

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 6, 2011

**SUBJECT: Arlington Square PUD Supplemental Regulations and PUD Conceptual Plan
(3250 Washtenaw Avenue)
File No. Z11-013**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arlington Square Planned Unit Development (PUD) Supplemental Regulations.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed PUD supplemental regulations, because the proposed revisions to the allowable uses provide an overall beneficial effect for the City by supporting expanded retail along with medical and dental uses to the surrounding residential neighborhoods and continuing the parking and traffic monitoring issues on a yearly basis as required by the development agreement.

LOCATION

The site is located south of Washtenaw Avenue and east of Huron Parkway (South Area and Malletts Creek Watershed).

DESCRIPTION OF PETITION

The petitioner is proposing to revise the PUD zoning and add Supplemental Regulations to allow all uses in the C3 (Fringe Commercial) zoning district. Supplemental regulations are added since they were not required as part of the PUD approval in 1989. The current PUD permits uses in the C3 district, excepting restaurants with seating and barber/beauty shops on the first floor and office uses on the second floor excepting medical/dental offices due to the increased need for parking spaces. The petitioner is requesting modifications to the PUD Supplemental Regulations (attached) that allows for urgent care and restaurant uses at this site.

The original PUD allowed for a larger building with reduced setbacks and fewer parking spaces in exchange for expanded retail and professional services in close proximity to the surrounding neighborhood. These public benefits remain as part of this proposal along with the petitioner providing 6 enclosed bicycle spaces, 12 additional bicycle hoops and bus passes to all employees to reduce the need for parking on site. The petitioner proposes a minimum of 140 parking spaces on site with 55 additional spaces located in the northern service drive (these spaces cannot be counted as they're located off site). There are no exterior changes proposed for this site.

The petitioner held a neighborhood meeting on October 11, 2011, consistent with the Citizen Participation Ordinance requirements. The petitioner's summary of this meeting is attached.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Financial Institution	C3 (Fringe Commercial District)
EAST	Restaurant	C3
SOUTH	Apartment Complex	O (Office District)
WEST	Service Station and Offices	C3 and O

COMPARISON CHART

	EXISTING	C3 (FRINGE COMMERCIAL)	1989 APPROVED PUD SITE PLAN REQUIRED/PERMITTED	PROPOSED PUD SUPPLEMENTAL REGULATIONS REQUIRED/PERMITTED
Zoning	PUD	PUD	PUD	PUD
Gross Lot Area	61,885 sq ft (1.42 acres)	6,000 sq ft (.14 acres)	61,885 sq ft MIN (1.42 acres)	61,885 sq ft MIN (1.42 acres)
Open Space	Not applicable	Not applicable	Not applicable	11,268 sq ft
Floor Area in Percentage of Lot Area	51,285 sq ft (83%)	123,770 sq ft (200%)	51,285 sq ft (83%)	123,770 sq ft (200%)
Setback – Front (Washtenaw) (Huron Parkway)	0 ft 55 ft	10 ft MIN 25 ft MAX	0 ft- Washtenaw 55 ft – Huron Pkwy	0 ft MIN - Washtenaw 0 ft MIN – Huron Pkwy
Setback – Side(s)	6 ft	None	6 ft	0 ft MIN
Setback – Rear	12 ft	None	12 ft MIN	0 ft MIN
Height	2 stories	55 ft (4 stories)	30 ft (3 stories) MAX	3 stories MAX
Parking – Automobile	145 spaces	165 spaces MIN* 233 spaces MIN**	140 spaces MIN/MAX	140 spaces MIN***
Parking – Bicycle	26 spaces – Class C	9 spaces – Class B* 8 spaces – Class C* 17 spaces – Class A** 17 spaces – Class C**	None	6 spaces MIN – Class A 38 spaces MIN – Class C

*Calculations based on retail space

**Calculations based on medical/dental office

*** Does not include 55 spaces in adjacent service drive

HISTORY

This site was zoned R5, Hotel-Motel District and housed a hotel built in the 1950's. This site was rezoned to PUD in 1989 and the hotel was then razed for the construction of the existing

two-story, 51,285 square foot retail/office center. A request for rezoning to PUD was also submitted in 1984 but was withdrawn.

This PUD proposal was presented to the City Planning Commission for a pre-petition conference at its September 20, 2011 working session.

PLANNING BACKGROUND

The Master Plan: Land Use Element recommends commercial uses for this site.

PUD STANDARDS FOR APPROVAL

According to Section 5:80(6) of the Zoning Ordinance, the Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards (petitioner's responses in regular type, staff responses in *italic type*):

- (a) The use or uses, physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination thereof, on present and potential surrounding land uses.**

Revision of the existing PUD zoning district to allow previously prohibited uses will encourage greater utilization of the center and provide greater variety of retail and service options.

