

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 20, 2018

**SUBJECT: Briarwood Mall Partial Parking Lot Rezoning and Area Plan
100 Briarwood Circle
File No. Z17-016 and SP18-013**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the part of the Briarwood Mall Partial Parking Lot rezoning petition for Parcel 1 from P (Parking) to C2B (Business Service) district.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the part of the Briarwood Mall Partial Parking Lot rezoning petition for Parcel 2 from P (Parking) to C2B (Business Service) district.

STAFF RECOMMENDATION:

Staff recommends that the **request to rezone Parcel 1** in the petition be **denied** because it is not consistent with the Master Plan Land Use Element and does not demonstrate how it would be advantageous to the City.

Staff recommends that the **request to rezone Parcel 2** in the petition be **approved** because it is generally consistent with the Master Plan Land Use Element and is compatible with the surrounding zoning designations and land uses.

LOCATION:

These sites are located on the inside of Briarwood Circle, which is west of South State Street between Eisenhower Parkway and I-94. South planning area. Ward 4.

SUMMARY:

A request to rezone portions of two parcels that are part of the Briarwood Mall from P (Parking) to C2B (Business Service). Parcel 1 (tax ID no. 09-12-08-100-039) has a total of 27.5 acres, of which 13.1 acres is proposed to be rezoned to C2B. With this request, all of Parcel 1 will be zoned C2B. Parcel 2 (tax ID no. 09-12-08-100-068) has a total of 4.4 acres, of which 1.8 acres is proposed to be rezoned to C2B. The portion of Parcel 2 outside/north of Briarwood Circle will remain zoned P.

The applicant requests rezoning so that commercial activities such as special sales and entertainment events can be held in these parking areas.

REZONING PETITION:

Parcel Information – Briarwood Mall consists of 4 property owners and 5 parcels.

Parcel 1, owned by Briarwood LLC (and associated with Simon Property Group) includes the central portion of the Mall building and two areas of the parking lot.

Parcel 2 is also owned by Briarwood LLC and includes the two free-standing restaurants developed in 2014, a portion of the parking lot, and two private streets (Mall Drive and Market Place).

