

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 5, 2017

SUBJECT: 1140 Broadway Conditional Rezoning and Site Plan with Planned Project and Chapter 62 Landscape Modifications

File No. SP17-009, Z17-0003

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1140 Broadway Rezoning Petition to C1A/R (Campus Business Residential) district and accept the condition that the maximum building height is limited to five stories and 70 feet within 70 feet of Traver Creek and seven stories and 90 feet everywhere else in the district, subject to executing a Conditional Zoning Statement of Conditions.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1140 Broadway Site Plan with Planned Project Modifications and Landscape Modifications, and Authorization of Activity in the Natural Feature Open Space, subject to granting of variances, and Development Agreement.

STAFF RECOMMENDATION:

Staff recommends that the petitions be **postponed** to allow for time to resolve outstanding staff comments and for the Planning Commission to provide direction on the appropriateness of the requested zoning designation, how the proposed mix of uses and building massing further the goals of the master plan, the justifications of the planned project modification request, and the authorization of activity in the natural features open space.

LOCATION:

Northeast corner Maiden Lane and Broadway Street; northeast planning area; Ward 1.

SUMMARY:

A proposal to rezone a 6.4-acre vacant site at the northeast corner of Maiden Lane and Broadway Street from PUD (Planned Unit Development) district to C1A/R (Campus Business Residential) With Conditions and to develop three mid-rise residential buildings including a parking structure, a parking garage, and surface parking spaces.

- The C1A/R district does not have a height limit. The applicant has offered to condition the rezoning to include a maximum building height of five stories and 70 feet when within 70 feet of Traver Creek and, outside of that area, seven stories and 90 feet.
- The site plan proposes 607 residential units in three buildings, as well as 4,400 square feet of retail space. A total of 573 off-street parking spaces are proposed in a 451-space five-story parking structure, an 85-space parking garage, and 37 surface parking spaces.
- Planned project modifications are requested to reduce the front and side setbacks.
- Landscape modifications are requested to waive the requirement for depressed bioretention areas as part of the vehicular use area landscape islands.
- Authorization for activity in the natural features open space is requested to allow a pathway within that buffer.
- A variance of 49 spaces from the Zoning Board of Appeals is required.

REZONING PETITION:

Current Zoning – The site is currently zoned Broadway Village at Lower Town PUD (Planned Unit Development). Permitted principal uses allowed include health club, hotel, conference and meeting rooms, research and development, medical and general offices, retail, and residential. The Supplemental Regulations adopted for this PUD district are intended to “provide for the coordinated and unified redevelopment of 10 parcels of land” and “seek to promote development of a complex of multiple-story, mixed-use buildings and a predominance of structured parking within a pedestrian-oriented neighborhood center, which will provide services to and be compatible with surrounding single- and multiple-family residential neighborhoods, a historic commercial district, and a major medical center.”

Highlights of the [Broadway Village at Lower Town PUD Supplemental Regulations](#) include:

- Seven buildings plus a parking deck are required, labeled A through G on Exhibit A Conceptual Plan of the Supplemental Regulations
- Required setbacks are shallow (either none or 10 feet minimum)
- Minimum height is three stories, maximum height varies by building (90 feet, 85 feet, 65 feet, 40 to 55 feet, 80 feet, and 60 feet)
- District-wide maximum FAR is 235% (656,000 square feet of total floor area including structured parking)
- At least 647 but no more than 790 parking spaces are required, the majority of which must be available to the general public on an hourly or short term basis
- Four park-like areas are required in the district as shown on the conceptual plan, including a town square space, a gateway park space, a central park space, and a greenway along Traver Creek
- Twenty percent of the residential units (minimum 29 units) are required to be affordable to lower income households

The Broadway Village at Lower Town PUD district was approved and its Supplemental Regulations were adopted as an amendment to the Zoning Ordinance and Zoning Map on October 7, 2003. The zoning designation and the Supplemental Regulations remain in effect until another zoning designation is approved.

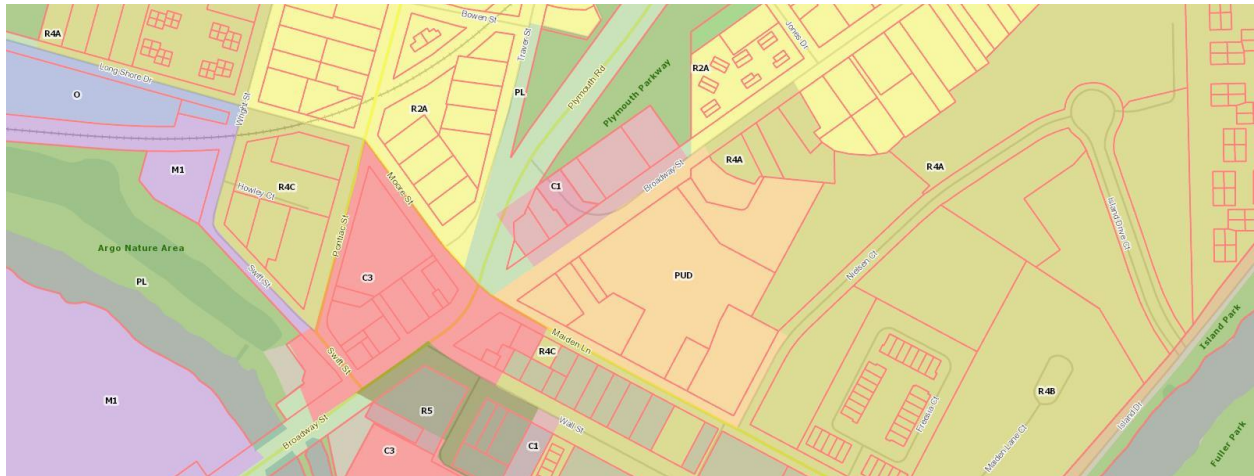


Figure 1: Current Zoning Districts

Proposed Zoning – The applicant requests rezoning the site from PUD to C1A/R (Campus Business Residential) with the condition, as offered in a [signed letter](#), that the maximum building height is five stories and 70 feet when within 70 feet of Traver Creek and, outside of that area, the maximum building height is seven stories and 90 feet.

