



## Legislation Text

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**File #:** 18-1077, **Version:** 1

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An Ordinance to Amend the Zoning Map, Being a Part of Section 5:10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor, Zoning of 6.4 Acres from C1A/R (Campus Business Residential District) WITH CONDITIONS to C1A/R WITH CONDITIONS (AS AMENDED), 1140 Broadway Rezoning, (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-18-24) Approval of this ordinance will accept an offer for one additional condition and revise an existing condition to the 6.4-acre C1A/R (Campus Business Residential) With Conditions district at the 1140 Broadway site.

The current C1A/R With Conditions zoning designation, through the Statement of Conditions, has a maximum height limit of eight stories and 100 feet which is further restricted to a maximum height of four stories and 60 feet within a defined area near Traver Creek on the north side of the district.

The applicant offers an additional condition, that the property shall only be developed as the 1140 Broadway Planned Project Site Plan (approved on December 4, 2017 with any subsequent administrative amendments), and a revised condition to lower the maximum height to seven stories and 91 feet, still further restricted to a maximum height of four stories and 60 feet within the defined area. The additional condition is offered in response to City Council comments expressed at first and second reading of the rezoning petition (from PUD Planned Unit Development to C1A/R With Conditions) in November and December 2017, and to better match the height limits with the approved site plan.

The May 16, 2018 Planning Staff Report (attached) explains the amended conditions in more detail, and the June 6, 2018 Planning Staff Report (attached) explains the relationship between and among zoning designations, site plans, land divisions, development agreements and statements of conditions.

A public hearing for the amended rezoning petition was advertised for May 1, 2018 but was not held and the petition was not presented or discussed by the Planning Commission except to postpone to May 16, 2018. A public hearing on May 16, 2018, after which action was postponed to allow more time for neighbors and concerned residents to review the offer. The Planning Commission recommended accepting the offer for additional conditions following a continued public hearing its meeting of June 5, 2018.

**Attachments:** May 1, 2018 Planning Staff Memo  
May 16, 2018 Planning Staff Report  
June 5, 2018 Planning Staff Report  
May 16 and June 5, 2018 Planning Commission Minutes  
Conditional Zoning Amended Statement of Conditions

**Prepared by:** Alexis DiLeo, City Planner  
**Reviewed by:** Brett Lenart, Planning Manager  
Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator  
ORDINANCE NO. ORD-18-24

First Reading: August 9, 2018  
Public Hearing: September 4, 2018  
Approved: September 4, 2018  
Published: September 13, 2018  
Effective: September 23, 2018

1140 BROADWAY REZONING

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART OF SECTION 5:10.2 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

Beginning at the Westerly corner of Lot 78 of ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, Washtenaw County Records; thence Northeasterly along the Southerly right-of-way line of Broadway Street (variable width) in the following four (4) courses: (1) N 57°48'00" E 564.63 feet, (2) N 01°45'27" E 20.50 feet, (3) N 57°48'00" E 25.88 feet and (4) N 58°18'42" E 33.55 feet (recorded as N 58°18'00" E); thence along the centerline of Traver's Creek in the following four (4) courses: (1) S 22°41'48" E 13.78 feet (recorded as S 22°42'30" E), (2) S 52°07'48" E 51.77 feet (recorded as S 52°08'30" E), (3) S 65°43'18" E 29.31 feet (recorded as S 65°44'00" E) and (4) S 73°04'18" E 50.81 feet (recorded as S 73°06'00" E);

thence N 37°31'42" E 25.40 feet (recorded as N 37°31'00" E);  
thence S 79°25'00" E 177.53 feet along the Northeasterly line of Lot 25 of ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records;  
thence S 31°16'00" W 410.58 feet along the Northwesterly line of Ross Maiden Lane Apartments;  
thence S 58°44'00" E 74.99 feet;  
thence S 31°16'00" W 255.50 feet along the West right-of-way line of Nielsen Court;  
thence N 58°44'00" W 653.70 feet along the Northerly right-of-way line of Maiden Lane to the Point of Beginning. Being Lots 25 through 30 ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records and Lots 72 through 82, inclusive, Lots 83 through 87, inclusive and a vacated alley of ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, Washtenaw County Records.  
in the City of Ann Arbor, Washtenaw County, Michigan as C1A/R (Campus Business Residential) District WITH CONDITIONS, in accordance with the attached Conditional Zoning Statement of Amended Conditions which is hereby adopted and incorporated herein.

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

**CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor,

Michigan at its regular session of September 4, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on September 13, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk