

ORDINANCE NO. ORD-12-01

First Reading: January 9, 2012

Published:

Public Hearing: February 6, 2012

Effective:

ARLINGTON SQUARE REZONING
(3250 WASHTENAW AVE)

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

Commencing at the W ¼ corner of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the E-W ¼ line of said Section, easterly 1327.15 feet to the east line of the W ½ of the NW ¼ of said Section 2; thence along said east line, northerly deflecting 89°11' to the left, 1095.44 feet for a Place of Beginning; thence westerly deflecting, 90°00' to the left, 143.32 feet; thence northeasterly deflecting 108°06' to the right, 396.35 feet to the south line of Washtenaw Avenue; thence along said south line, southeasterly 35.00 feet to the east line of the W ½ of the NW ¼ of said Section 2; thence along said east line southerly 370.48 feet to the Place of Beginning, being a part of the W ½ of the NW ¼ of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the land conveyed by Howard Lazar and Gloria Lazar, husband and wife, and Richard Lazar and Jean Lazar, husband and wife, to the City of Ann Arbor, a Michigan Municipal Corporation, by Quit Claim Deed, dated October 22, 1962, and recorded November 9, 1962, in Liber 1008, Page 419, Washtenaw County Records.

PARCEL II – Lot 1, Pittsfield Plaza, as recorded in Liber 15 of Plats, Page 43, Washtenaw County Records.

PARCEL III – Beginning at the northwest corner of Block 17, Pittsfield Village, as recorded in Liber 10 of Plats, Page 21, Washtenaw County Records; thence along the north line of said Block 17, N 89°20' E 143.32 feet; thence along the east line of said Block 17, S 0°25'24" E 48.75 feet; thence northwesterly 150 feet, more or less, to the Place of Beginning, being a part of said Block 17.

SUBJECT TO THE FOLLOWING EASMENTS

Rights of way in favor of Michigan Bell Telephone Company as recorded in Liber 1192, page 79, Washtenaw County Records.

Easement for sanitary sewer as recorded in Liber 564, page 231, Washtenaw County Records.

Easement for public utilities is reserved over Parcel II of subject land, as shown on the recorded plat.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached Arlington Square PUD Supplemental Regulations, which are hereby adopted and incorporated into the Arlington Square PUD zoning ordinance.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

Arlington Square PUD Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the modification of the existing Arlington Square PUD to allow previously prohibited uses as an acknowledgment of evolving zoning and parking requirements and to encourage greater utilization of the retail and office lease space. These regulations seek to promote development that provides varied retail and professional services to the surrounding community, advances the City's land use plans and policies, and contributes to the character of an established neighborhood.

Section 2: Applicability

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

Commencing at the W $\frac{1}{4}$ corner of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the E-W $\frac{1}{4}$ line of said Section, easterly 1327.15 feet to the east line of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 2; thence along said east line, northerly deflecting 89°11' to the left, 1095.44 feet for a Place of Beginning; thence westerly deflecting, 90°00' to the left, 143.32 feet; thence northeasterly deflecting 108°06' to the right, 396.35 feet to the south line of Washtenaw Avenue; thence along said south line, southeasterly 35.00 feet to the east line of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 2; thence along said east line southerly 370.48 feet to the Place of Beginning, being a part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the land conveyed by Howard Lazar and Gloria Lazar, husband and wife, and Richard Lazar and Jean Lazar, husband and wife, to the City of Ann Arbor, a Michigan Municipal Corporation, by Quit Claim Deed, dated October 22, 1962, and recorded November 9, 1962, in Liber 1008, Page 419, Washtenaw County Records.

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Further, the provisions of these regulations shall be adopted and incorporated into the Arlington Square Planned Unit Development (PUD) zoning district. These regulations, however, are intended to supplement only those provisions in the City Codes 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 Codes.

Section 3: Findings

During the public hearings on this PUD, the Planning Commission and City Council determined that:

- (A) It is desirable to expand the number of potential uses for the existing property described above, to include all permitted uses in the adjacent C3 zoning district.
- (B) The surrounding neighborhood contains similar retail and office uses and residential areas which would benefit from expanded use options.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a greater utilization of the existing retail and office space be encouraged.
- (D) The commitment to creating a traffic and parking mitigation plan for this site, including the offering of transit passes to employees of the building, will serve to strengthen Washtenaw Avenue as a transit-oriented and economically viable corridor.
- (E) The modification of the existing PUD regulation as described above will allow additional employment, shopping and service opportunities without significantly reducing the project's compliance with current zoning and parking requirements, relative to the project's original degree of compliance with the regulations at the time.

(F) The parcel described above meets the standards for approval as a PUD, and the regulations contained herein do not constitute the granting of special privilege or deprivation of property rights.

Section 4: PUD Regulations

(A) Permitted principal uses:

Any principal use permitted in the C3 Fringe Commercial district, excepting vehicular drive-thru or drive-up uses.

(B) Permitted accessory uses shall be:

Those allowed in the R3 Townhouse district.

(C) Setbacks:

Front (Washtenaw): 0 feet minimum
Front: (Huron Parkway): 15 foot minimum
Rear (South): 0 feet minimum
Side (East): 0 feet minimum

(D) Height:

Maximum height for all structures on the site: 30 feet

(E) Lot Size:

Minimum lot size: 55,000 square feet

(F) Floor Area in Percentage of Lot Ratio

Maximum Usable Floor area ratio: 100%

(G) Off-Street Parking:

Minimum vehicular parking: space per 375 square feet of floor area	1
Minimum bicycle parking: 'A' bicycle spaces	6 Class
38 Class 'C' bicycle spaces	

(H) Landscaping, Screening and Buffers:

A conflicting land use buffer located on the residential parcel to the south, between the parking area and the abutting residential property shall consist of:

1. A fence forming a continuous opaque screen at least 6 feet high.