SITE PLAN PETITION:

Existing Conditions – The site is currently vacant and surrounded by an 8-foot chain link fence. All previous buildings were demolished in 2007, though some slab foundations, parking areas and abandoned utilities remain.



Figure 2: Existing Conditions (2015)

Site Layout – The [proposed site plan](#) organizes the development into three sections, an upper half and two lower quadrants, by a T-shaped private drive network. The T-drives connect with the three surrounding public streets – Maiden Lane, Broadway Street and Nielsen Court. For discussion purposes, staff refers to the drives as the “Long Drive” and the “Short Drive”.

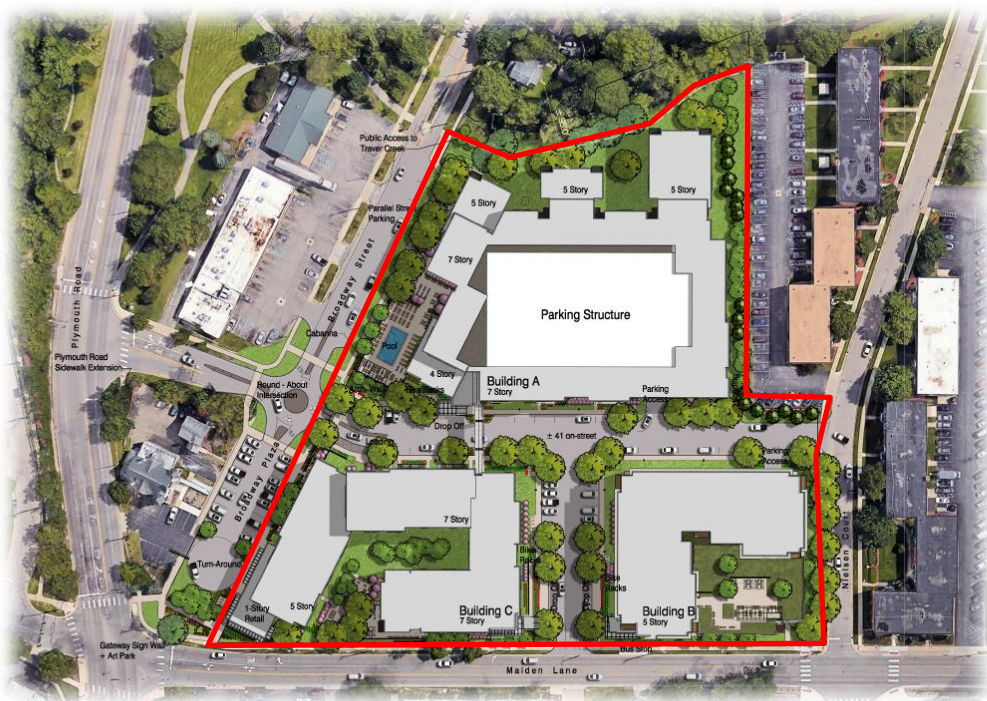


Figure 3: Site Layout Graphic

Building A is proposed in the northern half of the site, north of the Long Drive between Broadway Street and Nielsen Court. It is a seven-story rectangular building, with three five-story wings extending to the north, wrapped around a five-story 451-space parking structure. An enclosed courtyard containing a patio and pool is located on the west side of the building, near the intersection of Broadway Street and the Long Drive. Building A is intended for rental apartments.

Building B is located in the southeast portion of the site, bounded by the Long Drive to the north, Nielsen Court to the east, Maiden Lane to the south and the Short Drive to the west. Building B has a one story podium containing 85 parking spaces and has a five-story corner building above with 71 condominium apartments for ownership.

Building C is bounded by the Long Drive on the north, the Short Drive to the east, Maiden Lane to the south, and the Broadway Street extension to the west, in the southwest portion of the site. It is a courtyard style building with an opening toward the south, having three seven-story sides on the north, east and south, and a five-story side on the west. Retail uses are planned for the first floor of the five-story portion, and rental apartments for the rest of the building.

Buildings A and C are connected by an elevated, enclosed walkway over the Long Drive at the second floor. All buildings have multiple entrances to the public streets and internal drives. Each building is surrounded by green space between it and the public or private sidewalk.