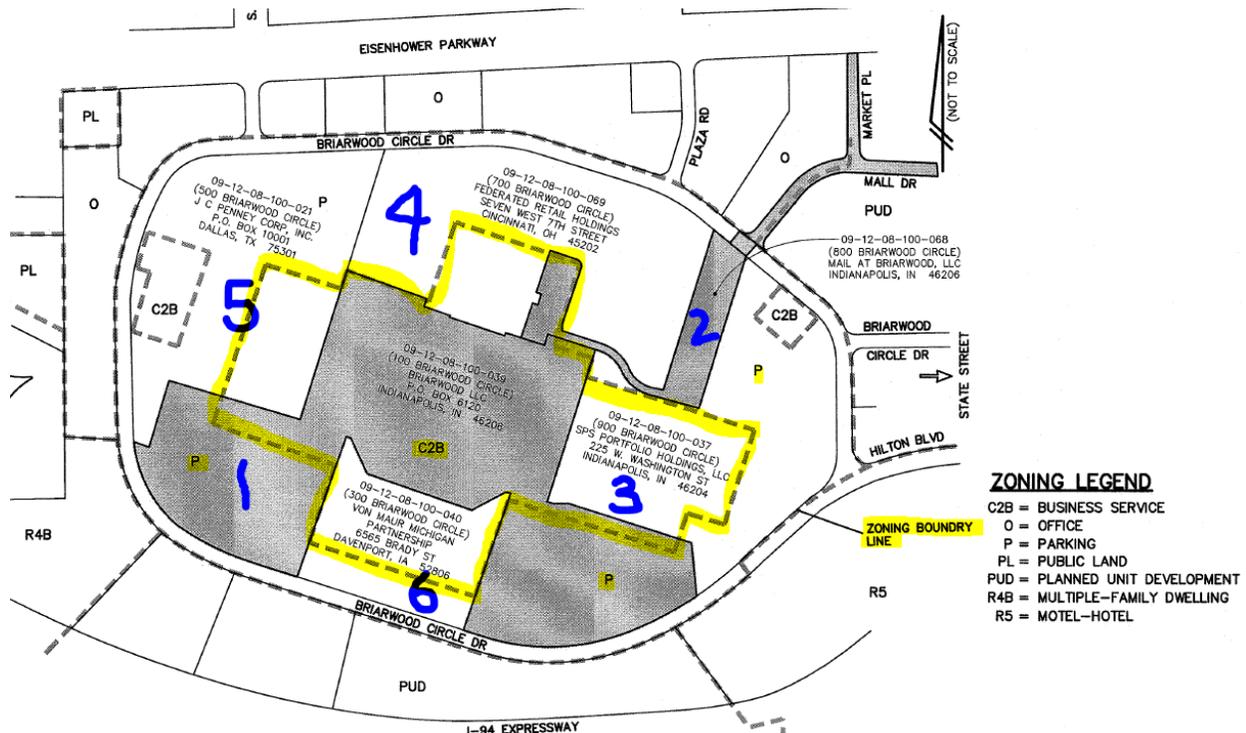


Figure 1: Parcel and Zoning

Parcel 3 is owned by the parent company of Sears and includes the Sears store and a portion of the parking lot east of that store.

Parcel 4 is owned by the parent company of Macy's and includes the Macy's store and a portion of the parking lot north of that store.

Parcel 5 is owned by the parent company of J.C. Penney and includes the J.C. Penney store and Firestone Complete Auto Care shop, plus a portion of the parking lot west of the J.C. Penney store.



Figure 2: Briarwood Mall area, Parcels 1 and 2 highlighted, 2015 aerial imagery

Current Zoning – The Briarwood complex has several zoning designations. Within the Briarwood Circle Drive ring road, the Mall building and area extending 50 feet beyond the exterior walls are zoned C2B, shown in red in Figure 3. Two other areas are also zoned C2B on the east (for Firestone) and west (no principal building) sides inside the ring road. The remaining area within the ring road is zoned P, shown in gray in Figure 3.

