

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 2, 2023

SUBJECT: 1140 Broadway Rezoning (C1A/R With Conditions Designation) to Amend Conditions and 999 Maiden Lane Site Plan

File Nos. REZ23-0004 and SP23-0003

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council to approve the rezoning of 1140 Broadway by accepting the offer to amend the Conditional Zoning Statement of Amended Conditions to remove tying development in the district to the 1140 Broadway Planned Project Site Plan and subsequent administrative amendments and accept the Conditional Zoning Statement of Second Amended Conditions.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 999 Maiden Lane Site plan, subject to addressing outstanding comments from engineering and transportation and First Amendment to 1140 Broadway Development Agreement.

STAFF RECOMMENDATION:

Staff recommends that the **offer to amend** the Conditional Zoning Statement of Amended Conditions be **accepted** because two of the three buildings shown on the 1140 Broadway Planned Project Site Plan have been developed and the proposed 999 Maiden Lane site plan is consistent with the massing and aesthetics of the overall development.

Staff recommends that the **999 Maiden Lane Site Plan be approved** because the proposed development will comply with all applicable state, local, and federal law, ordinances, standards and regulations, upon approval of the 1140 Broadway Rezoning; and the development limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land.

LOCATION:

North side of Maiden Lane between Broadway Street and Neilsen Court; northeast planning area; Ward 1.

SUMMARY:

This project includes a petition to amend the conditions of the zoning district which is considered a rezoning. The amendment asks to withdraw a current condition, that the district will be developed as the 1140 Broadway Planned Project Site Plan with subsequent administrative amendments. Conditions limiting the maximum height in the district are offered to remain.

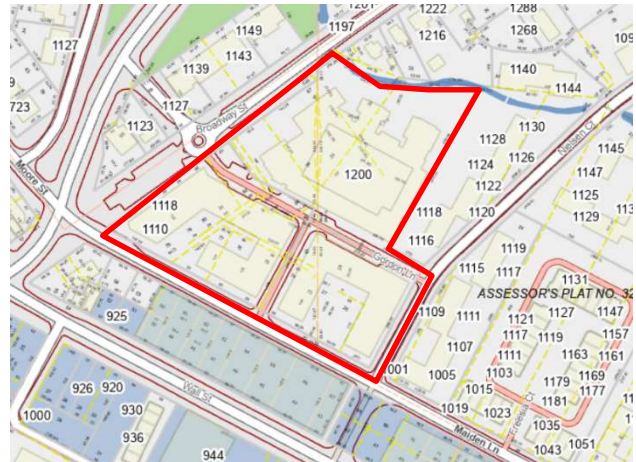


Figure 1: Location Map

A site plan is also proposed to construct a 7-story, 196-unit apartment building where a similar building was previously approved.

BACKGROUND:

Zoning Background – The 6.4-acre site at the northeast corner of Maiden Lane and Broadway Street was rezoned from PUD (Planned Unit Development) to C1A/R With Conditions (Campus Business Residential) on December 4, 2017. The applicant offered, and City Council accepted, conditions to limit the maximum height to eight stories and 100 feet for most of the site, and a maximum height of four stories and 60 feet nearest Traver Creek. A Conditional Zoning Statement of Conditions was executed and recorded.

On September 4, 2018, City Council accepted and approved an offer to rezone the site with further conditions, reducing the height restriction to seven stories and 91 feet for most of the site, remaining a maximum of four stories and 60 feet nearest Traver Creek, and limiting development to the 1140 Broadway Planned Project Site Plan as approved December 4, 2017 plus subsequent administrative amendments. A Conditional Zoning Amended Statement of Conditions was executed and recorded.

Site Plan Background – The 1140 Broadway Planned Project Site Plan approved on December 4, 2017 included four buildings: Buildings A, B and C mid-rise residential buildings plus six-story parking garage completed surrounded by Building A.

