

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 16, 2007

**SUBJECT: 202 South Division Street PUD Zoning District and PUD Site Plan
File Nos. 9291C15.03 and .05**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 202 South Division Street Rezoning from C2A/R (Commercial/Residential District) to Planned Unit Development (PUD) Zoning District and Supplemental Regulations, and PUD Site Plan and Development Agreement.

STAFF RECOMMENDATION

Staff recommends that the 202 South Division Street PUD Zoning District and supplemental regulations be **approved** because the proposal conforms to the standards for approval of a PUD Zoning District and is consistent with the recommendations of the Master Plan.

Staff recommends that the 202 South Division Street PUD Site plan be **approved** because it would comply with the PUD zoning district development program and supplemental regulations; would not cause a public or private nuisance; and would not have a detrimental effect on the public health, safety or welfare.

LOCATION

The site is located on the southwest corner of South Division Street and Washington Street (Downtown Area). This site is located in the Allen Creek watershed.

DESCRIPTION OF PETITION

Site Background

Currently, this 0.2-acre lot is used as a surface parking lot with a 420-square foot car rental office located on the west side of the site. In early 2006, Metro 202 planned project site plan and rezoning from C2B/R (Business Service/Residential District) to C2A/R (Commercial/Residential District) was approved. This previous approval consisted of demolishing the car rental office and constructing a mixed-use, 53,454-square foot, nine-story building with retail/commercial (5,200 square feet) and residential lobby on the main floor and 44 residential units on the second through ninth floors. The petitioner proposed rezoning this lot from C2B/R to C2A/R to match the surrounding zoning and reduce the required front setbacks from 25 feet to ten feet (C2B/R requires minimum front setbacks of 40 feet, but the residential proposal flips the zoning requirements into R4C zoning, which has a 25-foot front setback). The petitioner applied for planned project modifications to reduce the required ten-foot front setbacks to zero feet in exchange for a pedestrian oriented mixed-use project. The building steps back approximately 17 feet from the second floor on the west side and ten feet on the southern rear of the building. The required side and rear setbacks for this project are seven feet starting above the third floor.

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PUD Zoning District and Supplemental Regulations

A rezoning of this site from C2A/R to a PUD Zoning District is proposed for this 0.2-acre site to accommodate a 62,145-square foot (709% FAR), 120-room hotel. PUD Supplemental Regulations have been drafted to allow 709% FAR and allow for zero foot front setbacks, 5-foot side setback and a 6-foot rear setback. The PUD Supplemental Regulations are attached.

PUD Site Plan

A PUD Site Plan is proposed for a 62,145-square foot, nine-story hotel building with the first floor consisting of a 6,871-square foot lobby/dining area/pool and administration space and the second through ninth stories housing 120 hotel rooms. Solid waste and recycling bins are proposed at the southwest corner of the building and accessed off the existing curb cut on South Division Street. The existing second curb cut on South Division Street, located mid-block, is to be closed. The frontage along South Division Street is proposed as a pick-up/drop-off area to the main entrance of the hotel. This will be created by placing a ten-foot bump-out at the southwest corner of South Division and Washington Streets. Additional bicycle hoops are located along the street perimeter along with benches and street trees.

The required first flush detention tank will be located underground at the northwest corner of the site and will meet City Code requirements. No natural features are on site.

Parking Requirements

This site is in the Downtown Development Authority (DDA) District and would be exempt from parking (for the normal FAR) if it remained in the C2A/R district or any other conventional zoning district. In that case, parking would be required for the premium portion of the building at the rate of one space/500 square feet for non-residential uses above 300% FAR. The proposed 62,145-square foot building would then require 72 parking spaces. There is a provision in Chapter 59 (Off-Street Parking) to allow the off-street parking requirement in the DDA district to be reduced by City Council, after having received a recommendation from the City Planning Commission, if it determines that the parking needs of the property have been met with an alternative plan.

As part of the PUD Supplemental Regulations, the petitioner has proposed an off-street parking requirement of one space per hotel room. The petitioner has secured 70 unrestricted parking permits in the Liberty Square parking deck, and an additional 76 parking permits restricted to use between 3:30 PM and 9:30 AM. Between the unrestricted and restricted parking permits, the proposed site plan meets the proposed PUD Supplemental Regulations for this proposed district.

It should be noted that numerous traffic circulation concerns have been relayed to staff by concerned citizens during the review process. Staff has informed the petitioner of these concerns and the petitioner has submitted a traffic memorandum in response, which is provided as an attachment to this staff report.

Architectural Design Guidelines

While not yet adopted, staff conducted a preliminary review of the proposed site plan for conformance to the draft Architectural Design Guidelines. Staff found that the proposed site plan does not conform to the draft Architectural Design Guidelines. In particular, the proposed building does not meet some massing, general design guidelines, and character area guidelines as set forth in the proposed Architectural Design Guidelines. Because there is no stepback in the proposed building, it exceeds the maximum street wall height of four stories. A five-foot average step back at the top of the second or third story would be required for compliance. Also because no stepback is proposed, the building exceeds the maximum height for a lower tower. Additional windows would be required on the East Washington Street façade to comply with general design guidelines. Sloped awnings or canopies at the Division street façade would be required to comply with character area guidelines.

In response to staff’s comments regarding the architectural design, the petitioner has added windows along the Washington Street side. However, the petitioner has indicated stepbacks would reduce the floor area of the proposal and either require additional height or the reduction of the number of rooms, rendering the project infeasible.

COMPARISON CHART – OVERALL SITE

		EXISTING	PROPOSED PUD	REQUIRED/PERMITTED FOR C2A/R	PREVIOUSLY APPROVED FOR C2A/R
Zoning		C2A/R (Commercial Residential District)	PUD (Planned Unit Development)	C2A/R	C2A/R
Gross Lot Area		8,763 sq ft (0.2-acre)	8,763 sq ft	8,500 sq ft MIN	8,763 sq ft
Maximum Useable Floor Area in % of Lot Area		None	62,145 sq ft (709%)**	300% (26,289 sq ft) 610% (53,454 sq ft) with premiums	610% (53,454 sq ft)
Setbacks	Front	48 ft – S. Division 35 ft – Washington	0 ft **	10 ft MIN	0 ft *
	Side(s)	1 ft	5 ft **	7 ft MIN above third story – 1 ft for each 10 ft above third floor	17 ft
	Rear	68 ft	6 ft **	7 ft MIN above third story – 1 ft for each 10 ft above third floor	10 ft
Building Height		1 story	110 ft	NO MAX	105.3 ft
Parking – Automobiles		24 spaces	70 spaces – off site	70 spaces for hotel uses	44 spaces – off site ***
Parking – Bicycles		None	2 spaces – Class A 6 spaces – Class C	None (parking exempt)	5 spaces – Class A 1 space – Class B 6 spaces – Class C

* Approved planned project modifications
 ** Proposed PUD modifications.
 *** Floor area above 300% requires 1 space/1,000 square feet.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Ann Arbor News Building	C2A/R (Commercial/Residential District)
EAST	Office and Commercial	C2A/R
SOUTH	Commercial (Retail)	C2A/R
WEST	Residential	C2B/R (Business Services/Residential District)

HISTORY

This site was previously used as a Budget Rent-A-Car and is now used for surface parking. The previous zoning for the southern half of this site was C2A/R. In 1975, the southern portion of the property was rezoned to C2B/R to allow for the car rental expansion. The Zoning Board of Appeals determined that this was an allowable use in the C2B/R district and as a result the City Planning Commission and City Council acted upon the rezoning to C2B/R and the site plan. In 2006, the entire site was rezoned to C2A/R and a planned project site plan was approved for a nine-story residential complex.

PLANNING BACKGROUND

The Central Area Plan recommends commercial/office uses for this site in the future. This commercial/office classification includes retail, service and office uses. The Ann Arbor Downtown Plan generalizes this site and the surrounding area as being zoned C2A/R. This site falls within the core of downtown. The objective of the core is to encourage downtown's highest density development and tallest buildings to locate within the core area to create the critical mass of activity needed to support a range of central retail, service, cultural, residential, and entertainment functions.

PUD STANDARDS FOR APPROVAL

According to Section 5:30(6) of the Zoning Ordinance, the Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards (petitioner's responses in regular type, staff responses in *italic type below*):

- (a) The use or uses, physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination thereof, on present and potential surrounding land uses.**
 - (i) Innovation in land use and variety in design, layout and type of structures which furthers the stated design goals and physical character of adopted land use plans and policies;**

- (ii) **Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities;**
- (iii) **Provision of usable open space;**
- (iv) **Preservation and protection of natural features that exceeds ordinance requirements, especially for those features prioritized in the land development regulations as being of highest concern, or that preserves existing conditions instead of merely providing mitigation;**
- (v) **Employment and shopping opportunities particularly suited to the needs of the residents of the city;**

Although the proposed PUD does not directly involve shopping opportunities, it provides a particular opportunity – a hotel – that is particularly suited to the needs of the City. There is currently no hotel in the Main Street/Liberty Street corridor, although there are at least two in the downtown adjacent to the University campus. Hotels, particularly those with meeting rooms and conference spaces, have long been noted as missing from the downtown area and would be a benefit to the existing businesses.

