

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 2, 2020

**SUBJECT: Recommendation Change for:
Liberty Townhomes Site Plan for City Council Approval
2658 West Liberty Street
Project No. SP19-020**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Liberty Townhomes Site Plan.

STAFF RECOMMENDATION:

Staff recommends that the site plan be **postponed** because additional meetings and discussions have occurred since the June 2, 2020 Planning Staff Report was published on Friday, May 29, 2020. A potential design change to allow emergency service vehicles to exit eastbound has been identified and a detailed drawing is being prepared. Staff will review the revised detail and if found to satisfy the International Fire Code standards that are currently not met, the detail will be incorporated into the full site plan and submitted.

If and when the driveway geometry meets all applicable code requirements, the postponed site plan will be scheduled for a future Planning Commission meeting and may be recommended for approval with the understanding that all non-emergency vehicles, such as passenger vehicle and delivery vehicles, are restricted to right-turn only, which might be inconvenient but safe.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
6/2/2020

c: Applicant – MCP Liberty Devco, LLC (Tony Randazzo, 2617 Beacon Hill Dr, Auburn Hills, MI 48326)
Applicant's Agent – PEA, Inc. (Jon Curry)
Owner – Wickfield Properties, 230 Huronview Blvd, Ann Arbor, MI 48103
Project No. SP19-020

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PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Liberty Townhomes Site Plan.

STAFF RECOMMENDATION:

Staff recommends that the **site plan be denied**, because the contemplated development does not comply with all applicable state, local, and federal law, ordinances, standards and regulations. The design of the development's driveway does not enable emergency service vehicles to return to service or access critical facilities in a safe or efficient manner and violates the International Fire Code, nor provides adequate sight distance as required by the Standard Specifications manual.

LOCATION:

This site is located on the north side of West Liberty Street, along the east side of I-94.



Figure 1 - Location Map

SUMMARY:

A site plan for 52 townhomes in nine buildings, each with a private garage and front door to a sidewalk. Access to the site is challenging due to its location on the inward curve of West Liberty Street and bridge barrier walls limiting driver sight distance. Restrictions on left turn movements address sight distance issues but create violations of the International Fire Code for emergency service vehicle operations.

DESCRIPTION OF PROJECT:

Existing Conditions – The 4.65-acre site is undeveloped and has seven landmark trees, shrubs and brush, and a billboard. It is zoned R4B (Multiple-Family Dwelling).

Proposed Development – The proposed [site plan](#) is for a townhome development. Nine buildings, with five, six and seven townhomes each, 52 townhomes in all, are proposed aligned perpendicular to I-94, the site's western border. Each townhome has a ground level garage. Each building has a front yard on one side of it and a driveway on the other. A driveway to West Liberty Street, placed as far east as possible, is proposed to access the site. The development's density is 11 dwelling units per acre (up to 15 d.u./ac. are permitted).

A development standards review is provided in the next section below. Other development details include:

- **Site Access** – Although the site has approximately 240 feet of frontage along West Liberty Street, constructing a new driveway to West Liberty has several challenges. The site is located on the inward and upward curve of Liberty. Sight distance to the west is limited as a result. Compounding the problem is the height of the solid concrete barrier walls of the Liberty bridge over I-94 and the guard rails extending from the bridge walls almost across the full width of the site. The proposed driveway to the site is placed as far east, away from the bridge, as possible. The current grade level of the site is proposed to be raised eight feet, primarily to obtain the necessary fall for sanitary sewer leads, but this also benefits driver sight distance. The guard rail will be shortened and relocated farther away from the edge of pavement as much as allowed by MDOT. However, because these measures still do not achieve the minimum required sight distance for exiting vehicles trying to make a left turn onto eastbound (downtown-bound) West Liberty, the left turn movement will be prohibited. A mountable curbed triangle island in the drive approach is proposed to prevent left turn exits from the site and makes the left turn sight distance problem moot but introduces emergency service issues. All fire stations are east of the site, as well as both area hospitals. Without a turn restriction, the most direct route from the site to the North Maple/Jackson Road intersection is .6 miles, with a turn restriction the route is 2.75 miles. The Fire Marshal and Transportation Engineers do not recommend approval of the proposed access plan, and explain in detail in the staff comments section of this report.
- **Landmark Trees** – There are seven landmark trees on the site, as well as a stand of mature pines along the west boundary of the site. Two of the landmark trees are proposed to be removed. Most of the pines will also remain.
- **Alternatives Analysis** – Two alternative site layouts were considered to try to minimize impacts to the natural features on the site. The alternative layouts and analysis of each are on Sheet P-2.4 of the proposed [site plan](#).

- Storm Water Management – Storm water management is proposed by a large detention pond at the north end of the site.
- Public Sidewalk – A new public sidewalk will be installed across the front of the site between the proposed driveway and the east property line, and will be extended across the adjacent properties to connect with the existing public sidewalk in front of the West Towne development at the corner of West Liberty Street and South Maple Road.
- Parkland Contribution – The applicant has offered to contribute \$32,500.00 for the 52 new households using the park system.

