

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 18, 2018

**SUBJECT: Brightdawn Village Apartments Site Plan and Conditional Rezoning for City Council Approval
(2805 Burton Road)
File Nos. SP18-010 & Z18-007**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Brightdawn Village Apartments Conditional Rezoning from R4B (Multiple-Family Dwelling District) to R4D (Multiple-Family Dwelling District).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Brightdawn Village Apartments Site Plan and Development Agreement, subject to providing a minimum of 63% open space.

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.

STAFF RECOMMENDATION

Staff recommends the zoning be **denied**. The current R4B zoning is already inconsistent with the Master Plan Future Land Use Element, which recommends single family residential. Additionally, rezoning to R4D would not be consistent with the following Master Plan Land Use Goals, Objectives and Action Statements:

- Goal B, Action Statement b): Encourage residential densities that can sustain bus transit on sites that front mass transit routes. While in proximity, the site does not front on a mass transit route.
- Goal D, Objective 1) Encourage new development and redevelopment within established residential areas to complement the design elements of the neighborhood, including size

and height. With the proposed conditional rezoning, the maximum height would exceed that currently permitted, as well as the height restrictions of all adjacent property.

Based on the recommendation to deny the proposed conditional zoning, staff also recommends the associated site plan, Wetland Use Permit, and Authorization for activity in the Natural Features open space be **denied**, as the plan does not comply with R4B zoning requirements.

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 Conditional Rezoning to R4D (Multiple-Family Dwelling District) and Site Plan approval in order to construct four, four-story buildings that include 160 apartment homes with a community club house. The residential homes consist of one, two, and three bedroom units.

The petitioner is requesting Conditional Rezoning to R4D (application attached) with the following conditions:

- Restrict 40 units to be reserved for households at or below 80% of the Area Median Income
- Limit the site to four residential mid-rise buildings plus a clubhouse
- Limit the total number of units to 160 homes
- Restrict the height to 4 stories/50 feet for residential buildings
- Provide a minimum of 55% open space
- Developer construction of infrastructure improvements to Burton Road including water main, sanitary main, storm conveyance, and roadway lighting

There will be a total of 252 carport parking spaces provided on site, 53 of these spaces being small car and 12 barrier free. Site access is proposed from two curb cuts on Burton Road. As part of this development, the petitioner proposes improvements along Burton Road from Packard Road to the end of the subject site. These improvements include street lighting, curb and gutter, utilities, paving and the public sidewalk portion fronting this site.

An emergency access road connection from Burton Road to Eli Drive is also proposed by the petitioner. This connection is to be locked and gated and used only in emergency situations. A new sidewalk will be constructed that will connect the existing neighborhood from Eli Drive to the Brightdawn development despite the lack of vehicular connection.

Three solid waste and recycling facilities are proposed along the eastern edge of the parking lot throughout the site along with vehicular charging stations, Class A and C bicycle parking spaces, and motorcycle and scooter parking spaces.

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 Environmental Quality, 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 21 woodland trees and 29 landmark trees proposed to be removed along with critical root zone impacts to 2 landmark trees. 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.

The estimated cost of construction is \$25,000,000 and the project is to be constructed in one phase.