- (vi) **Expansion of the supply of affordable housing for lower income households; and**
 - (vii) **The use and reuse of existing sites and buildings, which contributes to the desired character and form of an established neighborhood.**
- (b) This beneficial effect for the City shall be one which could not be achieved under any other zoning classification and shall be one which is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.**

Hotels are allowed other zoning districts, including the R5 (Hotel/Motel District), the O (Office District) and all commercial districts, subject to the area, height, placement and density or FAR regulations of the particular district. However, the subject site does not meet the minimum lot size required in the R5 district and, therefore, a hotel could not be achieved on the site under the R5 district. The O district requires 40% open space, 25-foot front setbacks and three stories maximum. The existing zoning district, C2A/R, allows hotel uses but restricts development to a maximum of 300% FAR and requires a minimum front setback of ten feet. Residential use premiums would not apply to a hotel use in the C2A/R district. Pedestrian amenity premiums could be used in conjunction with a hotel use to increase the FAR beyond the normal maximum in the C2A/R district. The petitioner has stated that a hotel meeting the open space, front setback, height limits and FAR limitations in the O or C2A/R districts are not economically feasible. Thus, it would appear that the proposed beneficial effect of a hotel could not be achieved under any other zoning classification.

- (c) The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.**

Existing public utilities are available to serve this site.

- (d) The use or uses proposed shall be consistent with the Master Plan and policies adopted by the City or the petitioner shall provide adequate justification for departures from the approved plans and policies.**

The proposed uses are consistent with the master plan.

- (e) If the proposed district allows residential uses, the residential density proposed shall be consistent with the Master Plan and policies adopted by the City or the underlying zoning when the master plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide affordable housing for lower income households.**

Not applicable.

- (f) The supplemental regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.**

Proposed supplemental regulations have been prepared and are attached.

- (g) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.**

Additional street landscaping, four benches and an art plaza are proposed to enhance the pedestrian experience along South Division Street.

- (h) Disturbance of existing natural features, historical features and historically significant architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.**

There are no natural features in the proposed district, not historically significant architectural features.

COMMENTS PENDING OR UNRESOLVED

Downtown Development Authority - The DDA plan has parking meters on the left hand side of Division going all the way back to Packard, so drivers will know to avoid the furthest left lane that can readily create a passenger drop off area in front of the hotel with signs.

Engineering – Sewer flow contributions for the various aspects/uses of the site are acceptable as proposed. If the pool filter will be backwashed into the sanitary sewer system, the flow contribution due to this backwashing activity must be included in the calculations. Once the Sewage Flow Offset Mitigation Calculations have been approved on a subsequent submittal, the affect of this new flow amount on existing sanitary sewer capacity will be examined by the City, and if applicable, capacity improvements identified.

Planning – An agreement between the Downtown Development Authority and the petitioner for the required 70 automobile spaces has been drafted and is attached. The petitioner has also indicated additional parking spaces have been secured from the DDA at the Liberty Square

parking structure for an additional 76 parking spaces (time restricted). Staff agrees with the parking needs of one space/500 square feet, which would require 72 parking spaces. The developer and DDA agree that 70 spaces are sufficient and parking counts can be reduced by the City Planning Commission with a recommendation to City Council. Staff recommends approval of the PUD modifications as the project meets the stated standards for approval: the proposed modifications provide at least one of the listed justifications; the traffic to and from the project is not hazardous to adjacent properties; the modifications are consistent with use of adjacent land; off-street parking is provided in accordance with City Code; and the use is permitted within the zoning district.

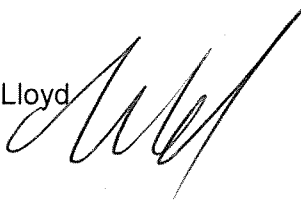
The C2A/R zoning district requires that a building have a minimum of one-foot side and rear setback for every ten feet of building height above the third floor, but has no side or rear setback requirement. The proposed building does not meet the setback requirement as it has no side and rear setbacks. However, a five-foot side and six-foot rear setback has been provided. Even with the provided setbacks, a side and rear setback of seven feet after the third floor should be provided. No setback or stepback is required for the front of the building, and none have been proposed.

Staff also supports the PUD rezoning of the site to accommodate the proposed development. The current C2A/R zoning requires ten-foot front setbacks, which makes this site difficult to develop without variances. The PUD zoning conforms to the City plans and policies and provides flexibility for hotel uses that are unlikely to occur in the C2A/R district.

The overall concept of the proposed development is in keeping with many of the City's adopted plans as well as the working recommendations of recent planning activities. Redeveloping this underutilized site with additional uses would strengthen the downtown area and contribute to a livelier, more desirable City overall. The proposal meets the minimum criteria for consideration of a planned unit development and provides benefits that would otherwise not be achieved. As the petitioner has stated, this project will put street-level activity back on Liberty and Washington Streets where there is now a parking lot. It will bring more people to the downtown area by providing hotel rooms. A PUD zoning district and customized supplemental regulations for the proposed district enable for continued growth on a difficult site to develop

Staff believes, however, that the proposed development could be further enhanced by following some of the above referenced design guidelines, over-detaining storm water, LEED certification and possibly more active retail uses to increase pedestrian activity. The site is well positioned midway between campus and Main Street and could be attractive to a broad range of future residents and visitors. There are few existing sites in the downtown that can offer a location as close to the heart of downtown and campus as well as convenient long-term permit parking for personal vehicles.

Prepared by Chris Cheng
Reviewed by Alexis Dileo and Mark Lloyd
jsj/10/11/07

A handwritten signature in black ink, appearing to be 'Mark Lloyd', is written over the text of the review section.

Attachments: Zoning/Parcel Maps
Aerial Photo
PUD Site Plan
Floor Plans
Elevations
Shadow Study
10/11/07 Supplemental Regulations
10/10/07 Development Agreement
Parking Resolution
Traffic Impact Information
PUD Standards Information

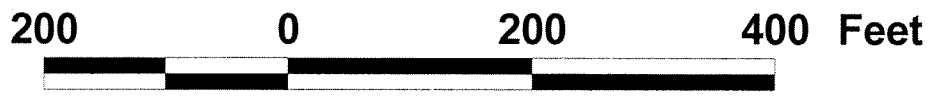
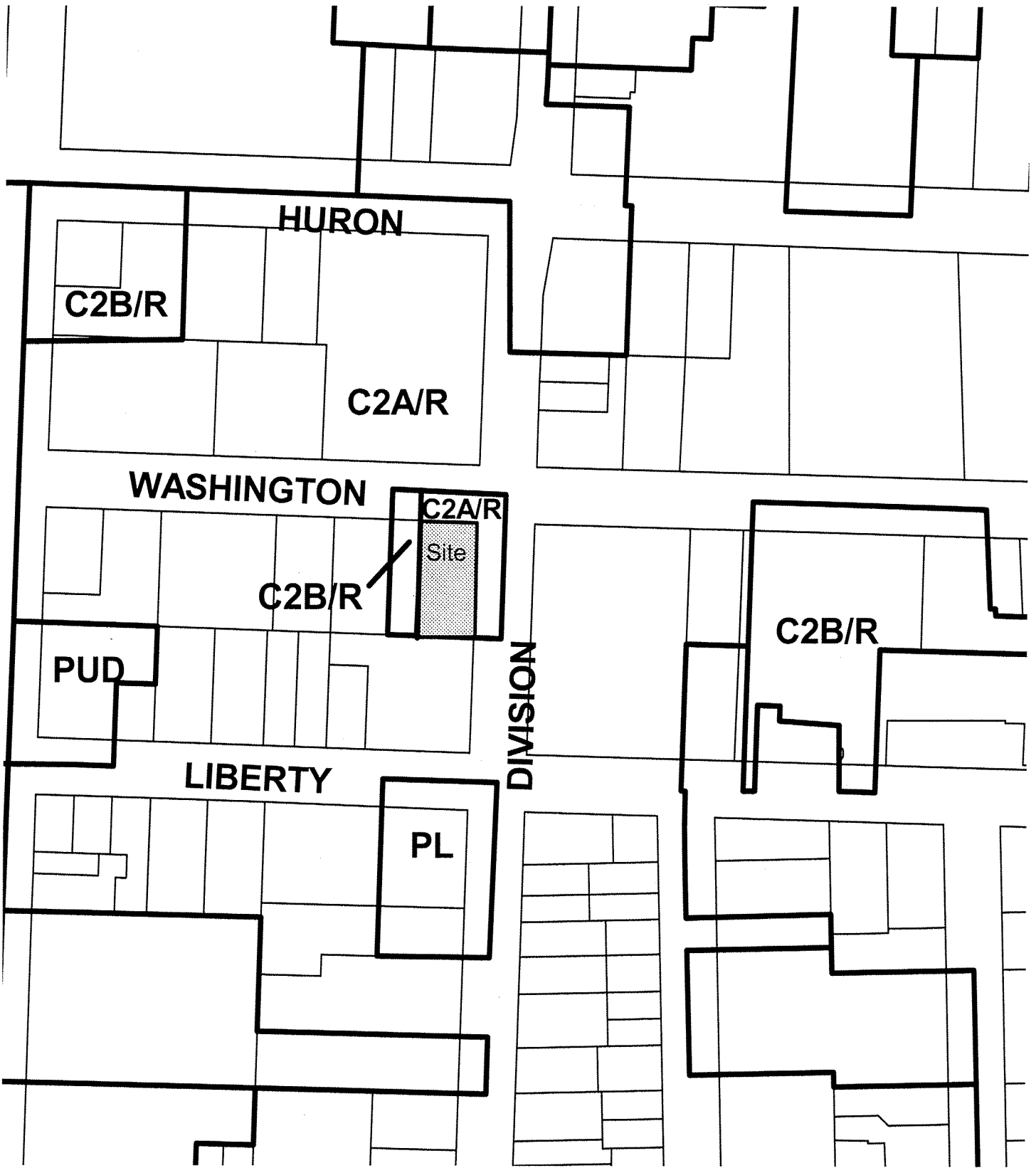
c: Petitioner/Owner: McKinley Properties
320 N. Main Street, Suite 200
Ann Arbor, MI 48104

