

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 5, 2010

**SUBJECT: The Moravian PUD Zoning District and PUD Site Plan
(201, 211 and 215 East Madison Street; 554 and 558 South Fifth Avenue;
and 547, 551 and 553 South Fourth Avenue)
File Nos. PUDZ08-036 and SP08-022**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Moravian Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan dated December 11, 2009, and Development Agreement, subject to adoption of modernized flood insurance rate maps that remove the site from the floodway.

STAFF RECOMMENDATION

Staff recommends that The Moravian PUD Zoning District and Supplemental Regulations be **approved** because the uses, physical characteristics, design features, and amenities proposed have a beneficial effect for the City; the beneficial effect could not be achieved under any other zoning classification and is not normally required; the proposed uses will not have a detrimental effect on public utilities or surrounding properties; the multiple-family use is consistent with the master plan; affordable housing is proposed since the recommended density is exceeded; the supplemental regulations include sufficient analysis and justification; safe, convenient, uncongested and well-defined circulation is provided that also encourages alternative transportation methods; and disturbance to existing features is limited to the minimum necessary and substantially offsets any negative impacts.

Staff recommends that The Moravian PUD Site Plan be **approved**, subject to adoption of modernized flood maps, because the development would comply with the PUD zoning district and supplemental regulations proposed, and all applicable local, state and federal laws, ordinances, standards and regulations; the development would limit disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development will not cause a nuisance and will not have a detrimental effect on the public health, safety or welfare.

DESCRIPTION OF PETITION

This petition was postponed on October 6, 2009 to allow an opportunity for the petitioner to gather feedback from the Planning Commission and public, and allow an opportunity to incorporate that feedback.

Comments and Responses – Staff provided a summary of the comments made at the October 6, 2009 Planning Commission meeting to the petitioner. The summarized comments and a brief description from staff of how the petition was revised in response are provided below.

- 1. Increase, strengthen, and enhance the beneficial effect for the City by considering additional amenities and/or upgrading proposed amenities (such as more affordable housing units, higher level of LEED certification, and/or more open space) or reducing the degree of modifications from the normal standards in the R4C district.**

The number of affordable units proposed has been increased from 9 to 12. At this time, all efficiency and one-bedroom units will be affordable to lower income households. This increases the proposed number by more than 25% over the version of the development presented in October. The total proposed requirement for on-site affordable housing is now 19% overall. It is important to note the requirement for on-site affordable housing is not limited to a particular unit size. Rather, the requirement is that 12 units in the building must be leased at fair market rent rates. In the future, the mix of affordable units could be changed to include two-, three-, and four-bedroom units along with or instead of efficiency and one-bedroom units.

Also, outdoor terraces have been provided at the corners of the building on South Fourth Avenue. These terraces replace dwelling units on the fourth floor (not counting the parking garage), thereby decreasing the total number of dwelling units by one and increasing the amount of active open space available to residents. This change also provides a step-down effect to the building.

- 2. Propose an architectural design that itself is a benefit of the development by focusing on the character, scale and compatibility of the building.**

The exterior has been further detailed, including horizontal and vertical modules and a base-middle-top appearance across the entire building. Most of the building now has a flat roof, and outdoor terraces have been added at two corners for a step-down effect. Architectural details such as cornices, sills and headers, banding and shutters have been added along with changes in color, material and plane for further articulation. Windows have been increased in size and made multiple and grouped.

- 3. Decrease the total number of bedrooms proposed on the site plan, decrease the maximum number of units permitted in the PUD district, and make corresponding changes to the PUD supplemental regulations.**

The number of units proposed has been decreased by one, from 63 to 62 units. Of these, 12 are affordable units. One bedroom-bathroom pairing in each of the three- and four-bedroom units has been converted to a flex room and a laundry/storage room. This conversion provides these larger units with a more traditional layout. For example, the three-bedroom units include one master bedroom suite and two bedrooms sharing a separate bathroom and a flex room. The flex room, now without an attached bathroom, could instead be used as a home office, den, formal dining room or nursery and helps accommodate a greater variety of lifestyles.

The 50 market-rate dwelling units now contain a total of 106 identified bedrooms and 42 flex rooms. The 12 affordable-rate dwelling units provide an additional 12 bedrooms in the development.

The PUD supplemental regulations have been revised accordingly.

- 4. Address the active open space proposed on the site plan, providing more justification for the proposed amount and consider increasing the amount proposed to be closer to the standards of the R4C district, perhaps by a roof-top terrace or patio.**

Additional active open space has been proposed by outdoor terraces on the fourth floor of the building (not counting the parking garage). According to the petitioner, this type of active

open space plus the open space surrounding the building will sufficiently meet the needs of the target market (see attached November 18, 2009 letter from petitioner). The petitioner describes the target market as generally spending a significant amount of time in social environments other than work or home, at “third places.” The target market’s active open space needs at home are not as great as other cohorts and the location of the site so close to other social environments desired by the target market balances the ground level open space and fourth-story outdoor terraces provided on-site.

5. Clarify what the development specifically provides to attract the target market of young entry-level professionals.

The petitioner offers the following response:

“The appeal of this project to the target market manifests itself on a number of different levels and through a number of characteristics, particularly if one understands the preferences of this market segment. These characteristics are described in greater detail in the narrative and following is a summary description thereof.

- *The location of the project is a major consideration in attracting this target market. The lack of high quality apartment living options within walking distance of the amenities Ann Arbor has to offer, such as Main Street’s dining and social scene, places of employment, the University’s educational, cultural and employment opportunities and the entertainment offered by the sports facilities immediately to the south, makes this project attractive to this target market.*
- *A wide selection of unit types that allows one to stay in the same location through various stages of desired living arrangements.*
- *Secure and covered parking available on site.*
- *Safety features such as the secure parking mentioned above, controlled access to the building, full fire protection and full time management staff.*
- *A building wired for the latest technology and electrical capacity.*
- *A sustainable and environmentally friendly living opportunity.*
- *Live-Work opportunities.*
- *Gathering spaces such as the lobby sitting area, the roof-top terraces and the pocket park which are unique to this project compared to other rental opportunities in this area.*

Beyond physical attributes of the structure are qualitative aspects of a property related to the culture created by the management and its residents which will be a significant focus of ours. This plays into the long term success of retaining any targeted market segment, particularly this one, and will be another important element in this regard.”

6. Reduce the impact of the development on 543 South Fourth Avenue.

The mansard roof has been eliminated along that side of the building, and the proposed outdoor terraces at the corners of the building on South Fourth Avenue provide a step-down effect. These changes help reduce the height, relationship and overall impact to 543 South Fourth Avenue.

7. Revise the PUD supplemental regulations to better match the required and proposed open space area; so that an L-shaped building is required; include a penalty for

failure to use a renewable energy source for heating and cooling, and be more specific about the maximum height permitted and exceptions allowed.

Revised PUD supplemental regulations are attached. Significant changes to the supplemental regulations include:

- A minimum size for each Live/Work Space has been added. [Section 4(A)]
- The setback regulations have been rewritten and now include a diagram. [Section 4(C)]
- The maximum height in feet has been reduced from 70 feet to 60 feet and the method for measuring height has been revised. [Section 4(D)]
- The maximum floor area ratio has been reduced from 210% to 200%, the minimum lot area per dwelling unit has been increased from 400 square feet to 440 square feet, and the maximum lot area per bedroom has been increased from 225 square feet to 230 square feet. With these changes, a building up to 74,408 square feet may be permitted and may contain up to 92 dwelling units with a combined total of 160 bedrooms. [Section 4(F)]
- A portion of the open space provided must now be in the form of outdoor terraces. [Section 4(H)]
- A penalty for violating the energy and environmental design requirements has been added and is the same penalty formula in the Zoning Ordinance for green building premium violations in the D1 and D2 zoning districts. Also, the renewable energy sources have been expanded to include on-site as well as off-site sources. [Section 4(I)]
- The minimum affordable housing requirement has been increased from 15% of the total number of dwelling units to 19%. [Section 4(J)]

Changes to the PUD Site Plan – The following summarizes changes to the proposed PUD Site Plan.

- The curb cut and driveway on South Fourth Avenue leading to the waste and recycling collection area has been eliminated. Solid waste and recycling containers will be manually moved to the curb for collection. This eliminates the need for a variance to allow more than the maximum number of curb cuts for the site.
- The sidewalk along South Fourth Avenue has been straightened to follow the traditional placement and alignment of public sidewalks. Also, all structures associated with the proposed pocket park have been moved out of the public right-of-way and are now located on the subject site. Easements will be provided to allow public access and use of the pocket park and its benches and tables.
- The floor elevation of the Live/Work units has been raised above the revised floodway elevation. Stairs in front of each and a ramp to the east of the Live/Work units have been added for direct access from the sidewalk.
- The building elevations have changed as described above. Repeating in summary, the roofline is now mostly flat instead of mostly pitched, windows are grouped instead of placed at regular intervals, more architectural detailing is provided, and terraces have been added at two corners for a stepped down appearance.

REVISED COMPARISON CHART – ZONING DISTRICTS
(Shading indicates revisions since October 6, 2009 staff report.)

		EXISTING		PROPOSED
Zoning		M1	R4C	The Moravian PUD Zoning District Supplemental Regulations
Permitted Principal Uses		All RE (Research) and O (Office) uses, trade, transportation, laundry services, manufacturing plants, auto repair	Single, two and multiple-family residential, rooming/boarding houses, nursing homes, child care centers	Multiple-family residential
Permitted Accessory Uses		Incidental retail sales, one dwelling unit for security person.	Social club/recreational center, home occupations.	Live/work space for artists, entrepreneurs, professionals; child care center; recreation; food and beverage sales, health care space; sales and leasing office
Lot Area		13,000 sq ft	8,500 sq ft	0.85 acres (37,201 sq ft) MIN
Density		60% MAX FAR (no lot area per DU)	2,175 sq ft/DU (no FAR limit)	440sq ft/DU <u>and</u> 230 sq ft/bedroom <u>and</u> 200% FAR MAX
Setbacks	Front	30% of width up to 40 ft MIN	25 ft MIN or average, plus additional if <50 ft bldg width or <30 ft bldg height	For exterior walls above grade: Madison – 4 ft MIN Fifth – 8 ft MIN Fourth – 14 ft MIN North lot lines – 12, 30 or 55 ft MIN
	Side	15% of width up to 25 ft MIN	12 ft one, 26 ft total MIN, plus additional if <50 ft bldg length or <30 ft bldg height	
	Rear	50 ft MIN abutting R	30 ft MIN, plus additional if <50 ft bldg length or <30 ft bldg height	
Height		35 ft – 3 stories MAX	30 ft MAX	5 stories, 60 ft MAX measured from top of the curb perpendicular to that point of the building
Vehicle Parking		1 per 600 sq ft limited industrial use MIN	1.5 per dwelling unit MIN	1.25 per dwelling unit MIN, 90 spaces MAX
Bicycle Parking		1 per 6,000 sq ft limited industrial use MIN (Class B)	1 per 5 dwelling units MIN (50% Class A, 50% Class C)	1 per 3 bedrooms MIN
Open Space		Not applicable	40% MIN, including 300 sq ft per dwelling unit usable	20% MIN including 1,300 sq ft terraces MIN

REVISED COMPARISON CHART – SITE PLAN
(Shading indicates revisions since October 6, 2009 staff report.)

		EXISTING	PROPOSED	REQUIRED
Zoning		R4C Multiple-Family Residential M1 Industrial	The Moravian PUD Zoning District	The Moravian PUD Supplemental Regulations
Lot Area		0.85 acres (37,201 sq ft)	0.85 acres (37,201 sq ft)	0.85 acres (37,201 sq ft) MIN
Floor Area, Density Limitations		Unknown floor area, 19 dwelling units	62 dwelling units, including 12 affordable units, with total of 150 bedrooms and flex rooms (74,370 sq ft)	440 sq ft/DU <u>and</u> 230 sq ft/bedroom <u>and</u> 200% FAR MAX (up to 92 units w/160 bedrooms, in 74,408 sq ft)
Setbacks	Front	6 ft average	Madison – 4 ft Fifth – 8 ft Fourth – 14 ft North – 12.4 ft (from 543 S 4 th); 31 ft (from 548 S 5 th)	Madison – 4 ft MIN Fifth – 8 ft MIN Fourth – 14 ft MIN North lot lines – 12, 30 or 55 ft MIN
	Side	9 ft average		
	Rear	25 ft average		
Height		Estimated 28 ft average	59 ft 8 in, 5 stories	60 ft – 5 stories MAX
Vehicle Parking		Estimated 22 spaces	90 off-street spaces	1.25 per dwelling unit MIN, 90 spaces MAX
Bicycle Parking		None	48 Class A, 34 Class C (82 total)	1 per 3 bedrooms MIN (55 spaces)
Open Space		Unknown	28% (10,480 sq ft, including 4,740 sq ft active, including 1,346 sq ft terraces)	20% MIN, including 1,300 sq ft terraces MIN

STANDARDS FOR PUD ZONING DISTRICT REVIEW

As set forth in Section 5:80(6) of the Zoning Ordinance, there are eight criteria to consider when evaluating a PUD Zoning District petition. The criteria are paraphrased below in bold text. The petitioner has provided a detailed Project Narrative that contains information relative to each of the standards for review. Staff's responses to each criteria and the petitioner's Project Narrative are provided below.

- 1. The use(s) provide a beneficial effect for the City, which may include: innovation in land use; efficiency of land use, natural features and energy; providing usable open space; preserving and protection natural features; employment and shopping opportunities; expanding supply of affordable housing; use or reuse of existing sites.**

Staff finds the proposed zoning district would provide three of the example beneficial effects for the City, including innovation in land use, efficiency in land use and energy, and expanding the supply of affordable housing. In staff's opinion, proposing a 19% affordable housing requirement, provided on-site, coupled with the location of the site so near to downtown, is a particularly beneficial effect for the City.

- 2. Beneficial effect could not be achieved under any other zoning district and not required under any existing standard or ordinance.**

The restrictions placed on the number of bedrooms in each unit and the minimum lot area requirements, as well as the requirements for affordable housing, development certification and

allowances for live/work space within the development could not be achieved under any other zoning district and are not required under any existing standard or ordinance.

The petitioner offers the following, in addition to the responses contained in their Project Narrative: "The Moravian proposes a lesser level of variance than any comparable previous PUD [while] providing much greater benefit. No other market rate PUD has ever exceeded the minimum affordability requirements and the sustainable features committed to in this project will make it the greenest market rate project ever constructed in Ann Arbor."

3. Uses shall not have a detrimental effect on public utilities or surroundings.

The principal use of the district is multiple-family residential which will not have a detrimental effect on public utilities or the surroundings.

4. Uses shall be consistent with master plan or adequate justification is provided.

The Master Plan-Land Use Element recommends multiple-family residential uses for the subject site, and the proposed uses are consistent with this recommendation. Generally adequate justification has been provided to include the Live/Work Units, which allow nonresidential uses, as part of the planned unit development. Note that density of the proposed uses is addressed in other review standards, below.

5. Residential density consistent with master plan or underlying zoning, or additional density has been proposed in order to provide affordable housing.

The proposed district will allow more residential density than the underlying zoning or future land use recommendation in the master plan, but affordable housing has been proposed as part of the increased density.

The petitioner offers the following, in addition to the responses in the Project Narrative: "The Central Area Plan designates this location for a future land use of multiple-family where higher density development such as apartments and group quarters is appropriate. Also, there is no particular density specified in terms of units per acre or any other standard measure of density."

6. Supplemental regulations include analysis and justification to determine what the benefit is, how it will be provided, and performance standards for evaluation.

Supplemental regulations have been prepared to ensure that sufficient analysis, justification and performance standards so that the proposed beneficial effects are achieved and maintained.

7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district, and alternative transportation is encouraged.

Vehicular and pedestrian circulation is well defined and access is safe. The traffic impact study provided for a previous, more intense development on this site concluded there would be no congestion in or near the district as a result of the rezoning. The previous traffic impact study conclusions continue to be valid for the currently proposed, less intense uses.

8. Minimum necessary disturbance to existing natural features and historically significant architectural features.

It appears the development has minimized the disturbance to the existing natural features. Significant disturbance is proposed to the existing architectural features of the site (they are all proposed to be demolished) but none of the existing buildings are in a designated historic district or a historic district study area.

STANDARDS FOR PUD SITE PLAN REVIEW

The standards for PUD Site Plan as provided in Section 5:123(4) in Chapter 57 of the City Code are provided below for reference.

- a) The development would comply with the established PUD zoning and with all applicable local, state, or federal laws, ordinances, standards and regulations; and
- b) The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria set forth in Chapter 57; and
- c) The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.

NATURAL FEATURES ALTERNATIVES ANALYSIS

[Note: A description of the provided natural features alternative analysis was inadvertently omitted from the October 6, 2009 staff report and is provided here.]

There are two landmark trees on the site. Both are black walnut trees and located at the rear of existing homes, one at 201 East Madison Street and the other at 558 South Fifth Avenue. The petitioner has submitted two alternatives considered in arriving at the proposed design that save the trees. Alternative A is a t-shaped building in between and north of the existing trees. Compared to the proposed development, Alternative A has a reduced footprint, less enclosed parking, less parking overall, and fewer units. The petitioner states that Alternative A would be less efficient and more expensive housing than the proposed development.

Alternative B is a square building located between the existing trees with two additional surface parking lots to the east and west. Compared to the proposed development, Alternative B has a reduced footprint but significantly more stories and height. The petitioner states that Alternative B does not provide adequate parking and is excessively tall.

The landmark trees have a combined diameter of 43 inches and require 22 inches of replacement trees to be provided as mitigation. Eight trees, each 2 ½ inches, and one 4-inch tree are proposed as part of the site plan.

CITIZEN PARTICIPATION

[Note: A description of the citizen participation requirements for this petition and how the petitioner met these requirements was inadvertently omitted from the October 6, 2009 staff report and is provided here.]

The citizen participation requirements for planned unit development zoning and site plan petitions include a preliminary meeting with staff, written information including an invitation to a meeting mailed to all property owners within 1,000 feet of the site, meeting with citizens prior to

submitting the petition, and providing a report documenting the meeting with the submitted materials.

Mailing labels were provided by staff for all property owners within 1,000 feet of the subject site, and the petitioner invited all to a meeting on December 23, 2008. The petition was submitted on December 26, 2008. The required report was included with the submitted materials and is attached. The petitioner also invited citizens to a second meeting on February 26, 2009 and document it in a letter to staff, which is also attached as part of the citizens participation report.

SERVICE UNIT COMMENTS

Land Development – The southwest corner of the property currently is within the floodway of the Allen Creek overland flow. FEMA (the Federal Emergency Management Agency) is in the process of revising the Flood Insurance Rate Maps (FIRM) as part of the map modernization project. FEMA issued preliminary FIRMs in July 2007 that indicate the property will be removed from the floodway and be considered 100-year floodplain only. The preliminary FIRMs are not expected to become official until sometime in mid-2010. Staff recommends that approval of this site be subject to adoption of the new FIRMs.

Systems Planning – Fourteen footing drain disconnections are required to mitigate the impact of this development on the waste water treatment system.

Community Development – Staff noted a high need for efficiency and one-bedroom affordable units in and near downtown and supports the project because it includes such units. Staff is also complimentary of the proposed development floor plan since it distributes the different type of units throughout the building with some on each floor. This almost eliminates the chance that all affordable units are provided on a single floor, which is generally undesirable.

The petitioner has agreed to enter into a covenant with the City to restrict the rental rates of the efficiency and one-bedroom units to Fair Market Rent Rates (FMR) as published by HUD (a federal agency) annually which include utilities. By limiting rates to the FMR, households with Section 8 or other vouchers will be eligible to rent the units, and the household income will be limited to 80% of the median income or less. Staff encourages the petitioner, who will manage leasing of all units, to advertise available units with local nonprofit housing providers who maintain waiting lists of low income households seeking affordable housing.

Planning and Development Services – Staff acknowledges that the proposed petition is not entirely characteristic of the area and that it meets some of the goals and recommendations of the Central Area Plan but is contrary to others. However, the purpose of planned unit developments is to allow a project to deviate from the standards of the current zoning designation or the master plan future land use recommendations if sufficient justification to deviate from those is provided and results in an overall beneficial effect for the City. In staff's opinion, sufficient justification has been provided and the proposed development will result in sufficient beneficial effects for the City:

- Affordable housing units in new construction near the downtown are virtually nonexistent. This project will provide much needed units. Staff does encourage the petitioner take all steps necessary to lease affordable units to households on waiting lists of local nonprofit affordable housing providers. While many students of the University of Michigan are eligible for affordable housing, the intent of this development, according to the petitioner, is to accommodate non-student households.

