

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 1, 2017 (Revised 7-31)

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 four stories and 60 feet within 70 feet of Traver Creek and eight stories and 100 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 **zoning petition** be **approved** because, with the offer for a height limit for this district location, it is generally consistent with the Master Plan: Land Use Element and is compatible with the surroundings zoning designations and land uses.

Staff recommends that the **site plan petition**, including Planned Project Modifications and Chapter 62 (Landscape) Modifications, subject to receiving a variance for off-street parking from the Zoning Board of Appeals, be **approved** because it complies with all local, state and federal ordinances, standards and regulations; it will not cause a public or private nuisance; and it will not have a detrimental effect on public health, safety or welfare; the development would limit disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the modifications meet the required conditions.

Staff recommends the **authorization for activity** in the natural features open space be **approved** because it is in the public interest and the benefits of the development are greater than the detriments of the activity.

SUMMARY:

Following a public hearing on July 5, 2017, the Planning Commission postponed making a recommendation on proposed petitions so that the applicant could address a variety of issues and concerns, including:

- Potential for future retail expansion
- Proposed residential unit-type mix
- Shade study
- Noise and light pollution
- Alternative massing arrangements
- Sustainability overview
- Bicycle/pedestrian infrastructure
- Potential for office uses
- Traffic calming features
- Details of plaza area
- Details of architectural details and design
- Setbacks to Traver Creek

PROPOSED CHANGES:

The following changes have been made to the proposal, which are further detailed in the petitioner's letter to the Planning Commission and the revised project portfolio. Revised site plans reflecting the proposed changes are pending.

Site Plan – The wings extending north from Building A have been reduced in footprint and height. Building A is now set back at least 45 feet from Traver Creek and the extending wings are four stories. An additional story has been added to the south side of Building A to make up for the reduced height on the north side.

The pool enclosure area on the west side of Building A has been pulled back to provide a 10-foot setback from Broadway Street as required and increased transparency in the enclosure wall is proposed. The corresponding planned project modification request item has been withdrawn.

The proposed ground floor retail space in Building C has been expanded, and still has the capability of further expansion in the future.

A pathway along, but outside of its natural feature buffer, Traver Creek is now proposed.

Planned Project Modifications – The planned project modification petition has been revised as mentioned above. Staff have also clarified the requests, the standards of approval, and analysis below as requested by the Planning Commission.

Natural Features Open Space Activity – The proposed natural features open space activity has been revised as alluded above. No permanent activity is proposed within that buffer, but the temporary activity related to removing the existing encroachments and installing a new fire hydrant remain.

Zoning – The offer to condition the zoning designation with a maximum height restriction has been [revised](#) to accommodate the increased height of Building A.

Additional Information – The [petitioner's response letter to the Planning Commission](#) addresses each of the listed issues and concerns expressed by the Planning Commission following its public hearing. The [revised project portfolio](#) illustrates the proposed changes described in the letter and includes the requested shade study.

Affordability Overview – The petitioner is proposing to provide 15 units, that would be restricted so as to be affordable to households at or below 60% of Area Median Income (\$37,100 for a household of one). The petitioner had previously offered 30 units of housing that would generally be available to households between 50-100% of Area Median Income. Staff recommended the 60% Area Median Income units as City Council has adopted specific goals for this target population.

SITE PLAN DATA ANALYSIS:

Revised information is **highlighted**.

		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)		291%	300% MAX
Floor Area		813,415 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 = 10 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 = 94 ft (4 to 8 stories) Building B = 82.5 ft (6 stories) Building C = 83 ft (5 to 7 stories)	None
Vehicle Parking		573** ** Variance Requested	635 MIN Residential: 620 MIN Retail: 15 MIN, 18 MAX
Bicycle Parking		672 (620 Class A, 6 Class B, 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)

	PROPOSED	REQUIRED/ PERMITTED
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)

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 a) the preservation of natural features, b) additional open space, c) greater building or parking setbacks, d) energy conserving design, e) preservation of historic or architectural features, f) affordable housing, or g) a beneficial arrangement of buildings.

Requested Modifications – The petition requests planned project modifications to allow reduced setbacks as listed below. One of the original modification requests has been withdrawn because the site plan has been revised.

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 revised 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
- Allow for appealing, harmonious architecture

The approval standards, discussed below, include determining the modifications provide or enable at least one of eight specific circumstances. An “arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface” is one of acceptable circumstances [per Section 5:70(1)(b)(6)] for approving planned project modifications.

The applicant’s stated justifications, in staff’s opinion, can be summarized as an arrangement of buildings which provides the types of benefits envisioned by the intent of the planned project modification option. In addition, the proposed development includes affordable housing which is another acceptable circumstance for approving planned project modifications.

Approval Standards – 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.

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.

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. Staff recommends approval of the proposed activity.

SERVICE UNIT COMMENTS:

Planning – Staff expressed two fundamental concerns. One was that the buildings are broad and massive rather than slender. The other was that the development is essentially a single use – residential – with accessory retail space, not a mixed-use center. The Planning Commission echoed those concerns and raised some others. The changes made by the applicant have satisfactorily addressed staff's concerns. Therefore, staff recommend approval of the proposed zoning and development of this site.

Other Service Units – Revised plans reflecting the proposed changes must be submitted to confirm compliance prior to scheduling the site plan petition for City Council consideration.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
7/28/17

Reference Documents: [July 5, 2017 Planning Staff Report](#)
 [Revised Conditional Zoning Offer](#)
 [Revised Project Portfolio](#)
 [Petitioner's Response to Planning Commission](#)

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