Petitioner's Representative: Ira Ury
9700 W. Higgins Road, Suite 810
Rosemont, IL 60018

City Attorney
Downtown Development Authority
Systems Planning
File Nos. 9291C15.03 and .05

202 South Division Hotel

Parcel and Zoning Map



Q2 South Division Hotel

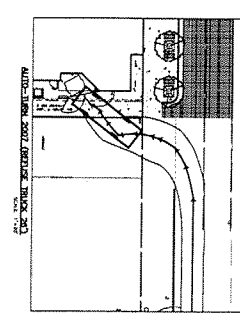
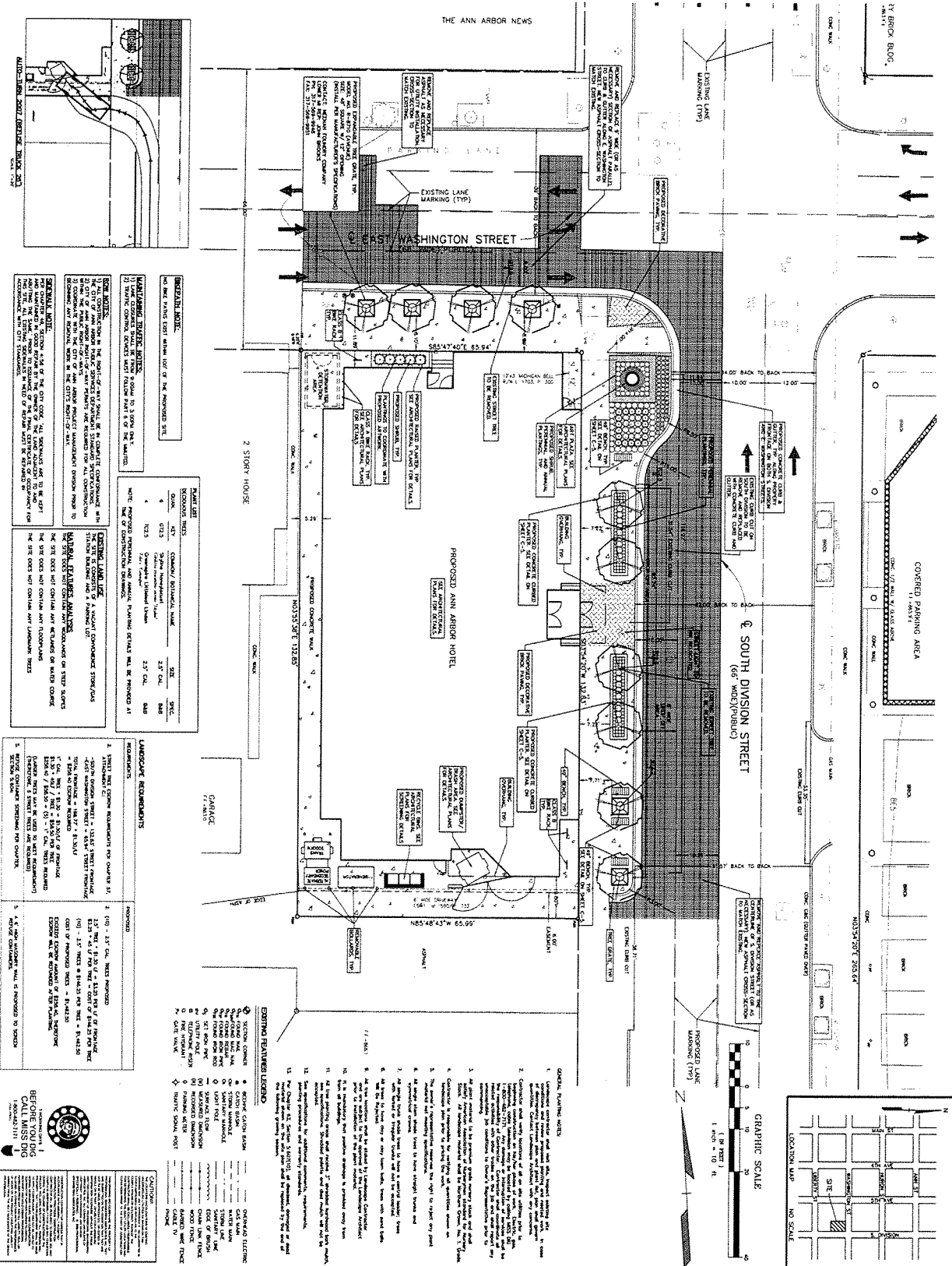
Aerial Photo



100 0 100 200 Feet

2002 Aerial Photo





GENERAL NOTES:

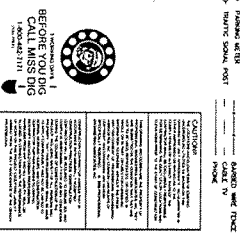
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR ZONING ORDINANCES AND THE ANN ARBOR SUBDIVISION MAP ACT.
2. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PLANS AND SPECIFICATIONS.
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5. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PLANS AND SPECIFICATIONS.

PLANT LIST:

NO.	QUANTITY	DESCRIPTION	SIZE	SPEC.
1	1	PLANTER BOX	24" DIA.	SEE PLAN
2	1	PLANTER BOX	24" DIA.	SEE PLAN
3	1	PLANTER BOX	24" DIA.	SEE PLAN
4	1	PLANTER BOX	24" DIA.	SEE PLAN
5	1	PLANTER BOX	24" DIA.	SEE PLAN

LANDSCAPE REQUIREMENTS:

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR ZONING ORDINANCES AND THE ANN ARBOR SUBDIVISION MAP ACT.
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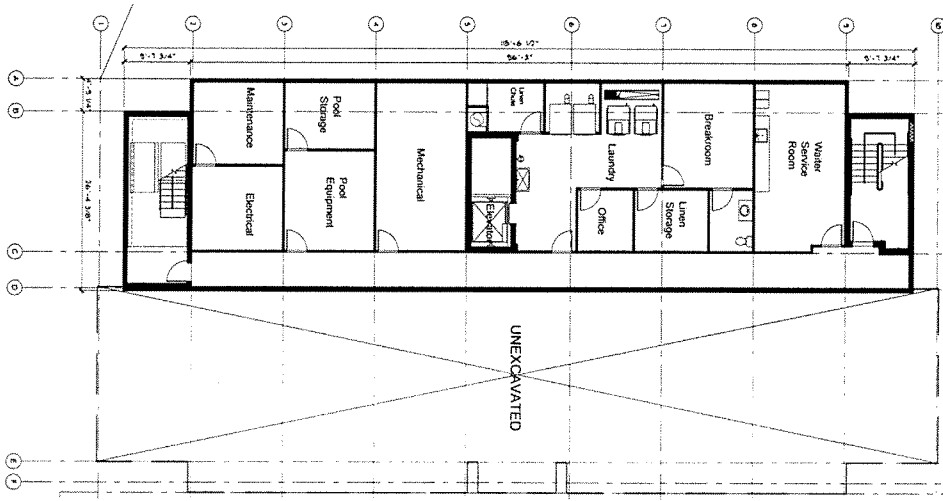
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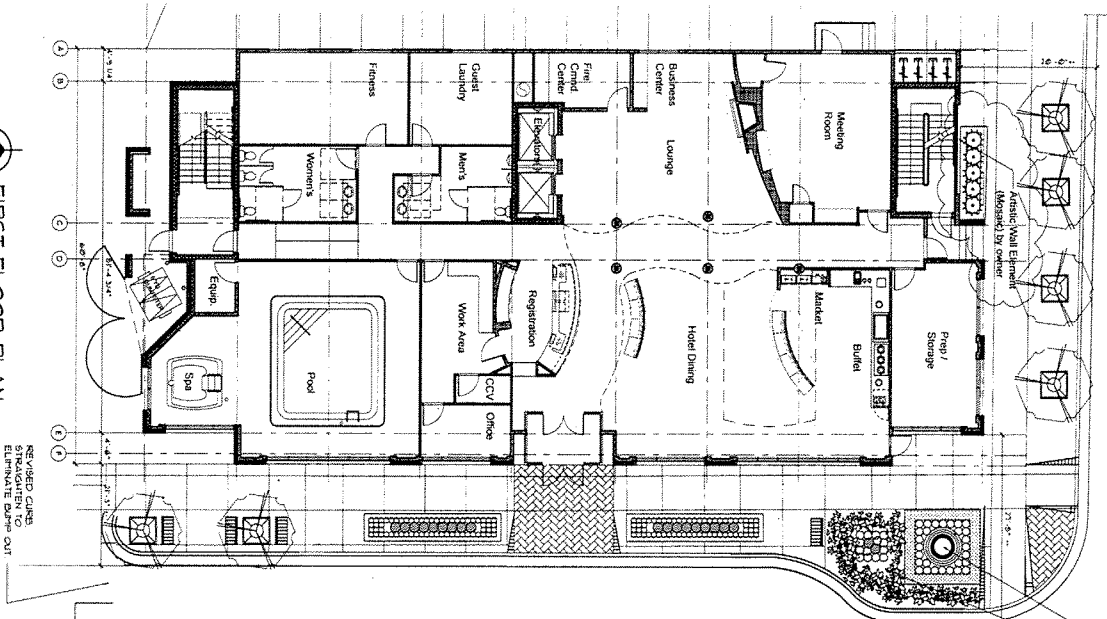
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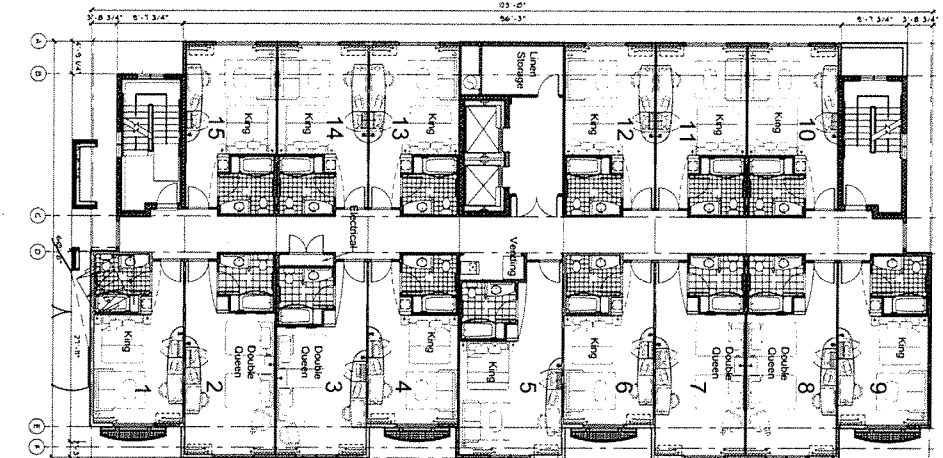
LOWER LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 AREA: 3,265 SF



FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 AREA: 6,971 SF



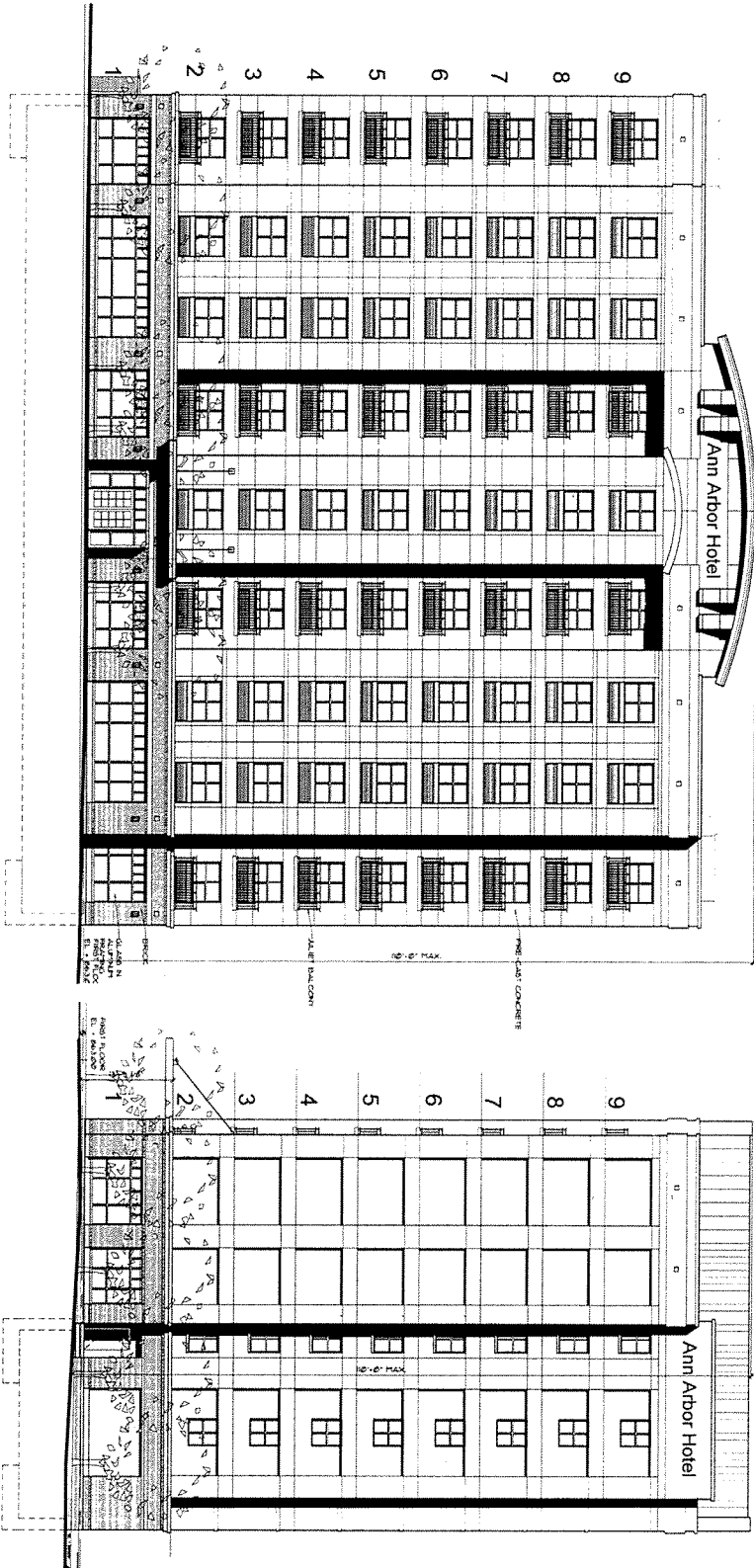
TYPICAL 2ND - 9TH FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 AREA: 6,308 SF





FLOOR PLANS
 PROJECT NUMBER: 10047
 DATE: 11/14/06
 DRAWN BY: J. MEYER
 CHECKED BY: J. MEYER
 PROJECT: ANN ARBOR HOTEL

ANN ARBOR HOTEL
 202 S. Division St.
 Ann Arbor, Michigan





 EAST ELEVATION
SCALE: 1/8" = 1'-0"

