

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For the Planning Commission Meeting of August 17, 2021**

**SUBJECT: Mill Creek Townhomes Rezoning and Site Plan for City Council Approval  
with Landscape Modifications  
3002 Chelsea Circle  
Project Nos. Z21-005, SP21-017**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Mill Creek Townhomes Rezoning from R3 (Townhouse Dwelling) to R4B (Multiple-Family Dwelling).

**PROPOSED CITY PLANNING COMMISSION MOTION**

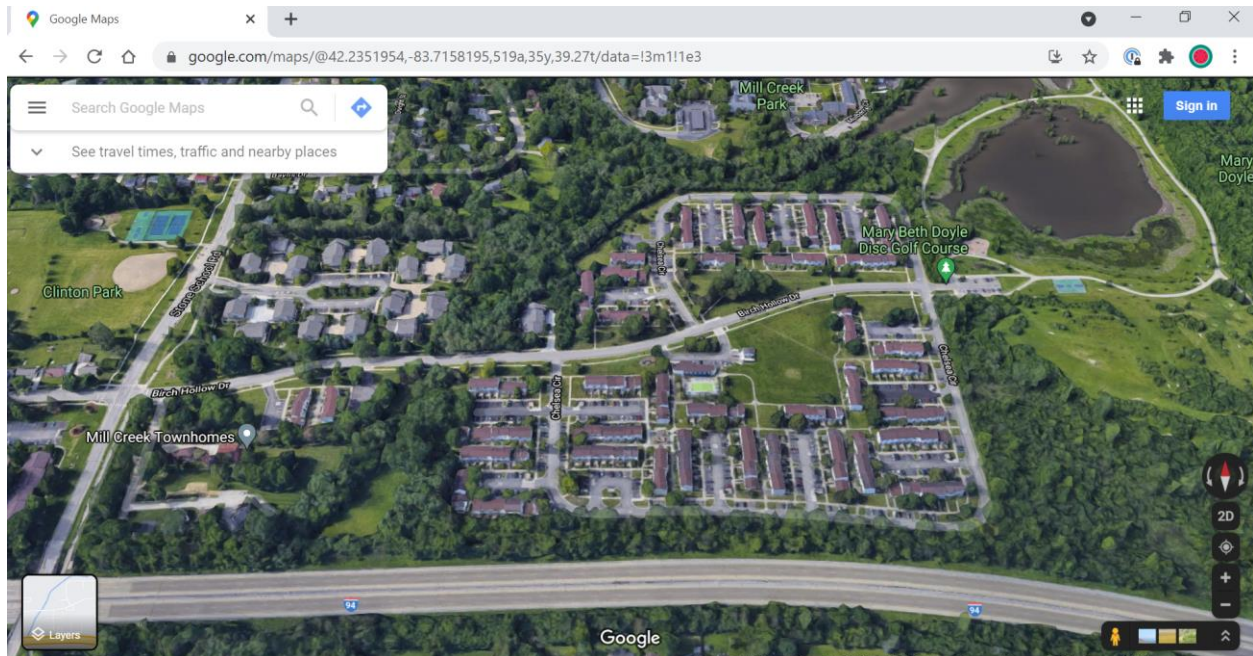
The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Mill Creek Townhomes Site Plan with Landscape Modifications to allow landscape elements which are part of a previously approved site plan be maintained and continued as nonconforming in areas where no alterations are proposed, subject to a variance granted by the Zoning Board of Appeals for EV parking spaces.

**SUMMARY:**

Two related applications have been submitted for approval. First, a petition to rezone this 32.6-acre site from R3 (Townhouse Dwelling) to R4B (Multiple-Family Dwelling). Second, a proposed site plan to construct an additional 102 dwelling units in four buildings, and demolish and rebuild the community center. Landscape modifications are requested to allow required improvements to be limited to the areas adjacent to the new buildings. A variance from the Zoning Board of Appeals is necessary for some EV parking spaces.

**LOCATION:**

The site is located on Birch Hollow Drive, east of Stone School Road and north of I-94.