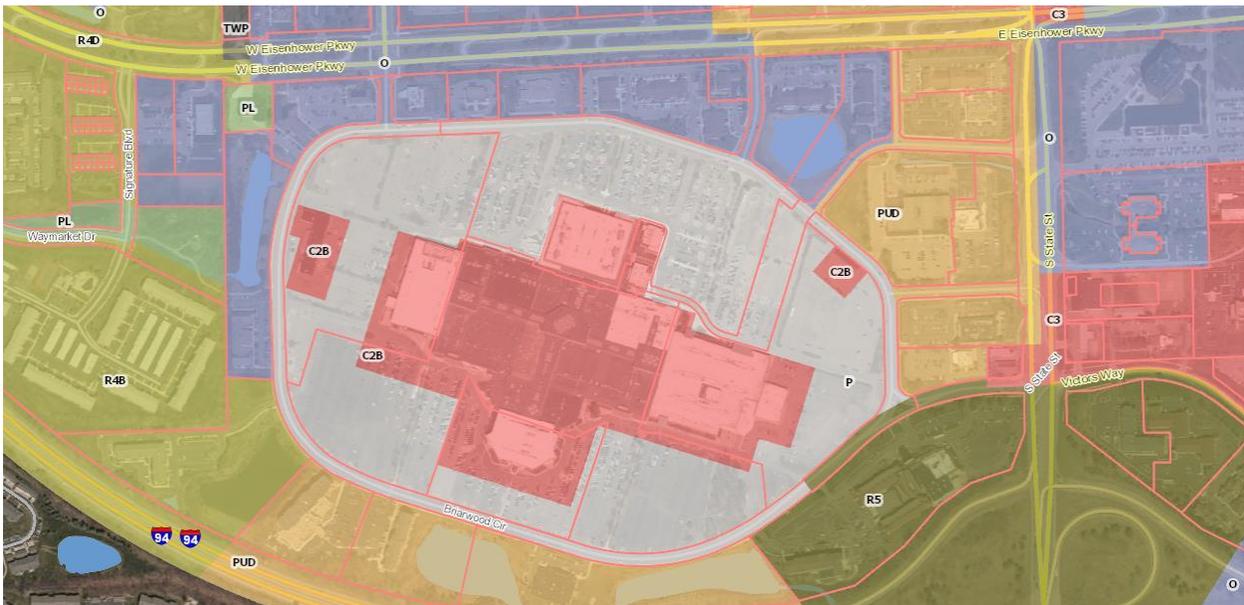


Figure 3: Briarwood Mall area current zoning, 2015 aerial imagery

The C2B district is intended for commercial activities that support downtown businesses but are more vehicle-oriented so they are not appropriate in downtown. Principal permitted uses in the C2B district include:

- residential dwellings and hotels
- all types of offices
- recreation and entertainment
- retail sales of general merchandise, vehicles, wholesale materials
- personal services and repair services
- restaurants and bars
- research and development facilities.

Uses allowed with special exception use approval include fueling stations and vehicle wash. Accessory uses include temporary outdoor sales, and drive-through facilities and sales by others with special exception use approval.

The P district is intended for off-street storage of noncommercial vehicles where no repair, sales or services are rendered from the parking lot, which is also the only principal permitted use.

Proposed Zoning – The applicant requests that all of Parcel 1 and the area of Parcel 2 within the ring road be zoned C2B.

The rezoning will enable commercial activities such as special sales and entertainment events to be held in the parking areas.

ZONING DISTRICT DATA CHART:

C2B (Business Service)	
	Requirement
Lot Area	4,000 sq. ft MIN
FAR	200% MAX
Premiums	Not available
Setbacks	Front: 10 ft MIN, 25 ft MAX Side: None (unless abutting R district) Rear: None (unless abutting R district)
Height	55 ft, 4 stories MAX

AREA PLAN PETITION:

Rezoning petitions must be accompanied by either a site plan, if new development is also proposed, or an area plan if not. Area plans document the existing conditions of the site and demonstrate that the proposed zoning designation will be compatible with the City's adopted plans and policies.

Existing Conditions – The Briarwood complex includes approximately 150 acres overall. The Briarwood Mall is considered to be the 90-acre area within the Briarwood Circle Drive ring road. The Briarwood Mall building has approximately 1,000,000 square feet of floor area and an FAR

of 25%. There are over 5,500 parking spaces within the ring road to support the Briarwood Mall building. Fifteen “residual property” outlots are on the outside of the ring road, almost all of which have been developed with offices, housing or hotels.

Traffic Study – Traffic studies are not required with area plan petitions. Staff sometimes requests a study to be submitted when the area plan indicates a future development. In this case, the request seeks to enable special activities and sales which will have little effect on trip generation rates.

Natural Features – Portions of the 100-year floodplain of Mallett’s Creek cover the Briarwood Mall complex but there is none on Parcel 1 or 2. The complex also contains scattered landmark trees and a woodland area, but again, neither are found on Parcel 1 or 2.

Landscaping, Screening, Buffers – Interior vehicular use area landscaping was provided as part of the original development of Briarwood Mall. The area plan shows that the previously-approved landscape plan no longer meets current code requirements. However, improvements are not triggered until a site plan is proposed. Staff is working with the applicant to ensure that the existing landscaping is consistent with the approved plans on file.

Storm Water Management – The Briarwood complex is served by a regional storm water management system that is under the jurisdiction of the Washtenaw County Water Resources Commissioner. City code does not require a review of the system when areas plans are submitted. Review and improvements if necessary are triggered when a site plan is proposed.