 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

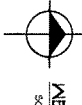
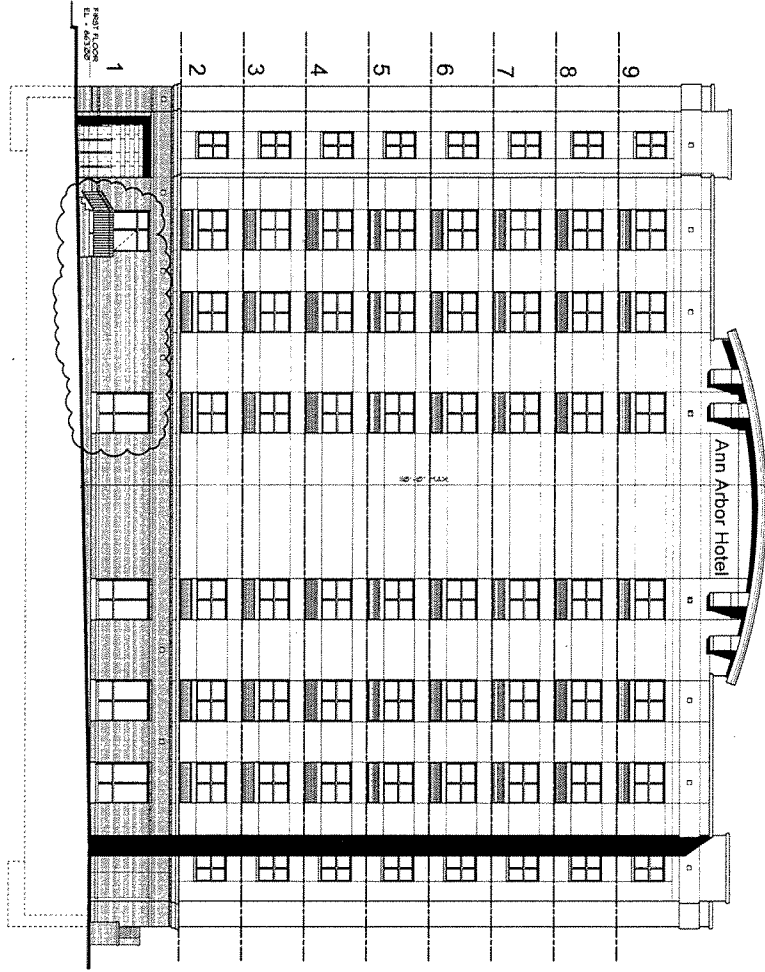
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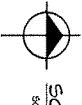
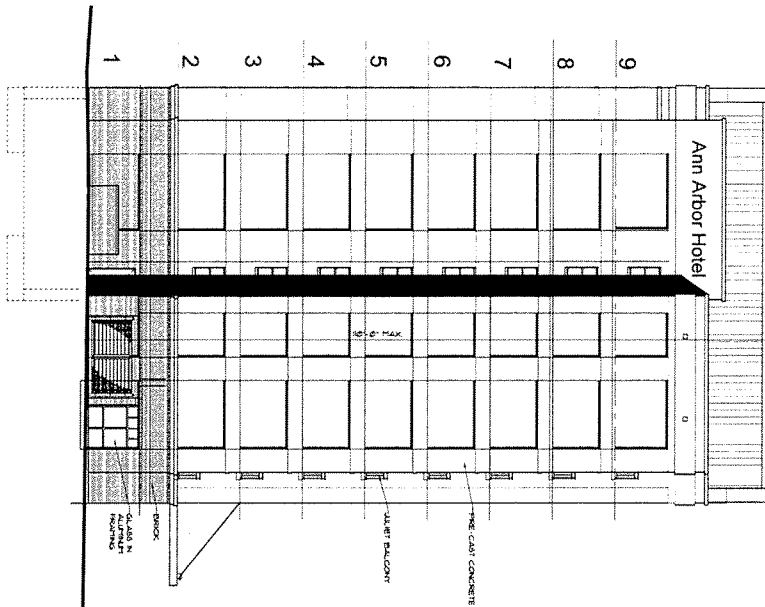
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PROJECT NUMBER: 000417
ELEVATIONS: NORTH & EAST
DATE: 11/14/07
ISSUED FOR: 11/14/07
DRAWN BY: J. J. JONES



WEST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

ANN ARBOR HOTEL

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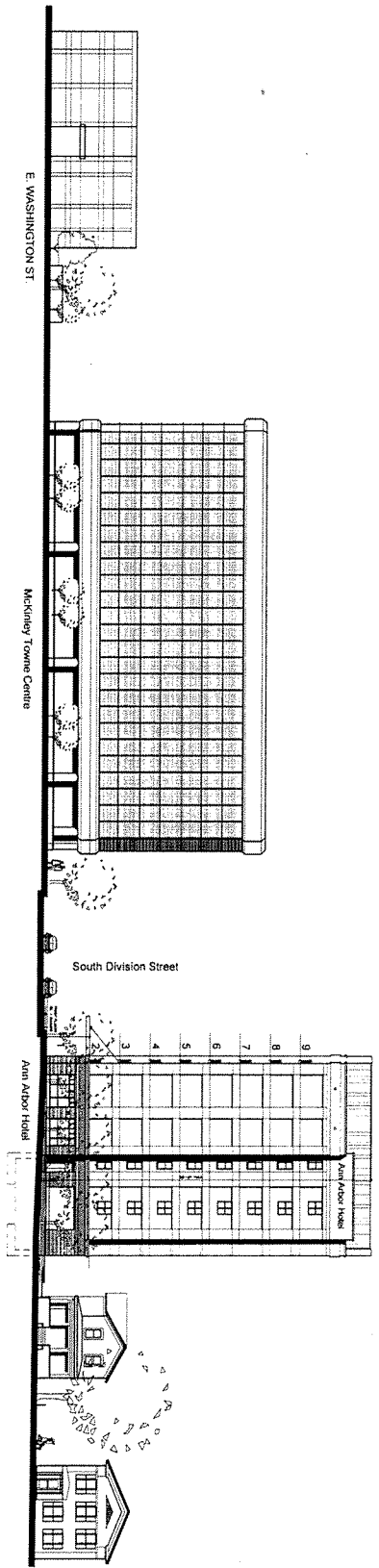
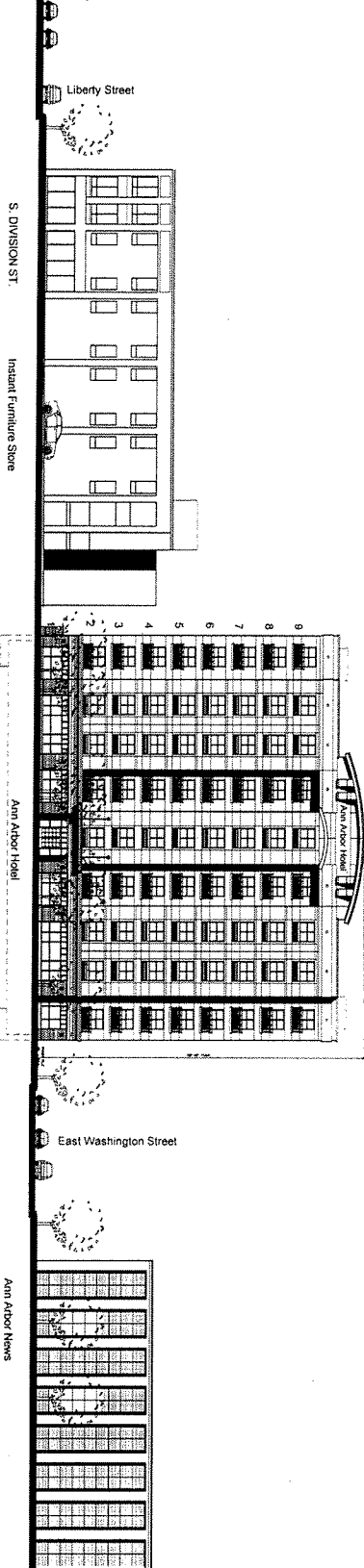
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PROJECT NUMBER: 100447
PROJECT NAME: ANN ARBOR HOTEL
ELEVATIONS SOUTH & WEST
DATE: 04/11/07
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS

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Do Not Scale Drawings



ANN ARBOR HOTEL
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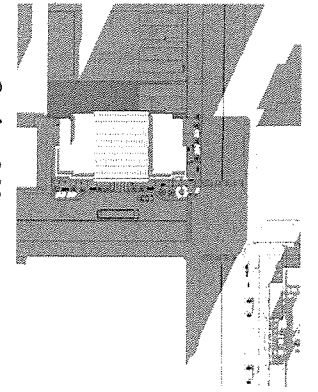
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DATE: 05/15/07
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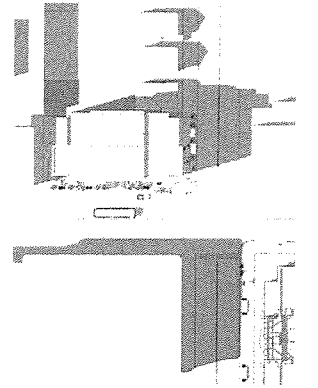
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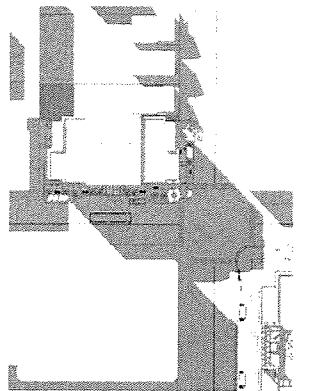
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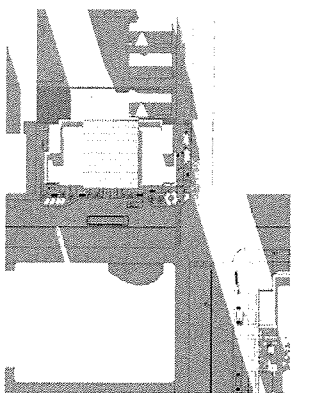
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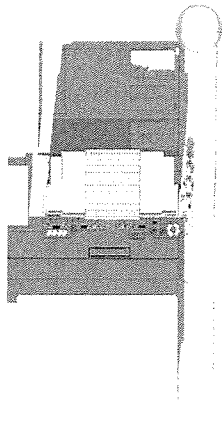
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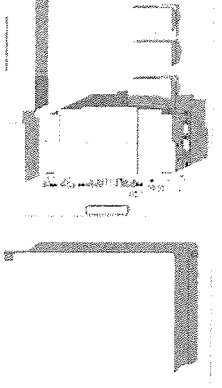
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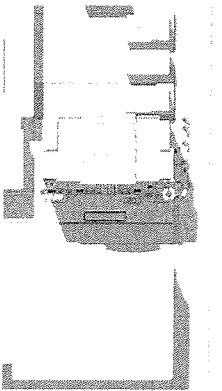
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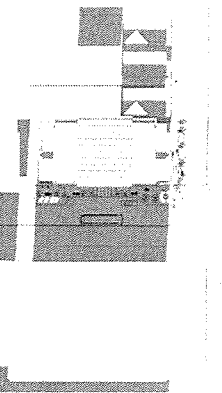
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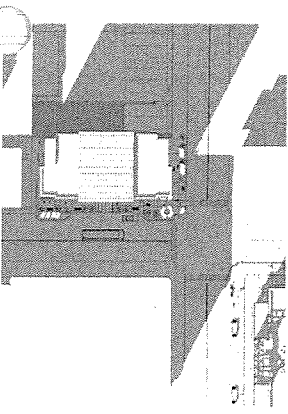
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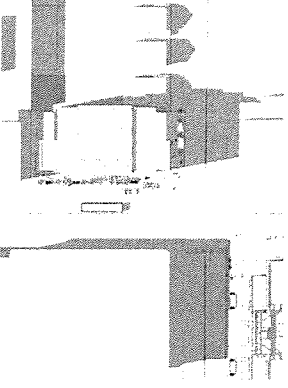
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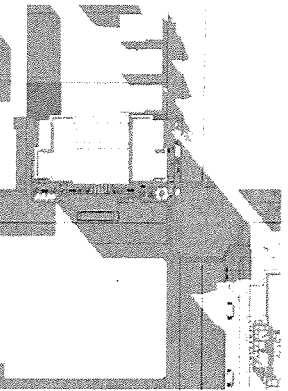
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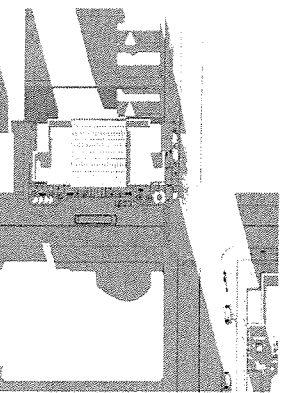
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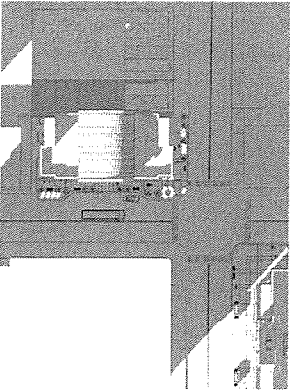
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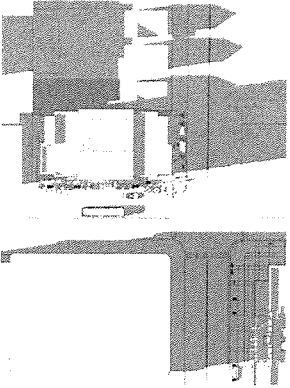
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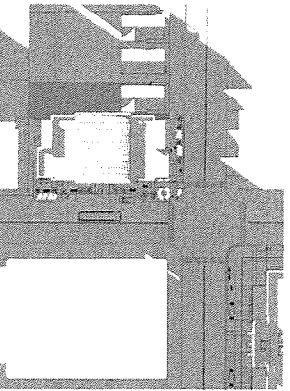
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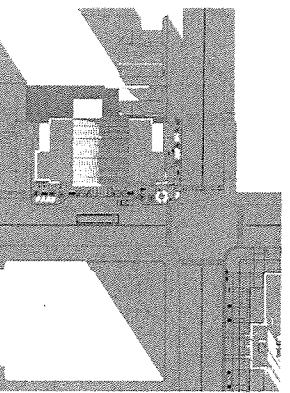
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Winter 12:00pm



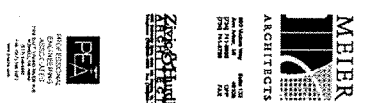
Winter 3:00pm



Winter 5:00pm

ANN ARBOR HOTEL

202 S. Division St.
Ann Arbor, Michigan



300 N. ZEEB AVENUE, ANN ARBOR, MI 48106
SCALE: 1/8" = 1'-0"
SHADOW STUDIES
ARCHITECT: WINTER 9:00AM

202 SOUTH DIVISION STREET SUPPLEMENTAL REGULATIONS

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the development of a hotel in an innovative manner that will further the goals of the Central Area Plan and Downtown Area Plan.

Purposes

- Create a quality hotel environment close to downtown and University of Michigan campus.
- Create short-term accommodation opportunities in the downtown area.
- Provide needed services for businesses in this area.
- Develop underutilized site, located in strategic location.
- Provide economic stimulus to retail/restaurant enterprises in this area.
- Further the long-term planning objectives of Downtown Core Plan for this area.

Section 2: Applicability.

The provisions of these regulations shall apply to the property described as follows:

LAND SITUATED IN THE CITY OF ANN ARBOR, STATE OF MICHIGAN, COUNTY OF WASHTENAW, DESCRIBED AS FOLLOWS: LOTS 17, 18, 19 AND 20 OF ASSESSOR'S PLAT NO. 28 IN THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 9 OF PLATS, PAGE 19, WASHTENAW COUNTY RECORDS.

ALSO:

LOTS 1, 2, 3, 20, 21, 22 AND 23 OF ASSESSOR'S PLAT NO. 27 IN THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS.

AND:

PARCEL I:

THE NORTH 80 FEET OF LOT 8 AND THE NORTH 80 FEET OF THE EAST ½ OF LOT 7, BLOCK 2 SOUTH, RANGE 6 EAST, ORIGINAL PLAT OF THE CITY OF ANN ARBOR, AS RECORDED IN TRANSCRIPT, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS, EXCEPTING THAT PART OF LOT 8, INCLUDED IN DIVISION STREET.

PARCEL II:

THE SOUTH 41 FEET OF LOT 8 AND THE SOUTH 41 FEET OF THE EAST ½ OF LOT 7; ALSO THE SOUTH 11 FEET OF THE NORTH 91 FEET OF LOT 8 AND THE NORTH 91 FEET OF THE EAST ½ OF LOT 7, BLOCK 2 SOUTH, RANGE 6 EAST, ORIGINAL PLAT OF THE CITY OF ANN ARBOR, AS RECORDED IN TRANSCRIPT, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS, EXCEPTING AND RESERVING THERE FROM A RIGHT OF DRIVEWAY OVER A STRIP OF LAND SIX FEET IN WIDTH ACROSS THE SOUTH END OF SAID ABOVE DESCRIBED LANDS, AND ALSO EXCEPTING THAT PART OF LOT 8 INCLUDED IN DIVISION STREET.

Further, the provisions of these regulations shall be adopted and incorporated into the 202 South Division Street PUD Zoning District. These regulations, however, are intended to supplement only those provisions in the City Code that may be modified as part of a PUD and shall not be construed to replace or modify the provisions in the City Code.