The proposed PUD Supplemental regulations allow employment opportunities and additional retail and medical services for the surrounding neighborhood. This site is surrounded by commercial activities and there are no proposed increases to floor area, thus maintaining the existing building layout and building elevations to the site.

- (b) This beneficial effect for the City shall be one which could not be achieved under any other zoning classification and shall be one which is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.**

This project nearly meets C3 requirements but would need ZBA variance for the parking. Revising the PUD would be keeping with the original PUD intent.

The site is already zoned PUD. The Washtenaw Avenue corridor surrounding this site currently allows for C3 type uses without restriction. Per the previously approved Development Agreement, the petitioner is required to mitigate for parking and traffic and report their findings on a yearly basis.

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

The permitted uses would be the same the adjacent C3 zoning district.

No public utilities are impacted.

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

The C3 permitted uses conform to Master Plan and Washtenaw Avenue Corridor Improvement Authority.

The proposed commercial and office uses are compatible with existing zoning and development along Washtenaw Avenue. The original PUD conforms to the City's Master Plan, as do the proposed supplemental regulations. The Master Plan: Land Use Element recommends commercial uses for this site.

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

Proposed PUD projects exceeding the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, by up to 25 percent shall provide 10 percent of the total dwelling units as dwelling units affordable to lower income households. Proposed PUD projects exceeding the residential density recommendation of the master plan or the underlying zoning when the master plan does not contain a residential density recommendation, by over 25 percent shall provide 15 percent of the total dwelling units as dwelling units affordable to lower income households.

Provisions to implement the affordable housing proposal shall be included in the PUD supplemental regulations or the development agreement, or both, as determined by the City.

No housing units are proposed.

Because no density increase is requested, this request does not apply.

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

See attached supplemental regulations.

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

Vehicular and pedestrian circulation will remain relatively the same as under the current PUD.

The petitioner is willing to offer bus passes to all employees in the building. An additional 6 enclosed and 12 hoop style parking spaces are proposed near the main entrance.

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

No disturbance of existing natural or historical features.

No exterior changes are proposed to this site.

(i) List any modifications of the City Code that are requested; provide justification for each modification.

Modification from Chapter 59, Off-Street Parking, is needed to reflect changes in required parking.

The petitioner proposes a combination of medical office uses and retail uses on site, which requires a parking range between 165-233 spaces is used entirely as commercial or medical office. The proposed minimum number of parking spaces is 140. The real parking shortage results from not being able to count the 55 spaces in the service drive that were allowed to count toward the required total for the original PUD. If these spaces are counted, the 195 parking spaces would fall within the range of required parking.

The petitioner is not proposing to use the entire building for restaurant and medical office use. The proposed 8,000 square feet of medical or restaurant use requires approximately 26-36 parking spaces, while the remaining uses require approximately 139-195 spaces for a proposed need of 165-231 spaces. The petitioner has access to approximately 200 parking spaces.

DEPARTMENT COMMENTS PENDING OR UNRESOLVED

Planning –The petitioner held a neighborhood meeting on October 17, 2011, to discuss the proposed new medical office and restaurant uses. No concerns or critical comments were raised at this meeting and no feedback or concerns have been received by the Planning Department to date.

The proposed revisions to allow all C3 zoning uses in the PUD does not provide the minimum amount of off-street parking required by Chapter 59. The petitioner has listed 140 parking spaces minimum in the Supplemental Regulations on site and uses the 55 parking spaces located in the northern service drive. To mitigate for on-site parking demand, the petitioner has agreed to provide bus passes to all employees on site and to provide an additional 14 enclosed bicycle parking spaces.

When the original PUD was approved in 1989, the petitioner entered into a development agreement that develops and implements traffic and parking mitigation plans to reduce the parking on site. As an additional part of the public benefit of this PUD, the petitioner will

continue to comply with the conditions set forth in the development agreement. This traffic mitigation plan considers subsidized bus passes, carpools, parking charges or other appropriate techniques to reduce employee parking on site. The petitioner is then required to provide the results of a parking lot usage and traffic count survey each January. If the report concludes that more than 85% of the parking spaces were occupied when surveyed, the City and Proprietor will revise the traffic and parking mitigation plan.