- Development of the site as a single unit will provide for better quality and more quantity storm water management than if the lots were individually redeveloped.
- There will be a net increase in floodplain capacity with the proposed development.
- The proposed architectural design compliments the context and character of the neighborhood. East Madison Street is a transitional corridor where established residential uses and longtime industrial uses abut and overlap. Since the beginning some industrial buildings and uses have been found on the north side of the street while homes were built, and redeveloped with newer multiple-family buildings, on the south side as well. The proposed development blends the varied character of the corridor by including the residential uses that dominate the northern half of the neighborhood in a building that could have easily been found to the south. The site will serve as a bookend and frame for the South Fourth and Fifth Avenue blocks and is compatible with the scale and style of East Madison Street.
- The proposed development includes tangible energy and environmental design elements.

Prepared by Alexis DiLeo

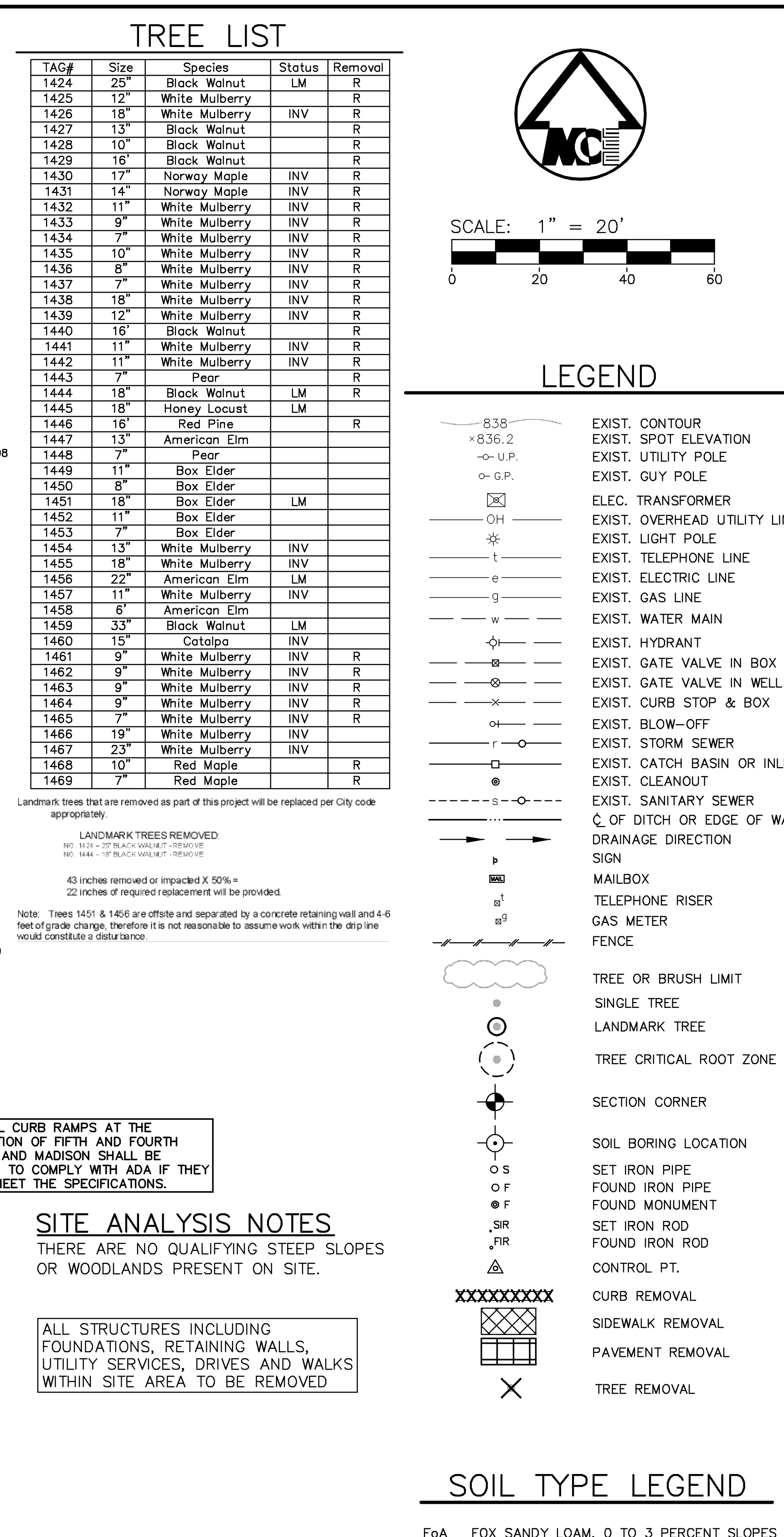
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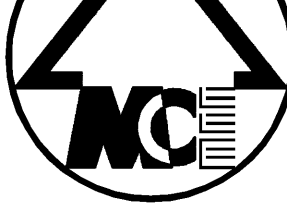
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Attachments: Site Plan and Elevations
Supplemental Regulations 12/23/09
Development Agreement 12/21/09
Project Narrative (from petitioner) 11/18/09
October 6, 2009 staff report
Citizen Participation Report


c: Petitioner: Jeffrey P. Helminski
The Moravian Companies
706 W. Hazelhurst Street, Suite 200
Ferndale, MI 48220









City Attorney
Systems Planning
File Nos. PUDZ08-036 and SP08-022









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14-6		TELEPHONE RISER
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		TREE OR BRUSH LIMIT

 SINGLE TREE
 LANDMARK TREE
 TREE CRITICAL ROOT ZONE
 SECTION CORNER

SECTION CORNER


SOIL BORING LOCATION

SET IRON PIPE

FOUND IRON PIPE

FOUND MONUMENT

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 SIDEWALK REMOVAL
 PAVEMENT REMOVAL
 TREE REMOVAL

SOIL TYPE LEGEND












FoA	FOX SANDY LOAM, 0	TO 3 PERCENT SLOPES
FoC	FOX SANDY LOAM, 6	TO 12 PERCENT SLOPES









3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
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SCALE: 1" = 20'



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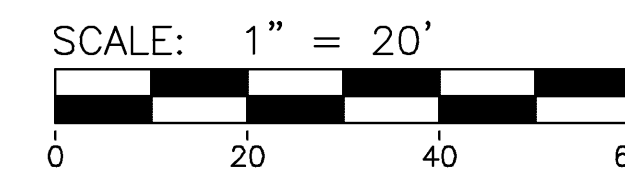
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	SINGLE TREE
	LANDMARK TREE
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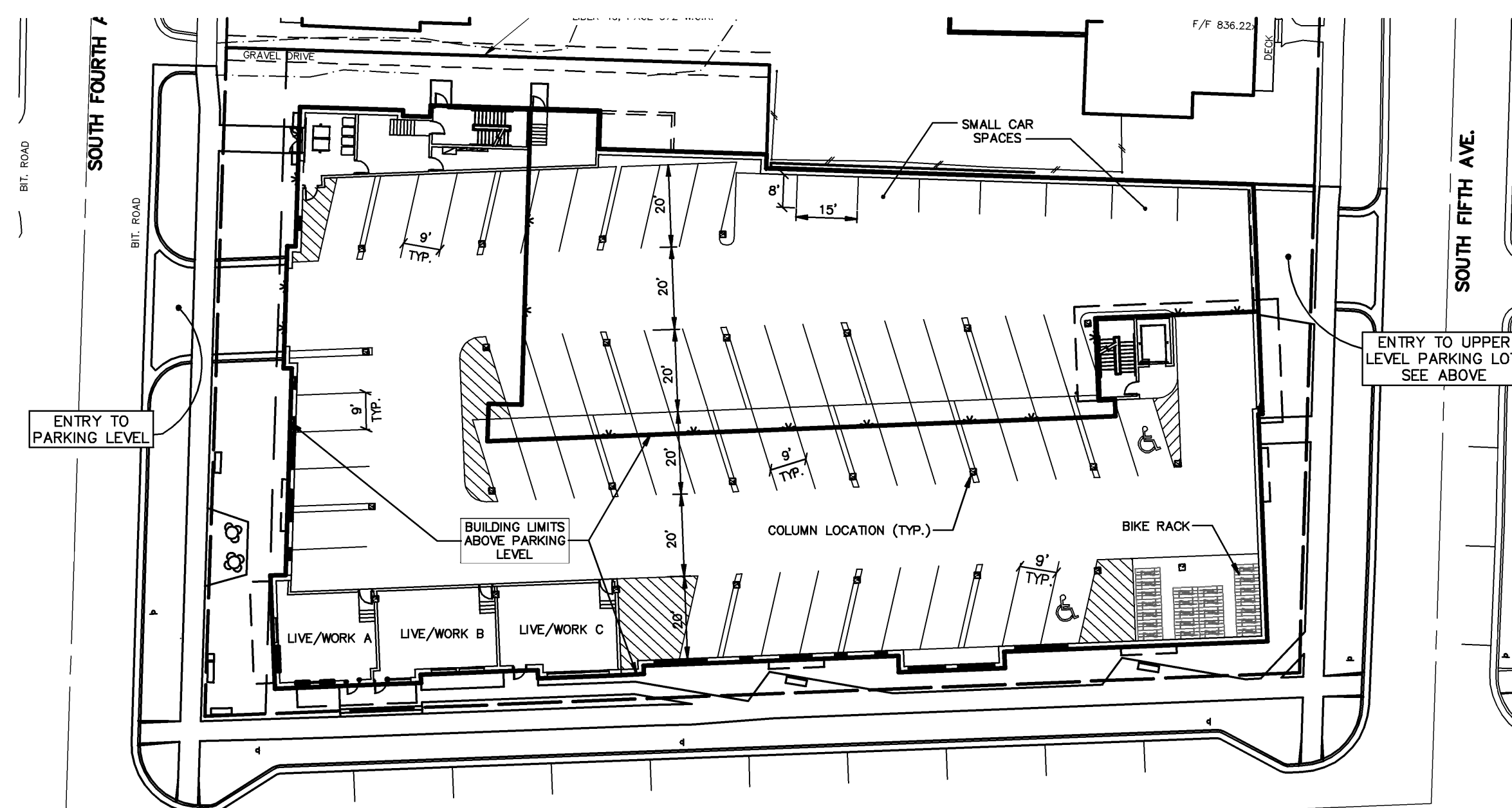
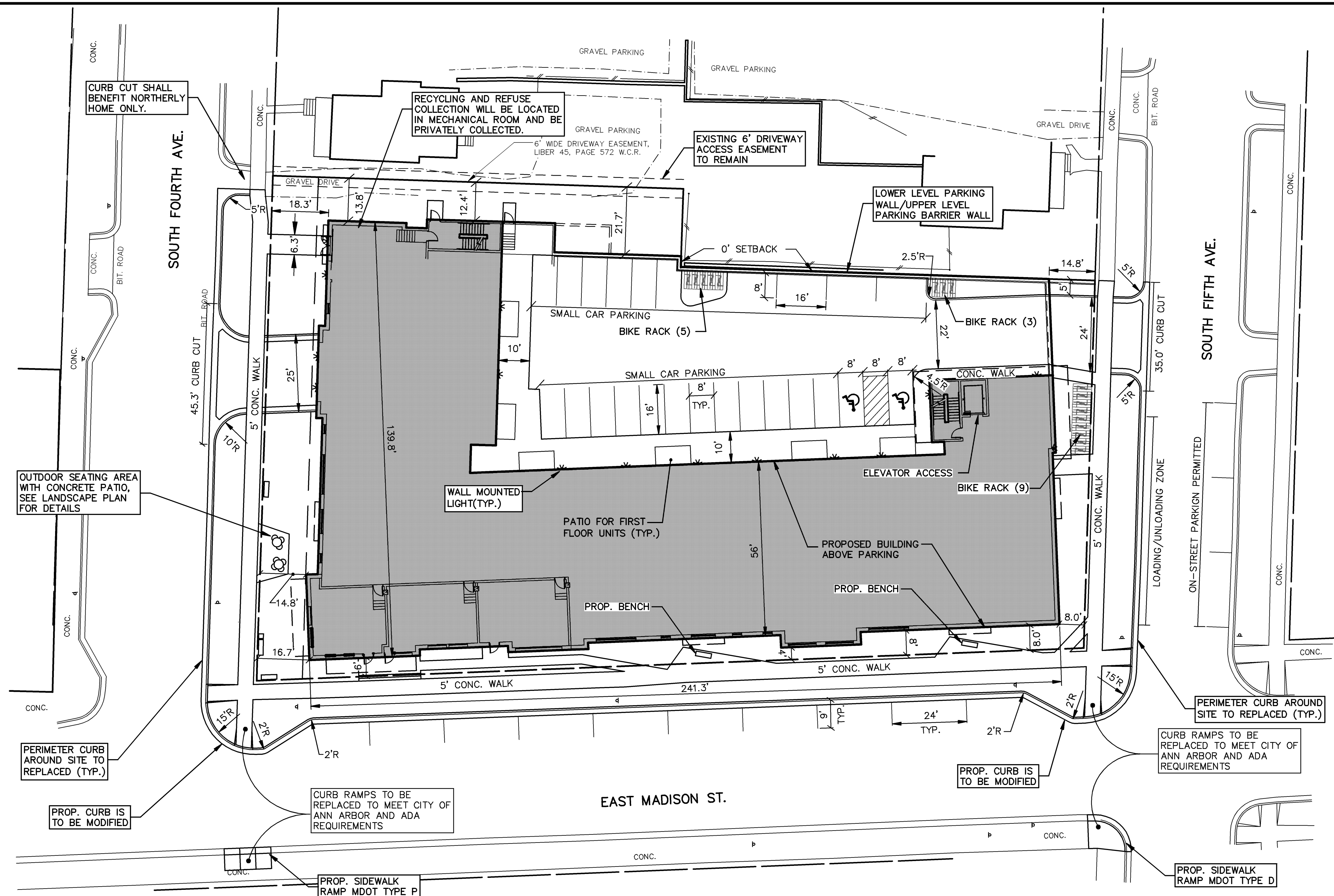
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<div>08013</div> <div>JOB No.</div> <div>REV. DATE</div> <div>PER CITY REVIEW</div> <div>PER CITY REVIEW</div> <div>PER CITY REVIEW</div> <div>PER CITY REVIEW</div>	DATE: 12-23-08		<div>C2</div>	<div>THE MORAVIAN</div> <div>COMBINED AREA PLAN FOR REZONING AND SITE PLAN</div> <div>EXISTING CONDITIONS, SITE ANALYSIS,</div> <div>REMOVAL AND SURVEY PLAN</div>	<div>CLIENT</div> <div>MORAVIAN COMPANIES</div> <div>706 W. HAZELHURST ST., SUITE 200</div> <div>JEROME, PA 16820</div> <div>TEL: 717-833-45220</div> <div>FAX: 717-833-2448</div> <div>2484-7635-B370</div>	<div></div> <div>MIDWESTERN CONSULTING</div> <div>Civil, Environmental and</div> <div>Transportation Engineers</div> <div>3815 Plaza Drive</div> <div>Suite 100</div> <div>Phoenix, AZ 85018</div> <div>Phone: 734.995.0200</div> <div>Fax: 734.995.0999</div> <div>Landscape Architects</div>
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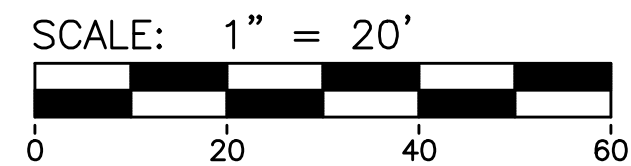
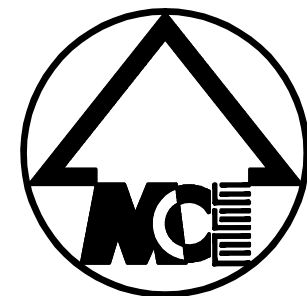
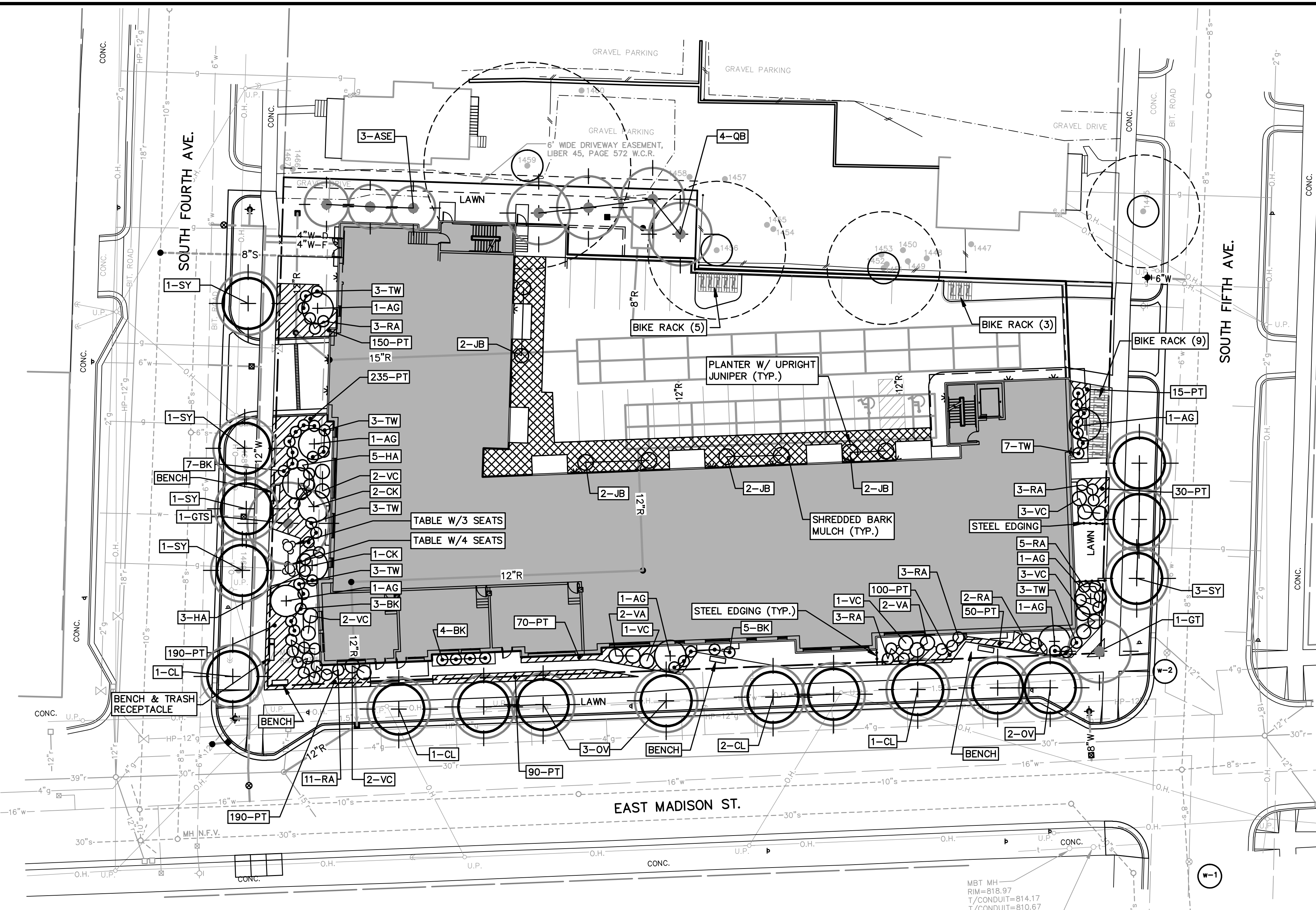
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| | EXIST. WATER MAIN |
| | EXIST. HYDRANT |
| | EXIST. GATE VALVE IN BOX |
| | EXIST. GATE VALVE IN WELL |
| | EXIST. CURB STOP & BOX |
| | EXIST. BLOW-OFF |
| | EXIST. STORM SEWER |
| | EXIST. CATCH BASIN OR INLET |
| | EXIST. CLEANOUT |
| | EXIST. SANITARY SEWER |
| | ℄ OF DITCH OR EDGE OF WATER |
| | DRAINAGE DIRECTION |
| | SIGN |
| | MAILBOX |
| | TELEPHONE RISER |
| | GAS METER |
| | FENCE |
| | TREE OR BRUSH LIMIT |
| | SINGLE TREE |
| | LANDMARK TREE |
| | TREE CRITICAL ROOT ZONE |
| | SECTION CORNER |
| | SOIL BORING LOCATION |
| | SET IRON PIPE |
| | FOUND IRON PIPE |
| | FOUND MONUMENT |
| | SET IRON ROD |
| | FOUND IRON ROD |
| | CONTROL PT. |



NOTE: TYPICAL PARKING SPACES ARE 9' X 18'
SMALL CAR SPACES ARE 8' X 16'

EAST MADISON ST.
PARKING LAYOUT LOWER LEVEL
SCALE: 1" = 30'





LEGEND

838	EXIST. CONTOUR
×836.2	EXIST. SPOT ELEVATION
—O— U.P.	EXIST. UTILITY POLE
—O— G.P.	EXIST. GUY POLE
—OH—	ELEC. TRANSFORMER
—	EXIST. OVERHEAD UTILITY LINE
—t—	EXIST. LIGHT POLE
—e—	EXIST. TELEPHONE LINE
—g—	EXIST. ELECTRIC LINE
—w—	EXIST. GAS LINE
—	EXIST. WATER MAIN
—	EXIST. HYDRANT
—	EXIST. GATE VALVE IN BOX
—	EXIST. GATE VALVE IN WELL
—	EXIST. CURB STOP & BOX
—	EXIST. BLOW-OFF
—	EXIST. STORM SEWER
—	EXIST. CATCH BASIN OR INLET
—	EXIST. CLEANOUT
—	EXIST. SANITARY SEWER
—	Q OF DITCH OR EDGE OF WATER

—	SIGN
—	MAILBOX
—	TELEPHONE RISER
—	GAS METER
—	FENCE
—	TREE OR BRUSH LIMIT
—	SINGLE TREE
—	LANDMARK TREE
—	TREE CRITICAL ROOT ZONE
—	SECTION CORNER
—	FOUND IRON PIPE
—	FOUND MONUMENT
—	FOUND IRON ROD
—	CONTROL PT.