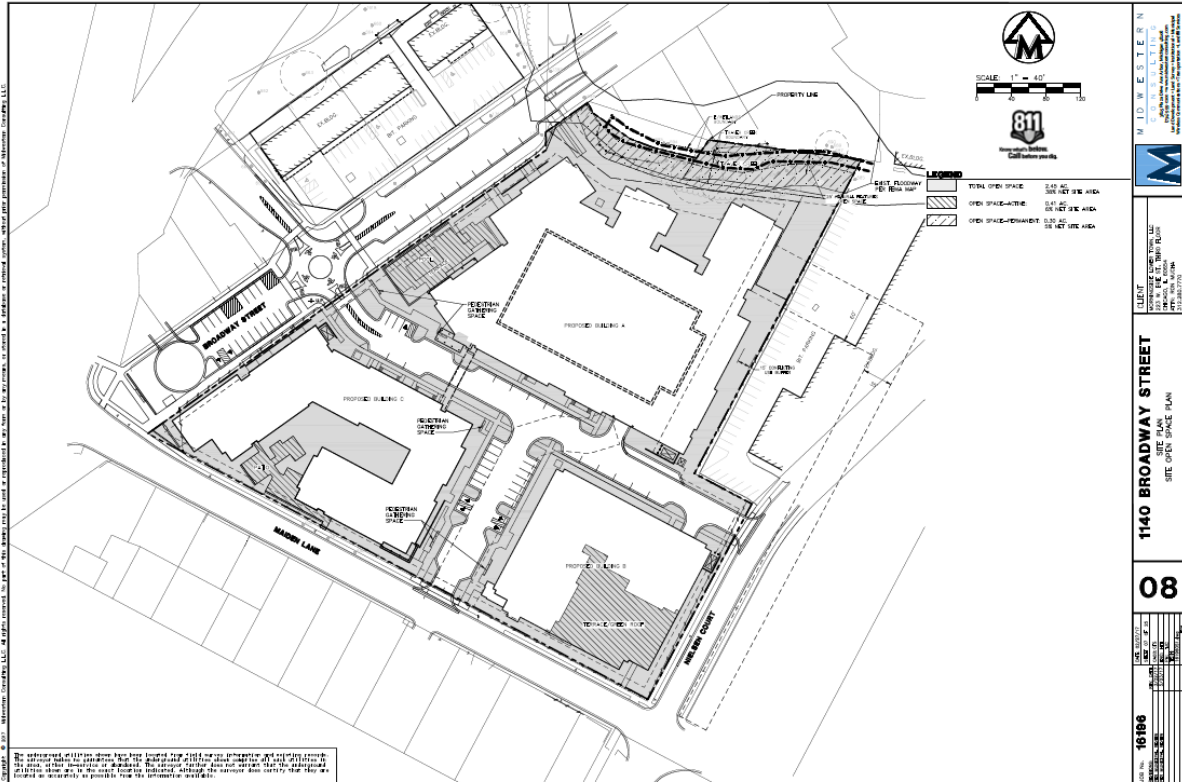


Figure 4: Proposed Open Space Plan

Access and Parking – Driveways to Maiden Lane, Broadway Street and Neilsen Court are proposed, connected with an internal T-shaped driveway system. Parking is provided in a 451-space parking structure, in the middle of Building A, and an 85-space parking garage in Building B. In addition, 37 parking spaces are proposed along the internal driveways.

A Class A bicycle parking space will be provided for each of the 607 dwelling units, as well as 23 Class C hoops are located in three spots on the site. Four more Class C hoops are proposed in the Broadway Street extension, near the entrance to the retail space.

The 573 proposed off-street parking spaces are less than the minimum 622 spaces required by the Off-Street Parking Ordinance. The applicant will seek a variance from the Zoning Board of Appeals of 49 spaces. The Zoning Board of Appeals has the authority to grant variances and exceptions from the off-street parking requirements when the variance or exception is in harmony with the general purpose and intent of the requirements.

The applicant has indicated that the mixed-use nature of the development, its close proximity to the City's single largest employer and to downtown, the availability of public transit to the site, the decreasing desire to own personal vehicles and increasing use of carsharing services all reduce the need for the minimum required spaces. Further, the applicant contends the

proposed plan is in harmony with the general purpose and intent of the code, which is to provide parking sufficient for the needs of residents and customers.

Traffic Study – A [traffic study](#) has been prepared for the proposed development and is under review. The study includes analysis of the current traffic conditions at all nearby intersections and the projected traffic conditions with the proposed development. Conditions are given a letter grade for their level of service (LOS). Intersections with LOS A operate with minimal delay and those with LOS F have severe delays. Generally speaking, urban intersections are expected to have an LOS of C or D. When the existing conditions are, or the proposed development will cause, intersections to operate at an LOS C or lower, developers must identify mitigation measures that will raise operations to acceptable levels.

In the vicinity of the 1140 Broadway site, most nearby intersections currently function at a level of service (LOS) C or D. Exceptions are:

- Broadway/Plymouth/Maiden – morning peak LOS D, evening peak LOS E
- Plymouth & Broadway – morning and evening peak LOS A
- Maiden & Fuller – morning peak LOS E, evening peak LOS F
- Maiden & Nielsen – morning and evening peak LOS A

To address the current poor LOS and accommodate the proposed development, the traffic study suggests the following improvements:

- Adding an exclusive right turn lane for northbound Broadway (to eastbound Maiden Lane)
- Adding an exclusive right turn lane for westbound Maiden (to outbound traffic)
- Recalibrate the signal timing system by City
- Construct the proposed two-lane roundabout at Maiden and Fuller by City
- Install a single lane roundabout at Broadway and site driveway

The applicant is proposing to create the additional, exclusive turn lanes on Broadway and Maiden Lane, and install a roundabout at Broadway and the site drive.

Staff is still evaluating whether these improvements will achieve the intended results.

Natural Features – Traver Creek, a watercourse, runs across the north side of the site. The creek's 100-year (1% Chance) floodplain lies across the northern edge and southeastern corner of the site. Small pockets of wetlands (not shown on Figure 5) are located just south of the creek.



Figure 5: Floodplain and Floodway Map

A 25-foot buffer, known as the natural features open space, is required around any watercourse or wetland. Any disturbance within that 25-foot area is considered an “activity” and requires specific authorization from the Planning Commission and City Council.

