



## Legislation Details (With Text)

**File #:** 15-0563      **Version:** 4      **Name:** 9/6/16 Woodbury Club Apartments Planned Project Site Plan

**Type:** Resolution/Public Hearing      **Status:** Passed

**File created:** 9/6/2016      **In control:** City Council

**On agenda:** 9/6/2016      **Final action:** 9/6/2016

**Enactment date:** 9/6/2016      **Enactment #:** R-16-356

**Title:** Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Woodbury Club Amended Resolution 090616, 2. Proposed Amended Resolution 9-2-16.pdf, 3. Proposed Amended Resolution 9-1-16 - Woodbury site plan, 4. Woodbury Club Staff Report with Attachments-7-12-16, 5. Woodbury Club Dev Agreement 4-28-16, 6. 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, 7. 10/21/14 Planning Staff Report, 8. 10/21/14 Planning Commission Minutes, 9. WoodburyClubDevAgree 3-9-16, 10. WoodburyClubDevAgree 3-3-16, 11. WoodburyClubDevAgree 1-14, 12. Edward Zelmanski letter, 13. Barclay Assoc - Woodbury Club Wetlands Protest Letter, 14. Request to postpone Woodbury Club Zoning and Site plan, 15. Arbor Hills - Woodbury Club Apts. Site Plan Opposition Letter, 16. Woodbury Club Protest Letters from Barclay Park Condo Assoc., 17. Woodbury Club communication from James DAmour, 18. Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, 19. arbor hills zoning notice.pdf, 20. barclay park association.pdf, 21. Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf

Date	Ver.	Action By	Action	Result
9/6/2016	3	City Council	Held and Closed	
9/6/2016	3	City Council		
9/6/2016	4	City Council	Approved as Amended	Pass
5/2/2016	2	City Council		
5/2/2016	2	City Council	Held and Closed	
5/2/2016	2	City Council	Lay on the table	Pass
3/10/2016	2	City Council		
3/10/2016	2	City Council	Held and Continued	
3/10/2016	2	City Council	Postponed	Pass
1/19/2016	1	City Council		
1/19/2016	1	City Council	Held and Continued	
1/19/2016	2	City Council	Amended	
1/19/2016	2	City Council	Postponed	Pass
10/19/2015	1	City Council	Postponed	

9/21/2015	1	City Council	Held and Continued	
9/21/2015	1	City Council		
9/21/2015	1	City Council	Postponed	Pass
8/17/2015	1	City Council	Held and Closed	
8/17/2015	1	City Council		
8/17/2015	1	City Council	Postponed	Pass
7/20/2015	1	City Council	Held and Continued	
7/20/2015	1	City Council		
7/20/2015	1	City Council	Postponed	Pass

Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval - 8 Years and 0 Days)

From the action to table this item by City Council on May 2, 2016, a motion to take this item from the table will be necessary prior to consideration.

Approval of this resolution will allow for the construction of a new apartment complex on this recently annexed 53.61 acre site. A request for R4A (Multiple-Family Dwelling District) is being considered at this same meeting.

Petition Summary:

- The Site Plan proposes the construction of 277 apartment units in four separate 3-story buildings, and a clubhouse. Scattered, surface parking is provided throughout the site. The City Council has authorized staff to purchase the eastern 25.67 acre parcel of the annexed property.
- The petitioner is requesting approval of a Planned Project to allow the apartment buildings to be 39.29 feet in height, which exceeds the 35 foot height limitation in the R4A Zoning District, which the property is proposed to be designated.
- The petitioner is requesting a wetland use permit to remove 770 square feet of wetland southeast of Building 1, which will be mitigated by 6,729 square feet of replacement wetland north of Building 3. The petitioner has received a wetland permit from the State of Michigan.
- A development agreement has been prepared to address footing drain disconnects, traffic mitigation, park dedication, and land sale.

The petitioner received a recommendation of approval from the Planning Commission on October 24, 2014. Through 2015, the project was postponed in consideration of analyzing the proposed roundabout and completion of Nixon Farms review. On January 19, 2016, City Council amended the proposed resolution, and postponed action until the March 10, 2016 meeting. At the March meeting, the item was again postponed to provide the petitioner to address off-site improvements and open space issues. On May 2<sup>nd</sup>, the petition was returned to the Planning Commission to ensure that adequate public notice was provided. On July 12<sup>th</sup>, the Planning Commission recommended approval of the R4A zoning, Planned Project Site Plan, and Wetland Use Permit.