LANDSCAPE LEGEND

+	PROPOSED CANOPY TREE
+	PROPOSED FLOWERING TREE
+	PROPOSED EVERGREEN TREE
+	PROPOSED DECIDUOUS SHRUBS
+	PROPOSED EVERGREEN SHRUBS
+	PROPOSED CANOPY TREE (R.O.W. SCREEN)
+	PROPOSED CANOPY TREE (MITIGATION TREE)
+	PROPOSED GROUND COVER & PERENNIAL BED
+	PROPOSED SHREDDED BARK MULCH
+	PROPOSED STEEL EDGING

SITE AMENITIES

- FREE-STANDING PLANTERS**
ALLIED FIBERGLASS INDUSTRIES INC.
(6) ST. CHARLES MODEL 1C-7233 (ROUND)
(2) ST. CHARLES MODEL 1C-4833 (ROUND)
FINISH - FEATHER LITE STONE
COLOR BY ARCHITECT
- BENCHES**
LANDSCAPE FORMS
(5) PLEXUS, METAL GRID W/BACK, 120 INCH RADIUS, EXTRUDED ALUMINUM BOARDS
COLOR BY ARCHITECT
- PICNIC TABLES**
LANDSCAPE FORMS
(1) CAROUSEL 36" ROUND
STEELHEAD PERFORATED TOP, SURFACE MOUNT, THREE SEAT (BARRIER FREE)
(1) CAROUSEL 36" ROUND
STEELHEAD PERFORATED TOP, SURFACE MOUNT, FOUR SEAT
COLOR BY ARCHITECT
- TRASH RECEPTACLE**
LANDSCAPE FORMS
PLEXUS, METAL GRID, 30 GALLON, SURFACE MOUNT, COLOR BY ARCHITECT
- BIKE RACKS**
BIKE ARCH BA-2B, IN GROUND MOUNTING
FINISH BLACK

LANDSCAPE REQUIREMENTS:

- PARKING LOT LANDSCAPING:**
Not applicable. All parking in interior or rooftop parking.
- VEHICULAR USE LANDSCAPE BUFFER**
Not applicable.
- STREET TREE ESCROW**
Fifth Ave.: street frontage = 118 lf x \$1.30/lf of street frontage = \$153.40
Madison Street: street frontage = 266 lf x \$1.30/lf of frontage = \$345.80
Fourth Ave.: street frontage = 162 lf x \$1.30/lf of frontage = \$210.60; Two street trees are to be removed to allow the installation of a water main along Fourth Avenue. #1468 is a 10" red maple and is to be removed. #1469 is a 7" red maple. Mitigation for street tree canopy loss is required at the rate of inch per inch. There is 17" caliper loss and replacement of 17 trees at 2.5" each = 42.5"
Mitigation = 50% replacement = 22"
Proposed On-Site trees = 8 @ 2.5" + 1 @ 4" = 24"
- TREE MITIGATION**
On-site Removals and Mitigation
2 Landmark tree to be removed: #1424 is a 25" black walnut; #1444 is an 18" black walnut. These total 43 caliper inches removed.
No Woodland trees are to be removed.
Total Regulated Trees to be removed = 2/ 43 caliper inches.
Mitigation = 50% replacement = 22"
Proposed On-Site trees = 8 @ 2.5" + 1 @ 4" = 24"

Off-site Removals and Mitigation
None. Disturbance is proposed within the critical root zones of two landmark trees north of the site. Both of these trees are separated from the site by an existing retaining wall. #1456 is a 22" American elm that is approximately 5' above the existing and proposed grade of the proposed lower level parking area. #1451 is an 18" box elder (native, but a trash tree) that is approximately 7' above the existing and proposed grade of the proposed lower level parking area. Because the existing retaining wall is to remain in place, no impact on these trees is anticipated.

PLANT MATERIAL SCHEDULE

1	2	3	4	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COMMENT
Trees									
3	3			ASE	Acer saccharum "Endowment"	Endowment Sugar Maple	2-1/2" cal.	B&B	6' Branch hgt.
7		7		AG	Amelanchier x.g. Robin Hill	Robin Hill Serviceberry	8' hgt.	B&B	Clump form
3		3		CK	Cornus k. Chinensis	Chinese Dogwood	8' hgt.	B&B	Tree form
1	1			GT	Gleditsia t. Shademaster	Shademaster Honeylocust	2-1/2" cal.	B&B	6' Branch hgt.
1	1			GTS	Gleditsia t. Shademaster	Shademaster Honeylocust	4" cal.	B&B	Specimen
5			5	CL	Cladrastis Lutea	American Yellowwood	2-1/2" cal.	B&B	6' Branch hgt.
4	4			QB	Quercus bicolor	Swamp White Oak	2-1/2" cal.	B&B	6' Branch hgt.
5			5	OV	Ostrya Virginiana	American Hophornbeam	2-1/2" cal.	B&B	6' Branch hgt.
7			7	SY	Syringa Reticulata	Japanese Tree Lilac	2-1/2" cal.	B&B	6' Branch hgt.
Shrubs & Ground Covers									
19		19		BK	Buxus koreana x "Winter Gem"	Winter Gem Boxwood	30-36" ht	B&B	
8		8		HA	Hydrangea arborescens "Annabelle"	Annabelle Hydrangea	24-30" ht	Cont.	
930		930		PT	Pachysandra terminalis	Japanese Spurge	1 gal	Cont.	12" O.C.
4		4		VA	Viburnum acerifolium	Mapleleaf Viburnum	30-36" ht	Cont.	
20		20		RA	Rhus aromatica	Fragrant Sumac	30" hgt	B&B	
32		32		TV	Taxus x media "Wardii"	Wards Yew	24-30" ht	B&B	
14		14		VC	Viburnum carlesii	Korean Spice Viburnum	30-36" ht	Cont.	
8		8		JB	Juniperus chinensis "Blue Point"	Blue Point Juniper	6-7' ht	B&B	

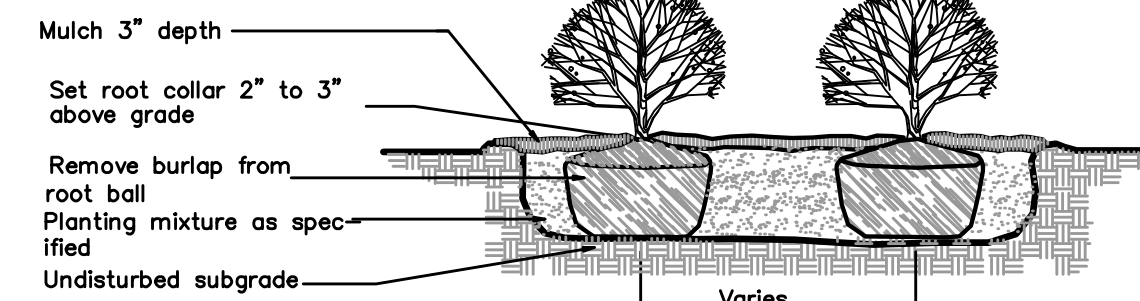
- Total item quantity
- On-site landmark tree mitigation
- General site landscaping
- Street trees

LANDSCAPE NOTES

- Water outlets will be provided within 150 feet of all required plantings.
- Plant materials shall be selected and installed in accordance with standards established by the City Parks and Recreation Department.
- All parking islands and green panels will be planted with shrubs or permanent ground cover.
- Landscape maintenance plan: All diseased, damaged or dead material shown as proposed plantings on the site plan shall be replaced by the end of the following growing season.
- Restore remaining areas with minimum four (4) inches topsoil then seed/fertilizer/mulch. Fertilizer for lawns shall provide not less than one (1) pound of actual nitrogen per 1000 sq ft of lawn area and shall contain not less than two percent (2%) potassium and four percent (4%) phosphoric acid. Seed shall be Special Park Mixture "Northrup King" (or approved equal), as follows:
30% Rugby Kentucky Bluegrass
20% Park Kentucky Bluegrass
20% Ruby Creeping Red Fescue
10% Pennifine Perennial Ryegrass
20% Scalds Hard Fescue

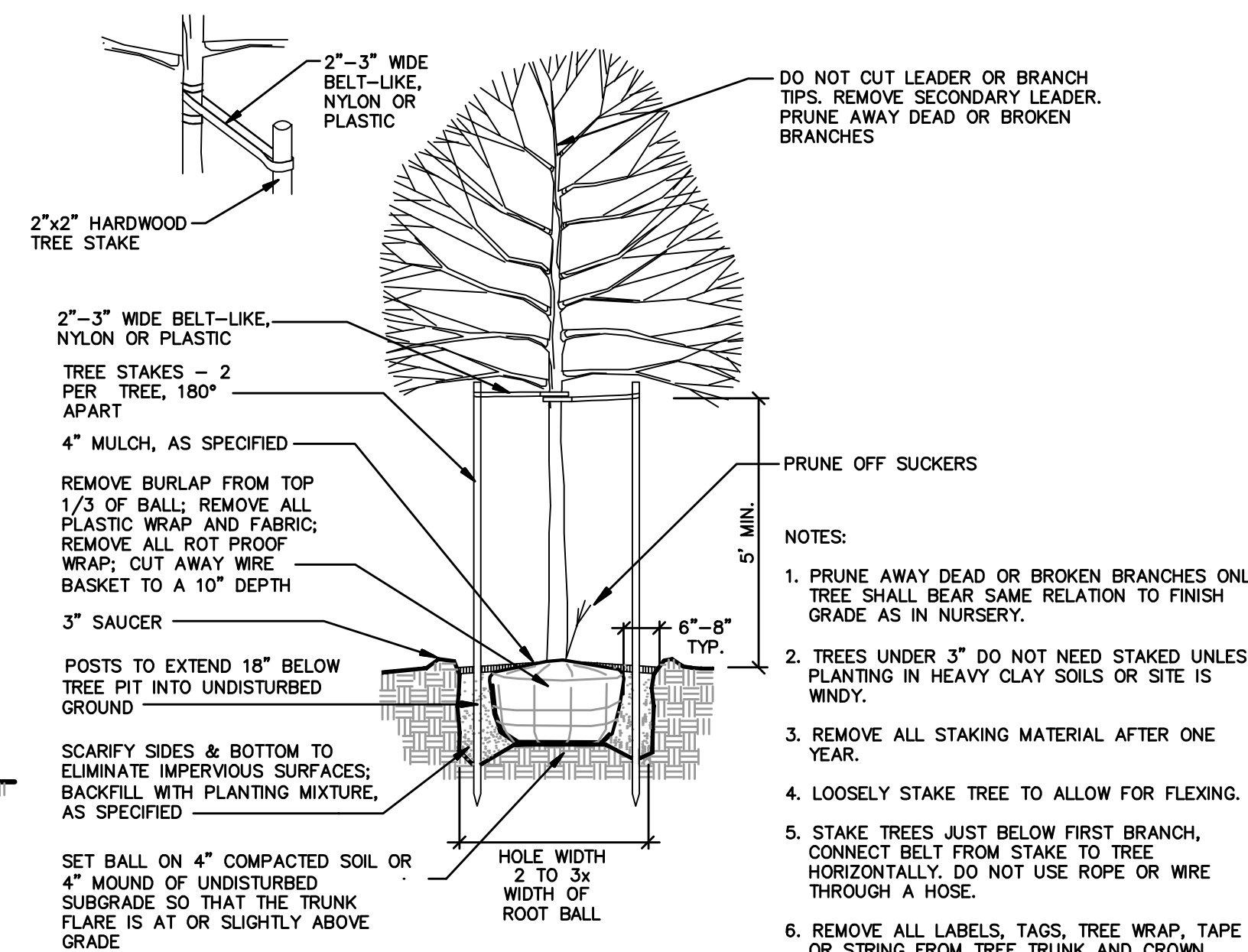
Apply at a rate of four pounds (4 lbs) per 1000 sq ft. Mulch within 24 hours with two (2) tons of straw per acre, or 71 bales excelsior mulch per acre. Anchor straw mulch with spray coating of adhesive material applied at the rate of 150 gallons per acre.

- Any fertilizer application following the initial topsoil and seeding shall be fertilizer without phosphorus.



SHRUB BED PLANTING DETAIL

NOT TO SCALE



NOTE: 4" SPECIMEN TREE NOT STAKED OR GUYED.

DECIDUOUS STREET TREE PLANTING DETAIL

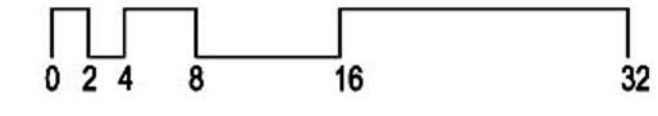
2-1/2" CAL OR SMALLER



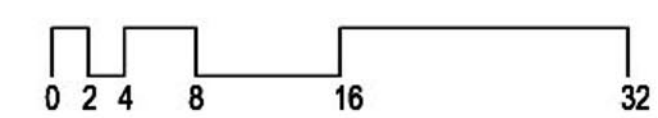
THE MORAVIAN
Ann Arbor, MI



East Elevation - South Fifth Avenue



North Elevation



Revisions

12-11-09 PUD/SPA	
12-07-09	
11-16-09	
11-13-09	
11-11-09	
11-10-09	
09-02a-09 PUD/SPA	
08-07-09	
08-05-09	
03-24-09	
02-13-09	
Date	<input checked="" type="checkbox"/> Preliminary
01-27-09	<input type="checkbox"/> Construction
Drawn	<input type="checkbox"/> Record
SRB	
Checked	Do not scale
Approved	Use figured dimensions only
	Copyright © 2008
Bidpak Number	

Job Number
28114.2
Title
East & North Elevations

Scale: 3/32" = 1'-0"
Sheet
A7

THE MORAVIAN
Ann Arbor, MI



West Elevation - South Fourth Avenue

0 2 4 8 16 32

Revisions



South Elevation - East Madison Street

0 2 4 8 16 32

12-11-09 PUD/SPA
12-07-09
11-16-09
11-13-09
11-11-09
11-10-09
09-02-09 PUD/SPA
08-07-09
08-05-09
02-13-09

Date
01-27-09
Drawn
SRB
Checked
Approved
Bidpak Number

☒ Preliminary
☐ Construction
☐ Record
Do not scale
Use figured
dimensions only
Copyright © 2008

Job Number
28114.2
Title
**West & South
Elevations**

Scale: 3/32" = 1'-0"
Sheet
A6





The Moravian Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the comprehensive, unified redevelopment of these eight parcels to provide a truly unique living environment for the young professionals that the City of Ann Arbor wishes to attract and retain. These regulations seek to promote development that contributes to the regional character of the neighborhood and establishes an integrated building, parking, landscaping, and pedestrian corridor.

Section 2: Applicability

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

The South 45 feet of the West 93 feet of Lots 17 and 18, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [201 East Madison Street]; and,

The South 76 feet of the East 40 feet of Lot 17, Block 5 south, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [211 East Madison Street]; and,

A part of lot 16, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records, more particularly described as: Commencing at the Southwest corner of said Lot 16; thence running East on the North line of Madison Street 42 feet; thence North parallel with the West lot line 65 ½ feet; thence West parallel with Madison Street 42 feet; thence South on the West line of Lot 16, 65 ½ feet to the Place of Beginning [215 East Madison Street]; and,

The South 8 feet of Lot 14 and all of Lots 15 and 16, except the South 65.5 feet, of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [554 South Fifth Avenue]; and,

Commencing at the Southeast corner of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records; thence North on the West line of Fifth Avenue, 65 ½ feet; thence Westerly to a point in the West line of Lot 16 of said Block, 65 ½ feet North of the North line of Madison Street; thence South to Madison Street; thence Easterly along the North line of Madison Street to the Place of Beginning, in the City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving there from the west 42 feet thereof, sold by George Otto by Deed dated September 21, 1908 and recorded September 21, 1908 in Liber 172 of Deeds, Page 223, Washtenaw County Records, being a part of Lots 15 and 16, Block 5 South, Range 5 East, of said Maynard and Morgan's Addition [558 South Fifth Avenue]; and,

The South half of Lot 19 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, reserving 3 feet in width by the entire length

along the East and West centerline of said Lot on the South side of said centerline and conveying 3 feet in width along the North side of said centerline. Such 6 feet in width to be used for a right of way by the parties owning said Lot or a part of it (and other lands), according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [547 South Fourth Avenue]; and,

The North 44 feet of Lots 17 and 18 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [551 South Fourth Avenue]; and,

Commencing at a point in the East line of South Fourth Avenue, 44 feet South of the Northwest corner of Lot 17 in Block 5 South, Range 5 East; thence running East 92 feet parallel with the North line of Lots to a point 40 feet West of the West line of Lot 16; thence South parallel with the West line of Lot 16, 40 feet (measured 33.44 feet); thence West parallel with the North line of Lots to the East line of South Fourth Avenue; thence North on the East line of said Avenue to the Place of Beginning, being a part of Lots 17 and 18 in Block 5 South, range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [553 South Fourth Avenue].

Further, the provisions of these regulations shall be adopted and incorporated into The Moravian 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 such as zoning, landscaping and parking, 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 redevelop the lots described above for new and unique living opportunities in Ann Arbor.
- (B) The surrounding neighborhood contains existing homes, apartments, industrial and commercial uses, Main Street's shopping, dining and entertainment to the west, employment centers to the north, and athletic venues to the south and the U of M's central campus to the east.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a vibrant pedestrian oriented young professional community be established in a location with so many opportunities for it to prosper nearby. Additionally, the inclusion of on-site affordable housing in this development furthers the many City goals set forth in a variety of planning documents and policies.
- (D) The limitations placed on the permitted land uses, density of dwelling units and total number of bedrooms, building height and placement, open space and screening, energy and environmental design, and architectural design will contribute to the quality of the existing neighborhood and will enhance the image of the City of Ann Arbor.
- (E) In addition to providing a truly unique living environment for the young professional, the planned unit development will increase the floodplain storage of the Allen Creek, providing sustainably designed energy efficient market-rate and affordable housing as well as redevelop an existing brownfield site.

- (F) 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 neither special privileges nor deprivation of property rights.

