Legislation Details (With Text)

File #:	17-1420	**Version:**	1	**Name:**	11/9/17 -- 1140 Broadway Planned Project Site Plan with Landscape Modification and Authorization for Activity in the Natural Features Open Space
Type:	Resolution/Public Hearing			**Status:**	Passed
File created:	11/9/2017			**In control:**	City Council
On agenda:	12/4/2017			**Final action:**	12/4/2017
Enactment date:	12/4/2017			**Enactment #:**	R-17-448

Title: Resolution to Approve 1140 Broadway Planned Project Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening (CPC Recommendation: Approval - 6 Yeas and 1 Nays)

Sponsors:

Indexes:

Code sections:

Attachments: 1. July 5, 2017 Planning Staff Report, 2. August 1, 2017 Planning Staff Report, 3. 1140 Broadway Development Agreement 11-2-17.pdf, 4. 8-1-2017 -- 1140 Broadway Project Minutes.pdf, 5. 8-23-2017 -- 1140 Broadway Project Minutes from ZBA.pdf, 6. 1140 Broadway Revised Plan Update Memo to Council 12-4-17.pdf

Date	Ver.	Action By	Action	Result
12/4/2017	1	City Council	Held and Closed	
12/4/2017	1	City Council	Approved	Pass
11/20/2017	1	City Council	Held and Closed	
11/20/2017	1	City Council		
11/20/2017	1	City Council	Postponed	Pass
11/9/2017	1	City Council	Held and Continued	
11/9/2017	1	City Council		
11/9/2017	1	City Council	Postponed	Pass

Resolution to Approve 1140 Broadway Planned Project Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening (CPC Recommendation: Approval - 6 Yeas and 1 Nays)
Approval of this resolution will allow for the construction of the 1140 Broadway Development.

Petition Summary:

- This development project includes four associated petitions: a site plan with planned project modifications, landscape modifications, authorization for activity in the natural features open space, and development agreement; a petition for rezoning with conditions; a request for an off-street parking variance (granted); and a brownfield plan application.

- The site is a vacant 6.4-acre parcel zoned PUD (Broadway Village at Lower Town Planned Unit Development). A site plan for a mixed-use urban village was approved in 2003, which

was extended several times until finally expiring 2011. At present, the site remains zoned PUD but has no development entitlements.

- The Site Plan proposes three mid-rise buildings and a five-level parking structure with a combined total of 818,074 square feet, 620 dwelling units, and 573 parking spaces. Building A is a residential apartment building, is located on the north half of the site. It ranges between four on its north side to eight stories on the south and wraps entirely around the parking structure. Buildings B, a 5-level residential condominium building atop one level parking garage, is located in the southeast corner of the site at Maiden Lane and Neisen Court. Building C, five to seven stories tall, is located in the southwest corner of the site and includes residential apartment units as well as approximately 4,600 square feet of retail space along its western side.

- Planned Project Modifications are requested to reduce the normally required 10-foot front setback from public streets and the additional side setbacks for extra long (over 50 feet) and extra tall (over 50 feet) buildings. A Chapter 62 landscape modifications has been requested to waive the requirement that the interior landscape islands be designed for infiltration into groundwater. As the site is a brownfield, infiltration is not recommended. Small areas of the required 25-foot wide natural feature open space buffer along Traver Creek are proposed to be disturbed, formally known as “activity”, to remove existing encroachments and make utility connections.

- A variance to reduce the minimum required off-street parking for residential units by 10% was granted by the Zoning Board of Appeals on August 23, 2017. 573 off-street parking spaces are provided (635 would be required without the variance).

- The development includes constructing a compact urban roundabout on Broadway Street at the site driveway, adding turn lanes to Maiden Lane and Broadway Street, and a pedestrian crossing at Maiden Lane and Neilsen Court for traffic mitigation.

- A development agreement has been prepared to address, in addition to standard provisions, the Broadway Street streetscape improvements, assurances to construct the approved architectural drawings, obtaining FEMA approvals for floodplain fill and mitigation, parkland dedication and traffic mitigation measures.

- As part of the rezoning petition to C1A/R (Campus Business Residential district), the applicant has offered a voluntary maximum height limit of four stories and 60 feet within 70 feet of Traver Creek, and eight stories and 100 feet at all other site locations. First reading of the zoning ordinance was passed by City Council on October 1, 2017.

- Following the Planning Commission postponement on July 5, 2017, the footprint of Building A was reduced to provide for more setback from Traver Creek, the northern wings were shortened from five stories to four, and the south side was increased from seven stories to eight. The outdoor pool and enclosure area on the west side of Building A were reconfigured avoid encroaching into the front setback area, and the planned project modification request were correspondingly revised. Since the Planning Commission’s recommendation to approve on August 1, 2017, outstanding staff comments regarding the traffic impact study, floodplain regulations, and engineering details have been address.

- More recently, the developer has redesigned the southwest corner of Building C to emphasize the retail component of the building and provide a stronger corner statement. Building C now has about 4,000 more square feet overall than what was reviewed by Planning Commission. The information above and attached site plan reflect the current proposal.

The City Planning Commission, at its meeting of August 1, 2017 recommended approval of the request.

Attachments: July 5, 2017 and August 1, 2017 Planning Staff Report
July 5, 2017 and August 1, 2017 Planning Commission Minutes
November 2, 2017 Draft Development Agreement
Prepared By: Alexis DiLeo, City Planner
Reviewed By: Brett Lenart, Planning Manager
Derek Delacourt, Community Services Area Administrator
Approved By: Howard S. Lazarus, City Administrator

Whereas, Morningside Lower Town, LLC has requested site plan approval, including planned project modifications, modifications to the Landscaping and Screening Ordinance, and authorized activity in the natural features open space in order to develop 1140 Broadway;

Whereas, A development agreement has been prepared to address off-site streetscape, utilities and traffic mitigation surrounding the site, and access easements adjacent to Traver Creek and a parkland contribution;

Whereas, The Ann Arbor City Planning Commission, on August 1, 2017, recommended approval of the petitions;

Whereas, The Ann Arbor City Planning Commission, on August 1, 2017, recommended approval of the planned project modifications to reduce the required front, side and rear setbacks which will result in an arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation and a reduced need for infrastructure or impervious surface, and an additional space beyond the minimum requirement;

Whereas, The activity in the natural features open space is in the public interest, and the benefit which is reasonably be expected to accrue from the proposal is greater than the reasonably foreseeable detriments of the activity;

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;

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;

Whereas, The development would comply with the C1A/R WITH CONDITIONS (Campus Business Residential District with conditions) zoning established pursuant to the requirements of Chapter 55, and with all applicable local, state, or federal laws, ordinances, standards and regulations; and

Whereas, The Ann Arbor City Planning Commission, on August 1, 2017, authorized activity in the

natural feature open space;

RESOLVED, That City Council approve the planned project modifications to allow reduced front, side and rear setbacks in exchange for a better arrangement of buildings and a providing minimum of 30% open space where there is no minimum open space requirement;

RESOLVED, That City Council approve the modification to the Chapter 62 landscaping and screening requirements to waive the requirement that interior landscape islands be designed for infiltration into groundwater since this infiltration is not recommended for brownfield sites;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated November 2, 2017;

RESOLVED, That the Mayor and City Clerk are 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 1140 Broadway Planned Project Site Plan with authorized activity in the natural feature open space and modifications to Chapter 62 Landscape and Screening, upon the condition that 1) the Development Agreement is signed by all parties, 2) all terms of the Development Agreement are satisfied, and 3) the lots are combined prior to issuance of any permits.

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