

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 17, 2018

SUBJECT: Amendment to Chapter 55 (Unified Development Code) regarding Temporary Outdoor Activity, including sections ...

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, to create Temporary Outdoor Activity, Short Term Car Storage, and Medium Term Car Storage as new uses, provide use specific standards for each, and allow the uses in the P (Parking) district.

STAFF RECOMMENDATION:

Staff recommends that the **amendments** to the Unified Development Code be approved because the proposed uses, subject to the proposed use specific standards, would create additional opportunities to activate underutilized, paved areas within the City without impacting residential neighborhoods, furthering several of the goals of the Land Use Element.

SUMMARY:

Amendments to the Unified Development Code are proposed to create three new land uses (Temporary Outdoor Activity, Short Term Car Storage, Medium Term Car Storage), provide use specific standards for each new use, and allow the uses as permitted or special exceptions in the P (Parking) district.

The amendments were proposed as an alternative to rezoning a portion of a large parcel at the Briarwood Mall from P to C2B (Commercial Business Service) district simply to allow outdoor events in the parking lot.

BACKGROUND:

Simon Properties, owner of the two largest parcels zoned P, Briarwood Mall Parcel I and II, recently petitioned to rezone these two parcels to C2B to allow commercial activities, specifically special sales and entertainment events, to be held in the parking areas surrounding Briarwood Mall. The Planning Commission recommended approval of the request to rezone the smaller of the parcels, Parcel II, but postponed a recommendation for the larger parcel so that other options could be explored. The Planning Commission expressed concern for rezoning approximately 13 acres to C2B, which would allow up to 1,000,000 square feet of commercial use, without an area plan or site plan for new development.

After considering several alternatives, pursuing a text amendment was determined to be the best solution to allow the special sales and events the property owner desired and activate an underutilized resource the Planning Commission supported, until permanent redevelopment plans for the Briarwood Mall were ready to be proposed.

In addition, provisions and regulations for short term and medium term car storage are proposed to fill a gap in the current ordinance. The P district does not currently offer any guidance for how long cars may be parked, therefore, it is interpreted to only allow daily parking. This interpretation is no longer in keeping with how large parking lots with excess spaces are actually and should be used. Large parking lots are being used by commuters, for shuttle services, and by car sharing services. There have also been instances when automobile manufacturers have recalled significant numbers of vehicles and the receiving dealerships do not have sufficient space to accept the temporary influx. Large, underutilized parking lots can serve as an acceptable solution to this temporary problem.

The following text amendments were crafted by staff after discussions with representatives from Briarwood Mall and the Ordinance Revisions Committee.

PROPOSED AMENDMENTS:

A collection of amendments are proposed to create, regulate, and permit new uses. Underlined text represents proposed language to be added.

Create new uses – Three new land use definitions are proposed to be added to Section 5.37.2 Specific Terms of the Unified Development Code:

1. Temporary Outdoor Activity

Activities and events that traditionally occur outdoors in large parking lots that are open to the public for temporary shopping, amusement, entertainment, and recreation. Examples include, but are not limited to: specialty products, and seasonal plant and decoration sales; farmers markets; carnivals with games, rides, and play structures; concerts and liver performances; starting and finishing lines of races; concession and souvenir stands; and car and recreational vehicle shows.

2. Short Term Car Storage

Parking of personal, privately owned vehicles in parking lots for up to 14 days. Typically associated with car sharing services or park-n-ride services.

3. Medium Term Car Storage

Parking of excess inventory of new, used or recalled vehicles owned by a licensed dealership for a specified period of time. Does not include storage of damaged vehicles, vehicles requiring repair, display of vehicles for customers, or retail sales of vehicles.

Provide Use Specific Standards – Use specific standards for each new land use are proposed to be added to Section 5.16.3 Commercial Uses and 5.16.7 Temporary Uses of the Unified Development Code. Use specific standards are required in addition to the general provisions of the code.

1. Temporary Outdoor Activity
 - a. Site must have at least 87,120 square feet [2 acres] of Vehicular Use Area within P district on an approved site plan.
 - b. Site must have a conforming conflicting land use buffer where required.
 - c. Permitted. Temporary Outdoor Activity up to 8 days per occurrence and no more than 16 days in any calendar year per activity requires a zoning permit and any other applicable building or trade permits.
 - d. Special Exception. Temporary Outdoor Activity beyond 8 days per occurrence or more than 16 days in a calendar year per activity requires special exception use approval.
2. Short Term Car Storage
 - a. Site must have at least 87,120 square feet [2 acres] of Vehicular Use Area within P district on an approved site plan.
 - b. Site must have a conforming conflicting land use buffer.
3. Medium Term Car Storage
 - a. Site must have at least 87,120 square feet [2 acres] of Vehicular Use Area within P district on an approved site plan.
 - b. Site must have a conforming conflicting land use buffer.
 - c. Special exception use approval shall include identifying the portion of the Vehicular Use Area where cars may be stored, the maximum number of cars that may be stored, and the maximum length of time cars may be stored, in addition to any other conditions the Planning Commission may approve.

Permitted Use Table – Each land use is proposed to be allowed as provided in the summary chart below. Temporary Outdoor Activity is proposed to be either a permitted use or special exception use in the P district only as regulated by the use specific standards. Short Term Car Storage is proposed as a permitted use and Medium Term Car Storage is proposed as a special exception use, both in the P district only.