CITIZEN PARTICIPATION

The petitioner held two meetings for interested citizens on February 8th and June 14th, 2018. Invitations were sent to all residents and property owners within 1,000 feet of the site as well as all subscribers to the GovDelivery planning update service. The attendees asked questions about storm water controls, neighborhood traffic, affordability and rezoning. The full reports provided by the petitioner are 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	REQUIRED
Zoning	R4B	R4D	R4D	R4B
Gross Lot Area	8.06 acres (351,034 sf.)	8.06 acres (351,034 sf.)	1.9 acre (83,000 sf MIN)	.32 acre (14,000 sf MIN)
Front	N/A - Vacant	25 ft – Burton Rd. 63 ft – US-23	15 ft MIN 40 ft MAX	15 ft MIN 40 ft MAX
Side(s)	N/A - Vacant	161 ft (South) * 199 ft (North) *	30 ft MIN (South)* 30 ft MIN (North) *	53.1 ft MIN (South)* 53.1 ft MIN (North) *
Rear	N/A - Vacant	NA	30 ft MIN	30 ft MIN (2 fronts for this site)
Minimum Useable Open Space	N/A - Vacant	63%	55% MIN (based on proposed conditional rezoning)	55% MIN
Minimum Active Open Space/Dwelling Unit	N/A - Vacant	993 sf (159,000 sf)	300 sf MIN	300 sf MIN
Maximum Density (Dwelling Units/Acre)	NA - Vacant	160 units	25 Units/Acre (201 units)	15 Units/Acre (121 units)
Height	N/A - Vacant	47 ft	50 ft MAX (based on proposed conditional rezoning)	35 ft MAX
Parking - Automobiles	N/A - Vacant	252 spaces (187 regular spaces 53 spaces small car 12 b.f.)	240 Spaces MIN	240 spaces MIN
Parking – Bicycles	N/A - Vacant	32 spaces 16 Class A 16 Class C	32 spaces MIN 50% – Class A 50%– Class C	32 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.

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.

At this time of this request, staff recommended the site be rezoned to R4B rather than R4C as requested by the petitioner. This would have no effect on the proposed planned project site plan but would be more consistent with the intent of Zoning Ordinance. The intent of the requested R4C district is to allow multiple-family dwellings to be located in the central area of the City in close proximity to downtown and the University of Michigan campus. The subject site is not located near either of these areas. On the contrary, the location of the subject site better matches the intent of the R4B district. This district is intended for intermediate areas of the City on small tracts of land in established areas for in-fill purposes or medium sized tracts of land for moderate-sized developments.

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.

PLANNING BACKGROUND

While the 2007 petition was considered under previous Master Plan language (The South Area Plan, adopted in 1990) in which the plan indicated that "Density could be increased. . .", this provision has not been carried forward in the current Master Plan to support higher density zoning at this location.

Excerpt from previous The South Area Plan (now replaced):

Location: Burton Road, north of Packard

Number of Parcels: 18

Existing Zoning: R1C (minimum lot size of 7,200 square feet)

Typical Parcel Size: 130 feet x 290 feet (37,000 square feet)

Comments: Most lots contain single-family detached structures. Density could be increased but shifting of parcel lines and lot accessibility would have to be addressed. Lots on the east side of Burton are adjacent to US-23. Additions to Sylvan Park and to the Terhune Pioneer Cemetery would improve access to both of these parks. The exiting gravel road will need improvements including drainage and sidewalks.

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. In this case, the petitioner has responded to neighborhood preference and limited such connection to non-motorized trips only. Staff believes that this is inconsistent with adopted plan goals.

STAFF COMMENTS

Systems Planning – Engineering supports a full road connection between Burton Road to Eli Drive. It is noted that the City will be the maintaining authority of the street lighting. The mitigation calculations for the increase in sanitary sewer flow have been reviewed and are approved. Flow equivalent to 119 GPM, will need to be removed from the sanitary sewer system in order to mitigate new flow from this proposed development. Alternately, a payment may be made in lieu of performing actual flow removal.

Traffic- *This application is recommended for Planning Commission action. However, 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:

$$160 \text{ units} \times .0125 \text{ ac} \times \$50,000 = \$100,000.00$$

Fire – Fire hydrant coverage is being met, with hydrants installed on the site. The Fire Marshall states that the gated connection to Eli Drive is adequate for secondary access to the site.

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. The petitioner returned to staff in early 2018 requesting an R4E conditional rezoning allowing 75 units/acre with a cap of 160 dwelling units maximum for the site. Staff did not support this rezoning as it did not fit the intent of the R4E district as Burton Drive is not on a signature transit corridor.