Section 3: Findings

During the public hearings on this Planned Unit Development, the Planning Commission and City Council determined that:

A. It is desirable to develop the property as a hotel.

FURTHERS THE GOALS OF THE DOWNTOWN PLAN

– To encourage sensitive, attractive and innovative development...in downtown Ann Arbor and adjacent neighborhoods.

– To pay special attention to the interface zones between central Ann Arbor and residential neighborhoods; and to insure that projects in these areas both contribute to downtown liveliness ... help buffer established neighborhoods from further erosion.

– Encourage Land Use & Development patterns which draws people downtown. Foster an active street which contributes to its function as an urban neighborhood.

B. Elements of the PUD Zoning District that justify its creation.

1. Provide innovative design features:

- Increase landscaping in South Division Street corridor.
- Subsurface storm water management system.

2. Economy and efficiency of land use and energy

- Pedestrian Orientation – Create additional streetscape which will compliment and enhance DDA South Division Street redevelopment.
- Strategic location provides efficient pedestrian access to destinations
- Reduces vehicle trips.

3. Provides hotel accommodation opportunities particularly suited to the needs of the visitors & businesses of the City of Ann Arbor.

- HOTEL: Provide 120 room hotel in the Core Downtown Area.

4. Promotes innovation in land use and variety in design, layout and type of structures which furthers the stated goals and physical characteristics of adopted land use plans and policies

- Unique strategic location encourages pedestrian orientation + convenience to area businesses.
- Economic Stimulator: Redevelop under utilized site in key strategic area to become economic stimulator
 - McKinley Towne Centre Development: Provide service for office tenants and visitors to the community, as well as a compliment to the McKinley Towne Centre Development
 - Create new job opportunities downtown.

5. Quality Development- This project represents a quality development which will enhance the economic vitality of the downtown core.

6. Diversity of uses – This project adds to the diversity of uses in the McKinley Towne Centre development.

- C. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of special privilege no deprivation of property rights.

Section 4: PUD Regulations

This PUD shall allow the following uses on this site:

Permitted Principal Uses shall be:

- A. Hotel, 120 units
Required accessory uses
- B. Retail & commercial uses
Restaurant and retail shop on first floor

Permitted Accessory Uses shall be:

- A. Parking
Permitted principal uses:
 - 1. Storage of automobiles and bicycles
 - 2. Mechanical and electrical equipment for hotel

Supplemental Conditions:

- A. Setbacks:
 - East Washington Street 0 feet
 - South Division Street 0 feet
 - Alley 6 feet MINIMUM
 - West property line 5 feet MINIMUM
- B. Height: 110 foot height / 9 stories above grade.
 - 1. Excludes architectural elements, mechanical equipment, mechanical penthouses, or chimneys. roof -top mechanical units shall be screened from view from street right of way.
- C. Lot Size: 8763 square feet
- D. Floor Area Ratio: FAR 800% of site area (above grade) 70,104 square feet
- E. Landscaping, Screening and Buffers:
 - 1. Buffering requirements: NONE
 - 2. Street Trees: 6 street trees are to be placed along South Division Street
 - 3. Street Trees: 4 street trees are to be placed along East Washington Street
- F. Site Access:
Vehicular Access:
 - 1. Parking: DROP – OFF lane on South Division Street (covered canopy extending into South Division Street right of way - 14 foot clearance)
 - 2. Refuse collection: One screened collection point off of shared access easement.
 - 3. Loading & Delivery Zone: ONE – in shared easement
 - 4. Bicycle Parking: 4 class A spaces
- G. Additional Items:
 - 1. Architectural Design: The facade is to be "urban modern" style.

2. Exterior Materials

- a. The exterior shall be clad in brick, masonry, stone, or precast concrete.
- b. Accents to be cast-stone, pre-cast concrete units or other permanent materials such as synthetic stucco or metal panels.

Conceptual PUD Plan – Section 5:80(4)(b)

Attach a conceptual PUD Plan. The plan shall contain all the information required by Chapter 57 and the Land Development Regulations, Section 1:3, PUD Zoning Districts. The plan shall be of a scale of 1:50 or greater. It shall illustrate the PUD development program and the district's supplemental regulation, including such standards as area sizes, locations and relationships of permitted land uses; parking and circulation systems; landscape features and a conceptual landscape plan; preserved natural features; proposed phasing and any other unique physical characteristics which warrant the PUD zoning district.

10/11/07
CC/lf

**DRAFT
10/10/07**

202 SOUTH DIVISION STREET DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2007, by and between the City of Ann Arbor, a Michigan Municipal Corporation, with principal address at 100 North Fifth Avenue, Ann Arbor, Michigan 48107, hereinafter called the CITY; and FHI, INC, a Michigan _____, with principal address at 9700 West Higgins Road, Suite 810, Rosemont, Illinois 60018, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as 202 South Division Street; and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as 202 South Division Street, and desires planned unit development site plan and development agreement approval thereof; and

WHEREAS, the PROPRIETOR desires to build or use certain improvements with and without the necessity of special assessments by the CITY; and

WHEREAS, the CITY desires to insure that all of the improvements required by pertinent CITY ordinances and regulations be properly made, and that the PROPRIETOR will install these improvements prior to any permits being issued.

THE PROPRIETOR HEREBY AGREES:

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for construction of private storm water management systems, sidewalks and streetlights ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY departments as shall be reasonably required has been provided.

(P-2) To construct all Improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in the Improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the PROPRIETOR fails to construct the Improvements, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above requiring it to commence and complete the Improvements in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR, if the PROPRIETOR does not complete the work within the time set forth in the notice. Every owner of a portion of the property, including co-owners of any condominium units, shall pay a pro-rata share of the cost of the work. That portion of the cost of the work attributable to each condominium unit shall be a lien on that Property and may be collected as a single tax parcel assessment as provided in Chapter 13 of the Ann Arbor City Code.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public improvements set forth in Paragraph P-1 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the PROPRIETOR'S engineer inspects.

(P-4) To indemnify and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the PROPRIETOR, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-5) To cause to be maintained Public Liability Insurance and Property Damage Insurance in the minimum amount of \$1,000,000 per occurrence and naming the CITY as named insured to protect and indemnify the CITY against any claims for damage due to public use of the public improvement(s) in the development prior to final written acceptance of the public improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in full force and effect during construction of the public improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-6) To construct, repair and/or adequately maintain on-site storm water management system. If the PROPRIETOR fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR if the PROPRIETOR does not complete the work within the time set forth in the notice. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units. If the PROPRIETOR fails to maintain any portion of the system, the CITY may send notice via first class mail to the PROPRIETOR, at the address listed above, requiring it to commence and complete the maintenance stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR if the PROPRIETOR does not complete the work, as appropriate, within the time set forth in the notice.

(P-7) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area.

(P-8) Prior to application for and issuance of certificates of occupancy, to disconnect 11 footing drains from the same sanitary sewer sub basin as the project. PROPRIETOR, however, may not be required to complete all 11 footing drain disconnects prior to making application and issuance of certificates of occupancy. CITY agrees to provide PROPRIETOR with a "certificate of completion" upon PROPRIETOR'S submittal of "Approved and Final Closed Out Permits" to the City of Ann Arbor Water Utilities Department.

(P-9) Prior to the issuance of any certificates of occupancy for the planned unit development project, the PROPRIETOR shall provide no less than 70 off-street parking spaces, either in a public parking lot or structure, with a written agreement with the CITY and/or other public body. Alternately, the parking spaces may be provided privately off-site, if shown on an approved site plan. The parking spaces shall be provided until such time as City Council determines that the 70 spaces or any portion thereof are no longer required due to a material change in the use or size of the building.

(P-10) To perform periodic settlement surveys of adjacent historic buildings, subject to permission of those owners, including prior to excavation or any other construction.

(P-11) To provide written notification to properties within 300 feet prior to construction offering the opportunity for the PROPRIETOR to perform video or other form of documentation of the foundation

or other visible structural elements of these properties, and to offer this documentation at the cost of the PROPRIETOR.

(P-12) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, PROPRIETOR shall review existing noise sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-13) To include the elevation drawings, as submitted to City Council, as part of the approved site plan and to construct all buildings consistent with said elevation drawings. If the PROPRIETOR proposes any changes to the approved building elevations, setbacks, aesthetics, or materials, that those changes be brought back to the City Council for consideration. The PROPRIETOR is required to submit signed and sealed drawings to staff reflecting the elevations, setbacks, aesthetics, materials and site plan approved by City Council.

(P-14) To remove all discarded building materials and rubbish from the development at least once each month during construction of the development improvements, and within one month after completion or abandonment of construction.

