

ORDINANCE NO. ORD-19-20

First Reading: June 3, 2019  
Public Hearing: July 1, 2019

Approved:  
Published:  
Effective:

841 BROADWAY PUD ZONING  
(841 BROADWAY)

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 5:4 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:

Part of Block 14, all of Blocks 15, 20, 21, 22 and 23 and vacated Fourth Street, vacated Fifth Street, vacated Hotel Alley, vacated Railroad Street and vacated River Street of Ormsby & Page's Addition to the Village (Now City) of Ann Arbor, being a part of the Southeast 1/4 of Section 20 and the Southwest 1/4 of Section 21, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber M of Deeds, Page 191, Washtenaw County Records except land conveyed to the Michigan Central Railroad Company as recorded in Liber 86 of Deeds, page 105 and in Liber 450, page 79, Washtenaw County Records and the land between the Huron River (As Platted) and the water's edge of the existing Huron River, all being more particularly described as follows:

Beginning at the Northwest corner of Lot 1 of said Block 14, thence South 20 degrees 01 minutes 45 seconds East along the North line of Michigan Central Railroad, 106.00 feet to the Southwest corner of Lot 1 of said Block 14; thence South 24 degrees 55 minutes 15 seconds East along the North line of Michigan Central Railroad, 99.00 feet to the Southwest corner of Lot 2 of said Block 14; thence South 29 degrees 38 minutes 55 seconds East, 18.61 feet to the intersection of the North line of the Michigan Central Railroad and the Southerly face of a steel seawall, as extended, also being the point of beginning; thence North 60 degrees 54 minutes 09 seconds East along said Southerly face of a steel seawall, 24.79 feet; thence the following two (2) courses along said the Southerly face: 1) 89.96 feet along the arc of a curve to the right, radius of 269.37 feet, central angle of 19 degrees 08 minutes 09 seconds, chord bearing North 71 degrees 46 minutes 28 seconds East, 89.55 feet and 2) South 69 degrees 37 minutes 45 seconds East, 11.66 feet to the end of said seawall, also being Point 'A'; thence Southeasterly along the water's edge of relocated Huron River

1540 feet, plus or minus, to a point on the West line of Broadway Street (98 feet wide); thence South 56 degrees 30 minutes 00 seconds West along said West line of Broadway Street, 22.00 feet, plus or minus, to a point being South 69 degrees 37 minutes 45 seconds East, 107.27 feet and North 72 degrees 18 minutes 19 seconds East, 175.00 feet and South 84 degrees 12 minutes 49 seconds East, 310.00 feet and South 67 degrees 40 minutes 35 seconds East, 400.00 feet and South 50 degrees 11 minutes 00 seconds East, 435.00 feet and South 19 degrees 36 minutes 25 seconds East, 84.50 feet from said Point 'A'; thence continuing along said West line South 56 degrees 30 minutes 00 seconds West, 127.54 feet; thence the following (13) thirteen courses along the northerly line of the Michigan Central Railroad: 1) North 33 degrees 30 minutes 00 seconds West, 50.00 feet, 2) South 56 degrees 30 minutes 00 seconds West, 77.14 feet, 3) 269.33 feet along the arc of a curve to the right, radius of 634.03 feet, central angle of 24 degrees 20 minutes 18 seconds, chord bears South 68 degrees 41 minutes 06 seconds West, 267.31 feet to a point on the centerline of said vacated Railroad Street, 4) North 61 degrees 55 minutes 00 seconds West along said centerline of vacated Railroad Street, 496.57 feet to a point on the centerline of said vacated Fifth Street, 5) South 31 degrees 03 minutes 43 seconds West along said centerline of Fifth Street, 74.65 feet, 6) North 60 degrees 15 minutes 43 seconds West, 174.80 feet, 7) North 51 degrees 15 minutes 43 seconds West, 147.00 feet, 8) North 47 degrees 45 minutes 43 seconds West, 43.00 feet to a point on the East line of said vacated Fourth Street, 9) South 26 degrees 28 minutes 38 seconds West, 3.00 feet to the Southwest corner of said Block 15, 10) North 38 degrees 58 minutes 32 seconds West, 72.40 feet to the Southerly corner of said Block 14, 11) North 39 degrees 01 minutes 45 seconds West, 98.00 feet to the Northwest corner of Lot 6 of said Block 14, 12) North 34 degrees 21 minutes 00 seconds West, 98.00 feet to the Northwest corner of Lot 4 of said Block 14, 13) North 29 degrees 38 minutes 55 seconds West, 80.39 feet to the point of beginning.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 841 Broadway PUD Supplemental Regulations, which are hereby adopted and incorporated into the 841 Broadway PUD zoning ordinance.