### STAFF RECOMMENDATIONS:

Staff recommends that the **rezoning** petition be **approved** because the proposed district is compatible with the existing and proposed uses and the Master Plan future land use recommendation, and is compatible with the surrounding land uses and zoning districts.

Staff recommends that the **site plan**, including **landscape modifications** to allow landscape elements which are part of a previously approved site plan be maintained and continued as nonconforming where no alterations are proposed, be **approved with the condition that all outstanding staff comments are satisfactorily addressed** prior to scheduling for City Council approval because, with the modifications, the contemplated development complies with all applicable state, local and federal laws, 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 the public health, safety or welfare. The landscape modifications meet the approval criteria set forth in Section 5.20.2 and are included in the motion of the approving body.

### REZONING PETITION:

**Description** – The site is currently zoned R3 (Townhouse Dwelling). It is a multiple-family residential zoning district that allows dwelling units side-by-side, up to 10 dwelling units per acre. Rezoning to R4B (Multiple-Family Dwelling) is requested. The R4B

district allows multiple-family dwellings in any configuration, up to 15 dwellings units per acre.

**Comprehensive Plan Recommendation** – The [City Comprehensive Plan](#) includes 8 elements, adopted individually between 2009 and 2021, and together by resolution in 2015. Together, the City Comprehensive Plan elements seek to guide the City towards sustainability, conservation, and increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets. The Land Use Element recommends “single family attached” for this site.

**Standards for Approval** – Changes to the text or map of the Unified Development Code (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Section 5.29.9. To assist the Planning Commission and City Council with their decision, applicant submitted a rezoning petition with justifications in support of the request. The petition, available [here](#) and attached, 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.

**Staff Comments** – Staff acknowledge that the future land use recommendation is for single-family attached use, and thus essentially no change or meaningful redevelopment of the site. However, the proposed rezoning is in keeping with and furthers the first four land use goals provided in Chapter 5 of the Land Use Element:

Goal A: To ensure that development projects are designed and constructed in a way that preserves or enhances the integrity of natural systems.

Goal B: To promote land use designs that reduce reliance on the automobile.

Goal C: To provide a full range of housing choices (size, price, design, accessibility, etc.) that meets the existing and anticipated needs of all City residents.

Goal D: To support the continued viability, health and safety of City residential neighborhoods.

As noted in the comparison chart below, the R3 and R4B districts share many standards. Both districts have the same standards for setbacks and normal height. Where the standards are different, the differences are not significant. The increased density, and by extension the lesser lot area per dwelling unit and open space

