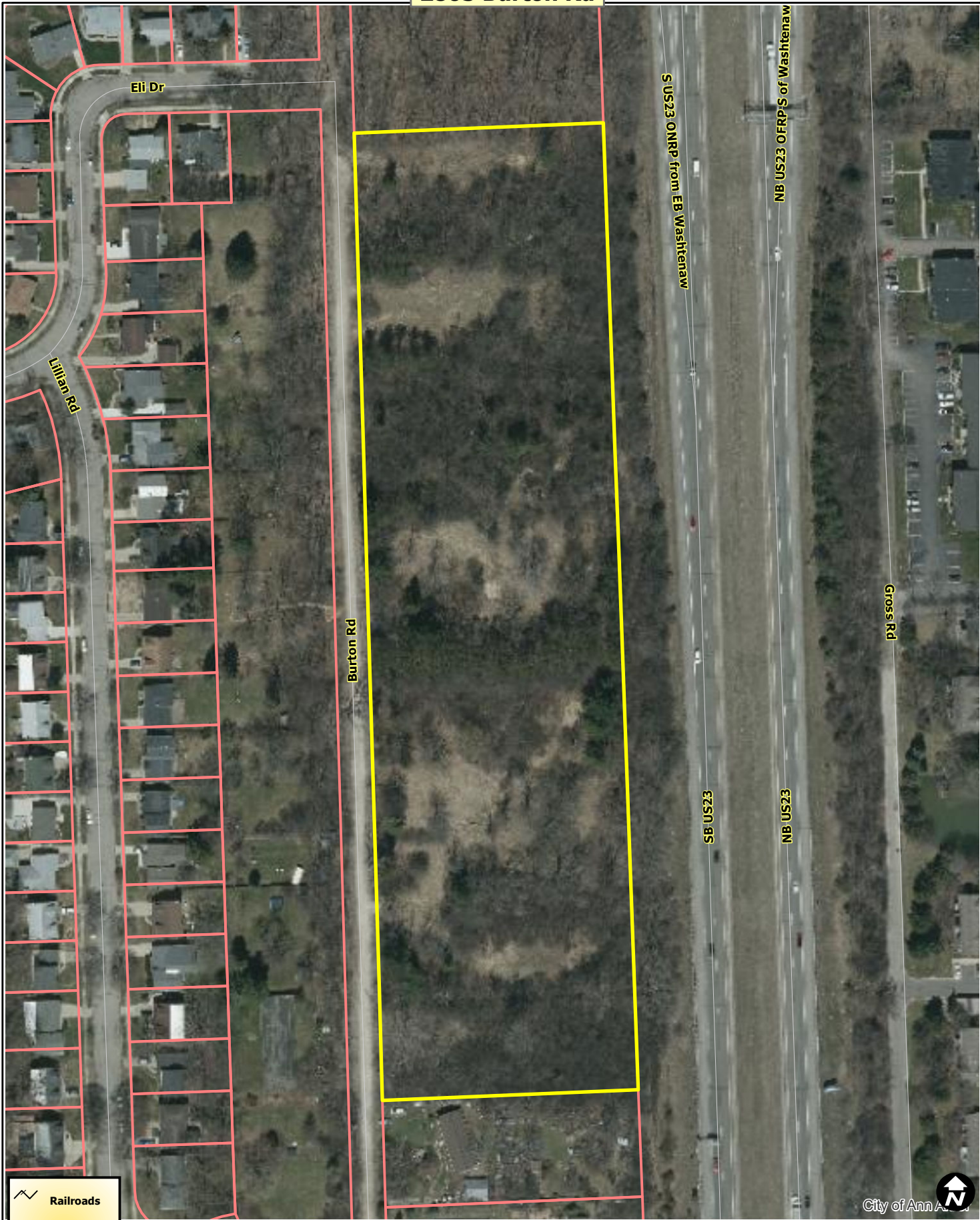
- Railroads
- Huron River
- Tax Parcels



City of Ann Arbor

Map date: 4/29/2020
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