(P-16) PROPRIETOR is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the person(s) signing below on behalf of PROPRIETOR has (have) legal authority and capacity to enter into this agreement for PROPRIETOR.

(P-16) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

THE CITY HEREBY AGREES:

(C-1) In consideration of the above undertakings, to approve the 202 South Division Planned Unit Development Site Plan.

(C-2) To provide timely and reasonable CITY inspections as may be required during construction.

(C-3) To indemnify and hold the PROPRIETOR harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the PROPRIETOR based upon or resulting from any acts or omissions of the CITY, its employees, agents, subcontractors, invitees or licensees in the maintenance or repair of any of the City's Improvements required under this Agreement and the approved site plan.

(C-4) To record this agreement with the Washtenaw County Register of Deeds.

GENERAL TERMS

Both the PROPRIETOR and the CITY agree as follows:

(T-1) This agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

(T-4) The obligations and conditions on the PROPRIETOR, as set forth above in this Agreement and in the approved site plan, shall be binding on any successors and assigns in ownership of the following described parcel:

The North 80 feet of Lot 8 and the North 80 feet of the East ½ of Lot 7, Block 2 South, Range 6 East, Original Plat of the City of Ann Arbor, as recorded in Transcript, Pages 152 and 153, Washtenaw County Records, EXCEPTING that part of Lot 8, included in Division Street; and The South 41 feet of Lot 8 and the South 41 feet of the East ½ of Lot 7; also the South 11 feet of the North 91 feet of Lot 8 and the South 11 feet of the North 91 feet of the East ½ of Lot 7, Block 2 South, Range 6 East, Original Plat of the City of Ann Arbor, as recorded in Transcript, Pages 152 and 153, Washtenaw County Records, EXCEPTING AND RESERVING THEREFROM a right of driveway over a strip of land six feet in width across the South end of said above described lands, and also EXCEPTING that part of Lot 8 included in Division Street.

Parcel Identification Nos.: 09-09-29-112-004 and 09-09-29-112-003

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the PROPRIETOR, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits unless and until the CITY has notified the PROPRIETOR in writing that the PROPRIETOR has satisfactorily corrected the item(s) the PROPRIETOR has failed to perform.

(T-6) This agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and Ann Arbor City Code.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above written.

Witnesses:

CITY OF ANN ARBOR, MICHIGAN
100 North Fifth Avenue
Ann Arbor, Michigan 48107

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Roger W. Fraser, City Administrator

Approved as to Form:

Stephen K. Postema, City Attorney

Witness:

FHI, INC
9700 W. Higgins Road, Suite 810
Rosemont, Illinois 60018

By: _____
Ira Ury

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 2007, before me personally appeared John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation by its authority.

NOTARY PUBLIC
County of Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

STATE OF)
) ss:
County of)

On this _____ day of _____, 2007, before me personally appeared Ira Ury, FHI, INC., to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as his free act and deed.

NOTARY PUBLIC
County of _____, State of _____
My Commission Expires: _____
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:

Mark Lloyd, Manager
Ann Arbor Planning & Development Services
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 994-2800

RESOLUTION OF SUPPORT FOR 26 ADDITIONAL PARKING SPACES FOR THE ANN ARBOR HOTEL PROJECT

Whereas, In November 2005 the DDA voted to support a parking contract between the City and McKinley for 252 parking permits held by McKinley in the Liberty Square structure to support McKinley's proposed redevelopment plans in the Washington/Division area

Whereas, This contract provided that McKinley's permits would come under contract as each of three development sites received their Certificate of Occupancy, with permit allocations as follows:

- 107 spaces for Parcel #1 (McKinley Town Center and its infill development along E. Liberty Street)
- 45 spaces for Parcel #2 (former rental car site at corner of Division at Washington)
- 100 spaces for Parcel #3 & 4 (former TCF Training Center at corner of Washington at Division)

Whereas, McKinley has established a relationship with First Hospitality Group, Inc. which has proposed the construction of a 120-room hotel on the site of Parcel #2, and has provided FHG with 44 of the spaces assigned to this site under its contract with the City;

Whereas, First Hospitality Group has submitted a site plan to the City and it has been determined that zoning requires that the project provide 70 parking spaces;

Whereas, The DDA received a request from First Hospitality Group for 26 additional parking spaces to enable it to meet zoning requirements, and the DDA/City Partnerships Committee recommends approval of this request under a contract between the developer and the City and DDA;

Whereas, The 2007 Parking Strategies report recommends that the DDA eventually migrate its parking permit system to a demand management system, and the DDA/City Partnerships Committee recommends that future parking contracts reflect the potential for this future direction;

Whereas, The DDA/City Partnerships Committee also recommends that the parking contract provide some flexibility in the number of required parking spaces, as its actual parking needs may diminish after the project is established;

RESOLVED, The DDA approves the provision of 26 additional parking spaces to the Ann Arbor Hotel for a total of 70 parking spaces for this site, including the 44 provided earlier to McKinley;

RESOLVED, The DDA recommends approval of a parking contract between the City, DDA, and Ann Arbor Hotel that reflects the potential for a future change from a monthly permit system to a demand management system.

RESOLVED, The DDA also respectfully requests the City Planning Commission and City Council to consider the opportunity to reduce the number of parking spaces required for the approval of this project.

RESOLVED, The DDA asks the City that the DDA Chair, Executive Director, and Attorney be provided an opportunity to review this City agreement with First Hospitality Group to ensure that the interests of the DDA are met.



TETRA TECH, INC.

MEMORANDUM

TO: Ira Ury
FROM: Kelly K. Ferencz, P.E.
Joseph A. Sopoliga, P.E.
DATE: September 10, 2007
SUBJECT: Proposed Hotel at Metro 202

The following are responses to City of Ann Arbor questions regarding the traffic impact study for the proposed development:

Issue 1: Traffic Study correction including trip generation change or clarification on rooms defined as occupied or unoccupied or % of occupied.

Response 1: The trip generation forecast assumes that 100% of the 120 rooms will be occupied. While we understand that this would be a rare occasion, the results show that the adjacent intersections as well as the drop off area would have the capacity to accommodate this peak demand.

Issue 2: The drop off lane should account for random drop off and arrivals when calculating number of spaces.

Response 2: The drop off/pick up calculations assumed a conservative demand given the analysis clarified in Issue 1. In addition, it was assumed that all vehicles existing in the AM peak hour and arriving in the PM peak hour would use the drop off lane rather than either using available on street parking that would better suit their route or parking at the Liberty Street Parking Structure prior to checking in.

A uniform arrival was assumed in the queue analysis. However, we feel that the data used was based on a conservative forecast and therefore, the drop off lane would adequately accommodate a typical weekday peak.

Issue 3: Typo – the report calls Fifth Street the correct name is Fifth Avenue.

Response 3: If a revision to the study is required, this typo will be corrected throughout the report.

Issue 4: Need to dimension lanes across S. Division Street.

Response 4: Meier Architects and/or Site Engineer to incorporate this comment on their site plan.

Issue 5: Does the traffic study include trips between the Hotel and the designated parking spaces?

Response 5: Our analysis assumes that all PM peak hour inbound traffic associated with the proposed 120 room hotel would be checking in and utilizes the proposed pick-up/drop-off area in front of the development on Division Street. Therefore, inbound vehicles would stop in the drop off area prior to parking in the existing Liberty Square Parking Structure, located to the east of the proposed site on Washington Street. It was assumed that PM peak hour outbound vehicles would exit directly from the Liberty Square Parking Structure.

During the AM peak hour, it was assumed that all inbound vehicles would travel directly to the parking structure and walk to the proposed hotel as they are most likely not checking into the hotel. The analysis assumes that all outbound vehicles in the AM peak hour would exit the structure and proceed to the drop off area to complete their checkout.

These volumes were accounted for in our analysis however are not differentiated in Figure 4. If a revision to the traffic study is required, the difference will be identified.

Issue 6: Does the Hotel plan to have a shuttle service? If so, where is it parked?

Response 6: It is our understanding that there will not be shuttle service provided by the proposed hotel.

Issue 7: Does the Hotel plan to have a maintenance vehicle? If so, where is it parked?

Response 7: It is our understanding that there will not be a maintenance vehicle.

Issue 8: Why is the trip count so different between the apartment project (645) and this project (701)?

Response 8: All traffic forecasts were completed using information contained in the most recent edition of *Trip Generation (7th Edition)* published by the Institute of Transportation Engineers. Different developments have different trip generation characteristics for the peak hours and total daily traffic volume forecast. One possible explanation would be that a hotel would have traffic that would be generated by employees which an apartment project would not experience. Further, the apartment development also contained retail and bank uses which experience 'pass-by' or 'diverted trips' which a hotel would not experience.