

ORDINANCE NO. ORD-23-15

First Reading: May 15, 2023
Public Hearing: June 20, 2023

Approved:
Published:
Effective:

721 SOUTH FOREST AVENUE PUD ZONING

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

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5.10.2 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 ON THE EAST LINE OF FOREST AVENUE, 16.53 INCHES NORTH OF THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 5 OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE EAST 138 FEET; THENCE SOUTH 16.53 INCHES TO SAID SOUTH LINE OF LOT 10; THENCE EAST TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 8 RODS (132 FEET) AND 16.53 INCHES TO THE NORTHEAST CORNER OF LOT 9 IN SAID SUBDIVISION; THENCE WEST ALONG THE NORTH LINE OF LOT 9 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 8 RODS (132 FEET) TO THE PLACE OF BEGINNING, BEING LOT 9 AND PART OF LOT 10 IN BLOCK 5 OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 48 OF DEEDS, PAGE 40, WASHTENAW COUNTY RECORDS.

BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 28, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE SOUTH 87 DEGREES 50 SECONDS 59 MINUTES WEST 594.98 FEET ALONG THE CENTERLINE OF HILL STREET, AS MONUMENTED; THENCE NORTH 00 DEGREES 00 SECONDS 00 MINUTES EAST 352.15 FEET ALONG THE CENTERLINE OF SOUTH FOREST AVENUE, AS MONUMENTED; THENCE NORTH 90 DEGREES 00 SECONDS 00 MINUTES EAST 33.00 FEET TO THE NORTH WEST CORNER OF LOT 9, BLOCK 5, OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 48 OF DEEDS, PAGE 40, WASHTENAW COUNTY, MICHIGAN AND POINT OF BEGINNING; THENCE NORTH 89 DEGREES 44 MINUTES 09 SECONDS EAST 395.87 FEET ALONG THE NORTH LINE OF SAID LOT 9; THENCE SOUTH 00

DEGREES 08 MINUTES 29 SECONDS EAST 132.94 FEET ALONG THE EAST LINE OF LOTS 9 & 10 OF SAID BLOCK 5; THENCE SOUTH 89 DEGREES 41 MINUTES 03 SECONDS WEST 258.19 FEET ALONG THE SOUTH LINE OF LOT 10 OF SAID BLOCK 5; THENCE NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST 1.38 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 03 SECONDS WEST 138.00 FEET TO A POINT WHICH IS 1.38 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 131.92 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH FOREST AVENUE TO THE POINT OF BEGINNING.

Commonly known as: 721 South Forest Avenue, Ann Arbor, Michigan 48104
Tax Parcel Id. No.: 09-09-28-309-007

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 721 South Forest Avenue Supplemental Regulations, which are hereby adopted and incorporated into the 721 South Forest Avenue zoning ordinance.

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

**721 S. Forest Avenue
PUD SUPPLEMENTAL REGULATIONS**

SECTION 1: PURPOSE

It is the purpose of the City Council in adopting these regulations to provide for the coordinated and unified development of the Property (defined below) in harmonious integration with the surrounding neighborhood and presenting a unified development of the Property.

These regulations guiding development of 721 S. Forest Avenue (the "Project") will provide for a more efficient use of the Property through the redevelopment of an underutilized parcel. Furthermore, these regulations will provide for the Property to be used in a manner that is compatible with the surrounding uses and properties. These regulations will arrange the Property in an innovative and efficient manner that advances the City's land use plans and policies, and which revitalizes the neighborhood and the City as a whole.

SECTION 2: APPLICABILITY

The provisions of these regulations shall apply to the property described as follows ("Property"):

LAND IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MI, DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF FOREST AVENUE, 16.53 INCHES NORTH OF THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 5 OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE EAST 138 FEET; THENCE SOUTH 16.53 INCHES TO SAID SOUTH LINE OF LOT 10; THENCE EAST TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 8 RODS (132 FEET) AND 16.53 INCHES TO THE NORTHEAST CORNER OF LOT 9 IN SAID SUBDIVISION; THENCE WEST ALONG THE NORTH LINE OF LOT 9 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 8 RODS (132 FEET) TO THE PLACE OF BEGINNING, BEING LOT 9 AND PART OF LOT 10 IN BLOCK 5 OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 48 OF DEEDS, PAGE 40, WASHTENAW COUNTY RECORDS.

BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 28, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE SOUTH 87 DEGREES 50 SECONDS 59 MINUTES WEST 594.98 FEET ALONG THE CENTERLINE OF HILL STREET, AS MONUMENTED; THENCE NORTH 00 DEGREES 00 SECONDS 00 MINUTES EAST

352.15 FEET ALONG THE CENTERLINE OF SOUTH FOREST AVENUE, AS MONUMENTED; THENCE NORTH 90 DEGREES 00 SECONDS 00 MINUTES EAST 33.00 FEET TO THE NORTH WEST CORNER OF LOT 9, BLOCK 5, OF R.S. SMITH'S SECOND ADDITION TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 48 OF DEEDS, PAGE 40, WASHTENAW COUNTY, MICHIGAN AND POINT OF BEGINNING; THENCE NORTH 89 DEGREES 44 MINUTES 09 SECONDS EAST 395.87 FEET ALONG THE NORTH LINE OF SAID LOT 9; THENCE SOUTH 00 DEGREES 08 MINUTES 29 SECONDS EAST 132.94 FEET ALONG THE EAST LINE OF LOTS 9 & 10 OF SAID BLOCK 5; THENCE SOUTH 89 DEGREES 41 MINUTES 03 SECONDS WEST 258.19 FEET ALONG THE SOUTH LINE OF LOT 10 OF SAID BLOCK 5; THENCE NORTH 00 DEGREES 18 MINUTES 57 SECONDS WEST 1.38 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 03 SECONDS WEST 138.00 FEET TO A POINT WHICH IS 1.38 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 131.92 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH FOREST AVENUE TO THE POINT OF BEGINNING.

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Further, the provisions of these regulations shall be adopted and incorporated into the 721 S. Forest Avenue Planned Unit Development 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

The petitioner has provided the following background in support of the PUD zoning district:

- (A) Affordable Housing. To address the City's desire to increase affordable housing options available within the City, the Owner will make a monetary contribution in the amount of (i) Four Million Seven Hundred Thousand Dollars (\$4,700,000.00) to be deposited in the City of Ann Arbor Affordable Housing Fund in compliance with the applicable PUD Ordinance Standards at time of adoption and established by resolution of the City Council in relation to the Floor Area Ratio of the Project.
- (B) Support of Homeless Households. In addition to the contribution to the City's affordable housing fund, the Project will make a contribution of \$50,000 to the Ann Arbor Housing Development Corporation 501c(3) to be used for sustainability upgrades to existing or proposed AAHDC properties located in the Central Area.
- (C) Carbon Neutrality-A2 Zero.
 - a. LEED Standards. Development of the Project will contribute to the City's goal of achieving carbon neutrality (A2Zero). The structure to be located on

the Property will be constructed and developed in accordance with LEED Silver standards. Additionally, electric vehicle charging stations and solar panels will increase environmental sustainability on site and for the City as a whole.

- b. 100% Renewable Energy Certificates Offsets. The project includes the purchase of Renewable Energy Certificates representing green energy for 100% of the building's energy consumption for 10 Years.
 - c. Thermal Bridge Free Exterior. Key tenants of passive house principles are continuous insulation and thermal bridge free construction. This Project utilizes a STO (or equal) thermal bridge free exterior insulation and finish system. Integration of this system will double the average code required insulation on the façade from R7.5 to R15 where used, improving the thermal performance of the building and reducing energy usage for heating and cooling.
 - d. Integrated Solar Power. The Project integrates solar panels into the building at the roof level with 100kW of photovoltaic panels, further reducing the Project's carbon footprint and energy use from off-site sources, reducing the environmental and economic harms associated with fossil fuel energy within the community, and supporting A2Zero.
 - e. Electric Vehicle Charging Infrastructure. The Project will include twenty-six (26) EV-i (installed) charging stalls, which is double the requirement under Ann Arbor City Code. Twenty-four (24) EV-i stalls will be located in the parking structure and two (2) EV-i stalls will be located at the ground level surface parking. The remaining spaces for the Project will be EV-C (capable).
 - f. Electric Building. Directly supporting A2Zero to promote home and business electrification, the Project is committed to being "all-electric" with no Natural Gas connection except the natural gas line connection for the purpose of serving on-site emergency generators/back-up.
- (D) Density; Reducing Urban Sprawl; Reduced Vehicular Travel. The Project will continue high-density residential development in areas appropriate for such use within the City in order to increase housing options.
- (E) Housing Diversity. The Project provides more student focused housing proximate to the University of Michigan campus and reduces the pressure for student housing in neighborhoods that have historically been single family occupied homes, also contributing to A2Zero.

During the public hearings on the proposed site plan for the Project and these Proposed PUD Supplemental Regulations, the Planning Commission and City Council made the following findings:

- a. The addition of housing options to this area is a public benefit in conjunction with accomplishing goals set forth in City of Ann Arbor Comprehensive Plan elements.
 - b. The additional contribution to the Affordable housing fund and required sustainable elements provide a distinct public benefit.
- (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 privilege nor deprivation of property rights.

