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09/17/09

Near North PUD Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the orderly and efficient development of a mixed use, affordable housing development on this site. These regulations promote that by specifying the range of permitted principal and accessory uses.

Section 2: Applicability

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

Land situated in the Township of Ann Arbor, Washtenaw County, Michigan, to-wit: Commencing at the monumented intersection of Main Street and Summit Street; thence S 62°00'42" E 37.46 feet to a point along the centerline of Summit Street, said point being N 62°00'42" W 366.67 feet from the monumented intersection of Summit Street and N. Forth Street; thence S 19°00'00" W 114.21 feet parallel to the monumented centerline of Main Street and along the westerly line of Lot 1 of Block 1, Ormsby and Page Addition, as Recorded in Liber M of Deeds, pages 191 & 192, Washtenaw County Records, Michigan for a POINT OF BEGINNING; thence S 71°02'44" E 80.66; thence S 18°20'18" W 29.33 feet; thence S 70°52'52" E 10.05 feet; thence S 28°13'07" W 1.73 feet; thence S 71°07'58" E 67.47 feet along the North line of Lot 5 of said Addition; thence S 22°03'45" W 208.08 feet along the East line of Lots 5,7,9 and 11 of said Addition to a found Iron pipe; thence S 22°36'53" W 123.99 feet along the East line of Lots 11 & 13 of said Addition; thence N 70°53'11" W 139.30 feet along the South line of Lot 13 of said Addition to a point which lies N 19°00'00" E 215.31 feet parallel to the monumented centerline of Main Street, along the Easterly right-of-way line of Block 1 of said Addition from the Southwesterly corner of Lot 19 of said Addition; thence N 19°00'00" E 362.08 feet parallel to the monumented centerline of Main Street, along the Easterly right-of-way line of Block 1 of said Addition to the Point of Beginning. Being a part of Lots 1,2 & 14 and all of Lots 5,7,9,11 & 13 of Block #1, Ormsby and Page's Addition, in the SE ¼ of Section 20, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan. Containing 1.19 acres of land, more or less. Being subject to easements And restrictions of record, if any. Containing 1.19 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Further, the provisions of these regulations shall be adopted and incorporated into the Near North PUD (Planned Unit Development) District. These regulations, however, are intended to supplement only those provisions in the City Code that may be modified as a part of a PUD and shall not be construed to replace or modify other provisions or regulations in the City Code.

Section 3: Findings

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

- (A) It is desirable to develop the property described above for an affordable housing and commercial use, in lieu of the current office zoning.
- (B) The development and availability of ~~forty~~ thirty-nine units of affordable housing for lower income households in the City of Ann Arbor will expand the supply of affordable housing and will have a beneficial effect for the City of Ann Arbor.
- (C) The property described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein constitute neither the granting of special privilege nor deprivation of property rights.

Section 4: PUD Regulations

- (A) Permitted principal uses shall be:

Affordable Housing Units

A maximum of 40 residential dwelling units (with a total maximum of ~~50~~ 40 bedrooms), and a minimum of 38 residential dwelling units shall be permitted. All residential dwelling units on site shall be affordable to lower income households, as defined in Chapter 55 of Ann Arbor City Code, at 50% or below of the Area Median Income (AMI), as determined by the United States Department of Housing and Urban Development. Affordable housing units shall be made available for lease or sale to eligible lower income households consistent with City ordinances, policies and regulations regarding affordable housing, and under terms reasonably acceptable to the City.

Ground Floor Office / Retail Space ~~The permitted uses shall be g~~General office or retail use occupying no more than with a maximum of 3000 square feet of floor area on the ground floor is permitted, provided that retail use(s) shall only be permitted if there are no commercially-zoned properties abutting the PUD district property. Outdoor sales or displays are prohibited. Medical and dental office uses are prohibited. ~~The sale of alcoholic beverages is prohibited in the retail use if there is any other retail use that sells alcoholic beverages located within 500 feet of the PUD district property. This use shall be a second phase of construction.~~

Second Floor Office Space ~~The permitted use will be g~~General office use with occupying no more than a maximum of 2000 square feet of floor area on the second floor is permitted. Medical and dental office uses are prohibited.