Section 4: PUD Regulations

- (A) Permitted principal uses shall be:

1. Single family and multi-family residential, provided that all bedrooms in a dwelling unit have an exterior window that allows natural light
2. Live/Work Space as shown on an approved site plan subject to the following:
 - a. The Live/Work Space is intended to allow opportunity for residents of the district who are small business owners, artists, sole practitioners, entrepreneurs and similar others to live and work in very close proximity. Nonresidents of the district may also enjoy this opportunity after residents are first accommodated.
 - b. A minimum of two and a maximum of six Live/Work Spaces shall be provided and permitted. Each space shall contain a minimum of 1,200 square feet and the total of all spaces shall not exceed 3,000 square feet.
 - c. Use of the Live/Work Space may include typical artistic, sole practitioner and entrepreneurial endeavors such as, but not limited to: business professionals and consultants, but excluding practicing doctors and dentists; creation, display and sales of art and crafts; teaching, tutoring and lessons; sales of convenience good for district residents and immediate neighbors such as coffee, snacks and prepared meals, specialty products and newspapers.

- (B) Permitted accessory uses shall be:

1. Incidental sales of snacks, beverages, personal grooming and hygiene products, and household cleaning products, and similar convenience products from space other than Live/Work Spaces and located within the building at or near the primary residents' entrance.
2. Child care or health care center, provided primarily as a service to the residents.
3. Outdoor areas for active or passive recreation.
4. Leasing/sales, office, common areas, lounge/club areas, fitness and tanning facilities and other similar uses typically associated with apartment buildings.

- (C) Setbacks:

Exterior building walls above the finished grade shall be set back from lot lines abutting public streets and lot lines abutting another lot as provided below. Exterior building walls below the finished grade may abut a lot line when also in conformance with any applicable building codes and City ordinances, regulations and policies (such as the Standard Specifications Manual, commonly known as "the orange book").

AL(1) – another lot to the north – minimum 12 feet

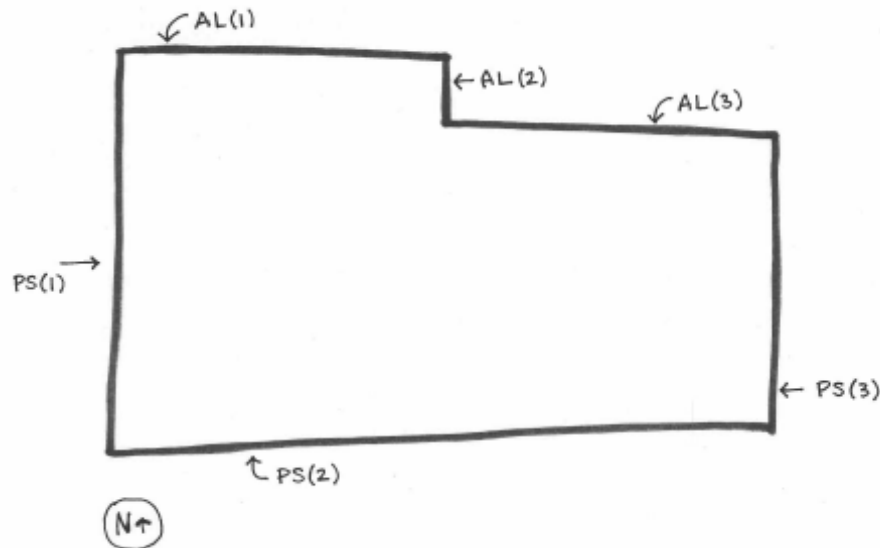
AL(2) – another lot to the north – minimum 55 feet

AL(3) – another lot to the north – minimum 30 feet

PS(1) – South Fourth Avenue – minimum 14 feet

PS(2) – East Madison Street – minimum 4 feet

PS(3) – South Fifth Avenue – minimum 8 feet



- (D) Height: The maximum height shall be five stories and 60 feet. Height shall be measured from the top of the curb perpendicular to the highest point of the building at the buildings northeast, southeast, southwest and northwest corners. The height measurement shall, in effect, create a 60-foot ceiling parallel to the finished grade of the site. Reasonable exceptions to the maximum height limit shall be allowed at the discretion of the Planning Commission for roof-top mechanical equipment (which are also subject to screening requirements elsewhere in these supplemental regulations), elevator and stairway shafts and other customary roof-top appurtenances.

- (E) District and Lot Size: The minimum district and lot size shall be 0.84 acres (37,201 square feet).

- (F) Floor Area and Density Limits:

The maximum floor area shall be 200% of the lot area (37,201 square feet). Floor area shall be measured from the exterior face of building walls. Floor area used for off-street parking may be excluded from the maximum floor area allowance. Within the maximum floor area allowance, a minimum lot area of 440 square feet shall be required for each dwelling unit and 230 square feet shall be required for each bedroom shown on an approved site plan.

For example, a building of up to 74,408 square feet may be permitted and may contain up to 92 dwelling units with a combined total of 160 bedrooms.

- (G) Off-Street Parking:

Off-street parking for vehicles shall be provided at the rate of 1.25 spaces per dwelling unit up to 90 spaces maximum.

Off-street parking for bicycle shall be provided at the rate of 1 space for every 3 bedrooms, of which a minimum of 75% shall be Class A spaces (medium to long-term parking) and a minimum of 25% shall be Class C spaces (short-term parking). The design of the bicycle parking facilities shall be the standards of Chapter 59, Off-Street Parking, Section 5:168.1.

(H) Open Space, Landscaping and Screening:

1. Open Space – A minimum of 20% of the lot area shall be open space as defined in the Zoning Ordinance. At least 1,300 square feet of the provided open space shall be in the form of outdoor terraces accessible from the upper stories of the building which also provide a step-down effect at the building's outer western corners.
2. Landscaping – All open space areas except for sidewalks, terraces, pedestrian paths, paved recreational space and off-street bicycle parking facilities, shall be landscaped with live trees, shrubs, ground cover, lawn or flower beds. Landscaping shall be provided as shown on an approved site plan.
3. Screening of Vehicular Use Area/Conflicting Land Use Buffer – All vehicular use areas and unenclosed parking spaces visible from the public right-of-way and adjacent properties shall be screened from view. Screening must be provided at least 30 inches in height above the vehicular use area grade. Screening may be provided by solid fences, retaining walls, or hedges.
4. Screening of Mechanical Equipment – All mechanical equipment, including roof-mounted and ground-mounted, visible from the public right-of-way within 100 feet of the district shall be screened from view. Screening may be provided by architectural walls, retaining walls, fences, or hedges.

(I) Energy and Environmental Design:

Development in the district shall obtain LEED New Construction Version 2.2, or higher, certification by the US Green Building Council within 6 months of issuance of a certificate of occupancy (the first certificate of occupancy if more than one is necessary). Failure to obtain certification shall be a violation of this ordinance. The penalty of such violation shall be calculated by the following formula: $P = [LCM - CE] / LCM \times CV \times 0.375$ where P is the amount of the penalty, LCM is the minimum credits needed to earn a LEED Certified rating, CE is the credits earned as documented by the US Green Building Council, and CV is the construction value as set forth on building permits for the site. Failure to obtain certification shall not affect the right to occupy the development and no additional penalty shall be imposed for failure to obtain certification. Payment of the penalty shall constitute compliance with this provision.

A renewable energy source shall be utilized as the primary energy source for the building. The renewable energy source may be located on-site, such as geothermal energy for heating and cooling systems, or off-site such as purchasing renewably produced energy for electricity, or a combination thereof.

Best management practices shall be provided for solid waste disposal, including, but not limited to, recycling facilities provided for all residents of the district.

(J) Affordability: A minimum of 19% of the total number of dwelling units in the district shall be designated as affordable housing for lower income households as defined in the Zoning Ordinance. The affordable units shall be provided in the district; however, when the affordable housing requirement results in a fractional unit, the requirement may be rounded up to the next

whole number or the fractional unit shall be converted to an affordable housing contribution in lieu of the fractional unit consistent with the formula adopted by annual resolution of city council.

(K) Architectural Design:

Development within the district shall be articulated with design elements, both horizontal and vertical, that add interest to the face of the building. Several building modules, being subparts of a larger building that appear as a single façade plane, shall be provided as part of the required articulation. The articulation and modulation shall result in an overall character that is complimentary to the established neighborhood surrounding the district as determined by the City Planning Commission and City Council.

Exterior façade materials shall include brick, stone, block, horizontal siding (either wood, metal or cementitious) and glass. In addition, metal, composite and plastic materials may be used for trimming. All exterior façade materials shall convey a sense of human scale by being sized and applied in customary proportions. For example, facades with conventionally-sized bricks allow persons to accurately estimate the height and width of an exterior wall better than facades with unusually small or large bricks.

Changes to the exterior facades as shown on the approved site plan shall require either the approval of the planning and development services manager if minor or the City Planning Commission if major. Minor or major changes shall be determined by the planning and development services manager, in consultation with the chair of the City Planning Commission if desired.

December 21, 2009

THE MORAVIAN PUD DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2010, 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 The Moravian Company, a _____, with principal address at _____, Michigan, 48xxx-xxx, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as The Moravian Planned Unit Development, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as The Moravian Planned Unit Development, and desires PUD 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 PROPRIETORS will install these improvements prior to any permits being issued.

THE PROPRIETOR(S) HEREBY AGREE(S):

(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 public water and sanitary sewer mains, 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 service areas 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 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) Prior to the issuance of building permits, to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities. The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public improvement to be conveyed by the easement.

(P-5) To install all water mains, storm sewers, sanitary sewers and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits.

(P-6) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to South Fourth Avenue, South Fifth Avenue and East Madison Street, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along said street frontages when such improvements are determined by the CITY to be necessary.

(P-7) 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-8) To cause to be maintained General 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-9) To convey to the CITY prior to the issuance of building permits, an easement for public use of the pocket park as shown on the approved site plan.

(P-10) To install signage, acceptable to the CITY Community Services Area, prior to issuance of the certificate of occupancy, indicating the existence and permitted public use of the pocket park as shown on the approved site plan.

(P-11) To maintain the pocket park as shown on the approved site plan neatly, orderly, and in good repair.

(P-12) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the PROPRIETOR to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY.

(P-13) 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.

(P-14) 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-15) Prior to the application for and issuance of any Certificate of Occupancy, to enter into an affordable housing covenant with the CITY, with terms acceptable to the CITY, to provide affordable housing for lower income households consistent with terms in the PUD Supplemental Regulations for the site and consistent with all City ordinances, policies and regulations regarding affordable housing.

(P-16) 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-17) 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 shall be addressed in the manner provided in the PUD Supplemental Regulations.

(P-18) 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-19) To apply for and obtain, prior to issuance of any Certificates of Occupancy, Letters of Map Revision (LOMAR) from the Federal Emergency Management Agency for modifications in the floodplain elevations on the site, and to furnish to the CITY copies of the LOMAR and an Elevation Certificate for each building (*or as applicable, component*).

(P-20) No lot in the PUD district may be divided such that an additional building parcel is created.

(P-21) Prior to application for and issuance of certificates of occupancy, to disconnect 14 footing drains from the sanitary sewer system in accordance with the *Guidelines for Completion of Footing Drain Disconnections, City of Ann Arbor - Development Offset-Mitigation Program* (November 2005 edition, as amended). The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis, at the discretion of the CITY Public Services Area. CITY agrees to provide PROPRIETOR with a certificate of completion upon PROPRIETOR'S submittal of approved and final closed-out permits to the CITY Public Services Area.

(P-22) 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-23) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved development agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or development agreement.

(P-24) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-25) 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 Moravian.

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

(C-3) 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 South 45 feet of the West 93 feet of Lots 17 and 18, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [201 East Madison Street]; and,

The South 76 feet of the East 40 feet of Lot 17, Block 5 south, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [211 East Madison Street]; and,

A part of lot 16, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records, more particularly described as: Commencing at the Southwest corner of said Lot 16; thence running East on the North line of Madison Street 42 feet; thence North parallel with the West lot line 65 ½ feet; thence West parallel with Madison Street 42 feet; thence South on the West line of Lot 16, 65 ½ feet to the Place of Beginning [215 East Madison Street]; and,

The South 8 feet of Lot 14 and all of Lots 15 and 16, except the South 65.5 feet, of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [554 South Fifth Avenue]; and,

Commencing at the Southeast corner of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof,

recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records; thence North on the West line of Fifth Avenue, 65 ½ feet; thence Westerly to a point in the West line of Lot 16 of said Block, 65 ½ feet North of the North line of Madison Street; thence South to Madison Street; thence Easterly along the North line of Madison Street to the Place of Beginning, in the City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the west 42 feet thereof, sold by George Otto by Deed dated September 21, 1908 and recorded September 21, 1908 in Liber 172 of Deeds, Page 223, Washtenaw County Records, being a part of Lots 15 and 16, Block 5 South, Range 5 East, of said Maynard and Morgan's Addition [558 South Fifth Avenue]; and,

The South half of Lot 19 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, reserving 3 feet in width by the entire length along the East and West centerline of said Lot on the South side of said centerline and conveying 3 feet in width along the North side of said centerline. Such 6 feet in width to be used for a right of way by the parties owning said Lot or a part of it (and other lands), according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [547 South Fourth Avenue]; and,

The North 44 feet of Lots 17 and 18 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [551 South Fourth Avenue]; and,

Commencing at a point in the East line of South Fourth Avenue, 44 feet South of the Northwest corner of Lot 17 in Block 5 South, Range 5 East; thence running East 92 feet parallel with the North line of Lots to a point 40 feet West of the West line of Lot 16; thence South parallel with the West line of Lot 16, 40 feet (measured 33.44 feet); thence West parallel with the North line of Lots to the East line of South Fourth Avenue; thence North on the East line of said Avenue to the Place of Beginning, being a part of Lots 17 and 18 in Block 5 South, range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [553 South Fourth Avenue].

(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.

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

Witnesses:

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:

By: _____
Name, Title

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 2010, 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 MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 2010, before me personally appeared _____, 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 Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:
Ann Arbor Planning & Development Services
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 794-6265



November 18, 2009

Mrs. Alexis DiLeo
City of Ann Arbor, Planning Department
100 N. Fifth Avenue
Ann Arbor, MI 48104

Dear Mrs. DiLeo,

We are pleased to resubmit for your review revised plans for The Moravian based on the comments received following the October 6, 2009 Planning Commission meeting. Revisions to the plans are discussed below.

The exterior has been further detailed to meet the suggestions in the proposed but yet un-adopted design guidelines. The revised design provides the horizontal and vertical modules desired, creates the base-middle-top appearance throughout the building and the new outdoor terraces (described below) provide a step-back effect at the corners on South Fourth Avenue. Specific elements utilized to accomplish this are the inclusion of additional architectural details such as cornices, sills and headers, banding and shutters. Changes in color and material, with slight plane changes at many material transition points, further articulates the façade to accomplish the desired effect. The window area of the living rooms has been increased and those spaces have been better defined with multiple and grouped windows. This also serves to differentiate these spaces and the various modules of the building. The mansard roof has been eliminated in all locations other than the corner of South Fifth Avenue and East Madison Street. This reduces the height and scale of the building, particularly at the tallest locations. It was maintained at the Fifth and Madison corner to create a similar feel to the Perry School and to reflect the pitched roof style of the majority of the structures on South Fifth Avenue immediately North of the site. On the North side of the building, additional colors and transitional elements have been added to differentiate sections of the building on this façade as well.

Outdoor terraces have been added to the corners of the building on South Fourth Avenue to increased the amount of usable open space and create an amenity for the residents. This was accomplished by eliminating the four bedroom unit on the fourth floor at the corner of South Fourth Avenue and East Madison Street and relocating the one bedroom unit from the Northwest corner of the building on the fourth floor onto the East Madison Street side. This also helps accomplish a number of other goals listed in your October 15th letter. This reduces the total number of bedrooms, eliminates a four bedroom unit type that has been perceived by some to be less attractive to young professionals and more attractive to students and thus undesirable, and it reduces the height, relationship and overall impact on the rental property located at 543 South Fourth Avenue. The reduction in the width and height of the contiguous brick module at the corner of South Fourth Avenue and East Madison Street accompanying the terrace addition at this

location also serves to significantly reduce the scale and impact of the overall structure at this focal corner.

We are confident that the amount of active open space available to the residents of this building meets the needs of the target market, particularly in this location, and it is consistent with the active open space requirements deemed appropriate for other similar PUDs. Young professionals, Millennials and Gen X-ers, seeking an urban location are notorious for spending their active and social time in locations often described as “Third Places”, the social surrounding outside of the typical social environments of home and workplace. These tend to be public places, within walking distance of either home or one’s workplace. This cohort tends to spend a disproportionate amount of their free time in Third Places, which are abundant near this project, and the amount of active openspace available in this project is sufficient to serve the needs of this market. This is particularly true with the addition of the outdoor terrace areas.

Flexrooms and laundry/storage rooms are included in the larger apartments and have replaced a bedroom/bathroom pairing in all previous three and four bedroom units. This change creates units that can be more effectively utilized by a wider market segment. These more flexible living spaces make the apartments more suitable for various households and are not strictly tailored to a one bedroom/one bathroom living arrangement. The flexrooms are located adjacent to the living rooms and kitchens, and can be used for a wide variety of lifestyles. They could be used as expanded living space as a den, study, home office, library, home theater, entertainment or gaming room, formal dining room, bedroom, guest room, nursery or any number of other uses.

The number of affordably restricted units has been increase to include the three remaining one bedroom units. This increases the overall affordability to just over 19% of the project and provides 29% more affordability than required. The Moravian will be the first market rate PUD in Ann Arbor to exceed the standard affordability requirements and provide affordable units on site in perpetuity.

The maximum permitted height has been reduced to 60 feet; the maximum permitted FAR has been reduced to 200% and the maximum permitted number of units and bedrooms have been reduced to 92 and 160 respectively while the addition of the flexrooms will likely result in fewer bedrooms than permitted being used as such.

The impact of the building on the property at 543 South Fourth Avenue has been significantly reduced. The elimination of the mansard roof and the addition of the terrace area at this corner reduces the height of the building. The elimination of the cantilevered bay window reduces the mass while architectural revisions such as a change of color and the addition of shutters reduces the perceived scale. It is again notable that the owner of 543 South Fourth Avenue has submitted a letter of support for the project.

The service access drive to the trash and recycling room has been removed to eliminate the need for a separate variance for this curb cut.

The Live/Work commercial spaces have been elevated to alleviate any concerns there may be with regard to the floodplain in this location. These spaces are now completely above the flood

elevation and the flow and storage characteristics of the site can be further enhanced with this design by allowing stormwater to flow beneath these spaces if that should ever be necessary. This creates a front porch or stoop for these spaces that is accessed at grade as it matches the existing slope to the East and via a short stair near the corner. This feature adds an element of uniqueness to these spaces and a walk-up feel typical of in town commercial spaces. The typical storefront glass on East Madison Street has been wrapped around the South Fourth Avenue side as has the canopy to carry the commercial feel around the corner.

A storefront glass system has been added to the area at the main entrance to enhance the entrance and strengthen the base at this focal location. This also further delineates the base-middle-top concept thus enhancing the appeal and reducing the apparent scale on South Fifth Avenue.

We believe the revised plans meet the standards of the PUD ordinance and we respectfully request your recommendation for approval of this project. This proposal requests a lesser level of variance while achieving an overall beneficial effect not met by any previous market rate PUD. We look forward to continuing to work with you and discussing The Moravian with you and the Planning Commission at the December 15, 2009 Planning Commission meeting.

Best regards,

A handwritten signature in blue ink that reads "Jeffrey P. Helminski". The signature is written in a cursive, flowing style.

Jeffrey P. Helminski

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 6, 2009

**SUBJECT: The Moravian PUD Zoning District and PUD Site Plan
(201, 211 and 215 East Madison Street; 554 and 558 South Fifth Avenue;
and 547, 551 and 553 South Fourth Avenue)
File Nos. PUDZ08-036 and SP08-022**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve The Moravian Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan dated September 2, 2009, and Development Agreement, subject to removal of the district from the floodway by adoption of modernized flood insurance rate maps, and subject to variances granted by the Zoning Board of Appeals related to the number and dimensions of curb cuts.

STAFF RECOMMENDATION

Staff recommends that The Moravian PUD Zoning District and Supplemental Regulations be **postponed** following a public hearing and Commission discussion to allow the petitioner time to incorporate comments received.

Staff recommends that The Moravian PUD Site Plan be **postponed** following a public hearing and Commission discussion to allow the petitioner time to incorporate comments received.