The petitioner then requested R4D conditional rezoning as this district is intended to permit higher density in the form of high-rise buildings on substantial tracts of land located in areas other than downtown. Staff acknowledges the change to R4D zoning has a lower maximum density than the previously submitted R4E conditional rezoning. Nonetheless, as previously stated, this site was rezoned from R1C (Single-Family Residential) to R4B (Multiple-Family Residential) to increase density on this site from 48 dwelling units to 120 units.

While staff recognizes the benefits of reserved housing, infrastructure improvements and recognizes the petitioners intent to further limit development limits, planning staff recommends denial of the rezoning proposal.

The location of the subject site better matches the intent of the R4B district. This district is intended for intermediate areas of the City on small tracts of land in established areas for in-fill purposes or medium sized tracts of land for moderate-sized developments. As also shown in

the comparison chart of zoning districts below, the primary difference between the two districts aside from their intents is the maximum allowable density.

District	Intent and Principal Uses	Density	Max. # Units on 8.06-acre Site
R1C Single-Family	Single-family dwellings.	6 d.u./acre	48 dwellings
R1D Single-Family	Single-family dwellings.	8 d.u./acre	64 dwellings
R2A Two-Family	Two-family dwellings. Intended to be similar to the R1D district.	10 d.u./acre	80 dwellings
R2B Two-Family	Two-family dwellings, fraternities and sororities. Intended near U of M campus.	10 d.u./acre	80 dwellings
R3 Townhouse	Multiple-family dwellings in side-by-side arrangement.	10 d.u./acre	80 dwellings
R4A Multiple-Family	Multiple-family dwellings located in perimeter areas of City.	10 d.u./acre	80 dwellings
R4B Multiple-Family	Multiple-family dwellings located in intermediate areas of City, on medium-sized tracts for moderate-sized developments.	15 d.u./acre	120 dwellings *
R4C Multiple-Family	Multiple-family dwellings located in central area of City close to downtown and U of M central campus.	20 d.u./acre	160 dwellings *
R4D Multiple-Family	Multiple-family dwellings in form of high-rise buildings outside of downtown area.	25 d.u./acre	200 dwellings *
R4E Multiple-Family	Multiple-family dwellings in form of high density along signature transit corridors	75 d.u./acre	600 dwellings**

*More than 100 dwelling units requires second means of access per fire code.

**Total number of units capped at 160 as part of conditional zoning.

Regarding the proposed site plan, staff has few comments about the proposed style and layout of the site. As proposed, the development would contribute to the supply of much-needed affordable housing in the City, however the City has adopted goals for 60% AMI or lower housing vs 80% AMI.

Staff has learned that the petitioner has met on more than one occasion with residents of the Pittsfield Hills Subdivision and the proposed site plan reflects some of their suggestions, including restriction of access to the site via Eli Drive. Connecting stub streets to new and existing developments is a goal in many of the City's area master plans and is strongly promoted by planning principals advocated in many communities throughout the state and nation. 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.

Staff has repeatedly advocated for connected streets with all new developments, but the final approved plan has often provided an emergency-only connection to existing public streets. Examples of these developments include Turnberry, The Woodlands, Liberty Glen and Barclay Park. An informal survey of some of these developments has found the approved emergency-only connections are now useless because they have not been properly maintained, are overgrown with trees and shrubs, or are not known to current emergency staff, particularly police and private ambulances.

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. If the preferred pavement connection cannot be accomplished, staff recommends the proposed rezoning be scrutinized in terms of the maximum density permitted by the proposed district and the proposed site be limited to the R4B zoning and 120 dwelling units. Finally, it does not meet the recommendation of the South Area Plan or other area plans to provide connection between neighborhoods. 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 & Alexis Dileo

Attachments: [Parcel/Zoning Map](#)
[Aerial Photo](#)
[Site Plan/ Landscape Plan/Utilities](#)
[Elevations](#)
[Conditional Zoning Application Memo](#)
[Rezoning Application](#)
[Brightdawn Draft Development Agreement](#)
[Citizen Participation Report #1](#)
[Citizen Participation Report #2](#)

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