

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, (255, 315, 371 Scio Church Road, 2180 Ann Arbor-Saline Road Rezoning from TWP to R4E with Conditions)

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:

**PARCEL 1:**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 1089.90 feet to a point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West, 134.20 feet; thence South 01 degrees 37 minutes 30 seconds West 670.51 feet; thence South 78 degrees 15 minutes 15 seconds East 136.26 feet; thence North 01 degrees 37 minutes 30 seconds East 698.26 to the point of beginning.

**PARCEL 2:**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 961.90 feet; thence South 01 degrees 37 minutes 30 seconds West 612.12 feet to a point of beginning; thence continuing South 01 degrees 37 minutes 30 seconds West 112.61 feet; thence South 78 degrees 15 minutes 15 seconds East 308.19 feet; thence North 45 degrees 45 minutes 45 seconds East 11.63 feet; thence North 49 degrees 35 minutes 45 seconds East 124.55; thence North 77 degrees 51 minutes 10 seconds West 410.92 feet to the point of beginning.

**PARCEL 3:**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 961.90 feet to a point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West 128.00 feet; thence South 01 degrees 37 minutes 30 seconds West 698.26 feet; thence South 78 degrees 15 minutes 15 seconds East 129.98 feet; thence North 01 degrees 37 minutes 30 seconds East 724.73 feet to the point of beginning.

**PARCEL 4:**

Beginning at a point on the section line 838.2 feet Westerly from the North quarter post common to Section Five (5), Pittsfield Township, and Section Thirty-two (32), Ann Arbor Township, Washtenaw County, Michigan thence South 87 degrees 44 minutes 31 seconds West 123.70 feet; thence South 00 degrees 37 minutes 59 seconds East 409.10 feet; thence South 81 degrees 08 minutes 04 seconds East 126.20 feet; thence

North 00 degrees 44 minutes 29 seconds West 433.43 feet to the Place of Beginning, being a part of the Northwest quarter of Section Number Five (5), Pittsfield Township, Washtenaw County, Michigan.

in the City of Ann Arbor, Washtenaw County, Michigan as R4E (Multiple-Family Residential) District WITH CONDITIONS, in accordance with the attached Conditional Zoning Statement of 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.

## Conditional Zoning Statement of Conditions

This Conditional Zoning Statement of Conditions ("Statement of Conditions") is made and entered into on this date: \_\_\_\_\_, by and between the City of Ann Arbor ("City"), a Michigan municipal corporation, with offices located at 301 E. Huron St., Ann Arbor, Michigan 48104, and Robertson Brothers Holdings, LLC ("Developer"), a Michigan limited liability company, with principal address at 6905 Telegraph Road, Suite 200, Birmingham, Michigan, 48301.

### Recitals

- A. The Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) allows for conditional zoning of land when the City is amending its zoning map, or a conditional zoning when the city is zoning property in MCL 125.3405.
- B. The City recognizes that there are certain instances where it would be in the best interest of the City, as well as advantageous to Developer, that certain conditions could be proposed as part of a request for rezoning or a request for an amendment to the zoning map.
- C. On January 7, 2025, Developer applied for an amendment to the zoning map for certain land in the City of Ann Arbor site planned as 255, 315, 371 Scio Church Road, and 2180 Ann Arbor-Saline Road (aka 75 South Main Townhomes) as more fully described on the attached **Exhibit A** (the "Property").
- D. Included with the rezoning petition, Developer voluntarily offered in writing conditions regarding the use and development of the land to be incorporated into the zoning of the Property.
- E. On January 7, 2025, the Planning Commission, after public hearing, recommended approval of zoning of the Property to R4E (Multiple-Family Residential) with conditions. Developer also submitted a Site Plan showing the specific proposed use and site design of the property.
- F. On \_\_\_\_\_, the City approved the rezoning of the Property to R4E (Multiple-Family Residential) with conditions.

- G. Based on the specific facts and circumstances regarding the Property, the City has decided to accept Developer's offer of conditional zoning.
- H. By executing this Statement of Conditions, the City and Developer desire to set forth and confirm the conditions under which the City grants conditional zoning of the Property.

NOW, THEREFORE, Developer and City agree:

1. Conditions Running with the Property. This Statement of Conditions applies to and runs with the Property, is incorporated into the zoning of the Property, and shall be binding upon and inure to the benefit of Developer and the City, and their heirs, successors, and assigns.
2. List of Conditions. The conditional zoning was granted to Developer based on conditions that were voluntarily offered by Developer. The restrictions on the use and development of the Property contained herein are necessary for consistency and conformance to the Master Plan – Future Land Use Element with regard to new development. The conditions which form the basis of the City's grant of the conditional zoning are as follows:
  - a. Building Height on the Property shall not exceed 50 feet. Building Height is defined in the Unified Development Code in effect at the time of execution of this Statement of Conditions. i.e. "The vertical distance of a building measured from the finished grade to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the average height between the eaves and the ridge of the highest roof section for a gable, hip and gambrel roof."
4. Developer Acknowledgment. Developer has voluntarily offered and consented to the provisions contained in this Statement of Conditions. The conditions contained herein are fair, reasonable, and equitable requirements and conditions. The rezoning and this Statement of Conditions do not constitute a taking of property for any purpose or a violation of any constitutional right. Any improvements and undertakings described herein are necessary and roughly proportional to the burden imposed by the conditional zoning and are necessary to ensure compatibility with adjacent and surrounding uses of land; to promote use of the Property in a socially and economically desirable manner; and to achieve other legitimate objectives of the City authorized by law.
5. Authority to Execute. This Statement of Conditions has been authorized by all necessary action of Developer, and Developer acknowledges that it is the owner of the Property or has been authorized by the owner to conditionally

zone this Property. All signatories for Developer acknowledge that they are authorized to enter and execute this Statement of Conditions on behalf of Developer and bind the Developer to its terms.