LOCATION

This site is located on the north side of East Madison Street between South Fourth and South Fifth Avenues. It is in the Central planning area and within the Allen Creek watershed area.

DESCRIPTION OF PETITION

The petitioners have assembled eight parcels at the southern end of the Packard/Fourth/Fifth/Madison block to create a 0.8-acre site (37,026 square feet). They request that the site be rezoned to PUD to allow multiple-family use with live-work opportunities and customary accessory uses such as leasing office, recreational and fitness facilities and child care. The petitioners also seek approval to construct a five-story structure consisting of one floor of parking and four floors of residential units. A total of 63 dwelling units, including 9 units affordable to lower income households, and 90 off-street vehicular parking spaces are proposed.

Existing Conditions – The eastern half of the site is currently zoned R4C (Multiple-Family Dwelling District). The western half is currently zoned M1 (Limited Industrial District).

Seven of the eight parcels contain houses that have been converted to single- and multiple-unit rentals. One parcel contains an industrial building that has been converted to a multiple-unit apartment building. There are a total of 19 dwelling units currently on the site. The site is on the north face of the Allen Creek valley. The highest point of the site is at the northeast corner and the lowest point is at the southwest corner. From high point to low point the site falls more than 16 vertical feet. The 100-year floodplain of the Allen Creek covers the south and west portions of the site and the 100-year floodway covers the southwest corner. There are two landmark trees on the site and three additional landmark trees off-site but whose critical root zones extend onto the site. The two on-site landmark trees, an 18-inch and a 23-inch black walnut, will be removed and mitigated with new trees. The off-site landmark trees will not be impacted and require no mitigation.

PUD Zoning District and Supplemental Regulations – A PUD Zoning District is proposed to consolidate the site into one zoning district. Supplemental Regulations have been drafted to allow multiple-family and limited live-work uses along with traditional accessory uses. Highlights of the proposed Supplemental Regulations include:

- Multiple-family residential and live/work space for artists and entrepreneurs in the district are the permitted **principal uses**
- Additional **accessory uses** include incidental food and beverage sales, child care and health care space, outdoor recreational and indoor fitness uses, and leasing/management offices
- Minimum **front setbacks** range from 4 feet (East Madison Street) to 14 feet (South Fourth Avenue)
- Minimum **side/rear setbacks** are 12 feet
- Maximum **height** is 70 feet inclusive of all building elements and 5 stories
- Minimum 400 square feet of **lot area per dwelling unit** (density) and 83.5 square feet of lot area per bedroom
- The total **floor area** limited to 210 percent of the lot area
- Minimum 1.25 off-street **vehicular parking** spaces per unit required up to a maximum of 90 spaces total
- Minimum of 1 off-street **bicycle parking** space per 3 bedrooms required
- Minimum of 15 percent of all dwelling units are **affordable** units to lower income households
- **Landscape, screening and architectural design** standards
- LEED certification is required for **energy and environmental design**

PUD Site Plan – A PUD site plan is proposed to construct a five-story building consisting of one parking level and four floors of residential use. Live/work spaces are included in the parking level. Due to the slope of the site, the building appears four stories at the northeast corner, four and a half stories at the southeast corner, and five stories on the west.

The parking level of the building is rectangular. The exterior walls of the parking level are set back a minimum of 14 feet from South Fourth Avenue, between 4 and 8 feet from East Madison Street, and a minimum of 8 feet from South Fifth Avenue. On the north side, the setback of the

parking level ranges from 0 feet on the eastern half and 12 feet on the western half (note that northeastern quarter of the parking level is entirely below grade). Access to the parking level is provided from South Fourth Avenue.

On top of the rectangular parking level is the L-shaped 4-story residential portion of the building. The residential floors are flush with the parking level on the west, south and parts of the north and east sides of the building. However, the residential floors do not extend over the northeast quarter of the parking level. There is a surface parking lot above the northeast quarter of the parking level. Because the residential floors share the same exterior walls as the parking level on three sides, they also have a minimum setback of 14 feet from South Fourth Avenue, between 4 and 8 feet from East Madison Street, and 8 feet from South Fifth Avenue. The residential floors of the building are setback between 32 and 62 feet from the eastern half of the north property line (whereas the proposed setback is 0 feet for the parking level). The main entrance to the residential portion of the building is from South Fifth Avenue.

A total of 63 dwelling units are proposed on the four residential levels of the building, as follows:

	4-Bedroom	3-Bedroom	2-Bedroom	1 Bedroom	Efficiency
Number of Units	7	36	8	9	3

These 63 dwelling units provide a total of 164 bedrooms. Nine units will be designated affordable units for lower income households. (Lower income households are defined by the Zoning Ordinance as earning 80% or less than the area median income.)

The parking level provides 66 vehicular spaces and 48 Class A (enclosed, long-term) bicycle spaces. An additional 24 off-street vehicular parking spaces and 34 Class C (open, hoop-style) bicycle spaces are provided in the surface parking lot. Access to the surface parking spaces is from South Fifth Avenue. The lower parking level and the upper surface parking lot are not connected.

Three Live/Work spaces are proposed at the southwest corner of the building. Each unit measures about 28 feet wide by 22 feet deep. The live/work spaces are accessible from doors on the front of the building facing East Madison Street and from rear doors leading to the parking level. There is no direct connection between the live/work spaces and the residential portion of the building, but these spaces are intended for use by residents of the building for home occupations, entrepreneurial businesses, and art studios. The live/work spaces are also intended to provide activity at the street level and promote appropriate mixed uses in the PUD district.

The mass of the building has been articulated, or broken down, into several building modules, a traditional design tool used for large buildings. The southern façade of the proposed building, along East Madison Street, is 241 feet in length but has been broken into six modules by varying both the building setback and the façade materials. The western façade, along South Fourth Avenue, is 140 feet in length but has been broken into four modules. This façade is also articulated by both setback and material variation. The eastern façade, along South Fifth Avenue, is 80 feet in length but has been broken into two modules.

Other significant features proposed are:

- Sidewalk Park – A sidewalk park is proposed on the west side of the site between the entrance to the parking level and South Madison Street. The park straddles the property

line, half of the park is in South Fourth Avenue right-of-way and the other half is on the proposed site. The petitioner has proposed to convey an easement to the City for public use of the entire pocket park. Permanent outdoor seating and landscaping is proposed to enhance the area. Two additional benches are proposed on the site along the East Madison Street sidewalk. Public use easements will be conveyed for these benches as well.

- Landscape, street tree and mitigation plan – Numerous understory trees, such as serviceberry and dogwood trees, are proposed in the front open space of the site. Numerous shrubs and groundcover plants are also proposed in the front open space and will soften the appearance of the building from the streets. A 4-caliper inch honey locust tree is proposed on the west side of the site as the focal point of the proposed pocket park. Seventeen street trees are proposed to be installed by the petitioner. Seven mitigation trees, each 2 ½-caliper inches, are proposed on the west half of the north side of the site. Two additional mitigation trees, also 2 ½ -caliper inches each, are proposed in the southeast and southwest corners of the site.
- Screening/Conflicting Land Use Buffer – A retaining wall along the north lot line provides screening for the surface parking lot. It includes a wall that is 30 inches in height at its lowest point. (Note that the screen wall is proposed in lieu of a traditional conflicting land use buffer, which requires a 15-foot buffer strip and plantings in addition to a screen wall of some sort.)
- Storm Water Management and Floodplain Capacity – The site is in the jurisdiction of the Washtenaw County Water Resources Commissioner. The Water Resources Commissioner's office has granted preliminary approval for a storm water management system proposed underneath the parking level. Currently, about half of the site, the lower western half, is within the 100-year floodplain of Allen Creek and about a quarter of the site, the lowest western corner, is within the floodway. Draft flood insurance rate maps issued for review by the Federal Emergency Management Agency in July 2007 revised the current floodway limits so that the entire subject site is outside of the floodway. The limits of the 100-year floodplain remain the same. The existing site provides approximately 17,200 cubic feet of flood storage. The proposed development will provide approximately 29,900 cubic feet, an increase of about 74%.
- Sustainable Development – The proposed site plan includes many sustainable development features as required by the proposed supplemental regulations. The building will be certified by the US Green Building Council Leadership in Energy and Environmental Design (LEED) program. It will also utilize a geothermal heating and cooling system, a renewable and sustainable energy source.

Traffic Impact Study – A traffic impact study was prepared for a previously proposed petition for a 161-unit high-rise multiple-family building on this site. That study concluded that the 161-unit development would not adversely impact the traffic operations on area streets and that no traffic mitigation measures were needed. These conclusions remain valid for the proposed development because the proposed development has the same basic premise but at a significantly reduced scale. A copy of the previous traffic impact study is included with the current petition file.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Single, Multiple-Family Residential	R4C (Multiple-Family Dwelling District)
EAST	Single, Multiple-Family Residential	R4C
SOUTH	Industrial (Fingerle Lumber)	M1 (Limited Industrial District)
WEST	Institutional (UM offices)	M1

COMPARISON CHART – ZONING DISTRICTS

		EXISTING		PROPOSED
Zoning		M1	R4C	PUD
Permitted Principal Uses		All RE (Research) and O (Office) uses, trade, transportation, laundry services, manufacturing plants, auto repair	Single, two and multiple-family residential, rooming/boarding houses, nursing homes, child care centers	Multiple-family residential
Permitted Accessory Uses		Incidental retail sales, one dwelling unit for security person.	Social club/recreational center, home occupations.	Live/work space for artists, entrepreneurs, professionals; child care center; recreation; food and beverage sales, health care space; sales and leasing office
Lot Area		13,000 sq ft	8,500 sq ft	0.85 acres (37,201 sq ft) MIN
Lot Area per Dwelling Unit (DU)		Not applicable	2,175 sq ft/DU	400 sq ft/DU <u>and</u> 225 sq ft/bedroom <u>and</u> 210% FAR MAX
FAR		60% MAX	Not applicable	
Setbacks	Front	30% of width up to 40 ft MIN	25 ft MIN or average, plus additional if <50 ft bldg width or <30 ft bldg height	Madison – 4 ft MIN Fifth – 8 ft MIN Fourth – 14 ft MIN
	Side	15% of width up to 25 ft MIN	12 ft one, 26 ft total MIN, plus additional if <50 ft bldg length or <30 ft bldg height	12 ft MIN
	Rear	50 ft MIN abutting R	30 ft MIN, plus additional if <50 ft bldg length or <30 ft bldg height	
Height		35 ft – 3 stories MAX	30 ft MAX	70 ft – 5 stories MAX to highest point all inclusive
Vehicle Parking		1 per 600 sq ft limited industrial use MIN	1.5 per dwelling unit MIN	1.25 per dwelling unit MIN, 90 spaces MAX
Bicycle Parking		1 per 6,000 sq ft limited industrial use MIN (Class B)	1 per 5 dwelling units MIN (50% Class A, 50% Class C)	1 per 3 bedrooms MIN
Open Space		Not applicable	40% MIN, including 300 sq ft per dwelling unit usable	20% MIN

COMPARISON CHART – SITE PLAN

		EXISTING	PROPOSED	REQUIRED
Zoning		R4C Multiple-Family Residential M1 Industrial	The Moravian PUD	The Moravian PUD
Lot Area		0.85 acres (37,201 sq ft)	0.85 acres (37,201 sq ft)	0.85 acres (37,201 sq ft) MIN
Floor Area, Density Limitations		Unknown floor area, 19 dwelling units	63 dwelling units with total of 164 bedrooms	400 sq ft/DU <u>and</u> 225 sq ft/bedroom <u>and</u> 210% FAR MAX (up to 93 units w/165 bedrooms, in 78,122 sq ft)
Setbacks	Front	6 ft average	Madison – 4 ft Fifth – 8 ft Fourth – 14.8 ft	Madison – 4 ft MIN Fifth – 8 ft MIN Fourth – 14 ft MIN
	Side	9 ft average	12.4 ft	12 ft MIN
	Rear	25 ft average		
Height		Estimated 28 ft average	55 ft 11 in, 5 stories	70 ft – 5 stories MAX to highest point all inclusive
Vehicle Parking		Estimated 22 spaces	90 off-street spaces	1.25 per dwelling unit MIN, 90 spaces MAX
Bicycle Parking		None	48 Class A, 34 Class C (82 total)	1 per 3 bedrooms MIN (55 spaces)
Open Space		Unknown	24% (9,134 sq ft)	20% MIN

HISTORY

The lots that make up the proposed site are part of the Plat of Maynard and Morgan's Addition to the City of Ann Arbor, recorded in 1859. The neighborhood was built up in the 1880s and 1890s, and remains remarkably intact. An 1880 bird's-eye view map of the City shows only one house on the proposed site, at 558 South Fifth Avenue. The earliest Polk City Directory available by street address is the 1884 edition, and six of the eight structures are listed there in that year. All of the existing houses but one (the apartment building/garage at 551 South Fourth Avenue) appear to be original, and the homes' footprints have been altered very little or not at all over the last 120 or so years. Additional information about each of the existing structures on the proposed site has been prepared by the Historic District Coordinator and can be provided upon request. It is likely that the homes were all owner-occupied until the 1970s, perhaps some even later, although accepting student boarders was a very common practice amongst single-family homeowners between the 1880s and 1940s.

A PUD Zoning District and PUD Conceptual Plan petition for this site, The Madison, was submitted in 2008 to allow a high density residential development. Highlights of The Madison PUD proposal included:

- 14-story residential building on top of 2 levels of parking
- 161 dwelling units with a total of 445 bedrooms
- Over 700% FAR

- Front setbacks ranging between 8 feet minimum and 16 feet maximum.

At their meeting of October 21, 2008, the Planning Commission recommended denial of The Madison. The petition was withdrawn in November, 2008. The petitioner had a pre-petition conference with the Planning Commission on December 22, 2008 for the current proposal, The Moravian PUD. The petitioner informally presented the submitted petition to the Planning Commission at their September 10, 2009 working session.

PLANNING BACKGROUND

The site is located in the Central planning area. The Central Area Plan (adopted 1992) recommends multiple-family residential for future land use of the entire subject site. This land use classification includes areas on the edge of downtown and in the campus area where higher density development such as apartments and group quarters is appropriate, although the preservation of existing single and two-family structures in this area is encouraged as well (see page 65). Two chapters of the Plan are particularly relevant to the proposed petition, the *Housing and Neighborhoods* chapter (beginning on page 24) and the *Development/Redevelopment* chapter (beginning on page 39).

In the area of *Housing and Neighborhoods*, the goal is “to promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities, and which conserve environmental quality.” The desire and need to preserve the existing character, scale and integrity of the existing housing stock and established neighborhoods is a repeated theme in many of the action statements along with encouraging more affordable housing, achieving and maintaining a balance of rental and owner-occupied dwellings, and increasing rental and ownership opportunities for lower income persons and families.

Regarding *Development/Redevelopment*, the goal is “to encourage sensitive, attractive, and innovative development and renovation in downtown Ann Arbor and in adjacent neighborhoods; and 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 and help buffer established neighborhoods from further erosion.” Most action statements in this chapter are focused on compatibility, appropriateness, and sensitivity.

The following are some of the specific applicable actions found in the Central Area Plan:

Neighborhood Preservation

- To protect, preserve, and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
- To encourage the development of new architecture, and modifications to existing architecture, that complements the scale and character of the neighborhood.

Infill Development

- To ensure that new infill development is consistent with the scale and character of existing neighborhoods, both commercial and residential.

Tension between Commercial and Residential Uses

- To protect housing stock from demolition or conversion to business use, and to retain the residential character of established, sometimes fragile, neighborhoods adjacent to commercial or institutional uses.

Out of Scale Construction

- To encourage the construction of buildings whose scale and detailing is appropriate to their surroundings.

Historic Preservation

- To encourage the preservation, restoration or rehabilitation of historically and culturally significant properties, as well as contributing or complimentary structures, streetscapes, groups of buildings and neighborhoods.
- To preserve the historic character of Ann Arbor's Central Area.
- Where new buildings are desirable, the character of historic buildings, neighborhoods and streetscapes should be respectfully considered so that new buildings will complement the historic, architectural and environmental character of the neighborhood.

This project lies within the Central Area but outside of the downtown. It is not within the Downtown Development Authority boundary. On page 46, the Central Area Plan states: For purposes of this plan, the downtown is defined as the area contained in the 66-block Downtown Development Authority (DDA) District. For this reason the site was not included in the Calthorpe planning process or the Ann Arbor Discovering Downtown planning process. Therefore, although it is located in close proximity to downtown, the recommendations found in those plans are not applicable to this site.

STANDARDS FOR PUD ZONING DISTRICT REVIEW

As set forth in Section 5:80(6) of the Zoning Ordinance, there are eight criteria to consider when evaluating a PUD Zoning District petition. The criteria are paraphrased below in bold text. The petitioner has provided a detailed Project Narrative (attached) that contains information relative to each of the standards for review. Staff's responses to each criteria and the petitioner's Project Narrative are provided below in *italic* type.

- 1. The use(s) provide a beneficial effect for the City, which may include: innovation in land use; efficiency of land use, natural features and energy; providing usable open space; preserving and protection natural features; employment and shopping opportunities; expanding supply of affordable housing; use or reuse of existing sites.**

Staff believes the proposed zoning district would provide several of the example beneficial effects for the City, including innovation in land use, efficiency in land use and energy and expanding the supply of affordable housing. The proposed development seeks to provide housing for niche market that is currently underserved, housing for entry level downtown workers, by innovative restrictions on the number of bedrooms in each unit and the minimum required lot area standard. Efficiency in land use and energy will be provided through the design of the development and its certification by an independent council. The supply of affordable housing will also be expanded by the proposed development.

- 2. Beneficial effect could not be achieved under any other zoning district and not required under any existing standard or ordinance.**

The restrictions placed on the number of bedrooms in each unit and the minimum lot area requirements, as well as the requirements for affordable housing, development certification and allowances for live/work space within the development could not be achieved under any other zoning district and are not required under any existing standard or ordinance.

3. Uses shall not have a detrimental effect on public utilities or surroundings.

The principal use of the district is multiple-family residential which will not have a detrimental effect on public utilities or the surroundings.

4. Uses shall be consistent with master plan or adequate justification is provided.

The proposed uses are consistent with the master plan.

5. Residential density consistent with master plan or underlying zoning, or additional density has been proposed in order to provide affordable housing.

The proposed district will allow more residential density than the underlying zoning or future land use recommendation in the master plan, but affordable housing has been proposed as part of the increased density.

6. Supplemental regulations include analysis and justification to determine what the benefit is, how it will be provided, and performance standards for evaluation.

Supplemental regulations have been drafted and continue to be refined by staff to ensure that sufficient analysis, justification and performance standards will be included so that the proposed beneficial effects are achieved and maintained.

7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district, and alternative transportation is encouraged.

This criterion appears to have been satisfied. Vehicular and pedestrian circulation is well defined and access is safe. The traffic impact study provided for a previous, more intense development on this site concluded there would be no congestion in or near the district as a result of the rezoning. The previous traffic impact study conclusions continue to be valid for the currently proposed, less intense uses.

8. Minimum necessary disturbance to existing natural features and historically significant architectural features.

It appears the development has minimized the disturbance to the existing natural features. Significant disturbance is proposed to the existing architectural features of the site (they are all proposed to be demolished), but while they are historic because of their age, none of the existing buildings are in a designated or contemplated historic district.

SERVICE UNIT COMMENTS

Land Development – The southwest corner of the property currently is within the floodway of the Allen Creek overland flow. FEMA is in the process of revising the Flood Insurance Rate Maps (FIRM) as part of the map modernization project. FEMA issued preliminary FIRMs in July 2007 that indicate the property will be removed from the floodway and be considered 100-year

floodplain only. The preliminary FIRMs are not expected to become official until sometime in mid-2009. As the Michigan Department of Environmental Quality prohibits residential construction within regulated floodways, and the City of Ann Arbor Flood Mitigation Plan recommends avoiding new construction within the floodway, City staff cannot support construction of this project until the new FIRMs are adopted and the proposed building is removed from the floodway of Allen Creek. Staff recommends that approval of this site be conditioned upon removal of the building site from the floodway by adoption of the new FIRMs.