The site plan includes two permanent activities within the 7,694 square feet of natural features open space, a new fire hydrant and an access easement along the creek, and temporary activity to remove existing encroachments in the buffer such as perimeter fencing and drainage pipes. The fire hydrant will occupy 30 square feet. The area of encroachment from the access easement is still being determined.

Landscaping, Screening, Buffers – A conflicting land use buffer (CLUB) is required, and proposed, along the north and east sides of the site. The CLUB consists of a buffer at least 15 feet wide, plantings and a wall.

Right-of-way screening is required, and proposed, where the surface parking spaces are visible from Broadway Street and Maiden Lane.

Vehicular use area landscaping is also required, and proposed, for the driveways and surface parking spaces. The amount of required vehicular use area landscape area necessitates that half of the area be designed as depressed bioretention area. However, given the existing underground contamination, the applicant is requesting a [Landscape Modification](#) to waive this requirement. The full amount of vehicular use area landscape area is proposed, but none will be depressed bioretention.

Storm Water Management – The Washtenaw County Water Resources Commissioner has jurisdiction for storm water management on this site at it is adjacent to a county drain (Traver Creek) and contains more than one building.

Management of a 100-year storm event volume, plus an additional 20% capacity because infiltration of stormwater to the ground is not permitted, is proposed by a system of catch basins, pipes and underground tanks.

Building Design and Materials – The site plan calls for current architectural style buildings with several stacked and overlapping components. Each building features different applications of metal and cementitious panels, brick and stone. All have flat roofs, large windows and include projecting balconies. The applicant will present a [project portfolio](#) to the Planning Commission .

Brownfield Plan – Environmental assessments show metals and volatile organic compounds (VOC) in soil and groundwater throughout the site. The type of contamination is associated with gasoline stored in underground storage tanks and dry cleaning uses, both of which were located on the site. Recent investigations indicate the plume has migrated southeast off the property and past Nielsen Court. The applicant proposes to reduce or eliminate the threats to human health and the environment by project design elements and planned response actions. These elements and actions include using vapor-intrusion mitigation systems and open-air parking structures, removal of about 6,000 tons of contaminated soil or source material, construction of a building or pavement over most of the contaminated soil (reducing rain infiltration and contaminant concentrations in groundwater), and installing a zero-valent iron permeable reactive barrier to intercept and significantly reduce pollution concentrations in groundwater migrating off the site.

SITE PLAN DATA ANALYSIS:

		PROPOSED	REQUIRED/ PERMITTED
Zoning District		C1A/R with Conditions	C1A/R
Lot Area		279,222 sq ft (6.4 acres)	None
FAR (Floor Area as % Lot Area Ratio)		284%	300% MAX
Floor Area		793,180 sq ft	836,352 sq ft MAX
Setbacks	Front (Maiden Lane)	Building B = 7 ft* Building C = 5 ft * *Planned Project Modifications Requested	10 ft MIN
	Front (Broadway)	Building A = 2 ft* (pool wall), 18 ft (building) Building C = 3 ft* *Planned Project Modifications Requested	10 ft MIN
	Front (Nielsen Ct)	Building B = 10 ft (generator screen wall = 3 ft)	10 ft MIN
	Side (east)	20 ft* *Planned Project Modifications	53 ft 9 in MIN (equal to abutting district requirement: 12 ft + 357 in due to 288' building length + 145 in due to 83.5' building height)
	Rear (north)	48 ft* *Planned Project Modifications Requested	62 ft 8 in MIN (equal to abutting district requirement: 30 ft + 321 in due to 264 ft building width + 72 in due to 48.5 ft building height)
Height		Building A = 83.5 ft (5 to 7 stories) Building B = 82.5 ft (6 stories) Building C = 83 ft (5 to 7 stories)	None
Vehicle Parking		573** ** Variance Requested	622 MIN Residential: 607 MIN Retail: 15 MIN, 17 MAX

	PROPOSED	REQUIRED/ PERMITTED
Bicycle Parking	653 (607 Class A, 46 Class C)	124 MIN (49% Class A, 1% Class B, 50% Class C) Residential: 122 MIN (A-61, C-61) Retail: 2 MIN (B-1, C-1)
Open Space	38% (106,722 sq ft, including 17,860 sq ft active open space and 13,068 sq ft natural feature buffer open space)	None (except 25 ft natural feature buffer open space along Traver Creek watercourse)

LAND USE ANALYSIS (SURROUNDING LAND USES AND ZONING):

	LAND USE	ZONING
NORTH	Residential (Single, Two-Family and Multiple-Family)	R4A (Multiple-Family Dwelling)
EAST	Multiple-Family Residential	R4A
SOUTH	Commercial, University	C3 (Fringe Commercial) R4C (Multiple-Family Dwelling)
WEST	Commercial	C1 (Local Commercial) PL (Public Land)

CITIZEN PARTICIPATION:

The applicant held a meeting for citizens regarding the proposed rezoning and site plan on February 8, 2017 and provided a [summary report](#) as required. Approximately 80 people attended the meeting.

PLANNING HISTORY:

Lower Town is one of the City’s oldest neighborhoods. In 1828, the first Broadway Bridge was built over the Huron River, connecting pioneer settler Anson Brown’s “Lower Town” on the north side of the river with original founders John Allen and Elisha Rumsey’s “Upper Town” on the south side. For a short period of time, Lower Town thrived as the commercial center of the city. Its prominence weaken when Mr. Brown passed away, and the train station and the University of Michigan were established on the south side of the river. A Kroger store opened on Broadway in the 1960s and was the center of commercial activity for Lower Town until it closed in the late 1990s. In 2003, a Planned Unit Development zoning district and site plan were approved for a mixed-use urban village that included multiple buildings and uses such as retail, residential, office, structured and surface parking, and public uses.¹

Just before the site was completely demolished in 2007 to prepare for the Broadway Village at Lower Town development, it contained 12 buildings and 346 parking spaces, including a (former) Kroger grocery store, a bank, specialty food and retail shops, a self-service laundry, a Mr. Pita restaurant, a dry cleaners, an auto parts and repair shop, a car wash, and a residence. Most of those structures predated site plan requirements, although many subsequent site plans for additions and parking lots reconfigurations were approved in the 1970’s, 1980’s, and 1990’s.