PLANNING HISTORY:

Briarwood is a 147-acre platted subdivision annexed into the City in June 1969. An area plan and zoning petitions for three zoning classifications were approved in June 1971. The area of the intended mall building and extending 50 feet from the outside wall was zoned C2B (Business Service), the “residual property” outside the ring road was zoned AG (Agriculture) as a holding zone until development materialized, and the area between the C2B and AG districts was zoned P (Parking). Final approval for the subdivision was granted in 1978, creating 16 lots. Additional acres were annexed in 1980 and re-zonings of the additional acres and residual lots occurred throughout the 1980’s.

A formal policy for development of the Briarwood area was adopted by the Planning Commission in February 1971. The intent was to “develop a positive and distinctive identity for the Briarwood area and, more important, to discourage strip commercial development” nearby. The Arborland/Washtenaw Avenue and Westgate/North Maple-Stadium developments were cited as examples to be avoided. Those policies were reaffirmed in 1973 and 1976, when introduced recommendations for PUD zoning of the residential lots were also introduced.

The South Area Plan, adopted in December 1990, contained goals derived from a variety of existing sources. Prompted by the “continued vacancy of parcels south of Briarwood Circle and the frequent inquiries and proposals for development which is not in keeping with the longstanding policies” the Planning Commission initiated a study of the Briarwood area. The Briarwood Subarea Plan was adopted in 1995 as an amendment to the 1990 South Area Plan. (The South Area Plan has since been incorporated into the 2009 Master Plan Land Use Element.)

Taken together, the plans and policies addressing the Briarwood area have simply sought to achieve a high-quality development that reflected community goals of the time. Great efforts were made to thoughtfully plan its original development and the second wave of development of its “residual lots.” However, no further planning efforts have been initiated to consider redevelopment or reimagining of the area.

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)

Detailed Land Use Recommendation – The Land Use Element states that the recommendations of the 1995 Briarwood Subarea Plan still apply. The land use recommendations of that subarea plan are summarized as:

- a. Office as the primary land use between the ring road and Eisenhower.
- b. Mixed office and residential as the primary land use on the outer west side.
- c. A commercial planned unit development for the area between the ring road and I-94.

The subarea plan also recommended a comprehensive traffic study be done, and no new curb cuts allowed to either Eisenhower Parkway or South State Street.

REZONING ANALYSIS:

Necessity – The applicant seeks to enable commercial activities to occur in the parking lot areas of the Briarwood Mall, currently zoned P. It seems that some activities have taken place in recent years without appropriate review and permission. When staff became aware of those activities, the applicant was advised of their options on how to legally hold special sales and events.

All options are predicated upon rezoning portions of, or all of, the parking lot from P to a commercial district. The most logical choice is extending the existing boundaries of the C2B district. When and where zoned C2B (or any of the six C districts), three types of outdoor sales may be allowed.

1. Outdoor Sales, Permanent. The “permanent outdoor sales or display of goods and services normally sold in the zoning district on the same lot as the principal building.” This is a principal, permanent use and requires the area to be shown on an approved site plan. Upon approval, the outdoor area can be used by any business or service for any length of time. The approved outdoor sales area functions like a building, and the owner of the land (in this case Simon Property Group) is free to manage vendors who use this space as they like, as long as the businesses or events stay within the confines of the approved outdoor sales area.

2. Outdoor Sales, Temporary. The “temporary display and sales of merchandise sold by the owner and operator of a principal use.” This is a temporary use for brick-and-mortar businesses to have a tent sale or something similar outdoors on their property. These temporary outdoor sales are limited to a total of 180 days per calendar year. A zoning compliance permit is required for each instance.
3. Outdoor Sales, Temporary by Others. The “temporary outdoor sales of display of goods or services normally sold in the zoning district by a part other than the owner or operator of the principal use.” This use allows third parties to come and set up for a temporary length of time on a site where they do not have a brick-and-mortar presence. It requires special exception use approval by the Planning Commission. The approval may come with conditions, such as limits on the length of time during the year and how many years. This use is most appropriate for recurring events, or seasonal sales, such as firework tents before Fourth of July, weekly farmer’s markets at a shopping center, and plant sales in the beginning of spring.