The site has since been divided into three lots and the approved plans have been amended several times to reflect the land divisions and to slightly increase the size of Building A, revise the utility plan, stormwater management plan, sidewalks and planting locations, a slight increase to Building C, and revise the solid waste and recycling facilities.

The proposed 999 Maiden Lane Site Plan is the fifth iteration of approved site plans for the development. It proposed to replace the previously approved Building B with a new building design of roughly the same exterior dimensions and an increased number of dwelling units. The differences between the originally approved building and the proposed design exceed the threshold for a revision which may be approved by the Planning Manager per Table 5.29-2 in

Section 5.29.6 of the Unified Development Code (UDC), the current equivalent of the repealed administrative amendment approval.



Figure 2 - Sketch of original 1140 Broadway Site Plan

The proposed 999 Maiden Lane Site Plan would normally be a Site Plan for Planning Commission approval, but because a zoning district condition limits development to only the approved site plan or subsequent administrative amendments, a rezoning is also needed. When a site plan is associated with a rezoning, it is a Site Plan for City Council approval.

Comparison sketches of the approved and proposed versions of Building B are attached.

Modifications and Procedures Background – The 1140 Broadway Planned Project Site Plan was approved under a now-repealed provision of the UDC (Section 5.30.1, repealed by Ordinance ORD-21-20) to allow reduced setbacks for Buildings A and C in exchange for better development arrangement and providing a minimum of 30% open space. The site plan is considered nonconforming. In accordance with Section 5.33.7 Nonconforming Planned Project Site Plans, buildings with modified height or placement standards are subject to the provisions of Article VI Nonconformities provided that the conditions for approval and justifications for which the modifications were approved are maintained.

Buildings A and C are existing buildings, with no proposed alterations to either. They are nonconforming structures that may be maintained or altered in the future in accordance with the procedures for nonconforming structures. Current development standards apply to Building B.

The 1140 Broadway Planned Project Site Plan also included authorization for activity in the natural feature open space and a landscape modification to waive depressed bioretention interior landscape islands due to soil contamination. These approvals remain valid overall but do not affect development on the Building B lot.

REZONING PETITION TO AMEND CONDITIONS:

Offering or revising conditions to a zoning designation is considered a petition to rezone. In this case, from C1A/R With Amended Conditions provided in the Amended Statement of Conditions to the following C1A/R With Second Amended Conditions. The changes between the current With Amended Conditions and the offered With Second Amended Conditions is shown below.

- A. The height for any part of a building or structure on the Property shall be a maximum of seven stories and a maximum of 91 feet, which shall be further restricted to a maximum height of four stories and a maximum height of 60 feet within the area defined by the attached Exhibit C.
- B. The maximum height limitations shall include architectural features such as parapet walls, railings, skylights and similar structures, but shall exclude structures such as chimneys and ventilation assemblies, mechanical equipment and screens, elevator penthouses, solar panel installations, antennae and similar structures. Excluded structures shall not extend more than the minimum height necessary to achieve their intended purpose, and shall not extend more than 20 feet above the maximum height limit.
- ~~C. The Property shall only be developed as the 1140 Broadway Planned Project Site Plan as approved by the Ann Arbor City Council on December 4, 2017, as well as any administrative amendments to the Site Plan. The complete, approved Site Plan and amended Site Plan, are on file with the City of Ann Arbor. An excerpt is attached as Exhibit B.~~

Acceptance of the offer and approval of the rezoning will enable the applicant to develop a new building design for Building B.

Rezoning Analysis –

In the staff's opinion, as two-thirds of the zoning district has been developed consistent with the district's conditions, there is no compelling reason to reject the applicant's offer of conditional zoning with second amended conditions. The conditions on the district have already been largely satisfied, and because the current petition continues to offer a reduced maximum height limit, future development in the district will still be in keeping with the desired outcome. No additional requirements or conditions beyond the development standards provided in the Unified Development Code applicable city-wide and for the C1A/R zoning district should be necessary for this site.