Systems Planning – The curb cut on South Fifth Avenue is closer to the adjacent property line than allowed by code, there are more total curb cuts to the site than allowed by code, and the width of the curb cut on South Fourth Avenue is wider than allowed by code. Variances from the Zoning Board of Appeals must be granted for the curb cuts to remain as proposed. The proposed sanitary sewer flows anticipated from this development must be modeled to determine downstream impacts. The existing hydrant at the south end of the six-inch water main must be relocated to connect to another water main. Fourteen footing drain disconnections are required to mitigate the impact of this development on the waste water treatment system.

Planning and Development Services – Staff previously recommended denial for a petition to rezone this site to PUD to allow high-rise multiple-family residential use, known as The Madison PUD. That petition would have allowed a building about 16 stories tall containing approximately 160 dwelling units. Staff identified three major issues, the proposed location, the proposed height and the proposed density and suggested that either the location or the density and height must be reconsidered. The Planning Commission recommended denial of The Madison PUD petition and it was withdrawn by the petitioner before any City Council action.

The current petition, The Moravian, has significantly reduced the proposed height and density compared to The Madison. It is still a relatively large development compared to its immediate neighbors to the north but staff believes The Moravian has been designed to be compatible with its surroundings. The Moravian's mass has been broken down through architectural details and offers a reasonable transition between the existing nonresidential buildings on East Madison Street, the industrial uses on the south side of East Madison Street, and the residential buildings to the north on South Fourth and South Fifth Avenues.

Staff acknowledges that the proposed petition is not exactly characteristic of the area and that it meets some of the goals and recommendations of the Central Area Plan but is contrary to others. However, the purpose of planned unit developments is to allow a project that doesn't exactly fit with the current zoning designation or the master plan future land use recommendations but does provide sufficient justification to deviate from those and does provide an overall beneficial effect for the City. Staff has worked as an agent of the Planning Commission to suggest revisions to the petition to achieve sufficient justification and providing an overall beneficial effect. At this point further revisions, if necessary, should be at the direction of the Planning Commission.

Attachments: Parcel/Zoning Map
Aerial Photo
Site Plan and Elevations
Supplemental Regulations 10/2/09
Development Agreement 9/20/09

c: Petitioner: Jeffrey P. Helminski
The Moravian Companies
706 W. Hazelhurst Street, Suite 200
Ferndale, MI 48220

City Attorney
Systems Planning
File Nos. PUDZ08-036 and SP08-022

Parcel and Zoning Map:

The Moravian PUD Zoning District and Site Plan

Map Legend

- Parcels
- Edge Of Pavement
- Railroads



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Aerial Photo (2006):

The Moravian PUD Zoning District and Site Plan

Map Legend

— Railroads

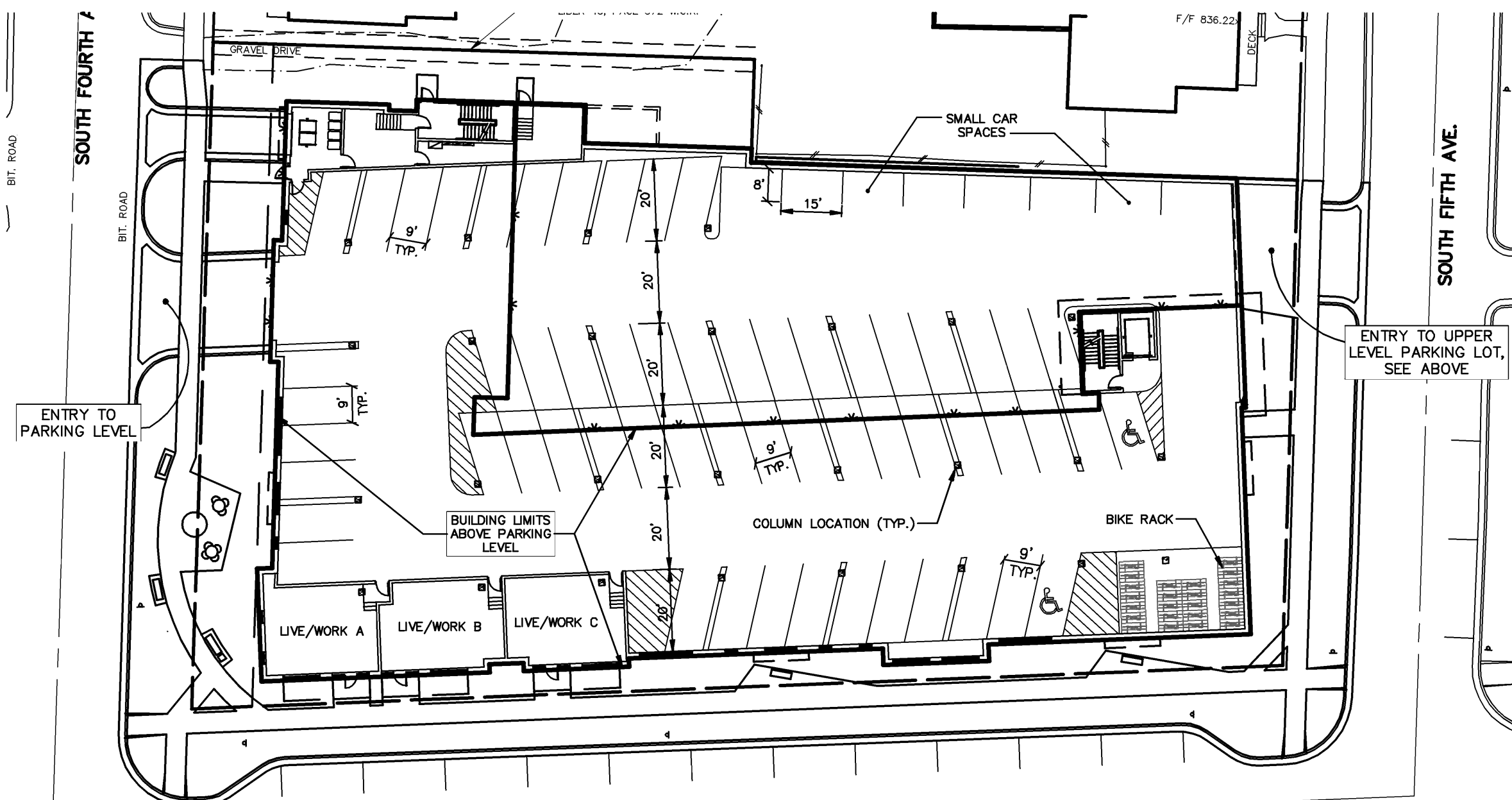
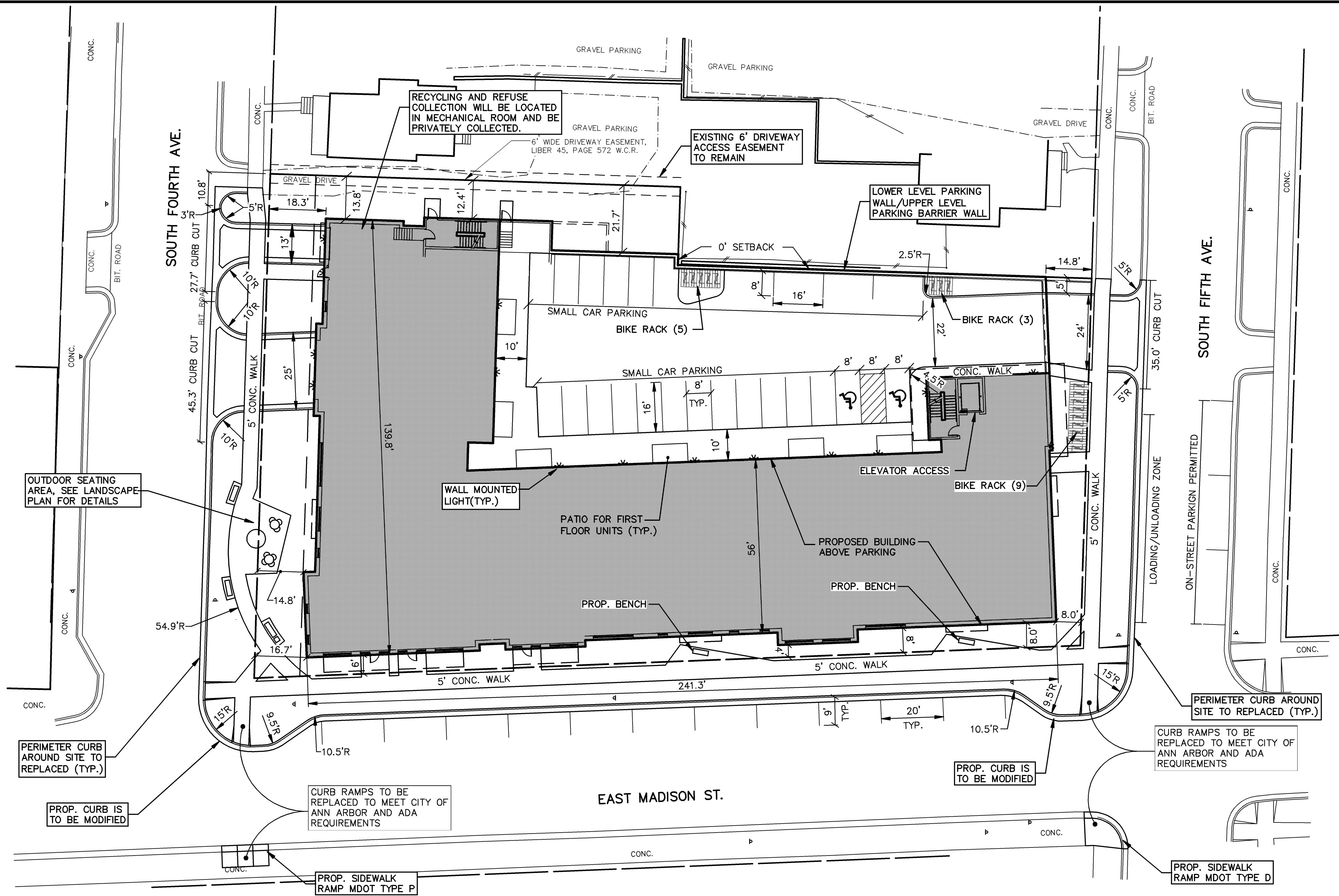


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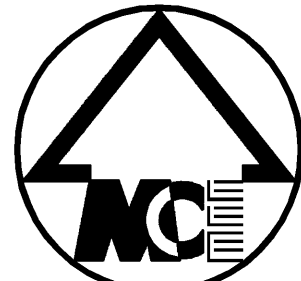
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0 87.5 175 350 525 700 Feet



EAST MADISON ST.
PARKING LAYOUT LOWER LEVEL
SCALE: 1" = 30'



SCALE: 1" = 20'
0 20 40 60

LEGEND

838	EXIST. CONTOUR
836.2	EXIST. SPOT ELEVATION
U.P.	EXIST. UTILITY POLE
G.P.	EXIST. GUY POLE
TRANSFORMER	ELEC. TRANSFORMER
OH	EXIST. OVERHEAD UTILITY LINE
L.P.	EXIST. LIGHT POLE
T	EXIST. TELEPHONE LINE
E	EXIST. ELECTRIC LINE
G	EXIST. GAS LINE
W	EXIST. WATER MAIN
H	EXIST. HYDRANT
GV	EXIST. GATE VALVE IN BOX
GVW	EXIST. GATE VALVE IN WELL
CS&B	EXIST. CURB STOP & BOX
BO	EXIST. BLOW-OFF
SS	EXIST. STORM SEWER
CB	EXIST. CATCH BASIN OR INLET
CN	EXIST. CLEANOUT
SS	EXIST. SANITARY SEWER
D	Q OF DITCH OR EDGE OF WATER
D	DRAINAGE DIRECTION
SIGN	SIGN
MAILBOX	MAILBOX
TR	TELEPHONE RISER
GM	GAS METER
FENCE	FENCE
TL	TREE OR BRUSH LIMIT
ST	SINGLE TREE
LT	LANDMARK TREE
TRCZ	TREE CRITICAL ROOT ZONE
SC	SECTION CORNER
SBL	SOIL BORING LOCATION
SIP	SET IRON PIPE
FIP	FOUND IRON PIPE
FOM	FOUND MONUMENT
SIR	SET IRON ROD
FIR	FOUND IRON ROD
CP	CONTROL PT.



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THE MORAVIAN
Ann Arbor, MI

Revisions

09-02-09 PUD/SPA
08-07-09
08-05-09
03-04-09
03-03-09
02-18-09
02-13-09

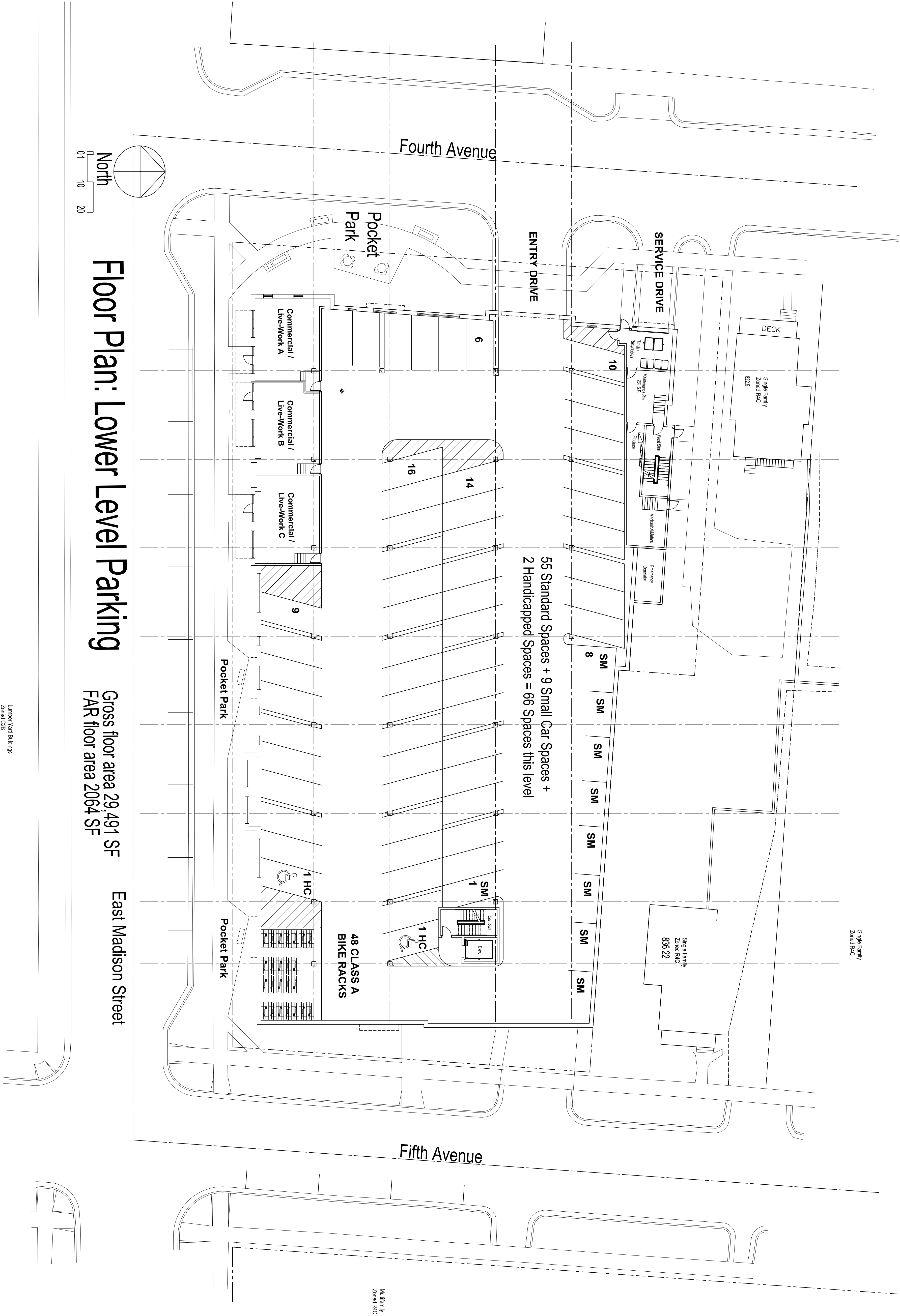
Date
01-27-09
Drawn
SRB
Checked
Approved
Budget Number

Job Number
28114.2

Title
Floor Plan
Lower Level Parking

Scale: 1/16" = 1'-0"

Sheet
A1



Floor Plan: Lower Level Parking

Gross floor area 29,491 SF
FAR floor area 2064 SF

East Madison Street

Lumber Yard Buildings
Zoned C2B

Single Family
Zoned R/C

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03-03-09
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Date
01-27-09
Drawn
SRB
Checked
Approved
Budget Number

☒ Preliminary
☐ Construction
☐ Record

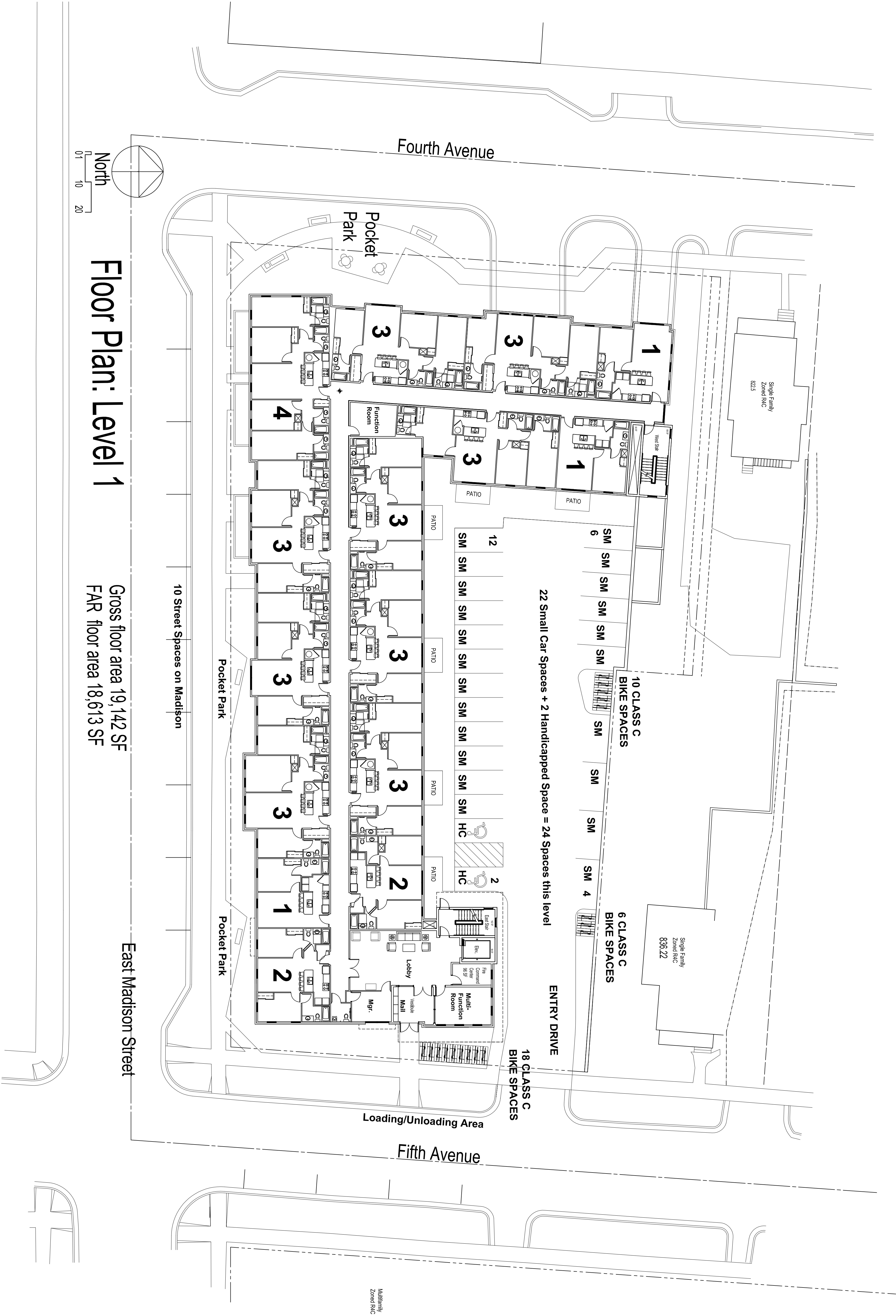
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Title
Floor Plan
Level 1