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

## 841 Broadway 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 this parcel in harmonious integration with the surrounding neighborhood and presenting a unified development of mixed-uses.

These regulations seek to promote development of a mix of desirable uses arranged in an innovative and efficient manner that advances the City's land use plans and policies; and revitalizes and provides service to 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"):

Part of Block 14, all of Blocks 15, 20, 21, 22 and 23 and vacated Fourth Street, vacated Fifth Street, vacated Hotel Alley, vacated Railroad Street and vacated River Street of Ormsby & Page's Addition to the Village (Now City) of Ann Arbor, being a part of the Southeast 1/4 of Section 20 and the Southwest 1/4 of Section 21, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber M of Deeds, Page 191, Washtenaw County Records except land conveyed to the Michigan Central Railroad Company as recorded in Liber 86 of Deeds, page 105 and in Liber 450, page 79, Washtenaw County Records and the land between the Huron River (As Platted) and the water's edge of the existing Huron River, all being more particularly described as follows:

Beginning at the Northwest corner of Lot 1 of said Block 14, thence South 20 degrees 01 minutes 45 seconds East along the North line of Michigan Central Railroad, 106.00 feet to the Southwest corner of Lot 1 of said Block 14; thence South 24 degrees 55 minutes 15 seconds East along the North line of Michigan Central Railroad, 99.00 feet to the Southwest corner of Lot 2 of said Block 14; thence South 29 degrees 38 minutes 55 seconds East, 18.61 feet to the intersection of the North line of the Michigan Central Railroad and the Southerly face of a steel seawall, as extended, also being the point of beginning; thence North 60 degrees 54 minutes 09 seconds East along said Southerly face of a steel seawall, 24.79 feet; thence the following two (2) courses along said the Southerly face: 1) 89.96 feet along the arc of a curve to the right, radius of 269.37 feet, central angle of 19 degrees 08 minutes 09 seconds, chord bearing North 71 degrees 46 minutes 28 seconds East, 89.55 feet and 2) South 69 degrees 37 minutes 45 seconds East, 11.66 feet to the end