Prepared by Chris Cheng
Reviewed by Wendy Rampson
mg/11/30/11

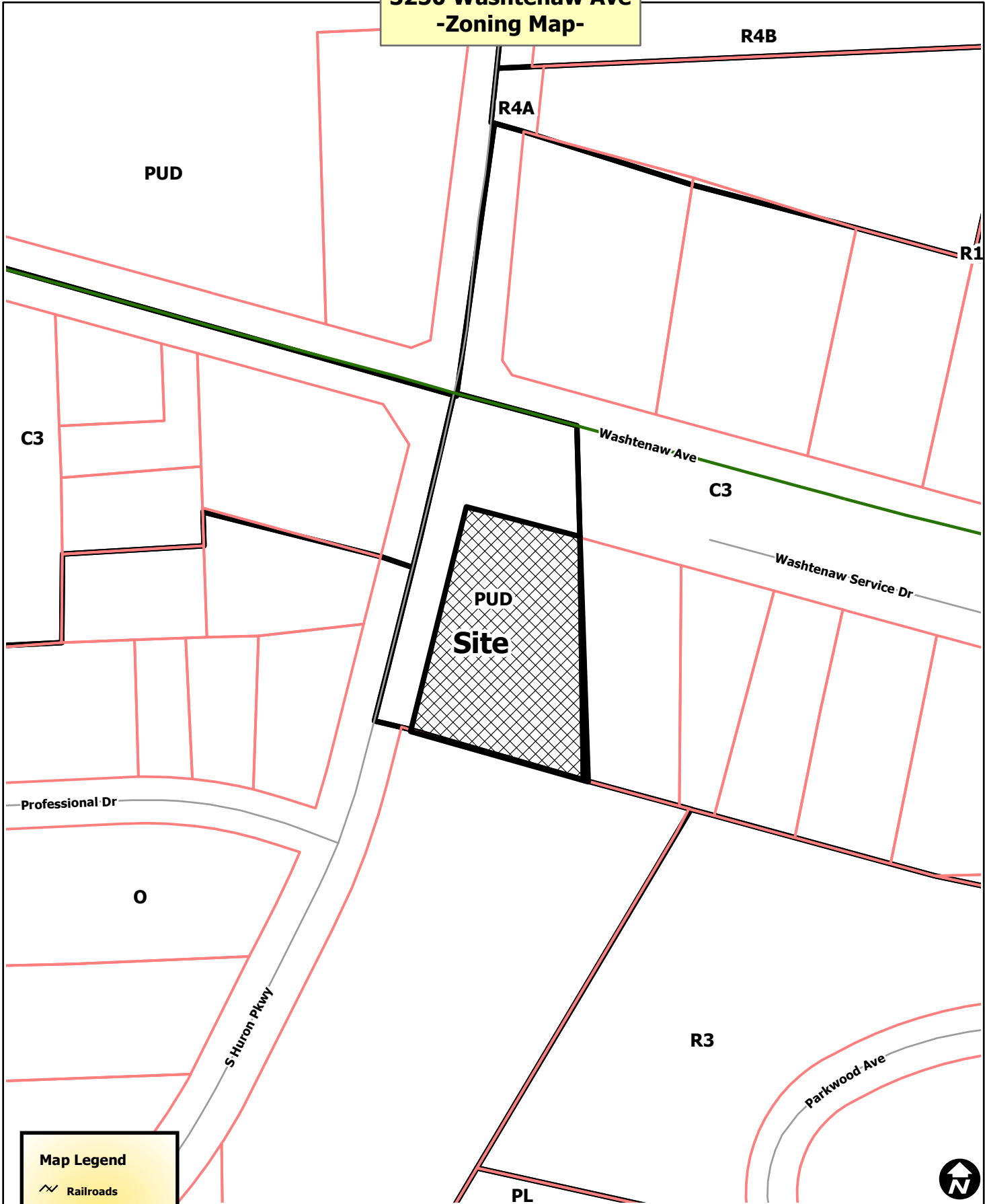
Attachments: Zoning/Parcel Maps
Aerial Photo
Proposed Supplemental Regulations
PUD Site Plan
10/17/11 Citizen Participation Meeting Summary
Brookfield Center Commercial Development Agreement

c: Petitioner/Owner: Nadim Ajlouny
Arlington Square, Inc.
5003 Hickory Point Drive
Orchard Lake, MI 48322

Petitioner's Representative: Steve Dykstra
Hobbs & Black Associates, Inc.
100 North State Street
Ann Arbor, MI 48104

Building
City Attorney
Project Management
File No. Z11-013

3250 Washtenaw Ave -Zoning Map-



Map Legend

- Railroads
- Parcel Property
- Township
- City of Ann Arbor



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3250 Washtenaw Ave -Aerial Map-



Map Legend

-  Railroads
-  Parcel Property



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Arlington Square PUD Supplemental Regulations

Section 1: Purpose

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

Section 2: Applicability

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

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

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

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

SUBJECT TO THE FOLLOWING EASMENTS

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

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

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

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

Section 3: Findings

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

- (A) It is desirable to expand the number of potential uses for the existing property described above, to include all permitted uses in the adjacent C3 zoning district.
- (B) The surrounding neighborhood contains similar retail and office uses and residential areas which would benefit from expanded use options.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a greater utilization of the existing retail and office space be encouraged.
- (D) The commitment to creating a traffic and parking mitigation plan for this site, including the offering of transit passes to employees of the building, will serve to strengthen Washtenaw Avenue as a transit-oriented and economically viable corridor.
- (E) The modification of the existing PUD regulation as described above will allow additional employment, shopping and service opportunities without significantly reducing the project's compliance with current zoning and parking requirements, relative to the project's original degree of compliance with the regulations at the time.
- (F) The parcel described above meets the standards for approval as a PUD, and the regulations contained herein do not constitute the granting of special privilege or deprivation of property rights.