Standards for Approval – 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.

Staff Comments –The applicant’s petition offers several reasons why the rezoning would be advantageous to them. There is very little, however, about how the rezoning would be advantageous to the City. The Briarwood Mall has, most likely, the largest parking lot within the City. It is underutilized for most of the year and could be redeveloped to add additional uses in the area. The P zoning was used as buffer to protect the Mall from competition, a prevailing theory that was perhaps necessary at the time but now is proving to be a barrier. The question is not so much if or why the parking areas should be repurposed, but how.

It no secret that regional malls across the nation are struggling to remain viable amid competition from revitalized downtowns, e-commerce and changing buying habits. It could be devastating if the Briarwood Mall would fail. Allowing special sales and entertainment events, such as the boat/RV/car shows and tree and/or greenhouse sales mentioned in the rezoning petition, would provide a boost to the mall. Yet, staff are concerned these temporary measures are short term fixes instead of working towards long term planning for sustainable redevelopment in line with the Master Plan recommendations for active, pedestrian-oriented, vibrant streetscapes with appropriately-dense, mixed-use developments contributing to the livability of the City.

SERVICE UNIT COMMENTS:

Planning – When alerted that commercial activities were not permitted in the parking lot as it was zoned P, the applicant worked with staff to explore options. They initially submitted a site plan to approve a permanent outdoor sales area but withdrew it after learning of the required improvements that must included with site plans. Simon Property Group is now asking only to rezone the parcels it owns. Each event organizer or business would need to apply for special exception use approval individually. Under this approach, no site plan is needed and any improvements to comply with current codes can be deferred until a development is proposed.

Staff are sympathetic the needs of Briarwood Mall. It is a very important part of the fabric of the Ann Arbor community. It provides a unique retail experience that is appreciated by many customers, an untold number of which are City residents, and provides a significant number of employment opportunities. Its surface parking lots are valuable land that should be used for more than only parking cars. The City must work towards incrementally achieving its Master Plan, and keeping the best interests of the public in mind.

Therefore, staff recommends that only Parcel 2 be rezoned from P to C2B. This area of approximately 1.8 acres would enable all of the events the Simon Property Group desires to host, providing the additional customers and shopping opportunities they seek in an area that was recently site planned (Briarwood Restaurants Site Plan, approved January 6, 2013, file no. SP13-036) and meets current development standards for landscaping.

Staff does not recommend that Parcel 1 be rezoned at this time. The applicant must demonstrate how rezoning those 13 acres, which could support another 1,000,000 square feet of development, will affect the City. At minimum, a more robust area plan should be provided addressing how redevelopment would impact traffic congestion and city utilities, and how it would promote mixed land uses and help achieve the Master Plan recommendations for sustainability, accessibility, affordability, and overall livability. Staff believe it would be premature to recommend approval for Parcel 1 without knowing these longterm implications to the City.

Engineering – Fire hydrant coverage is not fully provided for the parking areas. Any areas proposed for temporary outdoor sales by others will be evaluated on a case by case basis. Existing easements and agreements providing access from public streets to Parcels 1 and 2 should be provided for confirmation.