DEVELOPMENT STANDARDS REVIEW:

The proposed site plan complies with all applicable development review standards of the R4B (Multiple-Family Dwelling) district provided in Chapter 55 [Unified Development Code](#).

	PROPOSED	REQUIRED/PERMITTED
Lot Area	202,554 sq ft	14,000 sq ft MIN
Lot Area Per Dwelling Unit	3,895 sq ft/unit	2,900 sq ft/unit MIN
Density	11 dwelling units/acre	15 dwelling units/acre MAX
Open Space	56%	55% MIN
Active Open Space	1,028 sq ft/unit	300 sq ft/unit MIN
Front Setback (South)	15 ft	15 ft MIN, 40 ft MAX
Side Setback (E & W)	71.5 ft (E) 25.9 ft (W)	12 ft MIN
Rear Setback (North)	347 ft	30 ft MIN
Building Height	28 ft	35 ft MAX (45 ft MAX if parking underneath)
Parking – Automobiles	2.1/unit (105 spaces)	1.5/unit MIN (78 spaces MIN)
Parking – Bicycles	1/1 unit (57 spaces) 52 Class A, 5 Class C	1/5 units MIN (11 spaces MIN) 50% Class A (5 spaces MIN), 50% Class C (5 spaces MIN)

CITIZEN PARTICIPATION:

The petitioner held a meeting for interested residents on May 20, 2019. Invitations were sent to all residents and property owners within 1,000 feet of the site. The applicant’s report of the meeting can be found [here](#).

HISTORY:

The site was annexed from Scio Township in 2005. Along with the petition to annex¹, a petition to zone² to PUD Planned Unit Development and a site plan³ were also submitted, but were recommended for denial by the Planning Commission. Neither petition was forwarded to City Council for action. The site was labeled UNZ (Unzoned) on the Zoning Map. A petition to rezone⁴ from UNZ to R4B was approved on June 4, 2007.

A site plan for 63 townhomes with planned project modifications⁵ was denied on March 17, 2008. A site plan for 68 apartments⁶ was recommended for approval by the Planning Commission on March 15, 2016. City Council postponed action on the site plan as requested by the petitioner following a public hearing on May 16, 2016 and the petitioner withdrew the site plan several months later. A site plan for 52 apartments in nine buildings⁷ was submitted in 2017 and, after several reviews by staff but before all outstanding comments were addressed and being scheduled for a public hearing, withdrawn in 2018.

SERVICE UNIT COMMENTS:

The site plan and application materials were reviewed by the staff from the Planning, Fire Marshal's office, Forestry/Natural Resources, Parks Planning, Engineering, Recycling/Solid Waste, Land Development, and Transportation units.

Planning – The Fire Marshal and Transportation Engineers have found the site cannot be made safe for emergency service vehicles to operate with a single driveway to West Liberty Street fronting the site. The development design team explored other alternatives, including connecting the site with the commercial center to the north and crossing the adjacent properties to the east with their driveway. Neither was feasible. Other potential solutions have not been identified.

In all other aspects, the proposed site plan meets all other development standards: area, height, placement, off-street parking, landscape and buffering, and stormwater management requirements. And, although not affordable housing by definition, it proposes market-rate apartments which are becoming rarer proposals as of late.

Fire Marshal – The only exit for this project requires a firetruck to turn west onto Liberty Street. This would prevent a firetruck from returning to emergency service and obstructing the travel east to Liberty, a fire access road into the rest of the City of Ann Arbor. This violates the International Fire Code, 2015 edition, section 503.4 Obstruction of Fire Access Roads. It also violates section 401.8 Interference with Fire Department Operations due to the restriction of mobility and blocking the path of travel of a fire department emergency vehicle. (Click [here](#) for the Fire Marshal's May 6, 2020 review memo.)

¹ File no. 8254H15.1

² File no. 8254H15.03

³ File no. 8254H15.05

⁴ File no. 8254H15.2

⁵ File no. 8254H15.5

⁶ File no. SP16-001

⁷ File no. SP17-029

Transportation Engineer – The Transportation reviews for the various site plans submitted for 2658 W. Liberty St. have focused on the access at this location. The site's frontage is adjacent to I-94 and the Liberty St. bridge over I-94. This location is very problematic for a dense development as the sight distance for motorists leaving the driveway is very constrained by the horizontal and vertical alignment of Liberty Street, the bridge parapet wall, and the guard rail protecting the steep slope and end of the bridge parapet wall. These physical obstructions eliminate the ability for the development's driveway to achieve decision sight distance for a motorist leaving the site by turning left (towards downtown), which does not comply with Standard Specifications, Division II, Section 8A(e): all openings and approaches shall be so located as to provide adequate vertical and horizontal sight distances for safe access to the street in accordance with the designs standards for sight distance.