Section 4: PUD Regulations

- (A) Permitted principal uses:

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

- (B) Permitted accessory uses shall be:

Those allowed in the R3 Townhouse district.

- (C) Setbacks:

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

- (D) Height:

Maximum height for all structures on the site: 30 feet

- (E) Lot Size:

Minimum lot size: 55,000 square feet

(F) Floor Area in Percentage of Lot Ratio

Maximum Usable Floor area ratio: 100%

(G) Off-Street Parking:

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

(H) Landscaping, Screening and Buffers:

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

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

DEVELOPMENT PROGRAM

The existing mixed use retail/office building was approved as a PUD in 1989 and constructed in 1990. The original PUD allowed all principal and accessory uses permitted in the C3 zoning district, with the exception of medical and dental offices, restaurants and beauty/barber salons. The proposal revision to the PUD would allow all permitted C3 zoning district uses.

COMMUNITY ANALYSIS

The proposed zoning revision will have no impact on the public schools, air quality, water or other existing natural features, on this and neighboring sites.

The surrounding businesses and residential neighborhoods would benefit from increased retail and service options and greater utilization of the lease space.

SITE ANALYSIS

The existing site is relatively flat, with gradual sloping down to the southeast corner at the entrance to the basement parking. Existing landscaping includes mature trees in parking islands and at the corner of Washtenaw Avenue and Huron Parkway. Lawn areas border the building in the north and east elevations, and a 6 foot tall wood frame buffers the parking from the residential use to the south.

No changes are proposed to the existing site.

LEGAL DESCRIPTION

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

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

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

Permanent Easement for ingress and egress and the parking of motor vehicles granted by Arlington Place Condominium Association, December 19, 1996:

EASEMENT DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, PITTSFIELD PLAZA, AS RECORDER IN LIBER 15 OF PLATS, PAGE 43, WASHTENAW COUNTY FEET; THENCE 7.85 FEET ALONG THE ARCH OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST RADIUS 5.00 FEET, CENTRAL ANGLE 90-00'00" CHURCH 562-37'18"W 7.07 FEET; THENCE S17-37'18"W 6.70 FEET; THENCE N72-22'42"W 122.01 FEET; THENCE N15-36'46"E 48.03 FEET; THENCE S71-48'18"E 150.59 FEET; THENCE S73-14'31"E 100.00 FEET TO THE POINT OF BEGINNING, BEING PART OF SECTION 2, T3S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY MICHIGAN.