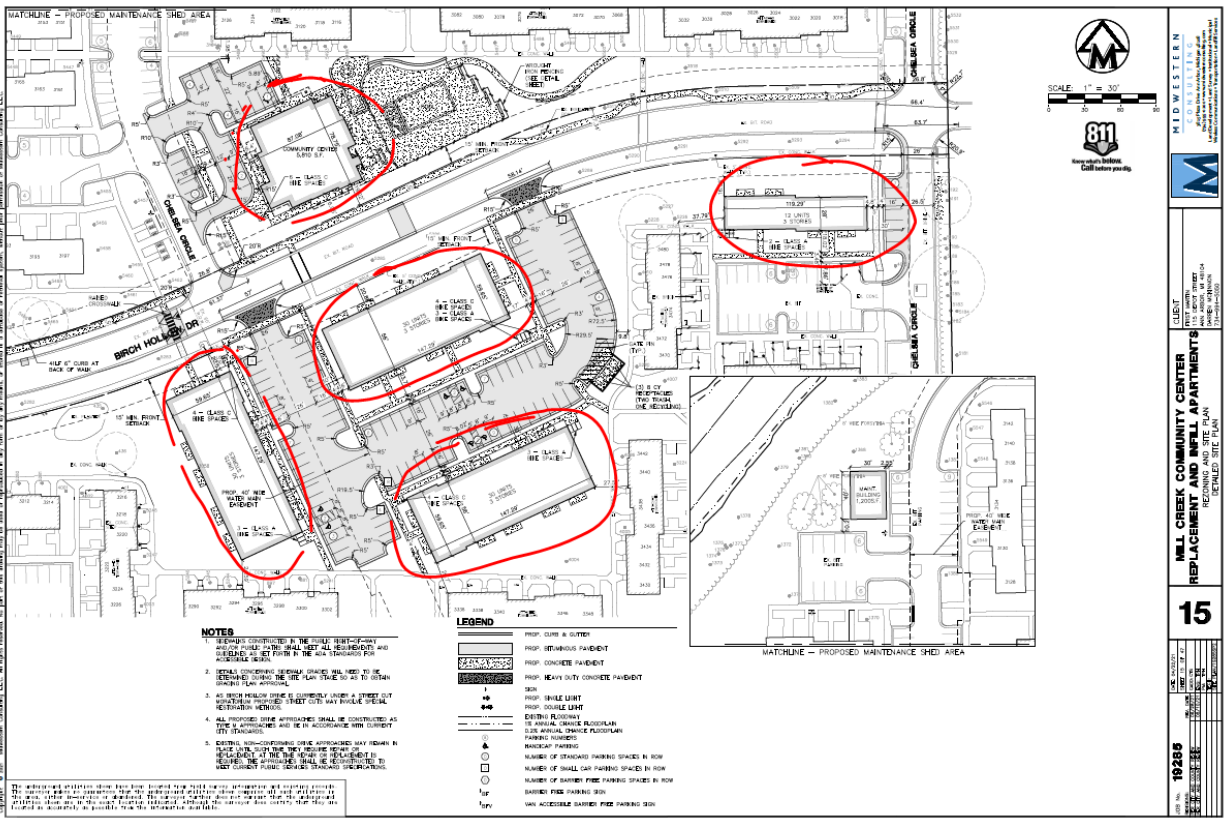
standards, are almost unnoticeable in practice to adjacent neighborhoods. Likewise with the difference in permitted development styles., Allowing attached dwellings one above the other and with shared entrances in addition to the side-by-side dwellings with individual access will be almost indistinguishable outside of the development and has the potential to provide units with more accessibility benefits (single-story units, elevators possible, etc.).

Supporting this rezoning application has many benefits in terms of achieving the land use goals of the Comprehensive Plan with no detriment from deviating from the future land use recommendation. Staff recommends approval.

<b>Zoning District Notable Metrics Comparison</b>		
	<b>R3</b>	<b>R4B</b>
Intent	Attached dwelling units side-by-side in low-density multiple-dwelling fashion for infill in established areas and new developments on perimeter of City	Attached dwellings arranged one above the other or side-by-side on small tracts for infill or medium tracts for moderate-sized new development
Max. Density (dwelling units/acre)	10	15
Minimum Lot Size (of site)	21,780 sq. ft.	14,000 sq. ft.
Minimum Lot Area per Dwelling Unit	4,300 sq. ft.	2,900 sq. ft.
Minimum Open Space	65%	55%
Required Setbacks, Front	Min 15 ft. Max. 40 ft.	Min. 15 ft. Max. 40 ft.
Maximum Height	35 ft.	35 ft. or 45 ft. with parking underneath

**SITE PLAN APPLICATION:**

**Description** – Mill Creek Townhomes was annexed, zoned R3 (Townhouse Dwelling), and developed in the 1970s. The site currently contains a 281-unit townhome development divided approximately in half by Birch Hollow Drive, a public road. Four new apartment buildings are proposed on the south side of Birch Hollow Drive in an open area of the site. The existing clubhouse, near this open area, will be demolished and a 5,000-square foot community building with pool will be built on the north side of the site. The proposed buildings are circled in red on the detailed site plan insert below.