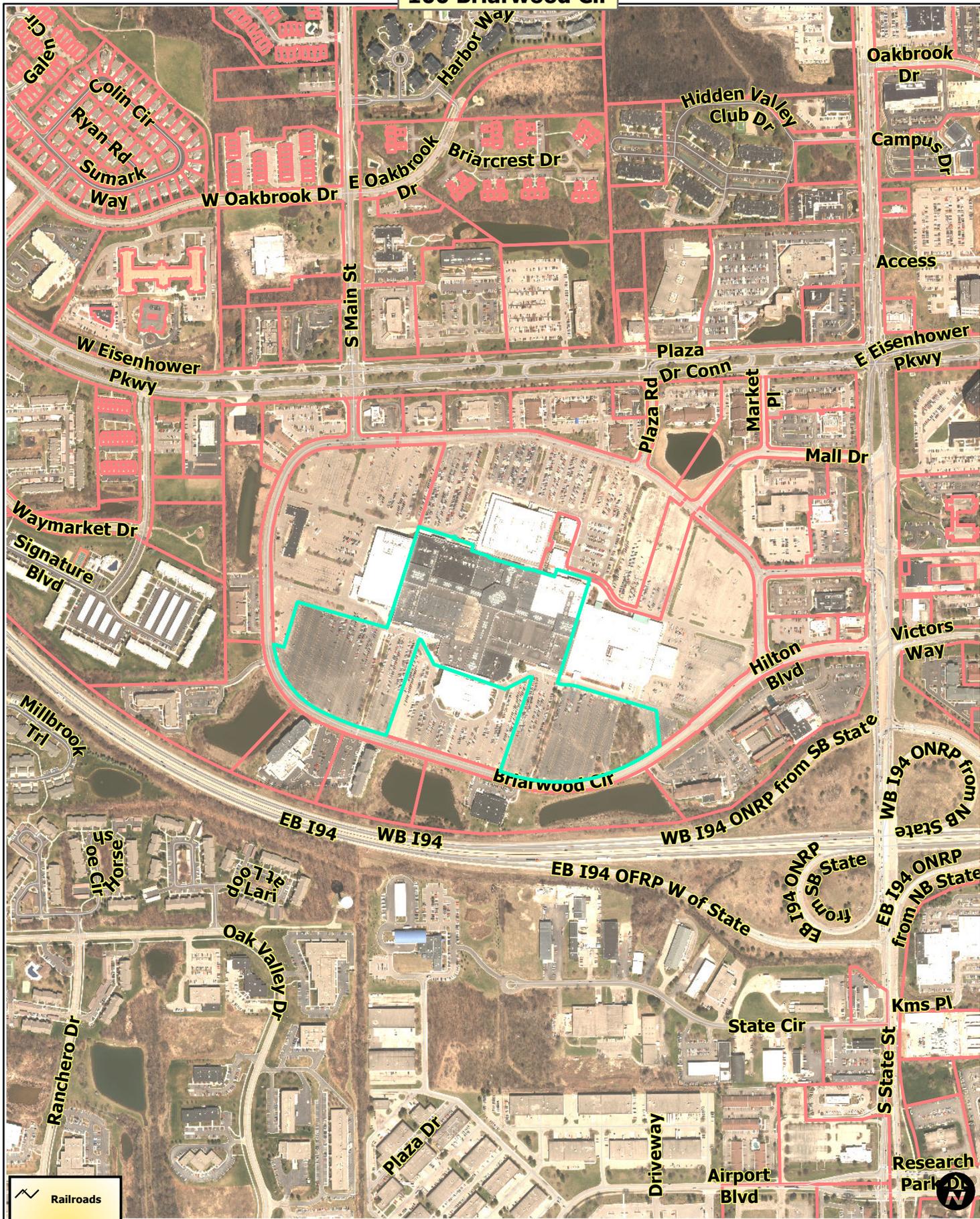
Fire – Also noted lack of full fire hydrant coverage.