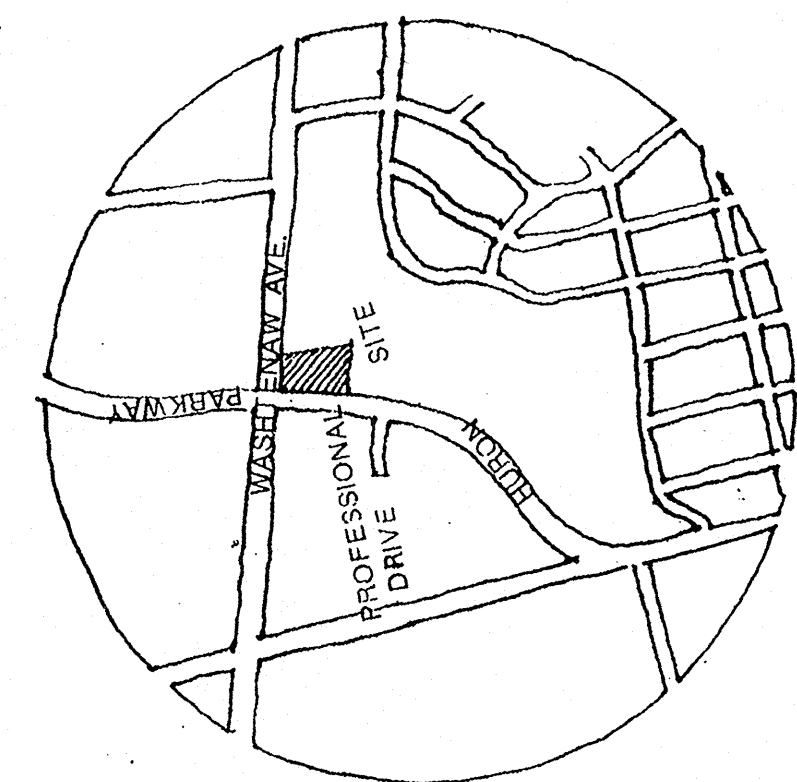
SITE/BUILDING DATA

Parcel Area:	1.42 Ac
Existing Zoning:	PUD
Proposed Zoning:	PUD
Existing Use:	Retail / Office (Medical and dental offices, restaurants, beauty / barber salons prohibited)
Propose Use:	Retail / Office (All principal and accessory uses allowed in the C3 zoning district)
Gross Building Area:	
First Floor	25,359 SF
Second Floor	25,926 SF
Total	51,285 SF
Basement Parking	25,170 SF
Parking:	
Required:	140 (Including 5 Accessible Spaces)
Provided:	66 Basement 79 Surface
Total	145 (Including 5 Accessible Spaces, 2 van accessible.)

COMPARISON CHART

ZONING	C3	EXISTING PUD	PROPOSED PUD
GROSS LOT AREA	6000 SF MIN	61,885 SF	61,885 SF
FLOOR PLAN AREA IN PERCENTAGE OF LOT AREA	200% MAX	83%	83%
SETBACKS			
FRONT	10' MIN/25' MAX	55/0'	55/0'
SIDE	0'	6'	6'
REAR	0'	12'	12'
HEIGHT	55' (4 STORY)	30' (2 STORY)	30' (2 STORY)
PARKING REQUIRED	200 SPACES	209 SPACES	140 SPACES
RETAIL	83 SPACES (1/310 SF MIN)	121 SPACES	
OFFICE		88 SPACES	
MEDICAL OFFICE	117 SPACES (1/220 SF MIN) (ASSUMES 50% MEDICAL OFFICE USE)		
BICYCLE	14 CLASS 'C' SPACES 5 CLASS 'B' SPACES 6 CLASS 'A' SPACES		
PARKING PROVIDED		209 SPACES (1/245 SF) (INCLUDES 55 SPACES IN SERVICE DRIVE) 28 CLASS 'C' BICYCLE SPACES	145 SPACES (1/351 SF) (NOT INCLUDING SERVICE DRIVE SPACES) 38 CLASS 'C' BICYCLE SPACES 6 CLASS 'A' BICYCLE SPACES*

*ONE GARAGE PARKING SPACE TO BE REMOVED AND BICYCLE RACKS FOR 6 SPACES TO BE PROVIDED ADJACENT TO LOWER LEVEL ELEVATOR LOBBY.