¹ Page 44, Chapter Six, Land Use Element, Master Plan.

CITY MASTER PLAN:

Seven documents constitute the elements of the City Master Plan:

1. Sustainability Framework (2013)
2. Land Use Element (2009)
3. Downtown Plan (2009)
4. Transportation Plan Update (2009)
5. Non-motorized Transportation Plan (2007) and Update (2013)
6. Parks and Recreation Open Space Plan (2016-2020)
7. Natural Features Master Plan (2004)

Chapter Six of the [Master Plan: Land Use Element](#) is devoted to Lower Town, which is roughly centered around the intersections of Broadway, Plymouth Road, and Maiden Lane. Chapter Six includes a discussion on the issues facing Lower Town, a vision, specific land use recommendations and design guidelines.

Detailed Land Use Recommendation – The proposed site is within, and is the largest component of, the “Village Center of Lower Town.” In the land use recommendation/design guidelines for the Village Center, the proposed site is identified as “The Former Kroger Site.” Its detailed land use recommendation and the Village Center Design Guidelines begin on page 51. In summary, the detailed recommendation calls for a mixed-use urban village including residential (both apartments and townhomes), offices, retail and public areas. Only residential uses are encouraged abutting Traver Creek. Building heights and massing should start low near the creek and increase to mid-rise or slender high-rises on Maiden Lane. Low is defined as two to four stories, mid-rise is defined as five to eight stories and any slender high-rise should be modeled after the Washington Square Building (200 E. Washington), the First National Building (201 S. Main) or the Glazier Building (100 S. Main). A PUD district is recommended for the future zoning designation.

Design Recommendation – Design guidelines throughout Lower Town provide recommendations for building height; Traver Creek; transportation analysis; pedestrian and bicycle facilities; parking facilities; design amenities, elements and materials; landscaping, lighting and signage; and underground utilities. In addition, some specific design guidelines are offered for the Village Center area of Lower Town. In summary, buildings should be more slender than massive and more vertical than horizontal. Pedestrian, bicycle and transit access should be of primary importance. On-site parking should be provided under buildings or in parking structures. Design amenities, elements and materials should identify Lower Town as a special place.

REZONING ANALYSIS:

Changes to the text or map of the Zoning Ordinance (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Sections 5:107 and 5:108. To assist the Planning Commission and City Council with their decision, applicants provide a [petition](#) with justifications in support of the request. The petition addresses:

1. The extent to which the rezoning is necessary.
2. How the rezoning will affect the public welfare and property rights of persons located in the vicinity.
3. How the rezoning will be advantageous to the City.

4. How this particular location will meet the convenience and service requirements of potential users and occupants.
5. Any changed or changing conditions in any particular area, or in the City generally, which may have bearing on the request.
6. Other circumstances and factors which further justify the request.

With a conditional rezoning, the Planning Commission has the authority to review the offered conditions against the rezoning standards to ensure that such standards are met. The Planning Commission may recommend approval with the conditions as submitted, may recommend approval with revised conditions provided that the revised conditions are voluntarily offered by the applicant, or may recommend denial of the rezoning.

Staff Comments – It has been noted that the proposed site is not in the shadows of the University of Michigan Central Campus and therefore the requested rezoning to C1A/R (Campus Business Residential) district is not appropriate. However, this zoning request should not be dismissed simply because of the name of the proposed district.

The C1A/R district was originally a companion to the C1A (Campus Business) district and its intent is integrally related to the C1A. When the current zoning format was adopted in 1963, residential uses were not permitted in commercial districts. Later, so-called “slash R” districts were created for most commercial districts as companions to allow both commercial and residential mixed use buildings. The C1A/R is “designed to encouraged the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district.”² Then, residential uses were added to the commercial districts (while the slash-R districts remained).

In general, all of the C1 districts (C1, C1A, C1A/R, C1B) are designed to allow mixed uses to serve the residents within and nearby to that particular district location. Retail shops ideally providing goods necessary for day-to-day needs, as described in the C1 district intent, are permitted. Business, financial, medical and dental offices are also permitted. And, all forms of residential, including single and two-family, townhouses, and multiple-family apartments are permitted.

The primary difference between the various C1 districts is scale and location. The C1 and C1B districts allow 100% or 150% FAR, respectively, and have height limits of 3 and 4 stories. Although exceptions abound, these districts were designed to be pedestrian-oriented but still accommodating to cars, small commercial nodes throughout the city, well outside of downtown.

The C1A and C1A/R districts respectively allow 200% and 300% FAR. Neither has a height limit. These two districts were established to enable downtown-like development surrounding the University of Michigan campus at a time when downtown Ann Arbor solely meant the Main Street shopping district, and there was only one central campus. Today, downtown encompasses 66 blocks – including the Main Street, East Liberty Street corridor, South State Street, Kerrytown and South University areas. The University of Michigan now has North, Central, South and Medical campuses.