- (B) Permitted accessory uses shall be:

Common Areas, maintenance rooms, mechanical room, flexible use space for recreation/exercise room, resident storage, resident social gatherings, laundry, parking below the building for up to 50 cars and surface parking for up to ~~40~~ 12 cars. No accessory buildings

are permitted.

(C) Setback Requirements:

Front yard (west) - ~~15~~9 feet minimum

Side yard (south) - ~~20~~13.5 feet minimum

Side yard (north) - ~~98~~115 feet minimum

Rear yard (east) – 55 feet, 24 feet, and 45 feet minimums, as specifically shown on the attached Exhibit A.

(D) Height: ~~55~~50 feet maximum

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(E) Lot Size: 1.19 acre

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(F) Floor Area Ratio and Open Space Requirements:

Maximum: 100% Floor Area to Lot Size Ratio

Minimum: 58% Open Space

(G) Parking – Off-street parking shall be provided as follows:

A minimum of one parking space per dwelling unit.

~~Ten~~Twelve surface parking spaces for all non-residential use, including two barrier-free spaces.

A minimum of 40 residential parking spaces shall be provided below the building.

Allowed Sizes for for 90 degree parking spaces provided in the garage shall be:

Full Size: 8' x 18'

Compact Size: 8' x 16'

Minimum Aisle width: 24'

A minimum of 30 Class A bicycle spaces, a minimum of four Class B bicycle spaces, and a minimum of four Class C bicycle spaces. At least 29 of the Class A spaces and four of the Class C spaces shall be used-made available for residential occupants of the building.

(H) Landscaping, Screening and Buffers:

All non-building or circulation surfaces are to be landscaped with turf, permeable walking surfaces, native shrubs, trees or ground cover. Landmark tree replacements are to be native species. Vegetated roofs shall be of a native species and drought resistant. All exterior trash enclosures and utility meter locations shall be screened either via decorative fencing or vegetation.

(I) Site Access:

One drive shall be provided for the commercial, residential and office buildings, and at least one new pedestrian access shall be provided along the southerly border designed for pedestrian access to the residential dwelling units.

(J) Architectural Design:

General: Principal exterior materials of the building facades shall be glazing (minimum 40% on front facades [west facing façade]), panelized exterior cladding materials (minimum 55% on front facades) plus accent materials. Acceptable materials shall include:

Fiber cement siding, split face block concrete masonry units (CMU), Burnished Block CMU, plant screenings, metal paneling and metal solar shading devices.

Side and rear facades (north, south, and east facing facades) shall use the same materials as the front facades in generally consistent percentages.

Where required, screening materials shall be generally consistent with the principal exterior materials.

The materials allowed for both the commercial and residential portions of the building shall be:

Base: A combination of concrete masonry units (CMU) and Burnished Block CMU on both building and retaining walls along Main Street.

Body: The body shall be white-painted fiber cement siding & Thin Brick Masonry.

Top: The top cap of the building shall be a precast concrete cap resembling limestone along with metal pitched roof accents.

Roof Top Public Areas:

A minimum of two roof top open spaces shall be provided with access for -tenants and guests. Each of these spaces shall be a minimum of 700 square feet of surface area. The primary materials used in these areas shall reflect the body and top as described above and apply intensive & extensive green roof areas along with roof terrace pavers. Space for planting of both decorative and edible vegetation (fruit & vegetable produce, herbs) shall be allocated between both areas.

Details: All building façades shall be detailed to provide architectural relief, accent materials, fenestration, and balconies. All architectural design, materials, and colors are to be visually compatible with the surrounding neighborhood. All decks and patios shall have a minimum square footage of 50 square feet with a depth no less than five feet. Each dwelling unit shall have a porch or balcony.

Entrances: Public entrances to buildings shall be provided in no fewer locations than the following:

- i. Primary entrance(s) to the ground floor retail shall be located parallel to Summit Street.
- ii. At least two pedestrian entrances to the residential units shall be accessible from the Main Street sidewalk at the ground floor, one near the NW corner and one near the SW corner. At least one of these entrances shall face Main Street.

iii. Residential entrances shall be provided from patios along Main Street.