- **Landscape Modifications** – Landscape requirements have changed since the original Mill Creek Townhomes site plan was approved and developed. The amount in area of required interior landscape islands has increased, a maximum limit on the run of contiguous parking stalls has been introduced, and connecting and integrating landscape islands into the storm water management system is now required. The entire site must be brought to current standards in order to approve the proposed site plan per Section 5.20.2. However, the applicants have submitted a [landscape modification petition](#) to allow the existing conditions to remain in all areas outside of the immediate work area. The parking areas shaded gray on the detailed site plan insert above will comply with all current landscape standards. Per Section 5.30.2.A.2.g, “landscape elements which are part of a previously approved site plan may be maintained and continued as nonconforming provided no alterations of the existing landscape elements are proposed” through a specific motion of the approving body.
- **EV Parking** – The applicants intend to request a variance from the Zoning Board of Appeals for EV parking for similar reasons as the landscape modification request. EV parking requirements apply to an entire site per Section 5.19.1, and the applicants seek to limit the EV parking requirements to the new parking areas only, shaded gray on the detailed site plan insert above.

**Development Standards Review** – Staff has reviewed the site plan for compliance with all applicable development standards of the R4B district provided in Chapter 55 [Unified Development Code](#). A summary of staff findings is provided in the chart below.

<b>Development Standards Review Summary</b>		
	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
Zoning District	R4B	R4B
Lot Area (Site)	1,420,940 sq. ft. (32.6 acres)	Min. 14,000 sq. ft. (0.3 acre)
Lot Area per Dwelling Unit	3,710 sq. ft. per dwelling unit	Min. 2,900 sq. ft. per dwelling unit
Dwelling Units	383 dwelling units (+102)	Up to 489 dwelling units
Density	11 dwelling units per acre	MAX 15 dwelling units/acre (MIN 2,900 sq. ft./dwelling unit)
Open Space	65% (933,404 sq. ft.)	Min. 55%
Height	35 ft.	MAX 35 ft. or 45 ft. with parking underneath
Front Setback	15 ft. (new buildings)	Min. 15 ft. Max. 40 ft.
Building Spacing	24 ft.	Min. 20 ft.
Vehicle Parking	670 spaces	1 ½ per dwelling unit MIN (575 spaces)
Bicycle Parking	11 Class A new plus 224 existing, 12 Class C new plus 224 existing	1/5 per dwelling unit MIN (77 spaces) with 50% Class A (38) and 50% Class C (39)
EV Spaces	66 EV-C, 28 EV-R, 12 EV-I	65% EV-C (436), 25% EV-R (168), 10% EV-I (67)

**Staff Comments** – At the time this staff report was prepared, some outstanding staff comments remain as described and summarized below. Revised plans are under review and any updates will be provided when and if available.

**Transportation** – The applicant is working to respond to staff comments to show a complete street treatment on Birch Hollow Drive that supports this public street as an All Ages & Abilities bicycle route which includes three pedestrian crosswalks and increased connections between buildings and the public sidewalks. In addition, the applicant is also working to respond to comments on the transportation impact analysis. Revised plans and materials are under review.

Engineering – The applicant is working to respond to staff comments regarding needed easements for small portions of public sidewalk extending beyond the public right-of-way and technical requirements for water service leads and fire hydrant locations. Revised plans are under review addressing these comments.