of said seawall, also being Point 'A'; thence Southeasterly along the water's edge of relocated Huron River 1540 feet, plus or minus, to a point on the West line of Broadway Street (98 feet wide); thence South 56 degrees 30 minutes 00 seconds West along said West line of Broadway Street, 22.00 feet, plus or minus, to a point being South 69 degrees 37 minutes 45 seconds East, 107.27 feet and North 72 degrees 18 minutes 19 seconds East, 175.00 feet and South 84 degrees 12 minutes 49 seconds East, 310.00 feet and South 67 degrees 40 minutes 35 seconds East, 400.00 feet and South 50 degrees 11 minutes 00 seconds East, 435.00 feet and South 19 degrees 36 minutes 25 seconds East, 84.50 feet from said Point 'A'; thence continuing along said West line South 56 degrees 30 minutes 00 seconds West, 127.54 feet; thence the following (13) thirteen courses along the northerly line of the Michigan Central Railroad: 1) North 33 degrees 30 minutes 00 seconds West, 50.00 feet, 2) South 56 degrees 30 minutes 00 seconds West, 77.14 feet, 3) 269.33 feet along the arc of a curve to the right, radius of 634.03 feet, central angle of 24 degrees 20 minutes 18 seconds, chord bears South 68 degrees 41 minutes 06 seconds West, 267.31 feet to a point on the centerline of said vacated Railroad Street, 4) North 61 degrees 55 minutes 00 seconds West along said centerline of vacated Railroad Street, 496.57 feet to a point on the centerline of said vacated Fifth Street, 5) South 31 degrees 03 minutes 43 seconds West along said centerline of Fifth Street, 74.65 feet, 6) North 60 degrees 15 minutes 43 seconds West, 174.80 feet, 7) North 51 degrees 15 minutes 43 seconds West, 147.00 feet, 8) North 47 degrees 45 minutes 43 seconds West, 43.00 feet to a point on the East line of said vacated Fourth Street, 9) South 26 degrees 28 minutes 38 seconds West, 3.00 feet to the Southwest corner of said Block 15, 10) North 38 degrees 58 minutes 32 seconds West, 72.40 feet to the Southerly corner of said Block 14, 11) North 39 degrees 01 minutes 45 seconds West, 98.00 feet to the Northwest corner of Lot 6 of said Block 14, 12) North 34 degrees 21 minutes 00 seconds West, 98.00 feet to the Northwest corner of Lot 4 of said Block 14, 13) North 29 degrees 38 minutes 55 seconds West, 80.39 feet to the point of beginning.

Further, the provisions of these regulations shall be adopted and incorporated into the 841 Broadway 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 and Analysis

During the citizen participation phase of this rezoning, the petitioner has determined that:

- (A) It is in the best interest of the City of Ann Arbor that 841 Broadway is created as a mixed-use development that will re-use an underutilized and environmentally contaminated site to create a pedestrian oriented neighborhood and public open space along the Huron River. Close to downtown businesses and employers, and adjacent to the vibrant

neighbors on the north side of the city, this project shall provide a publicly accessible open space with amenities such as: a connected riverfront trail, a paddle craft launch and rental facility, gathering spaces, performance lawn, flexible play areas and outdoor year-round activities such as ice skating and water play. A year-round event pavilion with concession area, shade structure, and toilet rooms may support the open space activities. The public was also supportive of the inclusion of residential condominiums, various neighborhood retail establishments, a waterfront food & beverage venue, and a hospitality use on the site. Buildings lined along a pedestrian friendly street (River Street) shall be served by street parking, surface parking lots, or structured parking attached to the condominiums. The project will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety, or welfare.

(B) The PUD zoning district provides:

- Support of affordable housing through a payment in lieu contribution.
- Remediation of an environmentally contaminated site in accordance with an MDEQ approved response activity plan and in full accordance with an Approved Brownfield Plan.
- Walkable residential condominiums and a hospitality use near Kerrytown and downtown Ann Arbor with neighborhood retail.
- Increased pedestrian convenience and publicly accessible recreation by constructing a riverfront trail connected to B2B trail and Treeline trail.
- Economical land use by reducing the need for unnecessary impervious parking surfaces and increasing the usable open space on the site.
- Increased public recreational opportunities by permitting a seasonal ice rink, watercraft rentals and publicly accessible riverfront open space, to be maintained privately for public benefit.
- Increased required open space.
- Supports improvements to existing public infrastructure.

(C) The proposed 841 Broadway development is nestled in the Huron River Valley at the strategic crossroads of Division Street/Broadway Bridge/Plymouth Road, Depot Street, Main Street, and the River. The immediate site is surrounded by a diverse collection of commercial, service, and institutional structures including historic power sub-stations and commercial buildings in the area of Broadway and Swift Streets,

modern and former Train Stations flanking Broadway at Depot, commercial buildings running from Depot to Main Street, and a commercial-industrial corridor between Main Street and the River. With the Broadway Historic Neighborhood to the North, the Historic Old Fourth Ward and North Central Neighborhoods to the south, and the once platted Rail Road and River Streets on the actual site, there is also a rich historic residential fabric. These areas are mixed with newer homes and developments, including the new development on Broadway Street and Maiden Lane. Buildings belonging to the University of Michigan Hospital complex reach across Fuller Road towards the site, adding additional typologies and synergies to this dynamic location.

The rich variety of building age and use found near 841 Broadway results in a wide range of building scales, form, detail, and material palette. This includes modestly scaled homes with traditional massing, articulated 3-4 story multifamily buildings, simply massed commercial structures of 1-3 stories (some with pitched roofs), thoughtfully rendered infrastructure buildings, and several noted historic buildings including the Romanesque-styled Michigan Central Train Station. There are also several tall buildings along the river corridor including the Kellogg Eye Center and Riverside Park Place, both ten-stories in height. Despite the great variety of building types there is a tendency for buildings in this area to have a direct and active relationship with the street, from the narrow lawns on the dense residential streets to the lively commercial conditions such as the Northside Grill and others along Broadway. The density of the neighborhood is interspersed with park areas including the Argo Cascades, Broadway Dog Park, Wheeler Park, and the planned Treeline Trail connection.

The proposed development is sensitive to the unique conditions of this special site and neighborhood, and responds with a balanced mixed-use concept that reflects the massing, scale, and materials of the neighborhood. The intended relationships are further outlined in the attached Appendix: Neighborhood Context.

- (D) A comprehensive analysis of the unique features of the site, including topography, site orientation, circulation, tree preservation, protection, utilization and enhancement of the site's unique features is provided in the Site Analysis, Conceptual PUD Circulation Pattern and Conceptual Overlay drawings accompanying this submittal.
- (E) 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

(A) A secondary emergency-only access is required in order to permit uses as described below. Accordingly, uses below are not permitted unless a permanent secondary access is approved by the City prior to issuance of any permits for construction of the site.

(B) Uses

1. The following uses are required and/or permitted as set forth below in Area

a. Area 1 (Attachment A):

Required Principal Uses: Open space - The approximate area of Area 1 as designated in Attachment A shall be designated as permanent open space with limited recreational and associated uses permitted. In no case shall such area be less than six contiguous acres.

The permitted accessory uses in Area 1 are described below.

- 1) Outdoor recreation, including but not limited to:
  - a. Ice rink
  - b. Interactive water feature
  - c. City Operated or contracted Non-motorized watercraft rental facility
- 2) Concessions
- 3) Year-round event pavilion

The required accessory uses in Area 1 are described below.

- 1) A riverfront walkway connecting to the existing riverfront path at Broadway Park to the East of the site and to the existing riverfront path to the West of the site,
- 2) Non-motorized watercraft launch area (including an ADA ramp)
- 3) At least two additional points of access to the river in accordance with Section 4(M) below.

b. Area 2 (Attachment A):

Required Principal Uses: Multiple-Family Residential: Minimum 90 units. These units will have a maximum of 3 bedrooms per unit, with the exception of not more than eight (8) units which may have up to five (5) bedrooms.

Other Principal Permitted Uses:

- 1) Retail Use: As permitted in the C1B (Community Convenience) Zoning District Minimum 7,000 square feet
- 2) Office Use – Office Uses shall be any such use

designated in the O (Office) Zoning District.

- 3) Hotel
- 4) Surface and structured Parking in accordance with the parking standards set forth below
- 5) Restaurant
- 6) Assembly pavilion/event space

2. Drive-through uses are prohibited on the site

(C) Setbacks

1. Front (Broadway Street): 10 feet min, 30 feet max.
2. Side and Rear: 0 feet
3. From north property line (along south side of river): 20 feet minimum

(D) Height. Maximum height for residential buildings not to exceed 80 feet. Maximum height for all non-residential buildings (including hotel) not to exceed 115 feet, All heights to be measured to the midpoint of the proposed roof or highest point of a flat roof. Maximum height includes all architectural elements and mechanical equipment including roof access structures. Minimum First Floor Height of 14' for all mixed use or commercial buildings, with the exception of commercial uses at the base of residential buildings, which may have a Minimum First Floor Height of 10'.