The developer's team has proposed to solve this problem by providing a driveway that only allows right turns out of the site. Bifurcated and unidirectional driveway approaches are permissible but are context specific. Transportation provided comments regarding our concerns about the behaviors of individuals from this particular location who will be forced to turn right, away from shopping, leisure, and employment destinations, to the developer's team. The developer's team responded in a memo indicating that the low number of trips, 17 AM peak/18 PM peak, would have an insignificant impact on the nearby residential side streets if they were used for turning around to drive into town.

Transportation has encouraged the developer to seek permission for a secondary access point through adjacent properties. The current driveway configuration will be an impediment to City services, such as solid waste and emergency response, and could have a negative impact on safety due to impatient residents making risky maneuvers that may include illegal lefts out of the site, U-turns on Liberty Street, or impacts to side street use.

For these reasons, Transportation staff does not recommend approval.

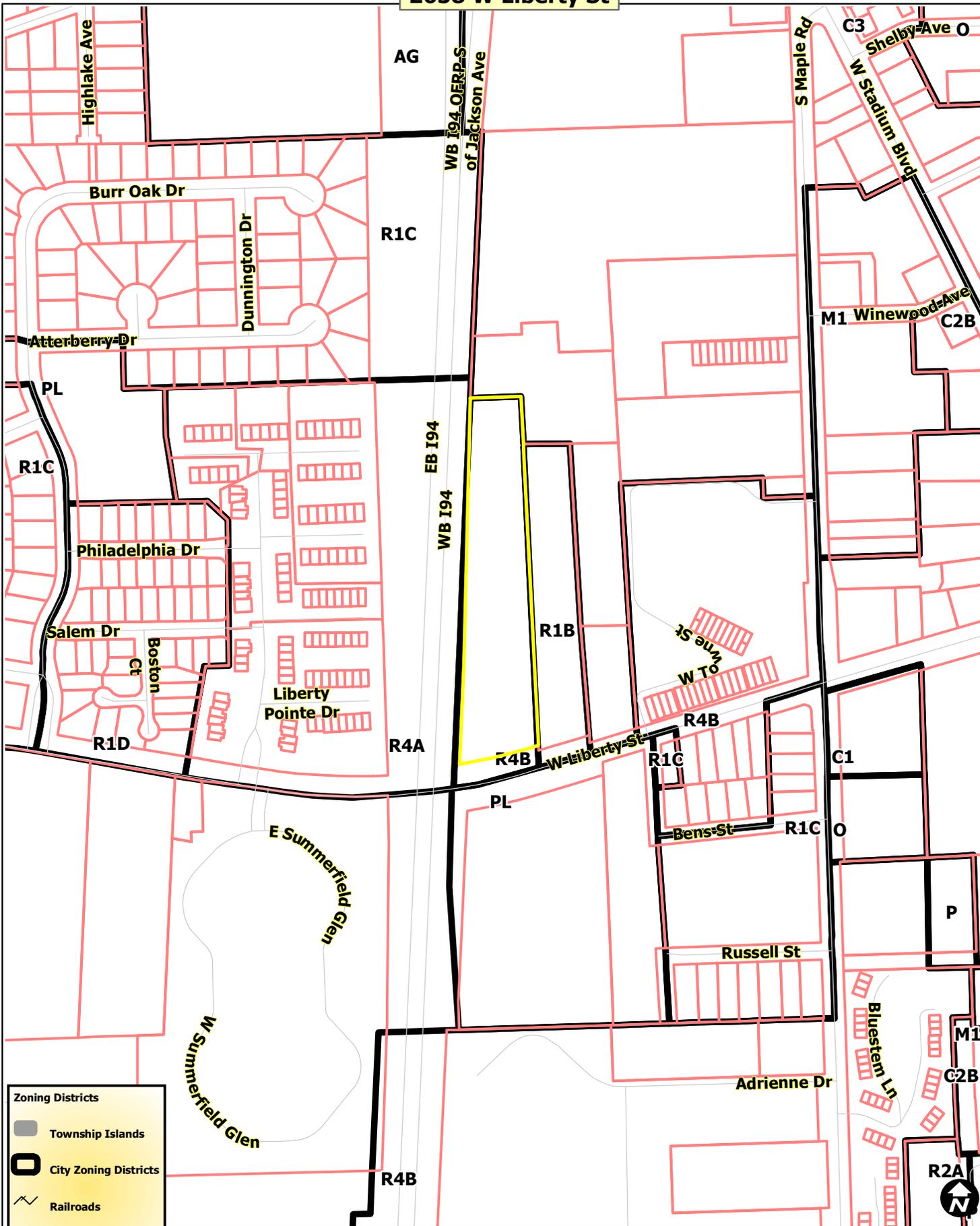
Prepared by Alexis DiLeo
Reviewed by Brett Lenart
5/29/20

Attachments: Zoning Map
Aerial Photo

References: [Site Plan #3](#) (04-24-20)
[Citizen Participation Sign In Sheet](#)
[Fire Marshal review #3](#)
[Transportation Memo](#)

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2658 W Liberty St



Map date: 3/27/2019
 Any aerial imagery is circa 2018
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2658 W Liberty St



-  Railroads
-  Huron River
-  Tax Parcels



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