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(K) Green-Environmentally Sustainable Features:

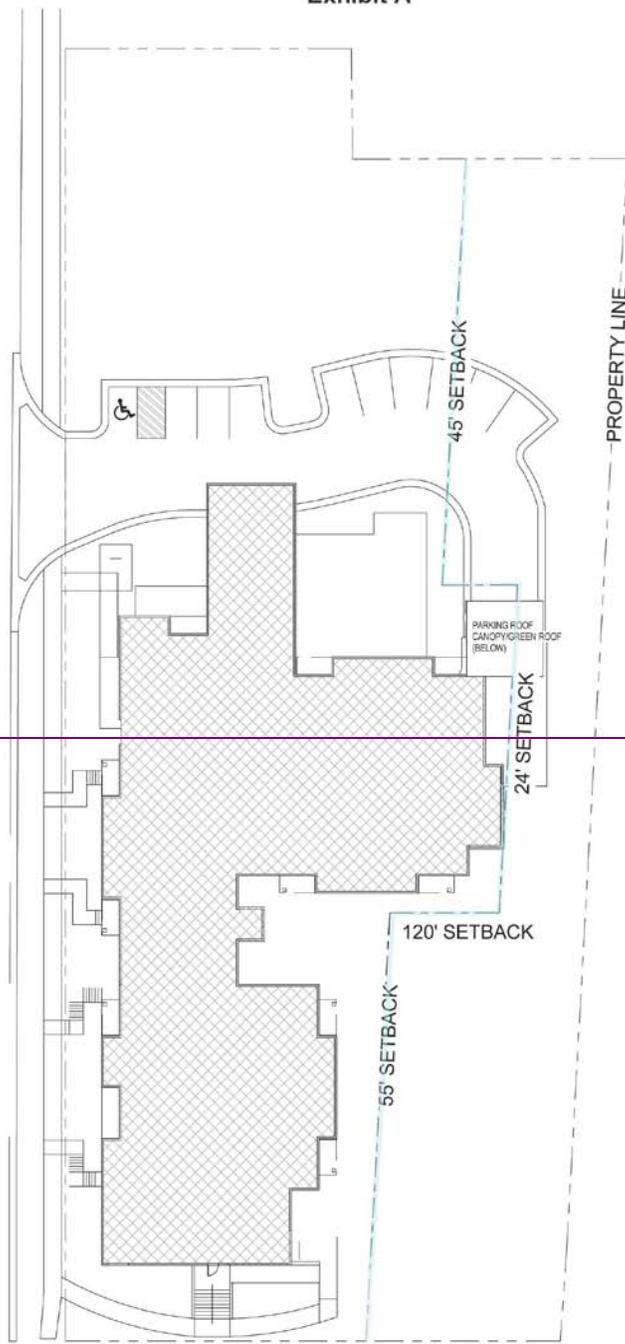
General: The building shall ~~be obtain~~ LEED (Leadership and Energy in Environmental Design) Certified for New Construction according to standards set by the U.S. Green Building Council at the time of ~~project certification~~ building permit application. Penalties for non-performance in achieving LEED certification and failure to submit an application for certification shall be provided in the PUD Development Agreement.

(L) Phasing:

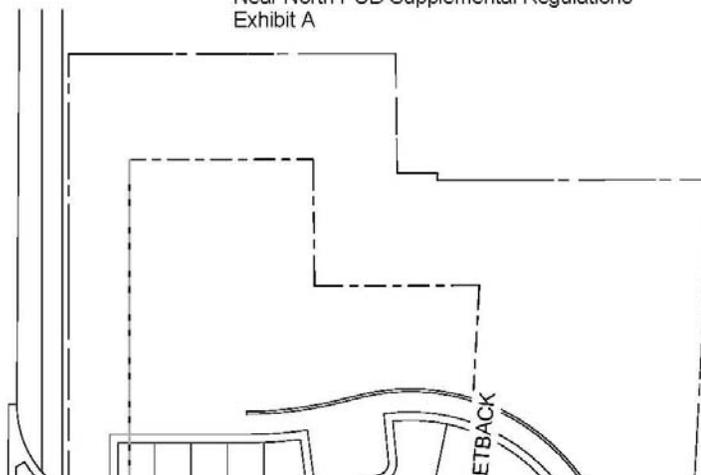
The PUD shall be constructed in two phases, with the area shown as retail use on the PUD site plan constructed in Phase two. The PUD may be constructed in one phase if the requirements for retail use as described in Section 4 above are satisfied prior to commencement of the phase.

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Near North PUD Supplemental Regulations
Exhibit A



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