For reference, other commercial districts beside the C1, C1A, C1A/R, and C1B districts in the City include:

² Zoning Ordinance, Chapter 55, Section 5:10.18(1)

- C2B (Business Service) – intended for auto-oriented commercial uses that are not appropriate within, but need to be nearby, downtown)
- C3 (Fringe Commercial) – intended for auto-oriented, big box shopping centers and commercial services such as auto repair that are not suitable adjacent to residential neighborhoods).
- D1 (Downtown Core) – intended for mixed-use, pedestrian-oriented, shopping, entertainment and employment
- D2 (Downtown Interface) – intended as an extension and transition between the Downtown Core and its surrounding residential neighborhoods

ZONING DISTRICT COMPARISON				
	EXISTING	PROPOSED	OTHERS	
Zoning District	PUD (Broadway Village at Lower Town)	C1A/R (Campus Business Residential)	R4E (Multiple-Family Dwelling)	D2 (Downtown Interface)
Intent	To provide for the coordinated and unified re-development of 10 parcels of land, which currently contain a variety of land uses in multiple zoning districts. These [supplemental] regulations seek to promote development of a complex of multiple-story, mixed-use buildings and a predominance of structured parking within a pedestrian-oriented neighborhood center, which will provide services to and be compatible with surrounding single- and multiple-family residential neighborhoods, a historic commercial district, and a major medical center.	This district is designed to encourage the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district.	The R4E multiple-family dwelling district is intended to permit high-density, multiple-family development along signature transit corridors, as identified in the city's Master Plan, with nearby access to public land, schools, shops and personal services outside the DDA boundary. The elements of land use planning and site design should be such as to ensure that the impact of such intensity of land use on adjacent property and on the community as a whole is minimized.	These districts [D1 and D2], in coordination with the downtown character overlay zoning districts, are designed to support the downtown as the city's traditional center. The downtown serves both the region and the local residents as a place to live, work, and take advantage of civic, cultural, educational, shopping, and entertainment opportunities. The downtown districts are intended to allow a mixture of land uses, dense urban development, pedestrian orientation, unique residential opportunities, and a compatible and attractive mix of historic and contemporary building design. Development in these districts is designed to be accessible by a variety of modes of transportation. D2 – This district is intended to be an area of transition between the Core and surrounding residential neighborhoods. This district is intended for medium density residential and mixed-use development.
Lot Area	District shall be 6.4 acres.	No MIN	14,000 sq ft MIN	No MIN

ZONING DISTRICT COMPARISON				
	EXISTING	PROPOSED	OTHERS	
Zoning District	PUD (Broadway Village at Lower Town)	C1A/R (Campus Business Residential)	R4E (Multiple-Family Dwelling)	D2 (Downtown Interface)
Density or FAR	235% FAR MAX	300% FAR	75 dwelling units per acre MAX (580 sq ft lot area per unit MIN)	200% FAR MAX
Floor Area or Units	655,142 sq ft MAX	836,352 sq ft MAX	480 units MAX	557,568 sq ft MAX
Setback: Front	None to 10 feet MIN	10 ft MIN	15 ft MIN, 40 ft MAX	0 to 15 ft MIN depending on street frontage designation
Setback: Side	10 ft MIN (SE boundary)	None if abutting nonresidential district, or equal to abutting R district if so	10 ft MIN plus additional for long buildings	None if abutting nonresidential district, or 5, 10, or 40 ft MIN if abutting R district depending on character overlay district
Setback: Rear	60 ft MIN (NE boundary)	None if abutting nonresidential district, or equal to abutting R district if so	30 ft MIN plus additional for wide buildings	None if abutting nonresidential district, or 5, 20, 30, or 40 ft MIN depending on character overlay district
Building Spacing	As required by Fire Code	As required by Building and Fire Codes	20 ft MIN	As required by Building and Fire Codes
Height	35 ft/3 stories MIN & Building A = 90'6 story MAX B = 85'6 story MAX C = 65'5 story MAX D = 40'-50'3-4 story MAX E = 55'4 story MAX F = 85'6 story MAX G = 60'4 story MAX	Normally none, proposed 70'5 story MAX within 70 ft of Traver Creek, otherwise 90 ft/7 story MAX	None	60ft MAX
Open Space	39,800 sq ft MIN in three distinct areas as shown on plan (1% of site)	None	40% MIN	10% MIN
Mixed Use	20% retail use MAX in Building A 35% residential use MIN in Buildings B, C, D, E and G combined	No MIN or MAX use standards	100% residential use	No MIN or MAX use standards

The Land Use Element recommendation for the site calls for a *mixed-use urban village*. The recommendation assumes a zoning designation with a high floor area ratio and thus devotes the majority of the text to the precise mix of uses, the site layout, design principles, and specific elements to include in that urban village. The C1A/R district, with its 300% FAR, unlimited

height, shallow front setbacks, and generous side and rear setbacks (because they must equal the adjacent zoning requirements) can fulfill the recommendation for a mixed-use urban village.

Staff's zoning district comparison chart illustrates that the C1A/R district is compatible with the current PUD district and is likely the most appropriate zoning designation among the established commercial districts.

PLANNED PROJECT MODIFICATIONS ANALYSIS:

Planned project modifications provide an added degree of flexibility in the placement and interrelationship of buildings. Modifications to the area, height and placement requirements may be approved if the project would result in the preservation of natural features, additional open space, greater building or parking setbacks, energy conserving design, preservation of historic or architectural features, affordable housing, or a beneficial arrangement of buildings.

In this case, planned project modifications are requested to allow reduced setbacks as listed below. The [application](#) indicates the modifications will help to achieve the objectives of the development program activating the street frontage, strengthen urban character, enhance retail space access and visibility, optimize open space, and allow for appealing, harmonious architecture.