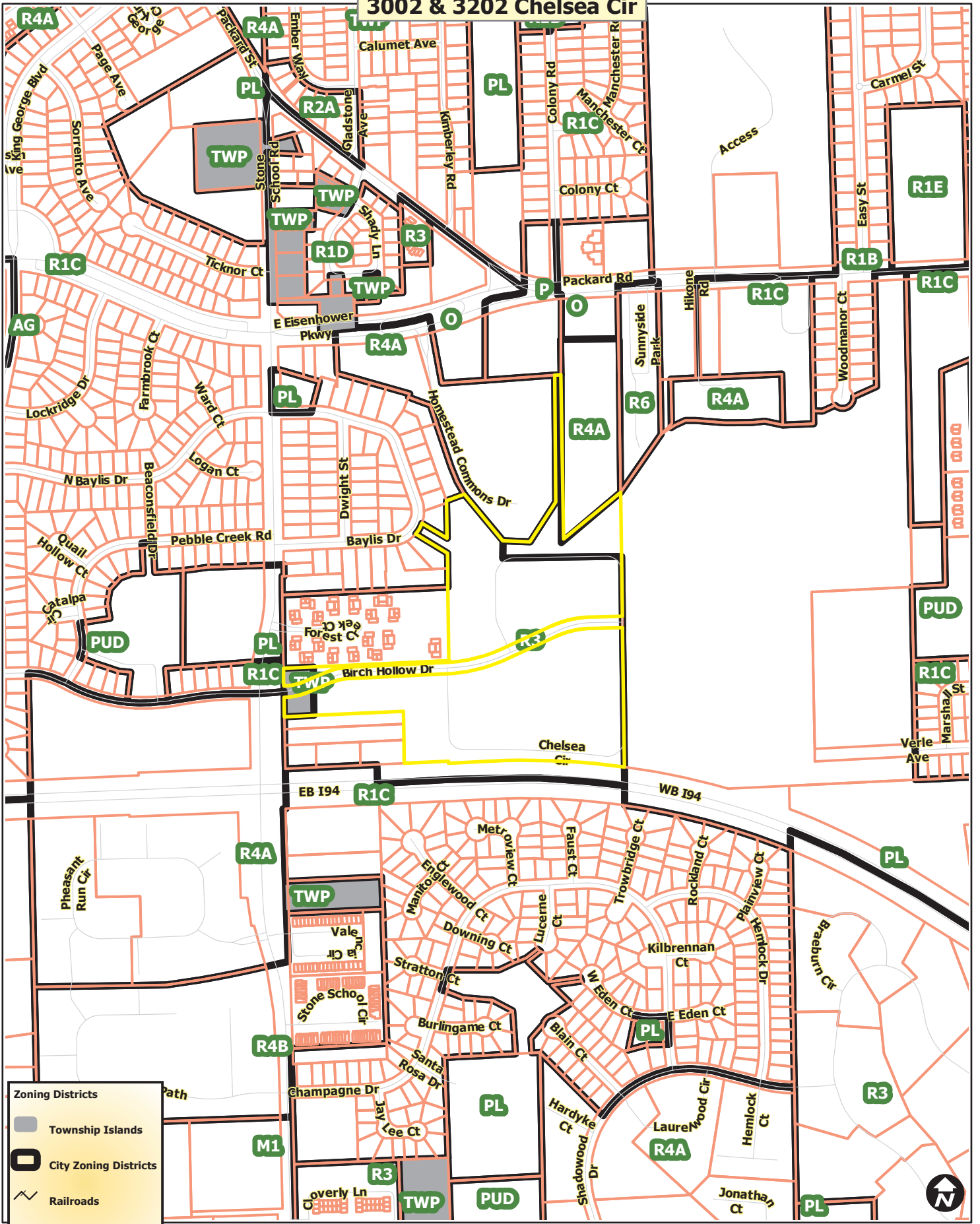
Prepared by Alexis DiLeo  
Reviewed by Brett Lenart  
8/13/21

Attachments: Zoning Map  
Aerial Photo  
[Rezoning Petition](#)  
[Landscape Modification Petition](#)

Links: [Site Plan #3](#)  
[Citizen Participation Report](#)

c: Owner and Applicant – Mill Creek One, LLC; Mill Creek II Associates Limited Partnership; c/o First Martin Corp, 115 Depot St, 48104 (Darren McKinnon, [dmckinnon@firstmartin.com](mailto:dmckinnon@firstmartin.com) )  
Applicant's Engineer – Midwestern Consulting ([tph@midwesternconsulting.com](mailto:tph@midwesternconsulting.com) )  
Development Review Team  
File