6. City Approval. This Statement of Conditions and the City's approval of these conditions are based on the particular facts and circumstances presented, as well as the surrounding land uses and other characteristics regarding this property, and approval of these conditions for this Property may not be relied on as precedent by any other property owner seeking a conditional zoning.
7. Obligation to Obtain Other Approvals. Developer acknowledges that any use or development approved by this conditional zoning that may require a special land use permit, a variance, or site plan approval under the terms of the Ann Arbor City Code, and may only be commenced if such special land use permit, variance, or site plan approval is granted in accordance with the terms of the Ann Arbor City Code.
8. Amendment. This Statement of Conditions may only be amended in the same manner as prescribed for a rezoning of property under Ann Arbor City Code.
9. Compliance with Statement of Conditions. Developer shall continuously operate and maintain the development and use of the Property in full compliance with all of the obligations set forth in this Statement of Conditions. Developer's failure to comply fully with all obligations in this Statement of Conditions shall constitute a violation of City Code, including the Unified Development Code, and shall subject Developer to all available remedies and penalties authorized by City Code. Any such violation shall be deemed a nuisance per se and subject to judicial abatement or any other remedy provided by law.
10. Rezoning. Developer acknowledges that nothing in this Statement of Conditions shall prohibit the City from exercising its right to rezone the property at any time as allowed by law. The City acknowledges that nothing in this Statement of Conditions shall prohibit Developer from requesting a rezoning of the Property at any time, or to continue an existing nonconforming use as allowed by law if the Property is rezoned by the City.

*(Signatures on the following pages)*

a Michigan municipal corporation

By: \_\_\_\_\_  
Jacqueline Beaudry, City Clerk

[illegible]

The foregoing instrument was acknowledged before me by Christopher Taylor and Jacqueline Beaudry, the Mayor and City Clerk respectively of the City of Ann Arbor on \_\_\_\_\_, 2025.

NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
Acting in the County of Washtenaw  
My Commission Expires:

*(Signatures continue on the following page)*

**Robertson Brothers Holdings, LLC**

a Michigan limited liability company

By: \_\_\_\_\_

Name, Title

Signed in:

STATE OF MICHIGAN

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before  
me this \_\_\_\_ day of \_\_\_\_\_, 2025 by \_\_\_\_\_, \_\_\_\_\_ of Robertson  
Brother Holdings, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

County of \_\_\_\_\_, State of \_\_\_\_\_

Acting in the County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **Exhibit A**

### **PARCEL 1 (371 Scio Church):**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 1089.90 feet to a point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West, 134.20 feet; thence South 01 degrees 37 minutes 30 seconds West 670.51 feet; thence South 78 degrees 15 minutes 15 seconds East 136.26 feet; thence North 01 degrees 37 minutes 30 seconds East 698.26 to the point of beginning.

### **PARCEL 2 (2180 Ann Arbor-Saline):**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 961.90 feet; thence South 01 degrees 37 minutes 30 seconds West 612.12 feet to a point of beginning; thence continuing South 01 degrees 37 minutes 30 seconds West 112.61 feet; thence South 78 degrees 15 minutes 15 seconds East 308.19 feet; thence North 45 degrees 45 minutes 45 seconds East 11.63 feet; thence North 49 degrees 35 minutes 45 seconds East 124.55; thence North 77 degrees 51 minutes 10 seconds West 410.92 feet to the point of beginning.

### **PARCEL 3 (315 Scio Church):**

Part of the Northwest 1/4 of Section 5, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan: Commencing at the North 1/4 corner of Section 5; thence North 90 degrees 00 minutes 00 seconds West 961.90 feet to a point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West 128.00 feet; thence South 01 degrees 37 minutes 30 seconds West 698.26 feet; thence South 78 degrees 15 minutes 15 seconds East 129.98 feet; thence North 01 degrees 37 minutes 30 seconds East 724.73 feet to the point of beginning.

### **PARCEL 4 (255 Scio Church):**

Beginning at a point on the section line 838.2 feet Westerly from the North quarter post common to Section Five (5), Pittsfield Township, and Section Thirty-two (32), Ann Arbor Township, Washtenaw County, Michigan thence South 87 degrees 44 minutes 31 seconds West 123.70 feet; thence South 00 degrees 37 minutes 59 seconds East



409.10 feet; thence South 81 degrees 08 minutes 04 seconds East 126.20 feet; thence North 00 degrees 44 minutes 29 seconds West 433.43 feet to the Place of Beginning, being a part of the Northwest quarter of Section Number Five (5), Pittsfield Township, Washtenaw County, Michigan.