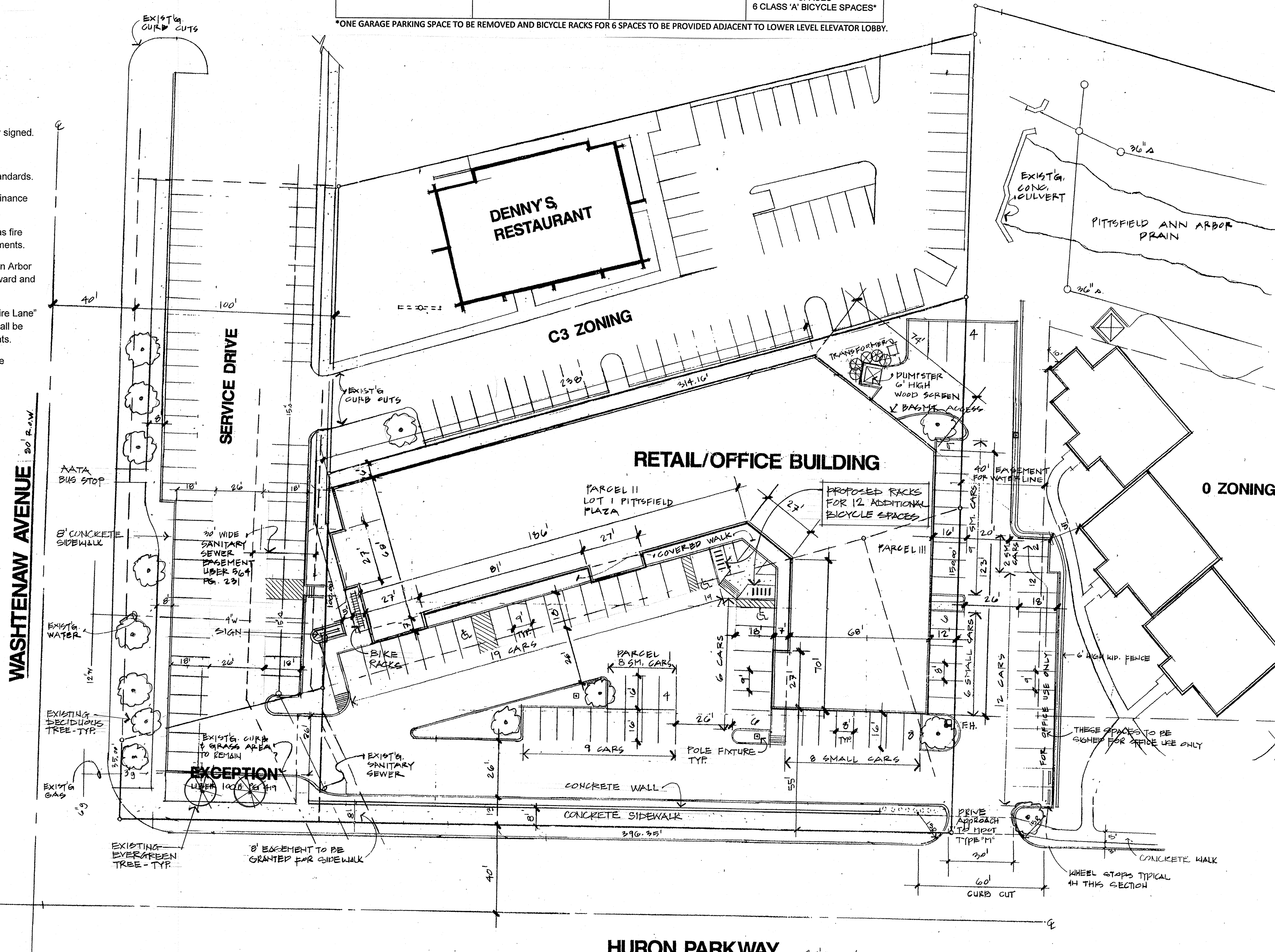
LOCATION MAP

GENERAL NOTES

- All small car parking will be approximately signed.
- Refuse Collection to be City Service.
- Bicycle racks shall be installed per city standards.
- All signs shall meet City of Ann Arbor Ordinance requirements.
- Fire Lanes shall be provided and posted as fire lanes pursuant to fire department requirements.
- All proposed lighting shall meet City of Ann Arbor requirements and shall be directed downward and shielded from adjacent properties.
- All proposed "No Parking or Standing," "Fire Lane" and "Handicapped Parking Only" signs shall be installed per City of Ann Arbor requirements.
- An 8' easement for public sidewalk is to be granted along Huron Parkway.

PETITIONER

Arlington Square, Inc.
Nadim Ajlouny
5003 Hickory Point Drive
Orchard Lake, MI 48322



HURON PARKWAY 80' R.O.W.

SITE PLAN
SCALE: 1"=30'-0"

Sheet Size - 24x36

REVISION	NOV. 30, 2011
PUD REVISION	OCT. 31, 2011
REVISION	JUNE 20, 1989
REVISION	JUNE 9, 1989
	MAY 24, 1989
	DATE ISSUED

DRAWN BY
CHECKED BY

ARLINGTON SQUARE
ANN ARBOR, MI

PROJECT

HOBBS + BLACK ARCHITECTS
100 N. State Street
Ann Arbor, Michigan 48104
P. 734.663.4189
F. 734.663.1770
www.hobbs-black.com

CONSULTANT

SHEET TITLE

11-019

PROJECT NUMBER

SP-1

SHEET NUMBER

October 31, 2011

**Arlington Square PUD
Citizens Participation Report**

A citizen's participation meeting was held at Arlington Square on October 17, 2011. Nine participants were present, including the petitioner and the petitioner's agent and real estate brokers.

The proposed revisions to the PUD were discussed, as well as potential new tenants for the 8,000 SF former Hollywood Video space. Arthur Itkis described two tenants that could lease the space if the proposed PUD revisions are approved – an Urgent Care facility and a restaurant that is open only during evening hours. Citizen response to both of the possible uses was positive.

No concerns or critical comments were raised at the meeting. The consensus opinion favored the expansion of permitted uses to encourage the leasing of vacant spaces and increase the variety of retail and service options at the center.

**Arlington Square PUD
PUD Development Program**

1. Revision of existing PUD zoning district to allow previously prohibited uses will encourage greater utilization of the center and provide greater variety of retail and service options.
2. Project nearly meets C3 requirements but would need ZBA variance for parking. Revising PUD would be keeping with original PUD intent.
3. Permitted uses would be the same as the adjacent C3 zoning district.
4. C3 permitted uses conform to Master Plan and Washtenaw Avenue corridor Improvement Authority.
5. No housing units are proposed.
6. No proposed changes to vehicular or pedestrian circulation.
7. No disturbance of existing natural or historical features.
8. Modification of Chapter 59 Parking requirements to reflect changes in requirements since approval or existing PUD.