Scale: 1/16" = 1'-0"

Sheet
A2



Multi-Family Zoned R/C

Single Family Zoned R/C

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02-13-09

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West & South
Elevations

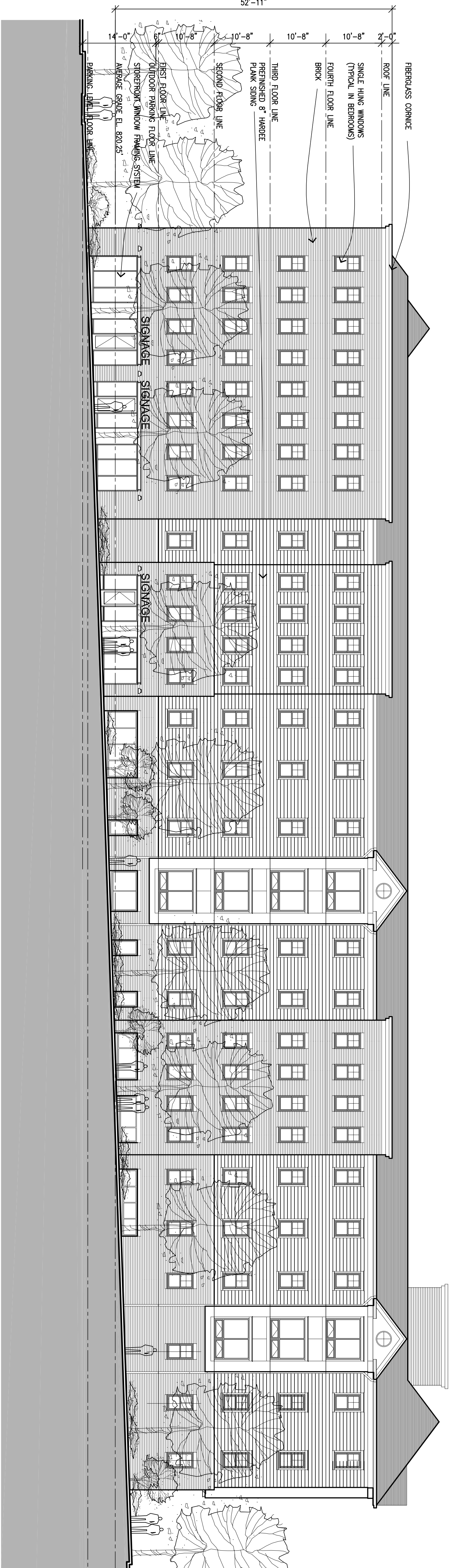
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Sheet
A5



West Elevation - Fourth Avenue

0 2 4 8 16 32



South Elevation - East Madison Street

0 2 4 8 16 32



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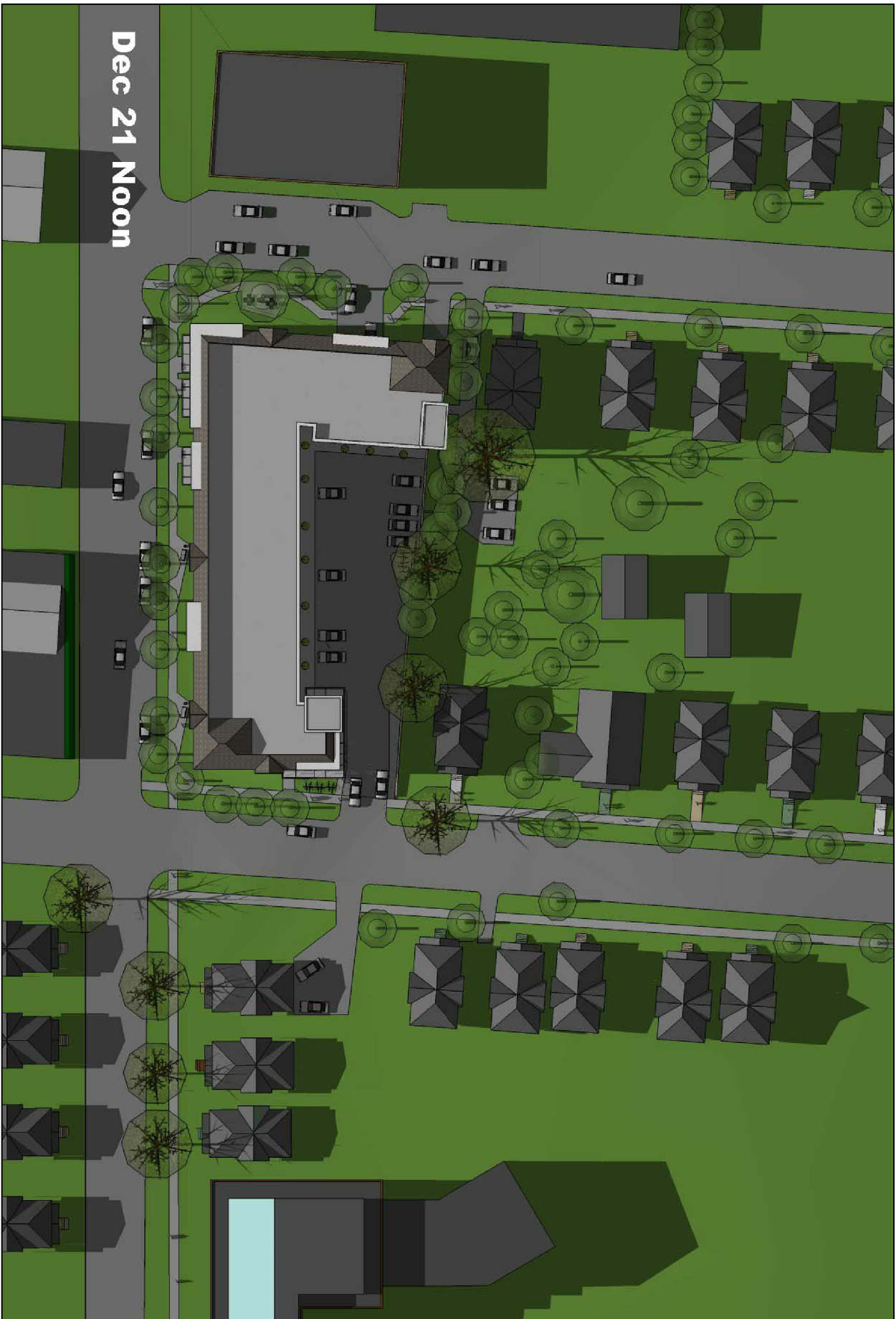
Revisions

09-02-09 PUD/SPA
08-07-09
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03-04-09
03-03-09
02-18-09
02-13-09

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Block Number
Job Number **28114.2**
Title
Sun Studies

Sheet
A11



The Moravian Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the comprehensive, unified redevelopment of these eight parcels to provide a truly unique living environment for the young professionals that the City of Ann Arbor wishes to attract and retain. These regulations seek to promote development that contributes to the regional character of the neighborhood and establishes an integrated building, parking, landscaping, and pedestrian corridor.

Section 2: Applicability

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

The South 45 feet of the West 93 feet of Lots 17 and 18, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [201 East Madison Street]; and,

The South 76 feet of the East 40 feet of Lot 17, Block 5 south, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [211 East Madison Street]; and,

A part of lot 16, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records, more particularly described as: Commencing at the Southwest corner of said Lot 16; thence running East on the North line of Madison Street 42 feet; thence North parallel with the West lot line 65 ½ feet; thence West parallel with Madison Street 42 feet; thence South on the West line of Lot 16, 65 ½ feet to the Place of Beginning [215 East Madison Street]; and,

The South 8 feet of Lot 14 and all of Lots 15 and 16, except the South 65.5 feet, of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [554 South Fifth Avenue]; and,

Commencing at the Southeast corner of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records; thence North on the West line of Fifth Avenue, 65 ½ feet; thence Westerly to a point in the West line of Lot 16 of said Block, 65 ½ feet North of the North line of Madison Street; thence South to Madison Street; thence Easterly along the North line of Madison Street to the Place of Beginning, in the City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the west 42 feet thereof, sold by George Otto by Deed dated September 21, 1908 and recorded September 21, 1908 in Liber 172 of Deeds, Page 223, Washtenaw County Records, being a part of Lots 15 and 16, Block 5 South, Range 5 East, of said Maynard and Morgan's Addition [558 South Fifth Avenue]; and,

The South half of Lot 19 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, reserving 3 feet in width by the entire length

along the East and West centerline of said Lot on the South side of said centerline and conveying 3 feet in width along the North side of said centerline. Such 6 feet in width to be used for a right of way by the parties owning said Lot or a part of it (and other lands), according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [547 South Fourth Avenue]; and,

The North 44 feet of Lots 17 and 18 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [551 South Fourth Avenue]; and,

Commencing at a point in the East line of South Fourth Avenue, 44 feet South of the Northwest corner of Lot 17 in Block 5 South, Range 5 East; thence running East 92 feet parallel with the North line of Lots to a point 40 feet West of the West line of Lot 16; thence South parallel with the West line of Lot 16, 40 feet (measured 33.44 feet); thence West parallel with the North line of Lots to the East line of South Fourth Avenue; thence North on the East line of said Avenue to the Place of Beginning, being a part of Lots 17 and 18 in Block 5 South, range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [553 South Fourth Avenue].

Further, the provisions of these regulations shall be adopted and incorporated into The Moravian 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 such as zoning, landscaping and parking, 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 redevelop the lots described above for new and unique living opportunities in Ann Arbor.
- (B) The surrounding neighborhood contains existing homes, apartments, industrial and commercial uses, Main Street's shopping, dining and entertainment to the west, employment centers to the north, athletic venues to the south and the U of M's central campus to the east.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a vibrant pedestrian oriented young professional community be established in a location with so many opportunities for it to prosper nearby. Additionally, the inherent low base elevation of the site lend well to reducing the impact of the building on the neighborhood.
- (D) The limitations placed on the land uses permitted and the integrated landscaping, parking, sustainable building practices, building placement, and architectural design will contribute to the regional quality of the existing neighborhood and will enhance the image of the City of Ann Arbor.
- (E) In addition to providing a truly unique living environment for the young professional, The Moravian will also provide for additional affordable housing, enhance public health, safety and welfare by significantly increasing the floodplain storage of the Allen Creek on this site, providing sustainably designed energy efficient housing and redeveloping an existing brownfield site.
- (F) 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 privileges nor deprivation of property rights.

Section 4: PUD Regulations

(A) Permitted principal uses shall be:

1. Single family and multi-family residential, provided that all bedrooms in a dwelling unit have an exterior window that allows natural light
2. Live/Work Space as shown on an approved site plan subject to the following:
 - a. The Live/Work Space is intended to allow opportunity for residents of the district who are small business owners, artists, sole practitioners, entrepreneurs and similar others to live and work in very close proximity. Nonresidents of the district may also enjoy this opportunity after residents are first accommodated.
 - b. Live/Work Spaces up to 3,000 square feet in total floor area, including a minimum of two and a maximum of six, shall be permitted.
 - c. Use of the Live/Work Space may include typical artistic, sole practitioner and entrepreneur endeavors such as, but not limited to: business professionals and consultants, excluding practicing doctors and dentists; creation, display and sales of art and crafts; teaching, tutoring and lessons; sales of convenience good for district residents and immediate neighbors such as coffee, snacks and prepared meals, and newspapers.

(B) Permitted accessory uses shall be:

1. Incidental sales of snacks, beverages, personal grooming and hygiene products, and household cleaning products, and similar convenience products from space other than Live/Work Spaces and located within the building at or near the primary residents' entrance.
2. Child care or health care center, provided primarily as a service to the residents.
3. Outdoor areas for active or passive recreation.
4. Leasing/sales, office, common areas, lounge/club areas, fitness and tanning facilities and other similar uses typically associated with apartment buildings.

(C) Setbacks:

The minimum setbacks from a lot line adjacent to a public street shall be:

East Madison Street – 4 feet
South Fifth Avenue – 8 feet
South Fourth Avenue – 14 feet

The minimum setback from a lot line adjacent to another lot shall be 12 feet.

- (D) Height: The maximum height shall be five stories and 70 feet. Of the five stories, one may be used for enclosed parking and up to four may be used for residential uses. The height in feet shall be measured from the lowest finished grade elevation at an exterior wall to the highest point of the roof and shall include any architectural details and mechanical units.

(E) District and Lot Size: The minimum district and lot size shall be 0.84 acres (37,201 square feet).

(F) Floor Area and Density Limits: The maximum floor area shall be 210% of the lot area (37,201 square feet). The floor area of an off-street parking structure shall not be included in the maximum floor area allowance. Within the maximum floor area allowance, a minimum lot area of 400 square feet shall be required for each dwelling unit and 225 square feet shall be required for each bedroom shown on an approved site plan.

For example, a building of up to 78,122 square feet may be permitted and may contain up to 93 dwelling units with a combined total of 165 bedrooms.

(G) Off-Street Parking:

Off-street parking for vehicles shall be provided at the rate of 1.25 spaces per dwelling unit up to 90 spaces maximum.

Off-street parking for bicycle shall be provided at the rate of 1 space for every 3 bedrooms, of which a minimum of 75% shall be Class A spaces (medium to long-term parking) and a minimum of 25% shall be Class C spaces (short-term parking). The design of the bicycle parking facilities shall be the standards of Chapter 59, Off-Street Parking, Section 5:168.1.

(H) Open Space, Landscaping and Screening:

1. Open Space – A minimum of 20% of the lot area shall be open space as defined in Chapter 55, Zoning, Section 5:1.¹
2. Landscaping – All open space areas except for sidewalks, pedestrian paths, paved recreational space and off-street bicycle parking facilities, shall be landscaped with live trees, shrubs, ground cover, lawn or flower beds. Landscaping shall be provided as shown on an approved site plan.
3. Screening of Vehicular Use Area/Conflicting Land Use Buffer – All vehicular use areas and unenclosed parking spaces visible from the public right-of-way and adjacent properties shall be screened from view. Screening must be provided at least 30 inches in height above the vehicular use area grade. Screening may be provided by solid fences, retaining walls, or hedges.
4. Screening of Mechanical Equipment – All mechanical equipment, including roof-mounted and ground-mounted, visible from the public right-of-way within 100 feet of the district shall be screened from view. Screening may be provided by architectural walls, retaining walls, fences, or hedges.

(I) Energy and Environmental Design:

¹ Chapter 55, Section 5:1(36) Open Space: The portion of a lot which is devoted to outdoor recreation space, greenery, and space for household activities. Open space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory structures used for recreational purposes, permanent or seasonal water surfaces and protected natural areas. It shall not include area covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.

Development in the district shall obtain LEED New Construction Version 2.2, or higher, certification by the US Green Building Council within 6 months of issuance of a certificate of occupancy (the first certificate of occupancy if more than one is necessary). Failure to obtain certification shall be a violation of this ordinance. The penalty of such violation shall be 20 percent of the construction value of development in the district as set forth on the building permit application(s). Failure to obtain certification shall not affect the right to occupy the development and no additional penalty shall be imposed for failure to obtain certification. Payment of the penalty shall constitute compliance with this provision.

A renewable energy source, such as geothermal energy, shall be utilized as the primary energy source for heating and cooling systems in the district.

Best management practices shall be provided for solid waste disposal, including, but not limited to, recycling facilities provided for all residents of the district.

- (J) Affordability: A minimum of 15% of the total number of dwelling units in the district shall be designated as affordable housing for lower income households as defined in the Zoning Ordinance. The affordable units shall be provided in the district; however, when the affordable housing requirement results in a fractional unit, the requirement may be rounded up to the next whole number or the fractional unit shall be converted to an affordable housing contribution in lieu of the fractional unit consistent with the formula adopted by annual resolution of city council.

- (K) Architectural Design:

Development within the district shall be articulated with design elements, both horizontal and vertical, that add interest to the face of the building. Several building modules, being subparts of a larger building that appear as a single façade plane, shall be provided as part of the required articulation. The articulation and modulation shall result in an overall character that is complimentary to the established neighborhood surrounding the district as determined by the City Planning Commission and City Council.

Exterior façade materials shall include brick, stone, block, horizontal siding (either wood or cementitious) and glass. Exterior façade materials shall convey a sense of human scale by being sized and applied in customary proportions. For example, facades with conventionally-sized bricks allow persons to accurately estimate the height and width of an exterior wall better than facades with unusually small or large bricks.

Changes to the exterior facades as shown on the approved site plan shall require either the approval of the planning and development services manager if minor or the City Planning Commission if major. Minor or major changes shall be determined by the planning and development services manager, in consultation with the chair of the City Planning Commission if desired.

September 20, 2009

THE MORAVIAN PUD DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2009, 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 The Moravian Company, a _____, with principal address at _____, Michigan, 48xxx-xxx, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as The Moravian Planned Unit Development, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as The Moravian Planned Unit Development, and desires PUD 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 PROPRIETORS will install these improvements prior to any permits being issued.

THE PROPRIETOR(S) HEREBY AGREE(S):

(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 public water and sanitary sewer mains, 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 service areas 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 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) Prior to the issuance of building permits, to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities. The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public Improvement to be conveyed by the easement.

(P-5) To install all water mains, storm sewers, sanitary sewers and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits.

(P-6) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to South Fourth Avenue, South Fifth Avenue and East Madison Street, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along said street frontages when such improvements are determined by the CITY to be necessary.

(P-7) 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-8) To cause to be maintained General 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.

Parkland Dedication/contributions/street tree escrow

(P-9) To convey to the CITY prior to the issuance of building permits, an easement for public use of the pocket park as shown on the approved site plan.

(P-10) To install signage, acceptable to the CITY Community Services Area, prior to issuance of the certificate of occupancy, indicating the existence and permitted public use of the pocket park as shown on the approved site plan.

(P-11) To maintain the pocket park as shown on the approved site plan in neat, orderly, and good repair.

(P-12) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the PROPRIETOR to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY.

(P-13) 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.

(P-14) 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-15) Prior to the application for and issuance of any Certificate of Occupancy, to enter into an affordable housing covenant with the CITY, with terms acceptable to the CITY, to provide affordable housing for lower income households consistent with terms in the PUD Supplemental Regulations for the site and consistent with all City ordinances, policies and regulations regarding affordable housing.

(P-16) To contract with a non-profit affordable housing provider to manage the leasing and/or sales of the affordable housing units.

(P-17) 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-18) 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 shall be addressed in the manner provided in the PUD Supplemental Regulations.

(P-19) 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-20) To apply for and obtain, prior to issuance of any Certificates of Occupancy, Letters of Map Revision (LOMAR) from the Federal Emergency Management Agency for modifications in the floodplain elevations on the site, and to furnish to the CITY copies of the LOMAR and an Elevation Certificate for each building (*or as applicable, component*).

(P-21) No lot in the PUD district may be divided such that an additional building parcel is created.

(P-22) Use restrictions such as hours of operation, no sales of alcoholic beverages, no outside microphones, etc. (*used in Special Exception Use approvals*)

(P-23) Prior to application for and issuance of certificates of occupancy, to disconnect _____ footing drains from the sanitary sewer system in accordance with the *Guidelines for Completion of Footing Drain Disconnections, City of Ann Arbor - Development Offset-Mitigation Program* (November 2005 edition, as amended). The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis, at the discretion of the CITY Public Services Area. CITY agrees to provide PROPRIETOR with a certificate of completion upon PROPRIETOR'S submittal of approved and final closed-out permits to the CITY Public Services Area.

(P-24) Pathways/pedestrian easements if these are being conveyed.

(P-25) To submit an Elevation Certificate and Flood Proofing Certificate prior to final approval of the building shell. The PROPRIETOR also acknowledges that the lowest level floor, designated as Level P1 on the Plans, must meet wet flood proofing requirements of ASCE 24-98 and that per ASCE 24-98 all materials below the flood elevation must meet the requirements of section 6.0, utilities must be elevated or protected to the requirements of section 8.0, and elevators must meet the requirements of section 8.5.

(P-26) 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-27) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved development agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or development agreement.

(P-28) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien,

as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-29) 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 *insert name of project*.

(C-2) To use the park contribution described above for improvements to the *insert name of parks to be improved*.

(C-3) To use the \$ *insert sum as stated above* contribution for traffic mitigation measures at the *insert name of improvement as stated above*.

(C-4) To provide timely and reasonable CITY inspections as may be required during construction.

(C-5) 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 South 45 feet of the West 93 feet of Lots 17 and 18, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [201 East Madison Street]; and,

The South 76 feet of the East 40 feet of Lot 17, Block 5 south, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, pages 572-574, Washtenaw County Records [211 East Madison Street]; and,

A part of lot 16, Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records, more particularly described as: Commencing at the Southwest corner of said Lot 16; thence running East on the North line of Madison Street 42 feet; thence North parallel with the West lot line 65 ½ feet; thence West parallel with Madison Street 42 feet; thence South on the West line of Lot 16, 65 ½ feet to the Place of Beginning [215 East Madison Street]; and,

The South 8 feet of Lot 14 and all of Lots 15 and 16, except the South 65.5 feet, of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [554 South Fifth Avenue]; and,

Commencing at the Southeast corner of Block 5 South, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records; thence North on the West line of Fifth Avenue, 65 ½ feet; thence Westerly to a point in the West line of Lot 16 of said Block, 65 ½ feet North of the North line of Madison Street; thence South to Madison Street; thence Easterly along the North line of Madison Street to the Place of Beginning, in the City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the west 42 feet thereof, sold by George Otto by Deed dated September 21, 1908 and recorded September 21, 1908 in Liber 172 of Deeds, Page 223, Washtenaw County Records, being a part of Lots 15 and 16, Block 5 South, Range 5 East, of said Maynard and Morgan's Addition [558 South Fifth Avenue]; and,

The South half of Lot 19 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, reserving 3 feet in width by the entire length along the East and West centerline of said Lot on the South side of said centerline and conveying 3 feet in width along the North side of said centerline. Such 6 feet in width to be used for a right of way by the parties owning said Lot or a part of it (and other lands), according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [547 South Fourth Avenue]; and,

The North 44 feet of Lots 17 and 18 in Block 5 South of Huron Street, Range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [551 South Fourth Avenue]; and,

Commencing at a point in the East line of South Fourth Avenue, 44 feet South of the Northwest corner of Lot 17 in Block 5 South, Range 5 East; thence running East 92 feet parallel with the North line of Lots to a point 40 feet West of the West line of Lot 16; thence South parallel with the West line of Lot 16, 40 feet (measured 33.44 feet); thence West parallel with the North line of Lots to the East line of South Fourth Avenue; thence North on the East line of said Avenue to the Place of Beginning, being a part of Lots 17 and 18 in Block 5 South, range 5 East, Maynard and Morgan's Addition in the City of Ann Arbor, according to the plat thereof, recorded in Liber 45 of Deeds, Pages 572-574, Washtenaw County Records [553 South Fourth Avenue].

(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:

By: _____
Name, Title

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 2005, 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 MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 2005, before me personally appeared _____, 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 Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:
Ann Arbor Planning & Development Services
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 994-2800

DRAFT

December 26, 2008

Re: The Madison Citizen Participation Report

A second neighborhood meeting was held in the spirit of the pending, but not yet effective, Citizen Participation Ordinance. A prior meeting was held on June 23, 2008 at the Downtown Branch of the Ann Arbor Public Library. 1,073 letters were sent to residents and community groups notifying them of the most recent meeting. The meeting was held at the Downtown Branch of the Ann Arbor Public Library on Tuesday December 23rd 2008. Eleven people attended and three others arranged to speak with me individually, as I offered to do in the letter, as they were unable to attend the meeting. A summary of those conversations follows in this report.

In addition to the neighborhood meetings, we have conducted a great deal of community outreach over the course of the project. Communication with our neighbors and other groups with an interest in this area has been a priority throughout the design process of The Madison. Prior to the inception of the design of the prior version of the project and during the redesign of the current version, we have met with those neighbors interested in doing so and numerous other community groups, business owners and residents. Letters were sent to all of the owner occupants, even though there are only a few, along our block of S Fourth and S. Fifth Avenues explaining our plans to redevelop the property and inviting them to meet with us individually to discuss the project if they would like. Following is a summary of a few of the conversations that have occurred with owners in the area.

Walt Spiller - Our neighbor to the north on S. Fifth Ave. Mr. Spiller is one of the few owner occupants in the area. He lives in a former single family home now converted to a multiple family dwelling which he owns. He also owns a number of rental houses across the street on S. Fifth Ave. which, pursuant to his description of his typical tenants, would be competing properties with The Madison. After discussing our conceptual plans with him, his comments were encouraging. He suggested that the area was in need of redevelopment given the dilapidated state of the properties, the industrial nature of the historical uses and the history of crime and drugs that has been prevalent in this area in the past. He also suggested that he was of the opinion that living in an urban environment such as this came with the understanding that new and taller buildings would be developed around him and it was appropriate for this site. We have had many conversations with him since and have made changes to the plans based on his comments, such as elimination of outdoor uses adjacent to his house (outdoor patio, balconies) that would, in his opinion, potentially be noise generating to a degree he found undesirable. We have also designed the building to create as much space between his house and The Madison as possible. The building is approximately 50 feet from his house at its closest point. When we discussed the original plan with Mr. Spiller (the 14 story version) he commented that 14 stories was too tall for him to support, but something half as tall seemed more appropriate. We have also addressed this concern by reducing the height to much less than half as tall as it is now just four stories tall. After meeting with Mr. Spiller again individually, his comments to us have now changed such that he seems to think that anything greater than the R4C permitted height is excessive.

Beverly Strassmann – Our neighbor on the east side of S. Fifth Ave., a few houses north of The Madison and adjacent to the Perry School. We have repeatedly offered to meet with Mrs. Strassmann to discuss her concerns with the project. She continues to decline to meet with us. She has insisted that any redevelopment of the site should only be for the construction of single family homes. The main concern she has expressed to us is that construction of a building similar to The Madison will “destroy the neighborhood” as home owners would not be willing to invest in their properties if such a tall building were located in the neighborhood. This concept is somewhat perplexing to us as it is contrary to her statements to have invested significantly in her house, which is located immediately adjacent to the Perry School, where the Perry School is significantly taller relative to her house than the Madison would be to others. She has also voiced her opinion that the project will attract only students as residents. Mrs. Strassmann was not in attendance at our most recent neighborhood meeting and we have, accordingly, offered to meet with her individually if she would like. After the most recent Planning Commission working session, I offered to make myself available to discuss the project with her. She became verbally abusive and continued her refusal to speak with me about her concerns or ways we might work to address them in the redesigned project. Claudius Vincenz, who lives at the same residence as Mrs. Strassmann, has echoed her comments in his.

Mary Ann Jacobson – Owner and resident of an apartment building on the west side of S. Fifth Ave. north of The Madison. Mrs. Jacobson left a voicemail message in response to the letter I sent to owners in the area expressing her lack of support for the project (14 story version). Her comments were that she thought the area was in need of redevelopment as the buildings are “pretty nasty” but she wants to see them redeveloped as “individual homes”. She also assured us that she had spoken with the city and had been informed that the “city is not going to allow it (The Madison).”

Rick Williams – 543 S. Fourth Ave. Mr. Williams expressed support for the project and submitted a letter indicating such. He sited in our conversation the poor condition of the existing buildings, that a building of this nature seemed to make sense here and the need for reinvestment in this area.

A second neighborhood meeting held on December 23, 2008 generated the following discussions and comments.

Comments from those who made arrangements to speak with us prior to the meeting.

Evelyn & Richard Lossia – 600 S Main St. They were very supportive of the project. Mrs. Lossia commented on the run-down condition of the existing houses and the industrial building, the need for reinvestment in this area of town and the need for more housing downtown.

Cathleen Connell – 445 S. Fourth Ave. Mrs. Connell indicated she was “mildly supportive” of the project and would be willing to pass out flyers and help market the property at the School of Public Health where she works, stating that this type of housing would be appealing to people she works with. She said she walks her dog past the property each day. Her preference would be to have the property redeveloped as single family homes or possibly as for sale condos but understood that may not be economically feasible. She also noted that based on her own

experience, the houses on the property would not be viable to be rehabilitated in their existing condition. We discussed the proposed architectural style of the building and she expressed a slight preference to a pitched roof look versus a more modern style but said that was of little importance and a style that appeals to the target market is more important.

Mariah Cherem – Marshal Ct. Mrs. Cherem expressed tentative support for the project. She wanted to speak with a friend who is an urban planner prior to formalizing her opinion. Ms. Cherem identified herself as a young professional and member of our target market segment. Our conversation touched on a number of relevant topics including: the lack of high quality housing that is appealing to YP's, affordability issues for housing in the downtown area and the lack of her YP friends who continue to live in Ann Arbor due to the housing situation. She lives in an old single family home and talked at length of the energy inefficiency in her house and many like it. She works from home and during the winter has two sheets of plastic covering the windows and still wears a winter hat and fingerless gloves for working on her computer while the furnace runs full speed all day.

Comments from the neighborhood meeting – Following is a summary of the discussion.

Concerns were expressed in regard to the floodplain given existing issues on some properties in the area. This is an issue we have been able to address in improving upon the existing condition of the property by approximately 100% in terms of storage capacity and by over ten fold in peak hour runoff.

Salient facts such as the number of units, entrances and parking capacity were discussed as were anticipated rental rates. One person suggested that every resident that wanted a parking space should be provided with one as she felt the parking system downtown was too congested as is. We are providing for over 1.5 spaces per unit, the typical multi-family standard, to address this issue as much as possible. The existing conditions and rental units on site were discussed as well.

Utility capacity was inquired about and we explained that the systems planning department would be modeling and reviewing the capacity requirements and we would work with them to address any shortcomings.

A concern was expressed that one person thought the housing on site was affordable in their opinion and they didn't want to see that lost. A discussion ensued regarding the condition of the rental units and whether they were affordable because of their poor condition or affordable by design. This led to a discussion of the lack of high quality affordable housing downtown and our addition of such units to the housing stock.

There was discussion among the attendees about the 4 Eleven Loft development.

The issue of balconies was discussed and the general consensus seemed to be that people do not like the idea of balconies for fear that they will look "junky" over time.

One person expressed concern that tenants would double up in bedrooms. We committed to not allowing that as a policy and that we would not sign leases to multiple "un-related" individuals for the same bedroom.

Many people expressed their opinion that single family, owner occupied housing creates stability in areas whereas "transient" rental housing does not and that too many renters in an area would ruin it. We believe that not to be the case. This area is already primarily rental units which has not resulted in a lack of stabilization.

Many attendees expressed their opinion that a four story building was too tall and that a PUD was inappropriate in an area such as this outside the DDA. This is an issue that we have already addressed since our previous submission and one that we are not able to address any more than we have done. This would not be at all out of scale with the surrounding buildings that exist today being approximately one floor taller than the Law School Development Office and shorter than the Perry School.

One attendee discussed the size of The Madison in relation to buildings in her neighborhood larger than the single family home she lives in. She commented that their neighborhood was not destroyed by such buildings as some suggested this would do. She thought The Madison would act as a buffer to the residents to the north from the potential encroachment of commercial or institutional uses given the existing zoning and buildings on site today.

A theme that came up a number of times was the question of consistency with the Central Area Plan (CAP). Some expressed their opinion that this was contrary to the CAP as its primary goal is to protect the single family homes close to downtown. This of course generated much discussion. We expressed our belief that the project as proposed is consistent with the CAP and that being consistent does not mean being the same. There are many goals of the CAP that are met by development of The Madison and we believe it is in whole consistent with it.

A brief discussion of the uses that are permitted as a matter of right based on the existing zoning occurred. There was consensus that the M1 uses and other forms of multiple family housing permitted in the R4C district were undesirable. However the consensus among the attendees was that they preferred single family homes or for sale condos rather than any other use that might be proposed. We discussed the economic realities of both of those uses and the resulting practical impossibility of their development given the value of the existing income producing properties on site.

The final issue that was raised was the projected lifespan of the building. Although we do not have a specifically calculated lifespan, our best guess is that a building of this nature would last 100 years or more.

nclark@blueadvisors.com
jhebmink@moraviancompanies.com

The Madison Neighborhood Meeting 12-23-08

Ann Arbor Public Library 6:00pm

Name	Address	Phone	E-mail
Margaret Wang	418 S. 1st St. 48103		margaretwang@earthlink.net
Elizabeth Boies	1724 Chautau 48103		KBOIES@ISR.UMICH.EDU
Laurie Blakeney	530 N. Ashley 48103		liblakeney@sbcglobal.net
Carsten Bohneke	1714 Ashott Ave 48103		Chohuke@a2gov.org
Shirley Zennel	434 S. Fourth ave 48104		zenzel.shirley@gmail.com
Wm. Martin Luczak	438 S. Fifth Avenue 48107		luczakfamily@comcast.net
Walt Spiller	621 Fifth St 548 S. 5th Av. 48104		smittler@umich.edu waldamailmon@netscopre.net
RAY DE TTER	120 N. DIVISION		RDE TTER@UMICH.EDU
Mustafa Ali	537 S. Fourth Ave 3504 Golfride Dr Princeton, NJ		Mustafa.ali2001@sbcglobal.net



MORAVIAN

C O M P A N I E S

DEVELOPERS | INVESTORS | ADVISORS

March 1, 2009

Mrs. Alexis DiLeo
City of Ann Arbor, Planning Department
100 N. Fifth Avenue
Ann Arbor, MI 48104

Dear Mrs. DiLeo,

In an effort to keep you abreast of our ongoing efforts to provide opportunities for input and suggestions from the community at large, following is a brief description of activities since our last neighborhood meeting on December 23, 2008.

Noting the absence of Ms. Beverly Strassmann from the Dec. 23rd meeting and knowing her interest in the project, we reached out to Ms. Strassmann via a letter dated Dec. 26, 2008, a copy of which was sent to you, again offering to meet with her. She declined to meet with us as she has done in regard to all previous such offers.

On February 26, 2009 we held another neighborhood open house at the Ann Arbor Public Library's downtown branch. Seven individuals filled out the sign-in sheet and a few others were present but did not sign in. All of those that spoke at the meeting expressed support for the project. Discussion focused on the need to increase density in the downtown area, support for this project in particular in that it would address that need while enhancing a poorly maintained area and improve the streetscape, and the sustainable and energy efficient aspects of the project.

We have also spoken with Susan Pollay of the DDA, as requested by staff, who reviewed the plan, particularly the streetscape improvements, in light of the DDA's future plans. She confirmed that the plans are consistent with and will enhance the efforts of the DDA in better connecting the south end of Main Street with the area near Packard and Division where new streetscape work is pending. She also approved the design of the pocket park with the benches and sidewalk meandering in and out of the Right-of-way.

We also continue to be in regular contact with Walt Spiller, our next door neighbor on S. Fifth Ave. who is now attempting to coordinate a private meeting with him and a few others from the neighborhood. We anticipate that meeting will occur on Wed. March 4th.

Best regards,

Jeffrey P. Helminski

Community Supporters of The Moravian PUD

Ken Fischer, Resident 2115 Melrose Avenue, President University Musical Society, Executive Committee member of Ann Arbor SPARK, participant in Washtenaw County's Community Success process, cabinet member of Washtenaw United Way, board member of the Cultural Alliance of Southeastern Michigan, and member of the Arts Alliance's Cultural Leaders Forum

Ellie Sarra, former director of Main Street Association

Peter Schork, Owner, Café Habana, President, Ann Arbor State Bank

Joe Ferrario, Resident 2969 Heather Way, President of multiple manufacturing businesses

David Crouse, VP of Engineering, Sithe Global, Resident and downtown employer

Kristne McCardle, Creative Director, Ann Arbor Film Festival

Kevin Hawkins, Resident 439 Third St.

Peter Baillia, Resident 1979 McKinley

Nick Contaxes, Resident 522 Hill St.

Bill Krebaum, Resident 1484 W. Liberty

Mike Forgacs, Resident 112 N. 7th Street

Molly McFarland, Resident 1611 ½ Jackson Ave.

Kyle Mazurek, Resident

William J. Davis Jr., Owner, Arbor Springs Water

Wendy Johnson, Owner Poshh (clothing boutique)

Laurie Blakeney, Resident, 530 N Ashley, Owner Ann Arbor School of Yoga

Britten Stringwell, Local Artist, The Yellow Barn Organizer

Laurie Prager, Resident, Board Member UMMA

Brianna Fritz, Resident, Campaign Manager (Carsten Honke)

Sam Valenti IV, Resident 113 ½ W. Liberty, Owner Ghostly International

Jesse Bernstein, Resident 3110 Bolgos Circle

Patrick Macoska, Resident 1916 Sunrise Street

Chris Easthope, Resident

Conan Smith, Resident 234 8th St.

Alan Aldworth,

Amanda Uhle

Andrea Steves, Resident

Andrew Hauptman

Andy Labarre

Britten Stringwell

Catherine Hauptman

David McNamara, Resident

Donald Harrison

Deb Pearson

Edward Shaffran

Elizabeth Palms

Gale Redding

Greg Lobdell

Lee Gunn

Jeremy Peters

Lee Berry

Linda Brown
Louis Callaway
Matt Turner
Marsha Chamberlin, Resident, Director Ann Arbor Art Center
William Milliken
Paul Ganz
Gene Ragland
Russ Collins, Director Michigan Theater
Rob Cleveland
Stewart W. Beal, President, Beal Properties
Patrick J. Cavanaugh, Resident, VP United Bank & Trust
Jim Ryans, Resident 350 Pinewood St.
Edward Surovell, Owner, Edward Surovell Realtors
Rebecca Lopez Kriss, Resident
Geoff Gaedner, Resident 1979 McKinley
Ann Arbor Area Chamber of Commerce
Main Street Area Association
Rick Williams, 543 S. Fourth Ave. (adjacent property owner)
Rita Filippini, Resident 1395 Millbrook Trail, Owner Brazamerica & Gentle Laser Body Care
Neil Loney, Owner, Rogow & Loney P.C.
Elisabeth Magiera, Resident 2926 Leslie Park Circle, Owner, Copernicus European Delicatessen
David William Minehart, Resident 411 S. Fifth Ave.
Valerie Sathe Brugeman, Resident 1537 McIntyre
Fernanda Quadros, Resident 3081 Signature St.
Monica Sendor, Resident 616 Lawrence
Cristine Santanna, Resident 2141 Glencoe Hills #11
Doug McClure, Resident 5425 Scio Church Rd.
Robert A. Boonin, Resident 1545 Chapleau Dr.
Nancy Shore, Resident 2020 Winewood Ave.
Stephen D. Schmier, Resident 645 N. 4th Ave, Unit D
Jane Lumm, Resident 3075 Override Dr.
Ed Shaffran, downtown landlord and employer
Jim Zamberlin, Resident 1403 W. Huron St.
Jeffrey C. Higgins, Resident
Hongbin Chen, Resident 3705 Fox Hunt Dr.
James H. Getty, Resident 1124 Kay Pkwy
Joshua Brugeman, Resident 1537 McIntyre
Sarah Ryans, Resident 350 Pinewood St.
Deb Pearson, Marketing Director, Bluestone Realty Advisors
James Ahnert, Resident 655 Barber
Barbara A. Roberts, Resident 2441 Bunker Hill
Jeff Wenzinger, Resident
Arnold Geldermans, Resident 2559 Antietam
Vita M. Ciemiorek, Resident 2605 Fenwick Ct.
John Langs, 206 S. Fifth Ave.
Gretchen Meyer, Resident 1726 Fair St. Unit 1

Jeremy Peters, Resident, Head of licensing Ghostly International, downtown employee
Gale Redding, Hooper Hathaway (downtown employee)
Jason Costello, Owner Cabrio Properties, downtown landlord and employer
Luz Glover, Director of Accounts, Oxford Companies Ann Arbor employee
Maura Thomson, Resident 2321 Devonshire
Dan Glazer, Owner/Manager Café Habana
Laurie Gendron, William Davidson Institute at the UofM

Re: the Madison / The Moravian

<u>NAME</u>	<u>E-MAIL</u>	<u>ADDRESS</u>
Peter Baillie	daalevarde@gmail.com	1979 1979 McKinley
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NICK CONTAXES	contaxes@gmail.com	522 Hill St #1
BILL KREBAUM	BILLKREBAUM@GMAIL.COM	1484 W. LIBERTY
Laurie Gendron	Lgendron@umich.edu	Ypsi :-
mike forges	mcfjjj@comcast.net	#2 112 N. 7th ST.

2-26-09

N'hood meeting

Sign-in sheet

provided by Jeff Helminski via email 3/3/09