P = Permitted E = Special Exception A = Accessory Blank = Prohibited		
	DISTRICT	USE SPECIFIC STANDARDS
	P Parking	
PRIMARY USES		
Institutions of Higher Learning, Public	P	
School, Public	P	
Parking Lot or Structure	P	
<u>Short Term Parking</u>	<u>P</u>	<u>Yes, see 2 above</u>
<u>Medium Term Parking</u>	<u>E</u>	<u>Yes, see 3 above</u>
ACCESSORY USES		
Parking Attendant Building	A	
Solar Energy System	A	Yes, see ordinance
Wireless Communication Antenna	A	Yes, see ordinance
TEMPORARY		
Special Event Sales	P	Yes, see ordinance
<u>Temporary Outdoor Activity</u>	<u>P/E</u>	<u>Yes, see 1 above</u>

HISTORY:

The petition to rezone Briarwood Parcel I was postponed by the Planning Commission at their March 20, 2018 meeting and is still tabled.

The Planning Commission discussed and expressed support for text amendments to expand the permitted uses in the P district at their working session of May 8, 2018.

The Ordinance Revisions Committee reviewed and commented on draft language on May 22, 2018.

PLANNING STAFF COMMENTS:

Staff believes the proposed amendments provide needed clarity for existing uses occurring in the P district as well as appropriately broadening the permitted uses of the district to help activate what is now a single-purpose zoning district. City life is enhanced by repurposing land devoted solely to parking parks to more dynamic, more flexible, more active land uses even if only temporarily.

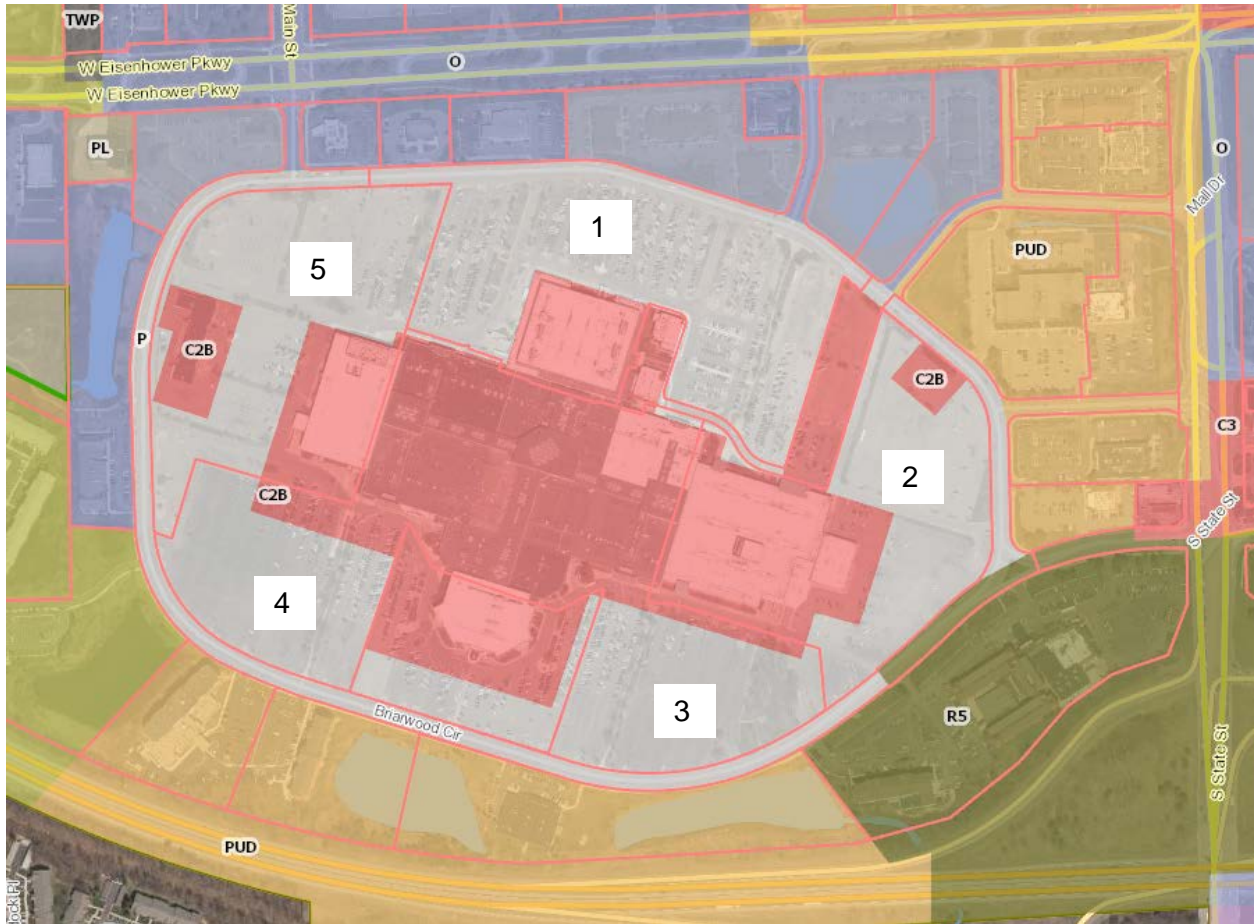


Figure 1: Detailed Briarwood Mall Area Zoning

There are 25 P zoning districts in the City and 38 parcels either entirely or partially in the P district. Of these 38 parcels, only five have more than 87,120 square feet of vehicular use area and all five are at the Briarwood Mall (see Figure 1 above). Although the proposed amendments affect every P district, nowhere where the P district is used (as was historically common) as a buffer between commercial and residential uses meets the minimum size threshold for temporary outdoor activities, short term car storage or long term car storage. The amendments will not directly impact any neighborhood, but neighborhood residents may travel to the Briarwood Mall area to enjoy the newly allowed uses.



Figure 2: Detailed Commerce Drive/ Federal Boulevard Area Zoning

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
7/13/18

References: Areas Zoned Parking Map

c: City Attorney's Office
Project No. SP18-023