Setback	Requested	Required
Building A (patio enclosure) front setback	2 ft	10 ft minimum
Building A side setback	20 ft	53 ft 9 in minimum
Building A rear setback	48 ft	62 ft 8 in minimum
Building B front setback	7 ft	10 ft minimum
Building B front setback (generator enclosure)	2 ft	10 ft minimum
Building C front setbacks	3 ft (Broadway front) 5 ft (Maiden front)	10 ft minimum

The Planning Commission may recommend approval and City Council may approve modifications based on compliance with the following standards:

1. The lot(s) included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located.
2. The proposed modifications of zoning requirements must provide one or more of the following: a) excess open space; b) excess building or parking setbacks; c) exceeding natural feature preservation requirements; d) preservation of historical or architectural features; e) solar orientation or energy conserving design; f) an arrangement of buildings that provides a public benefit; g) affordable housing; h) permanent open space in the R1A district.
3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.
4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.

5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 and 62.
6. The standards of density, allowable floor area and required open space for the zoning district(s) in which the project is located must be met.
7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

Staff Comments – Staff support the planned project modifications for all requested setbacks except Building A pool enclosure. The other planned project modifications will provide an arrangement of buildings that provides a public benefit (per item 2f above). However, allowing a solid 8-foot wall to enclose a private cabana and pool 2 feet from the front property line – hence 2 ½ feet from the public sidewalk – is not a pedestrian-friendly feature, does not activate the streetscape, and is not appealing or harmonious architecture to anyone outside of the development.

LANDSCAPE MODIFICATION ANALYSIS:

Flexibility in the application of the landscaping or screening requirements may be allowed if certain conditions are met, per Section 5:608(2) of Chapter 62, which include approval by Planning Commission or City Council and being associated with at least one of seven specific situations (Section 5:608(2)(c)(i)-(vii)). Applicants must provide a statement of justification identifying which site conditions warrant the requested modification and how the modification meets the intent of the ordinance.

The applicant has requested to waive Section 5:602(2)(g), requiring at least 50% of the area in the required interior landscape area be depressed bioretention areas and used for storm water management. As stated in the [application](#), the specific site conditions that necessitate this request are the presence of soil and groundwater contamination. Infiltration of storm water is not permitted. The proposal meets the spirit and intent of the landscaping ordinance by still providing all required interior landscape area and the planting plan exceeds the minimum code requirements.

NATURAL FEATURE OPEN SPACE ACTIVITY AUTHORIZATION ANALYSIS:

The Planning Commission, upon review and public hearing, may grant authorization for an activity within the natural feature open space upon the determination that the proposed activity is in the public interest, and the at the benefit which would reasonably be expected to accrue from the proposal shall be greater than the reasonably foreseeable detriments of the activity, per Section 5:51(6) of the Zoning Ordinance.

The criteria to apply when making this determination is set forth in Section 5:51(6)(a)-(i). On the whole, the criteria seek to balance the detrimental effects from the disturbance activity and the beneficial effects from the entire development.

- a) The relative extent of the public and private need for the proposed activity.
- b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

- c) The extent and permanence of the beneficial or detrimental effect which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature open space provides.
- d) The probable impact of the activity in relation to the cumulative effect created by other existing and anticipated activities in or near the natural feature to be protected.
- e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and public health.
- f) The size and quantity of the natural feature open space being considered.
- g) The amount and quantity of the remaining natural feature open space.
- h) Proximity of the proposed activity in relation to the natural feature, taking into consideration of the degree of slope, soil type and the nature of the natural feature to be protected.
- i) Economic value, both public and private, of the proposed activity and economic value, both public and private, if the proposed activity were not permitted.

The applicant's statements regarding the criteria for authorization of natural feature open space activity are provided on page 15 of their [March 22, 2017 response letter](#) and page 15 of their [May 1, 2017 response letter](#) to staff.

Staff Comments – The temporary activity to remove existing encroachments and the permanent activity to place a new fire hydrant, occupying 30 of the 7,694 square feet, both are more beneficial to the city than their detrimental effects to the buffer or the Traver Creek watercourse.

Regarding the proposed access easement across a portion of the buffer, staff do not believe that benefit will outweigh the detrimental effects to the buffer and the watercourse from people (and possibly their pets) in such close proximity to Traver Creek. The 279,222-square foot site has ample room to include both a mixed-use urban village with formal sidewalks and informal pathways throughout without encroaching into the 25-foot wide, 7,964-square foot buffer along the creek. This proposed permanent activity will also ensure a future, permanent activity into the 25-foot required buffer extending onto the adjacent site should that multiple-family development ever be redeveloped. Staff does not support the permanent activity of placing a public access easement over any portion of the natural feature open space.

SERVICE UNIT COMMENTS:

Planning – Staff have expressed two fundamental concerns to the applicant. First, the buildings are broad and massive rather than slender. Second, the development is essentially a single use – residential – with accessory retail space, not a mixed-use center. The applicant responded to staff's concerns in a [detailed response](#) on May 1, 2017 articulating how they believe site plan closely adheres to the vast majority of Master Plan's suggestions. While the applicant respectfully disagreed with staff's comments, we feel that these issues remain and should be discussed by the Planning Commission.

The subject site is certainly appropriate for a mixed-use urban village. Having high-density residential and meaningful retail uses is exactly in keeping with the future land use recommendation and will further many of the goals for more housing in general and more housing choices and more housing in close proximity to major employment centers, for sustainable development, to reduced need for personal vehicles and increase transit use. The particular location of this site, in proximity to job centers, helps to achieve these goals.