SITE PLAN APPLICATION:

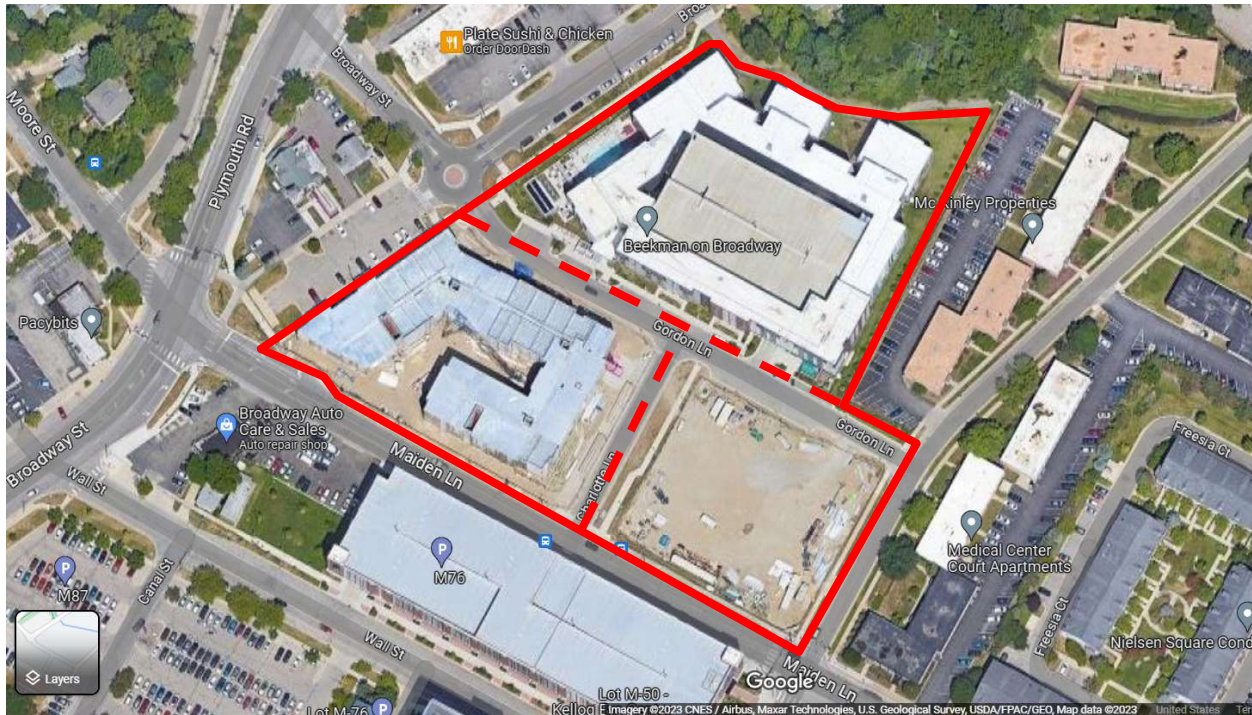


Figure 3 - 2023 Aerial Imagery of 1140 Broadway site

Existing Conditions – The 6.4-acre site consists of three parcels:

- 1200 Broadway Street, developed with a 7-story, 254-unit apartment building that completely surrounds a 6-story, 450-space parking structure (Building A and parking structure).
- 1100 Broadway Street, developed with a 7-story, 277-unit apartment building with commercial space on the ground floor (Building C).
- 999 Maiden Lane, undeveloped.

Proposed Development – The proposed development is a 7-story, 181,000-square foot, 196-unit apartment building on a 1.4-acre site within the project area. The building is C-shaped, open to the south towards Maiden Lane with a pool in the center courtyard.