SIGN-IN SHEET

OCTOBER 17, 2011
CITIZENS PARTICIPATION MEETING
ARLINGTON SQUARE PUD
PROJECT #: 11-019

	NAME	ADDRESS	EMAIL
1.	Steve Dykstra	100 N. State St.	sdykstra@hobbs+black.com
2.	Arthur Itkis	2000 Town Ctr, Ste 508 SF, CA 94133	arthur.itkis@cbre.com
3.	Kevin Travers	5000 E. Grand River Howell 48043	Ktravers@champion-cav.com
4.	Silva BATTERER	7425 Ford Rd	
5.	Joe Dwereaux	2231 S. Huron Pkwy #3	
6.	Ed Conlin	2115 Malvern Cove 14108	Ed0810@aol.com
7.	Lisa Loesel	2000 Town Ctr Southfield	lisa.loesel@cbre.com
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BROOKFIELD CENTER COMMERCIAL DEVELOPMENTSITE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this 19th day of June, 1989, by and between the City of Ann Arbor, a Michigan Municipal Corporation, hereinafter called the CITY, and William J. Conlin, 700 City Center Building, Ann Arbor, Michigan 48104, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor to be surveyed, mapped, and site planned as Brookfield Center Preliminary and Final Phase PUD, a planned unit development, and desires site plan approval thereof, and

WHEREAS, the CITY desires to insure that all of the customary municipal improvements required by pertinent CITY ordinances and regulations be properly made, and that money will be made available by the PROPRIETOR to insure the installation of certain site improvements prior to any permits being issued.

A. THE PROPRIETOR HEREBY AGREES:

(P-1) To prepare and submit to the CITY for approval prior to the issuance of building permits six copies of detailed plans and specifications prepared by a registered professional engineer for the construction and/or installation of public streets, sidewalks, water mains, sanitary sewer mains, and street lights with the understanding that no work on said improvements shall be commenced until said plans and specifications have been approved by the City Administrator or his designee and to provide such other information to the CITY departments as shall be required. These improvements shall include reduction of the service drive pavement width north of the site, construction of an eight-foot wide concrete sidewalk along Huron Parkway, and construction of an eight-foot wide concrete sidewalk along the Washtenaw Avenue service drive to the extent shown on the approved site plan.

(P-2) To provide for the installation of all improvements in P-1 of this agreement in accordance with the approved plans prior to the issuance of the first certificate of occupancy. If all of the improvements are not completed at the time the first certificate of occupancy is requested, the City Administrator or his designee may accept a letter of credit or bond from the PROPRIETOR for remaining unfinished improvements if it is determined that minimum public health and safety standards have been met. The PROPRIETOR shall repair all defects in said public improvements which develop within one year from the date of acceptance thereof by the CITY. All electric, telephone, and other communications systems shall be placed underground in accordance with the applicable utility company.

(P-3) To provide for the installation of all water mains, storm sewers, and sanitary sewers necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of the first certificate of occupancy. All required water and sewer service lines within the public street right-of-way will be installed prior to final paving of the streets in accordance with CITY standards and specifications.

-2-

(P-4) To deposit, prior to issuance of building permits, a street tree planting escrow account with the Department of Parks and Recreation in the form of a check payable to the City of Ann Arbor. The amount paid shall be based upon the CITY tree planting fee existing at the time building permits are requested. The City Administrator may authorize the PROPRIETOR to install said street trees if planted in accordance with CITY standards and specifications. If the street trees are planted by the PROPRIETOR, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY less ten percent to cover inspection costs by the City Forester.

(P-5) To pay to the CITY in advance of construction the cost of CITY plan review and CITY inspection of all underground improvements and trench backfill set forth in Paragraph (P-1) above in accordance with CITY procedures. The costs so paid shall be detailed in a manner which shows the project worked upon, type of work performed, results accomplished, and any testing of improvements required to insure construction in accordance with CITY standards.

(P-6) To furnish an engineer's certificate that the construction of the 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 and to furnish six copies and one permanent mylar of the "as-built" plans showing all improvements installed. The engineer's certificate will cover only those items the PROPRIETOR'S engineer inspects.

(P-7) To dedicate to the CITY all necessary public utility easements for the construction and maintenance of public improvements prior to the issuance of building permits. These shall include an eight-foot wide public easement for utilities and sidewalk located along the west property line.

(P-8) To prohibit, by lease conditions, employees on this site from using the parking areas shown on the approved planned unit development site plan on the north and west sides of the building. All parking for employees shall be under the building, to the south of the building, or off-site.