Staff do emphasize that our concerns are almost entirely related to the proposed site plan and specifically with the proportions of proposed uses and building massing. With input from the Planning Commission following a public hearing, the proposed development could be an outstanding example of a mixed-use urban village.

Other Service Units – Several other service units have requested additional revisions to the site plan or are still reviewing the proposal including the floodplain coordinator, the forestry and natural resources coordinator, engineering staff, the solid waste and recycling coordinator, the land development coordinator, and the city traffic engineers. Given the size and complexity of the proposed development, staff feels it would be appropriate to begin deliberation while these reviewed are completed.

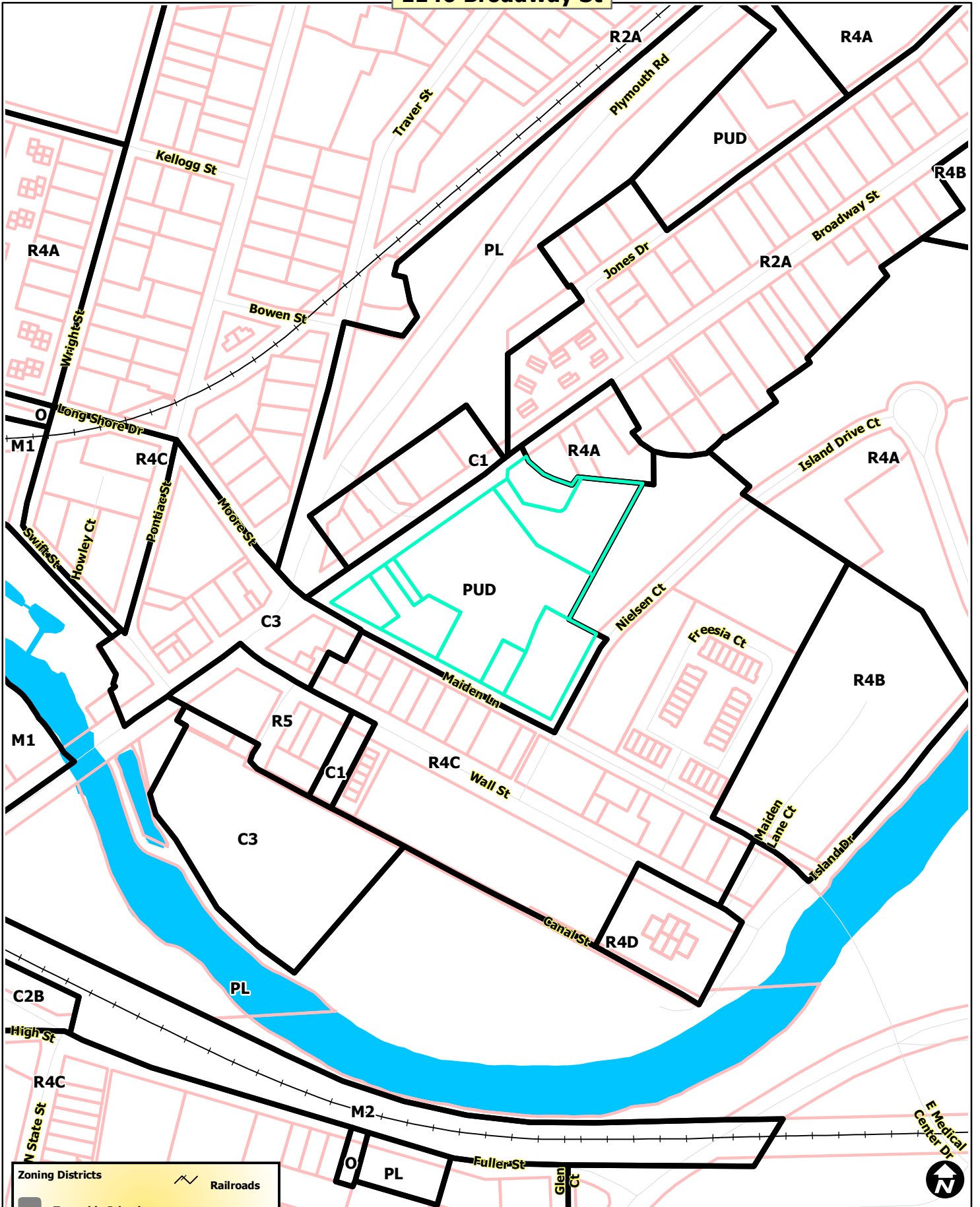
Prepared by Alexis DiLeo
Reviewed by Brett Lenart
6/30/17

Reference Documents: [Broadway Village at Lower Town PUD Supplemental Regulations Conditional Zoning Offer Site Plan \(#3\)](#)
[Traffic Impact Study](#)
[Landscape Modification Petition](#)
[Project Portfolio for Presentation](#) (development renderings)
[Citizen Participation Report](#)
[Master Plan: Land Use Element](#)
[Rezoning Petition](#)
[Planned Project Modification Petition](#)
[Landscape Modification Petition](#)
[March 22, 2017 Response Letter](#) (including NFOS statements)
[May 1, 2017 Response Letter](#) (including NFOS statements)

Attachments: Zoning Map
 Aerial Photo

c: Ron Mucha, Morningside Lower Town, LLC (Owner)
Tom Covert, Midwestern Consulting, LLC (Petitioner's Agent)
Systems Planning
Project No. SP17-009, Z17-003

1140 Broadway St



Zoning Districts	Railroads
Township Islands	Huron River
City Zoning Districts	Tax Parcels





Map date 1/20/2017
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1140 Broadway St



 Railroads



 Tax Parcels



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1140 Broadway St



 Railroads
 Tax Parcels



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