- It is set back a minimum of 14 feet from Maiden Lane and a minimum of 17 feet from Nielsen Court. It is set back at least 14 feet from Gordon Lane driveway, and 20 feet from Charlotte Lane driveway.
- Standard 5-foot-wide public sidewalks are located in Maiden Lane and Nielsen Court, outside of the front setback area. Five-foot wide private sidewalks are provided along Gordon and Charlotte Lanes, inside the setback area.
- One Class A enclosed bicycle storage area is provided for each apartment unit inside the proposed building on the first floor with access directly to the Gordon Lane private

sidewalk. Five Class C bicycle parking hoops are provided adjacent to the building on the west side.

- Fifteen new parking spaces will be installed as originally planned, 9 perpendicular to Charlotte Lane and 6 parallel to Gordon Lane. Including these 15 spaces, the project has 579 parking spaces. Thirty spaces are along the private drives and the remaining 549 are in the parking structure.
- Two EV chargers will be installed in the new parking spaces west of Building B (10% of the newly constructed parking spaces). The remaining 13 new parking spaces (90%) will be capable of having chargers in the future. The 549-space parking structure within Building A has two installed EV chargers.

Development Standards Review – The proposed development complies with all applicable development standards of the C1A/R district including the proposed Conditional Zoning Statement of Second Amended Conditions as provided in Chapter 55 Unified Development Code.

Development Standards Review Chart			
	Beekman on Broadway Development (formerly 1140 Broadway)	999 Maiden Lane Site Plan (Building B)	C1A/R Standard
Lot Area	279,453 SF (6.4 acres)	62,074 SF (1.4 acres)	No minimum
FAR	295%	290%	Maximum 300%
Floor Area	825,074 SF	180,197 SF	Maximum Developm't 838,359 SF Parcel B 186,222 SF
Open Space	39% (109,336 SF)	39% (23,958 SF)	Minimum 30%*
Building Height	Building A 83.5' and 7 stories (highest) Building C 83' and 7 stories (highest)	88' and 7 stories	Maximum 91' and 7 stories, but 60' and 4 stories near creek*
Front Setbacks	Building A 7-10' Building C 3-5' <i>Planned Project Modifications</i>	10'	Minimum 10'
Setbacks Side, Rear	Building A 20'	Not applicable	Minimum equal to abutting R district [12'], otherwise 0'
Parking – Vehicles	579 spaces, including 2 EV-I	15, including 2 EV-I and 13 EV-C	None (if, then 10% EV-I, 90% EV-C)
Parking – Bicycles	727 Class A (254+196+277) 6 Class B 46 Class C (18+10+18)	196 Class A 10 Class C	Minimum 73 Class A 2 Class B 74 Class C
<ul style="list-style-type: none"> • Per Conditional Zoning Statement of Amended Conditions 			

Review Comments – The site plan has been reviewed by staff for planning, land development, stormwater management, parks, building code, engineering, transportation, sustainability, floodplain, public works, urban forestry and natural resources, and fire safety.

- Sustainability – Recommendations were provided to uphold the strategies outlined in the A2Zero plan for carbon neutrality, including providing on-site solar paired with on-site energy storage, prioritizing building electrification, using only high-efficiency appliances and indoor lighting, using LED lighting for all public/outdoor lighting, considering materials use through structure and providing building lifecycle assessment, including compost waste bin designations. The applicant provided a response in a letter dated March 15, 2023, see attachment file name SP23-0003_Sustainability review – Morningside response 3.15.23.pdf
- Parks – As the number of dwelling units in the development has increased from 617 to 736, the requested parks contribution should increase from \$364,000 to \$460,000. A credit of \$21,000 has been applied from the 0.42 acre land donation and \$158,750 has been received with issuance of the certificate of occupancy for Building A and \$173,125 will be received with issuance of the certificate of occupancy for Building C. A contribution of \$107,125 is requested prior to issuance of certificates of occupancy for Building B at 999 Maiden Lane. The applicant has agreed.
- Transportation – Comments from Transportation were still outstanding at the time this report was prepared. In conversations with Transportation staff, the most significant outstanding issue was validation of the transportation impact analysis (TIA) provided with the original 1140 Broadway site plan. That TIA used traffic counts taken in 2017 for a development with 617 dwelling units. A professional transportation engineer must confirm that the TIA on file remains valid for the proposed increase of 119 dwelling units, or must provide a current transportation impact analysis for the proposed number of dwelling units in conformance with the latest revision of the Institute of Transportation Engineers Transportation Impact Analyses for Site Development manual to satisfy Section 5.29.8 Required Plan Information, paragraph E Transportation Impact Analysis.
- Engineering – The existing water lead to Parcel B on sheet 10 must be labeled for removal.

CITIZEN PARTICIPATION:

A citizen participation meeting was held on January 17, 2023, with invitations sent to all residents and owners within 1,000 feet of the site. A report was provided by the applicant and is project file attachment named 999-Maiden-Ln-CITIZEN PARTICIPATION MEETING REPORT 1-17-23_v1.pdf

APPROVALS HISTORY:

1. Z17-003; **1140 Broadway Conditional Rezoning**; December 4, 2017. Rezoning from PUD to C1A/R WITH CONDITIONS, including Conditional Zoning Statement of Conditions. Maximum height of 8 stories and 100 feet, with further restrictions of maximum 4 stories and 60 feet in certain areas.

2. SP17-009; **1140 Broadway Planned Project Site Plan**; December 4, 2017. New development with planned project modifications (reduced setbacks in exchange for better building arrangement and providing a minimum of 30% open space), authorized activity in natural feature open space, landscape modifications (waive depressed bioretention areas due to soil contamination), and development agreement.
3. ZBA17-025; **1200 Broadway St Parking Variance**; August 23, 2017. Approved requirement of 0.9 off-street parking spaces per dwelling unit (variance of 0.1 spaces per dwelling unit).
4. Z18-005; **1140 Broadway Amended Offer of Conditional Zoning**; September 4, 2018. Amended conditions to C1A/R WITH CONDITIONS, including Statement of Amended Conditions. Maximum height of 7 stories and 91 feet, property shall only be developed as the 1140 Broadway Planned Project Site Plan as approved December 4, 2017 as well as any administrative amendments, and continued further restriction of 4 stories and 60 feet in certain areas.
5. LD18-003; **1140 Broadway Land Division**; May 17, 2018. Divide into two parcels (1200 Broadway [Buildings A and C], 999 Maiden Lane [Building B]). vi. LD18-013; 1140 Broadway Land Division; August 6, 2018. Divide into two parcels (1200 Broadway [Building A] and 1100 Broadway [Building C]).
6. SP18-004; **1140 Broadway Planned Project Site Plan Administrative Amendment**; March 17, 2018. First amendment, reflect land division, increase Building A.
7. SP18-024; **1140 Broadway Planned Project Site Plan Administrative Amendment**; July 24, 2018. Second amendment, reflect additional land division, update easements.
8. SP18-025; **1140 Broadway Planned Project Site Plan Administrative Amendment**, March 15, 2019. Third amendment, utilities, stormwater management, solid waste collection areas, sidewalks, landscape planting locations.
9. SP20-003; **1140 Broadway Planned Project Site Plan Administrative Amendment**; May 7, 2020. Fourth amendment, Building C, parking structure stalls, solid waste and recycling facilities.
10. SP23-0003; **999 Maiden Lane Site Plan**; pending. Fifth amendment, new building proposed on 999 Maiden Lane, parcel B of development site.
11. REZ23-0006; **1140 Broadway Amended Offer of Conditional Zoning**; pending. Second amendment, to withdraw and remove the condition the property may only be developed as the 1140 Broadway Planned Project Site Plan and subsequent administrative amendments.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
4-27-2023

Attachments: Site Plan
Zoning Map and Aerial Photo
Development Agreement Amendment – April 27, 2023 Draft

c: Applicant and Owner – Ron Mucha, Morningside Lower Town, LLC
Engineer - Midwestern Consulting, LLC (Tom Covert)
File SP23-0003
File REZ23-0004