(P-9) To develop a traffic and parking mitigation plan in coordination with tenants of the building to mitigate the traffic impact of the development and reduce the need for parking on the site. This plan shall be presented to the CITY, for review and approval by the City Administrator, prior to certificates of occupancy being issued for more than 50% of the total floor area, excluding the below-grade parking. The plan shall specify the measures to be undertaken to reduce the need for on-site employee parking. The PROPRIETOR shall be responsible for overseeing implementation of this plan. The plan shall consider the use of alternate work hours, carpools, subsidized transit passes for employees, preferential parking for employees who carpool, parking charges, or other appropriate techniques.

(P-10) To provide the results of a parking lot usage and traffic count survey each January to the City Administrator. This survey shall provide parking counts for the lots identified in the approved site plan, and 24-hour traffic counts for each of the driveways on the site. The counts shall be taken on the first Wednesday of the three months preceeding the report deadline and the results summarized. Parking counts shall be taken between 2:00 and 3:00 p.m. If the report concludes that more than 85 percent of the parking spaces were occupied when surveyed, the CITY and the PROPRIETOR will then revise the traffic and parking mitigation plan.

B. THE CITY HEREBY AGREES:

(C-1) In consideration of the above undertakings, to approve the proposed planned unit development site plan for Brookfield Center Commercial Development. Upon the PROPRIETOR'S request for the CITY to accept the street right-of-way and utility improvements for inclusion with the CITY'S utility and street systems, the CITY will assume ownership of and responsibility for maintenance of the improvements after a final inspection indicates that the improvements were constructed in accordance with the previously-approved plans and specifications. This acceptance will be in the form of a certificate of acceptance signed by the City Administrator.

(P-2) To provide assistance in the development and implementation of the PROPRIETOR's traffic and parking mitigation plan.

(C-3) To provide timely and reasonable CITY inspections as may be required during construction.

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

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above written. This agreement is not intended to create a contractual right for third parties. It may be enforced, amended or rescinded only by the parties or their successors in interest. The obligation of the PROPRIETOR contained herein shall be binding on successors and assigns in ownership of the following described parcels:

PARCEL I - Commencing at the W 1/4 corner of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the E-W 1/4 line of said Section, easterly 1327.15 feet to the east line of the W 1/2 of the NW 1/4 of said Section 2; thence along said east line, northerly deflecting 89° 11' to the left, 1095.44 feet for a Place of Beginning; thence westerly deflecting 90°00' to the left, 143.32 feet; thence northeasterly deflecting 108°06' to the right, 396.35 feet to the south line of Washtenaw Avenue; thence along said south line, southeasterly 35.00 feet to the east line of the W 1/2 of the NW 1/4 of said Section 2; thence along said east line, southerly 370.48 feet to the Place of Beginning, being a part of the W 1/2 of the NW 1/4 of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, excepting and reserving therefrom the land conveyed by Howard Lazar and Gloria Lazar, husband and wife, and Richard Lazar and Jean Lazar, husband and wife, to the City of Ann Arbor, a Michigan Municipal Corporation, by Quit Claim Deed, dated October 27, 1962, and recorded November 9, 1962, in Liber 1008, Page 419, Washtenaw County Records.

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

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

Witnesses:

Juliette S. Teorey
Juliette S. Teorey

Diane Reed
DIANE REED

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

By: Gerald Jernigan

Gerald Jernigan, Mayor

By: W. Northcross
W. Northcross, City Clerk

Approved as to Substance:

By: Del D. Borgsdorf
Del D. Borgsdorf
City Administrator

Approved as to Form:

By: R. Bruce Laidlaw
R. Bruce Laidlaw
City Attorney

Witness:

Frances E. Zatorski
Frances E. Zatorski

WILLIAM J. CONLIN
700 City Center Building
Ann Arbor, Michigan 48104

By: William J. Conlin
William J. Conlin, A MARRIED MAN

6/19/89

WLR/MWO/lgh/m

Drafted By: Martin W. Overhiser, Planning Director
City Planning Department
100 North Fifth Avenue
Ann Arbor, Michigan 48107
(313)994-2800

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this 4th day of August, 1989, before me personally appeared Gerald E. Jernigan, Mayor, and W. Northcross, 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.

Diane Reed
DIANE REED
NOTARY PUBLIC
Washtenaw County, Michigan
My Commission Expires: 9-24-89

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this 7th day of July, 1989, before me personally appeared William J. Conlin, 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.

Frances E. Zatorski
FRANCES E. ZATORSKI
Notary Public, Washtenaw County, Michigan
My Commission Expires July 21, 1991
NOTARY PUBLIC
Washtenaw County, Michigan
My Commission Expires: _____

RECORDED

WASHTENAW COUNTY MI

Nov 7 2 32 PM '89

ROBERT H. HARRISON
COUNTY CLERK/REGISTER