Through this process, the petitioner has reduced the number of dwelling units from 282 to 277 in order for the western parcel to adhere to the maximum allowable density for the R4A zoning district after the potential sale of the eastern parcel as parkland. The density of the western parcel with 277 units would be 9.99 dwelling units per acre. The petitioner has also reduced the number of parking

spaces from 564 to 554 spaces. The usable open space for the western parcel would be 73.7% which exceeds the minimum open space requirement of R4A which is a minimum of 65%. Additionally, numerous proposed amendments to the Development Agreement regarding offsite improvements are proposed including:

- Paragraph P-7 has been clarified to state that the developer is exempt from special assessments for the intersection as the developer is paying its proportionate share of these improvements as part of the development. (No special assessments for the intersection are planned.)
- Paragraph P-17 now allows the developer to request certificates of occupancy after October 30, 2017 consistent with the Nixon Farm developments and the substantial completion date of the intersection. (Conditions regarding Toll Bros.'s land acquisition and receipt of contribution for the intersection have been removed as we expect confirmation of the acquisition and receipt of funds prior to Council's decision on this site plan.)
- Paragraph P-21 has additional language which clarifies that the developer can meet any revised standard that Council may adopt for developer offset mitigation prior to the developer applying for certificates of occupancy.

The revised Development Agreement is dated April 28, 2016.

On January 19<sup>th</sup>, City Council amended the resolution. Additionally, through discussion of City Council at the March and May meetings, changes to the proposed petition including off-site improvements, park conveyance, reduction in units and parking were discussed. Staff had provided amendments to the resolution in the past that have not yet been adopted, but are incorporated into an attached amended resolution. Staff recommends amendment of the resolution with these revisions before discussion.

Attachments: Planning Staff Report  
7/21/16 Planning Commission Minutes  
4/28/16 Draft Development Agreement  
Proposed amended resolution

Prepared By: Jeff Kahan, City Planner  
Reviewed By: Brett Lenart, Planning Manager  
Derek Delacourt, Community Services Administrator

Whereas, BRE Nixon Road Associates, LLC, has requested planned project site plan approval in order to develop 276 apartment units, a club house, and 554 surface parking spaces;

Whereas, A development agreement has been prepared to address footing drain disconnects, park dedication, and improvements to the Nixon/Dhu Varren Green intersection;

Whereas, The Planned Project modification would allow buildings to exceed the 35 foot maximum height limitation to provide buildings with a maximum of 39.29 feet in height, which allows for clustering of the buildings and retaining a minimum of 86.2% of the site remain in the form of open space;

Whereas, The development will remove 770 square feet of wetland and install 6,729 square feet of replacement wetland on-site, for which the developer has received a wetland permit from the State of Michigan;

Whereas, The Ann Arbor City Planning Commission, on July 12, 2016, recommended approval of the petition;

Whereas, The development would comply with the R4A zoning established pursuant to the requirements of Chapter 55, and with all applicable local, state, or federal laws, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety and welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated April 28, 2016;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve the wetland use permit, which will allow the removal of 770 square feet of wetland and installation of 6,729 square feet of replacement wetland on-site;

RESOLVED, That City Council approve the Planned Project modification to allow buildings to exceed the 35 foot maximum height limitation to provide buildings of 39.29 feet in height, which will allow a clustering of the building and a minimum of 86.2% of the site in the form of open space; and

RESOLVED, That City Council approve the Woodbury Club Planned Project Site Plan, upon the condition that 1) the Development Agreement is signed by all parties after adding the requirement of the sale of the eastern parcel to the City as a term of the Agreement; 2) all terms of the Development Agreement are satisfied; 3) 86.2% of the site remain in the form of open space; 4) the eastern parcel is acquired by the City as parkland prior to the issuance of building permits consistent with the terms of the negotiated Purchase Agreement between the Developer, BRE Nixon Road Associates, LLC, and the City; and 5) the Washtenaw County Road Commission transfers jurisdiction of the adjacent Nixon Road right-of-way to the City or issues necessary permits for work in the Nixon Road right-of-way, prior to the issuance of building permits.

**As Amended by Ann Arbor City Council on January 19 and September 6, 2016**