SECTION 4: PUD REGULATIONS

- I. Permitted Principal Uses: All principal uses in the R4C Zoning District.
 - i. Retail sales and services incidental and accessory to such use, provided, however that such shop will not exceed 5,000 square feet.
- II. Permitted Accessory Uses:
 - i. Temporary structures in conformance with the regulations of the City and R4C Zoning District.
 - ii. Wireless communication antennas or other telecommunications devices on the Penthouse, subject to City height requirements for such antennas or devices.
 - iii. All accessory uses permitted in the R4C zone.
- III. Setbacks:

The Project shall conform to the following setbacks as further described and depicted in Setback Exhibit attached hereto:

West (front):29 feet MIN

East (rear):17 feet MIN

South (side):9 feet MIN

North (side): Northwest quadrant of the building shall be setback above the 6th floor. This setback is in place to minimize building shadow on the trees on the property to the north. North(side) setbacks variable, see attached Setback Exhibit.

- IV. Height: The height shall be a maximum of 180 feet, 13 stories. Solar panels, may extend a maximum of 12 feet above finished roof elevation.
- V. Lot Area: 52,529 square feet (1.2 acres).
- VI. Floor Area: 650% Maximum
 - i. Two percent (2%) of the Project's apartments will be "ANSI Type A" units designed to meet accessibility. The remaining units will be "ANSI Type B"
- VII. Bicycle Parking: 10 Secured Class A (or C Spaces in Hoops) Spaces on Level 1 (surface), 80 Secured Class A Space on Level 1 (Structured), and 256 Secured Class A Spaces on Level P1 (structured).
- VIII. Vehicle Parking: Maximum of 12 surface parking spaces on Level 1 (at grade), 29 structured spaces on Level 1 and mezzanine, and 62 structured spaces below grade.
- IX. Architectural Design: Materials of the building shall be brick, cast stone, metal panel, glass and STO (or equal) exterior insulation and finish system. Integration of this system as shown on the approved site plan as shown on plan dated 02/14/2023.
- X. Screening: All mechanical units and solid waste shall be internal to the Property and shall be screened from view of the adjacent properties. There will be a Conflicting Land Use Buffer located along the northern line of the Property.
- XI. Sustainability:
 - i. Building shall have no natural gas connection, except for backup generator.
 - ii. Structure shall be constructed to LEED Silver standard or higher. Building Permit plans shall demonstrate adherence to LEED Silver(v4.1) standards at the time of permit submittal for the residential structures. Prior to issuance of a Certificates of Occupancy the owner shall either have the buildings certified by the USGBC, the project architect or provide some other evidence acceptable to the City demonstration indicating that the structures meet or exceed the LEED Silver standard. Consistent with foregoing, the City at its sole discretion, may require any information it determines necessary to confirm that the standard has been met. If not achieved, owner shall be subject to fines for the Green Building Premium Option as set forth in Ann Arbor City Code, Chapter 55 (Currently, Section 5.18.6.D.4.)
 - iii. Thermal Bridge Free Exterior. Key tenants of passive house principles are continuous insulation and thermal bridge free construction. This Project utilizes a STO (or equal) thermal bridge free exterior insulation and finish system. Integration of this system will double the average code required

insulation on the façade from R7.5 to R15 where used, improving the thermal performance of the building and reducing energy usage for heating and cooling. Project specifications will be verified prior to building permit issuance.

XII. Electric Vehicle Charging Infrastructure. Project will include twenty-six (26) EV-i (installed) charging stalls. Twenty-four (24) EV-i stalls will be located in the parking structure and two (2) EV-i stalls will be located at the ground level surface parking. The remaining spaces for the Project will be EV-C (capable).

XIII. Affordable Housing:

- i. Payment in the amount of Four Million Seven Hundred Thousand Dollars (\$4,700,000.00) to be deposited in the City of Ann Arbor Affordable Housing Fund in compliance with the applicable PUD Ordinance Standards shall be provided by the Property owner, as specified in Chapter 55 of Ann Arbor City Code, in accordance with an approved development agreement and prior to the issuance of any Certificate of Occupancy. (In the alternative, the Property owner may provide 15% of the total dwelling units on the on the Property as Affordable Housing for Lower Income Households as defined in Chapter 55 of Ann Arbor City Code, which shall be made available for lease or sale to eligible households consistent with City ordinances, policies and regulations regarding affordable housing, and under such negotiated terms reasonably acceptable to the City and the Property owner.)
- ii. To address the City's desire to increase affordable housing and sustainability options available within the City, DEVELOPER will make a contribution of \$50,000 to the Ann Arbor Housing Development Corporation 501c(3) to be used for sustainability upgrades to existing or proposed AAHDC properties located in the Central Area.

XIV. Setback Exhibit:

