



Legislation Text

File #: 07-0136, **Version:** 2

Resolution to Approve Packard Marketplace Planned Project Site Plan and Development Agreement, 0.68 Acre, 3111 Packard Road (CPC Recommendation: Motion to Approve Failed - 1 Yea and 6 Nays)

Attached is a resolution requesting approval to construct an 8,265-square foot retail center. A planned project modification has been requested to allow a reduced front setback from the required 25-foot minimum setback to 10 feet on the south side and 16 feet on the east side. This modification will allow parking in the front setback along Packard, thereby increasing the open space and width of the conflicting land use buffer to the north along the existing residential neighborhood. The existing structures on the site will be removed. The County Drain Commissioner has reviewed and approved the storm water management system.

The City Planning Commission first reviewed this proposal at its April 17, 2007 meeting. The original layout proposed a 30-foot rear setback (from the north property line), a 25-foot setback from Maplewood Avenue, and a 25-foot setback from Packard Road. The building itself was proposed 88 feet back from Packard Road and the edge of the parking lot was 25 feet back from the property line. A 15-foot wide conflicting land use buffer was included within the 30-foot rear setback space.

Planning Commission members were not unanimous in their comments. Some Commissioners expressed a desire for no curb cuts along Packard Road and access via Maplewood Avenue only. Others expressed a desire for no curb cuts along Maplewood Avenue, and access taken from Packard Road only. All Commissioners, however, encouraged the petitioner to meet again with the neighborhood residents to try and address their concerns about cut-through traffic, parking on local streets and business noise. All Commissioners also encouraged the petitioner to consider using planned project modifications if it would help achieve a better design.

The petitioner took the Commission comments into consideration, met again with neighborhood residents, and submitted a request for planned project modifications to reduce the Packard Road front setback. In essence, the entire proposed site plan was shifted south, toward Packard Road, by 15 feet. The revised layout has a 45-foot rear setback, a 20-foot setback from Maplewood Avenue and a 10-foot setback from Packard Road. The building itself is proposed 73 feet from the property line and the edge of the parking lot is 10 feet from the property line. The revised petition was considered at the June 5, 2007 Planning Commission meeting. The Commission's comments generally expressed disappointment that the layout was not as creatively revised as they had hoped. The Commission had been hoping the site plan would include less, or perhaps no, parking between the building and Packard Road. The proposed site plan also had one curb cut on each adjacent road, Maplewood Avenue and Packard Road (as originally proposed).

The petitioner pressed the Commission to recommend action for the proposed site plan at the June 5 meeting and, consequently, the Commission recommended denial. It is staff's belief that the Commission may have tabled the petition if not pressed for action by the petitioner. It appeared the Commission wholeheartedly supported the notion of commercial development on this site and would have preferred to work out a solution to fit a small neighborhood commercial development along a prominent transportation corridor while minimizing impacts to the existing neighborhood to the north.

A development agreement has been prepared that addresses utilities, on-site storm water management, future special assessment for Packard Road and/or Maplewood Avenue improvements, existing street trees, street tree planting escrow, a future vehicular connection with adjacent property, business hours, footing drain disconnections, use of lawn care chemicals and fertilizers, and elevations. The City Attorney's Office has reviewed the agreement and the petitioner has acknowledged concurrence with its provisions.

Prepared By: Laurie Foondle, Management Assistant

Reviewed By: Mark Lloyd, Planning and Development Services Manager and Jayne Miller, Community Services

Administrator

Approved By: Roger W. Fraser, City Administrator

Whereas, B & K Investment Group, Inc. has requested site plan approval in order to construct an 8,265-square foot retail center at 3111 Packard Road;

Whereas, B & K Investment Group, Inc. has also requested planned project modifications from the setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address utilities, on-site storm water management, future special assessment for Packard Road and/or Maplewood Avenue improvements, existing street trees, street tree planting escrow, a future vehicular connection with adjacent property, business hours, footing drain disconnections, use of lawn care chemicals and fertilizers, and elevations;

Whereas, The Ann Arbor City Planning Commission, on July 5, 2007, reviewed said requests;

Whereas, The contemplated development will comply with all applicable state, local and federal law, 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 or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated July 30, 2007;

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; and

RESOLVED, That City Council approve the Packard Marketplace Site Plan and planned project modifications from the setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied.

RESOLVED, That the City Administrator shall direct City staff to install appropriate signage restricting truck usage of Norwood, Elmwood, and Maplewood streets, pursuant to City ordinance, and that such signs shall be placed at the following locations: (1) Norwood street eastbound, near Platt Rd.; (2) Elmwood street northbound, near Packard Rd., and (3) Maplewood street northbound, near Packard Rd.

As Amended by City Council on October 1, 2007