

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 6, 2017

**SUBJECT: Kingsley Condominiums Revised Natural Features Protection Plan (a Site Plan for Planning Commission Approval)
218 W. Kingsley St (formerly 221 Felch St.)
File No. SP17-015**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby approves the Kingsley Condominiums Revised Natural Features Protection Plan to amend the impacts to the 100-year floodplain.

STAFF RECOMMENDATION:

Staff recommends that the petition to revise the natural features protection plan of an approved site plan be **approved** because the contemplated development complies with all applicable state, local and federal law, ordinances, standards and regulations; the development limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development does not cause a public or private nuisance and does not have a detrimental effect on public health, safety or welfare. The proposed revision still results in a net gain of flood storage capacity compared to the existing conditions.

STAFF REPORT:

Summary – The petitioners propose revising the approved natural features protection plan of the Kingsley Condominiums Planned Project Site Plan to change the amount of cut and fill in the 100-year floodplain on that site. The Kingsley Condominium site plan was approved on August 4, 2016 for a single building containing up to 51 dwelling units to replace a collection of one and two-story office, manufacturing and storage buildings.

Approved Plan – The Kingsley Condominiums Planned Project Site Plan was approved on August 4, 2016. At the same time, a conditional rezoning petition to R4D with the condition that the maximum height permitted is 60 feet was approved.

The site plan approved construction of a five-story, approximately 125,000-square foot building containing up to 51 apartments. The elevated building has 51 parking spaces underneath and an additional 42 parking spaces (14 of which are deferred) are located along the driveway on the east side of the site which connects with West Kingsley Street and Felch Street. Planned project modifications waived the requirement for additional side setback on the west side of the site due to the height and length of the building.

Proposed Plan – The pre-redevelopment conditions of the site included a two-story office building and a series of one and two-story garage and storage buildings constructed on top of the buried Allen Creek culvert.



Figure 1 – Existing Conditions in 2016 (Image from Bing.com)

Approximate course of
Allen Creek drain

The existing buildings represented a significant amount of reduction in floodplain storage capacity. Removal of those buildings, combined with the proposal to construct the new building without fill as much outside of the floodplain as possible, offered a 613 cubic yard increase in floodplain storage capacity.

The proposed change involves placing fill ranging from an inch up to two feet (average of about 1 foot) underneath the proposed building footprint so that no part of the structure is in the floodplain. Because of the proposed fill, the increase in floodplain storage capacity will now be 56 cubic yards. While more storage capacity will still be achieved than the predevelopment conditions, the proposed change will result in about 90% less storage capacity than the approved site plan.

Note that the interior height of the garage level is proposed to be reduced, any increase to the approved building height of 58.6 feet will be slight and will remain less than the 60-foot maximum building height limit of the conditional zoning designation. Increases in building height may be approved administratively if there is no increase in floor area. Also note that two of the previously approved residential units have been combined so the proposed building will have 50 dwelling units. Correspondingly, 50 parking spaces are proposed underneath the building rather than the originally approved 51. The surface parking spaces remain as originally approved.

PROCEDURE BACKGROUND:

Floodplains are one of the seven natural features regulated by the City's development codes, primarily by Chapter 57 (Subdivision and Land Use Control Ordinance) and the Land Development Regulations. Floodplains boundaries must be identified on site plans [LDR 1:5(2)] and a natural features protection and mitigation plan is required information on site plans [LDR 1:4(21)]. When impacted, mitigation to maintain floodplain capacity is required [LDR 1:5(2)].

The Planning Commission has the authority, per Section 5:122(4)(d) to approve a modification to an approved natural features protection plan or natural features mitigation plan when no other changes to the site plan are proposed.

STAFF COMMENTS:

Floodplain Coordinator – The proposed change may be approved by the Planning Commission.

Planning – Although the proposed change results in a great reduction in the floodplain storage capacity compared to the originally approved plan, overall it is a tremendous improvement over the existing condition.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
9/1/17

Attachments: [Site Plan #2](#)
[Kingsley Condominiums Planned Project Site Plan approval records](#)

c: Fred Beal, Kingsley Condominiums, LLC – Owner
Kathy Keinath, Perimeter Engineering, LLC – Petitioner’s Agent
Brad Moore, J. Bradley Moore & Associates – Petitioner’s Agent
Systems Planning
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