Forestry and Natural Resources – The applicant is responsible to maintain required landscaping shown on all approved site plans.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
mg
3/15/18

Reference Documents: [Rezoning Petition](#)
[Area Plan](#)

100 Briarwood Cir

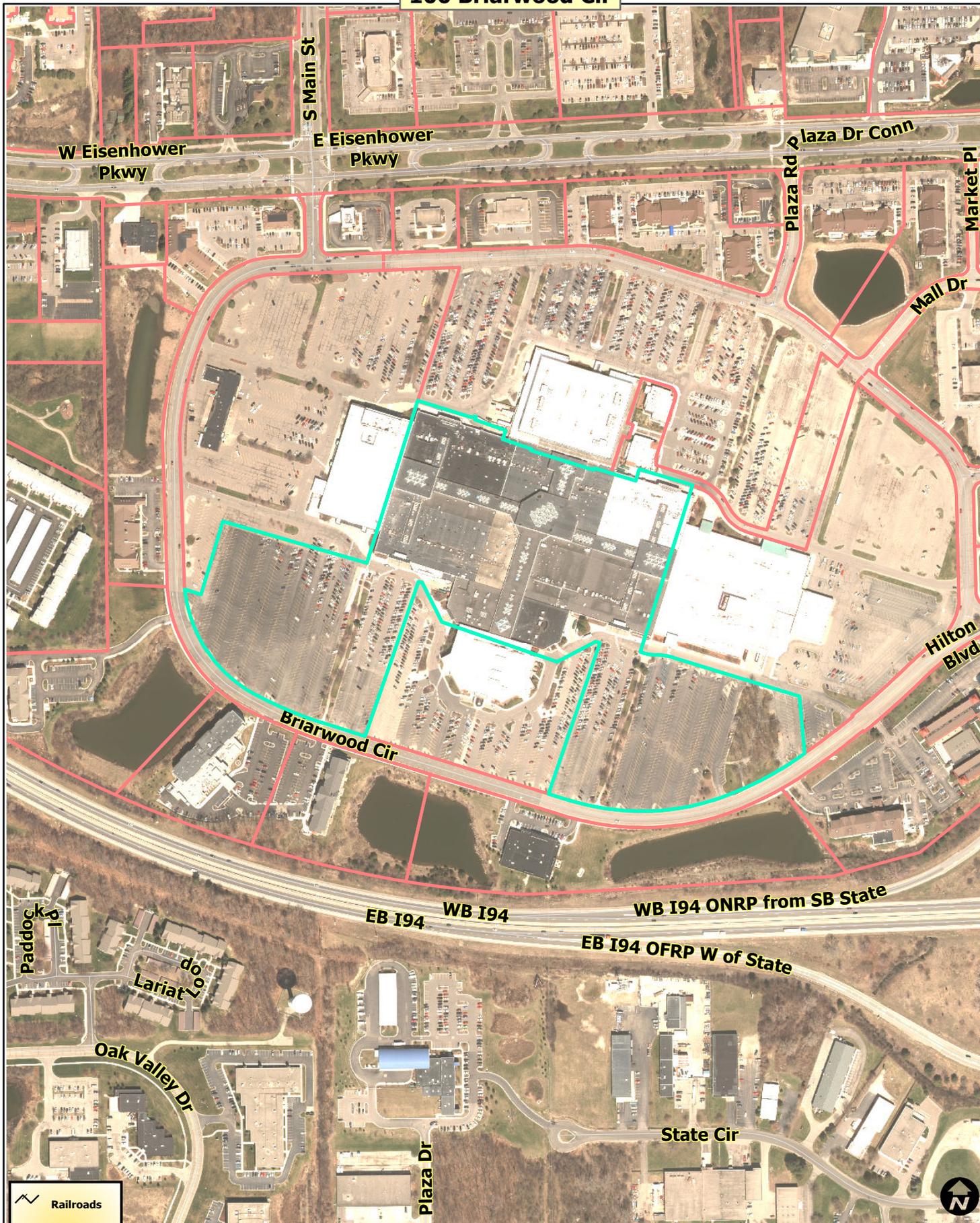


- Railroads
- Huron River
- Tax Parcels



Map date 5/24/2017
Any aerial imagery is circa 2015
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