# 3002 & 3202 Chelsea Cir

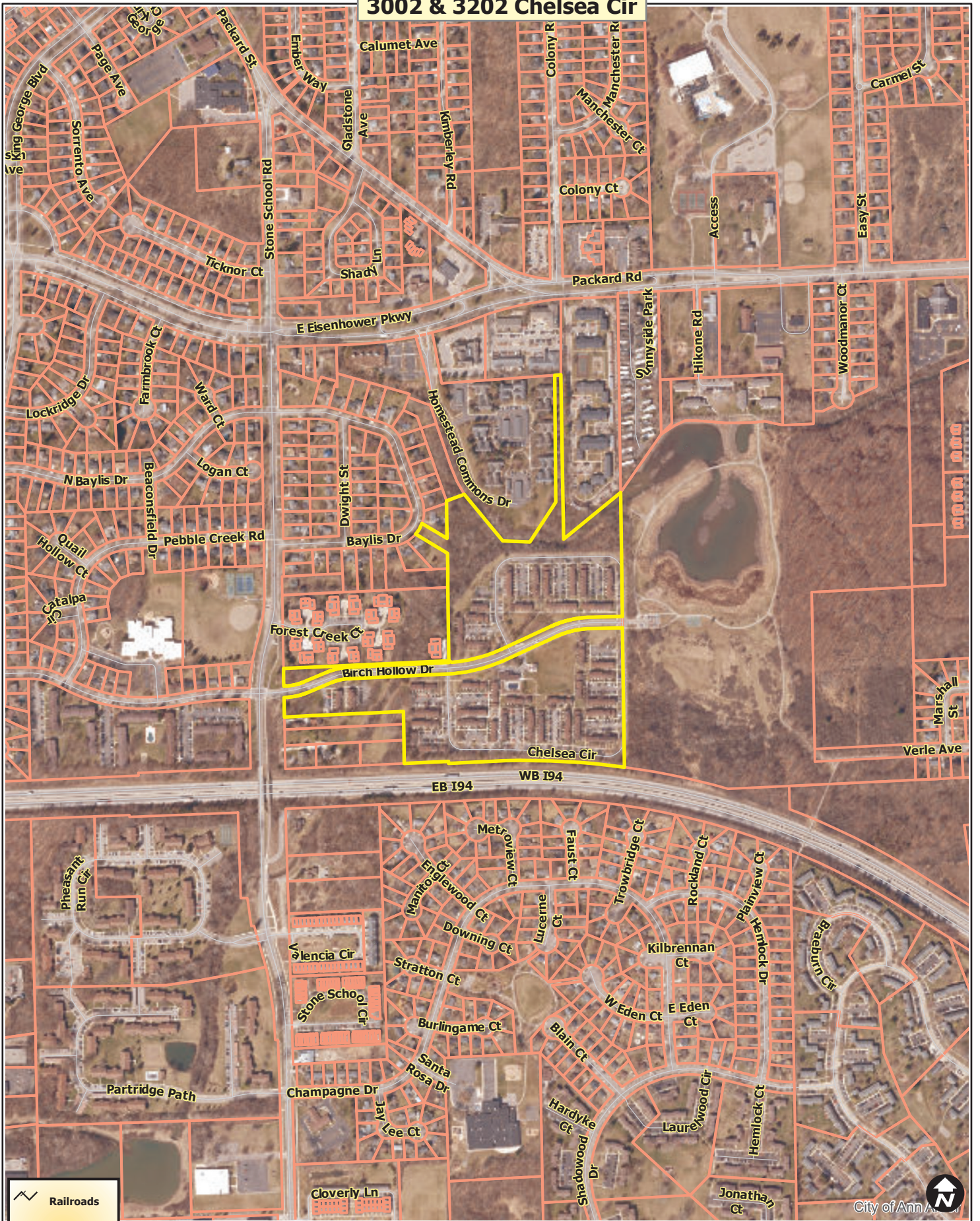





- Zoning Districts
- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels





# 3002 & 3202 Chelsea Cir

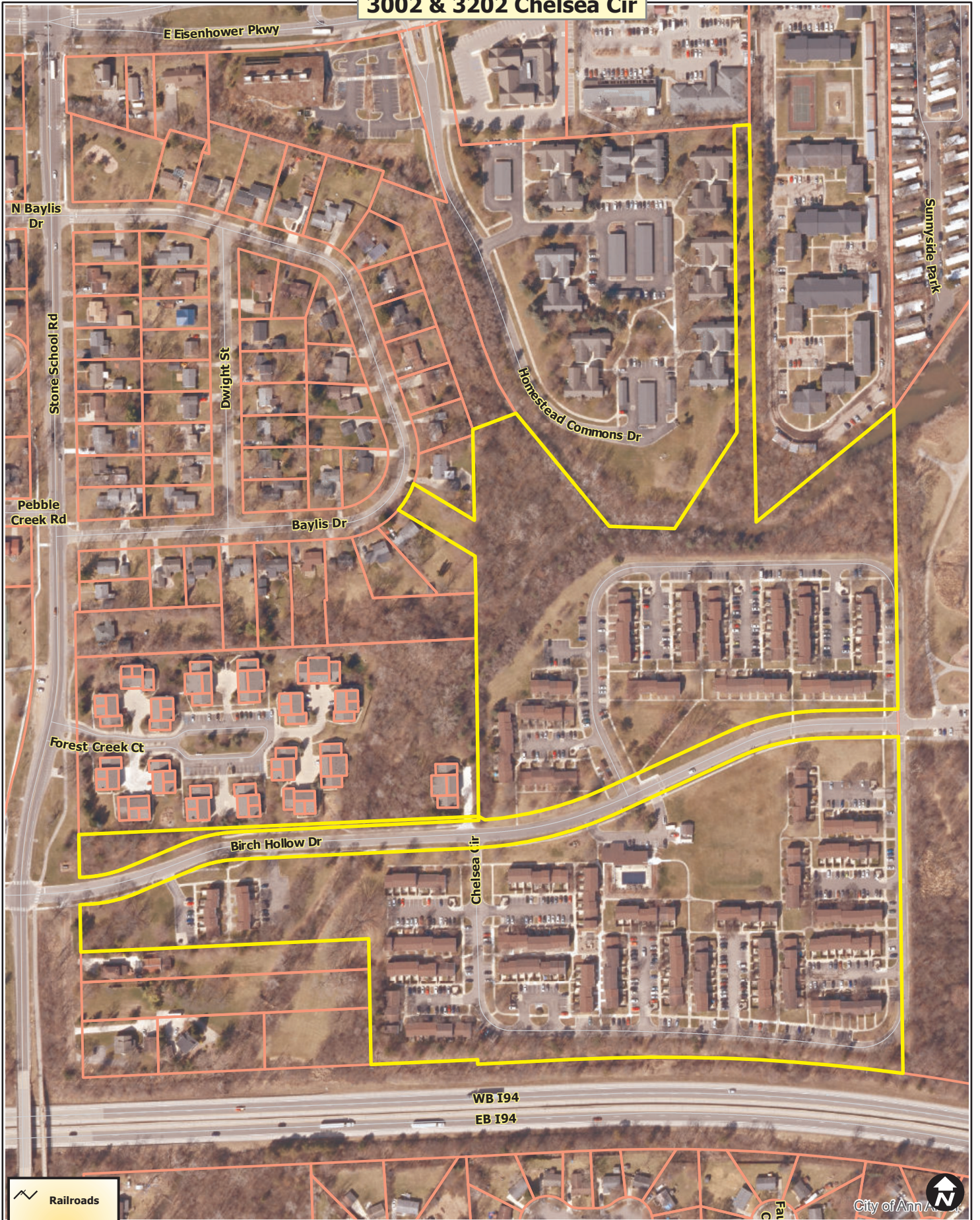


-  Railroads
-  Huron River
-  Tax Parcels



Map date: 2/17/2021  
 Any aerial imagery is circa 2020 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# 3002 & 3202 Chelsea Cir



- Railroads
- Huron River
- Tax Parcels



City of Ann Arbor

Map date: 2/17/2021  
Any aerial imagery is circa 2020 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)