(E) Lot Size 601,766 square feet (13.814 acres).

(F) Floor Area Ratio Up to 80% maximum

(G) Vehicular Parking Standards (Minimum standards):

1. Multi-family Residential: 1.5 spaces per unit
2. Hotel: .75 space per room
3. Restaurant: 1 space per 100 sf of floor area.
  - a. 1 space per 600 sf of floor area is required for all areas dedicated to food or beverage production (e.g. brewery processing operations).
4. Retail : 1 space per 310 sf floor area
5. Pavilion (enclosed assembly hall area): 1 space per 100 sf floor area (not including mechanical areas, kitchens, restrooms and corridors)

In addition to the foregoing parking formulas, the following standards shall apply based on the total number (on-site or off-site) of parking spaces provided:

1. One electric vehicle charging station must be installed per 50 vehicle parking spaces, based on the total number of parking spaces required.
2. 50 additional vehicle spaces and 40 additional class C Bike Parking Spaces shall be provided and delineated solely for public use in support of recreational facilities access and not counted toward required parking



for other uses.

3. Bike parking spaces shall be provided and delineated solely for public use in support of recreational facilities access.

The foregoing parking ratios may be achieved through a combination of on-site parking and parking located on immediately adjacent property for which owner has documented access and site control through a permanent off-site parking easement

To the extent that the minimum required parking is achieved entirely through on-site parking, at least 50% of required parking shall be located within one or more parking structures.

- (H) Impervious Surface Not more than 60% of the Property will be covered with impervious surfaces, inclusive of all buildings, roads, pedestrian pathways and parking.
- (I) Bicycle Parking Standards Per City of Ann Arbor Ordinance requirements
- (J) Pedestrian Connections All pedestrian connections shall be ADA accessible.
- (K) Lighting Standards If achievable, all exterior fixtures shall be Dark Sky compliant
- Required use of full cut-off fixtures
  - Lighting levels that do not exceed the recommendations of the Illuminating Engineering Society (IES) Handbook .
  - The prohibition of light trespass exceeding 0.1 foot candle at any property line or at the boundary between Areas 1 and 2.
  - Lighting at the site shall have a minimum Color Rendering Index (CRI) of 70.
  - Lighting at the site shall have a maximum color temperature of 3,000 kelvins.
- (L) Architectural Design
1. Exterior Materials – Principal building materials shall be brick, high quality wood composite, wood, precast concrete/stone, metal and glass. EFIS and panel brick are prohibited.
  2. Screening -- All mechanical units and solid waste shall be screened from view from adjacent properties and any publicly-accessible open space. Screening materials shall be provided at the time of site plan review by City Council.
- (M) Additional Regulations – Unless specifically noted in these regulations, all other applicable development codes in Chapter 55 shall apply.

- (N) Any livery operations shall be operated by the City, but may be subject to a concession agreement permitting the Developer or others to manage that operation on behalf of the City on mutually agreed-upon terms. This is intended to ensure a collaborative and efficient coordination with nearby public livery operations (Argo). A facility shall be constructed and provided for such purpose pursuant to plans to be reviewed and approved by the City, and to the agreed specification including rental service facility, watercraft storage, dock, and adequate vehicular access and customer parking access via designated publicly- accessible spaces.
- (O) Provide a maximum of three access points for public access to water's edge, conditioned upon City and Michigan Department of Environmental Quality approval per Due Care and other public health protection goals.
- (P) Subject to available brownfield redevelopment financing or other mutually acceptable funding source, construction and maintenance of a pedestrian bridge across the Huron River as identified in a final adopted site plan. Pedestrian bridge will provide full public use and access, with maintenance responsibility of Developer or other agreed to entity, and cure provisions by City with documentation of necessary maintenance by 3rd party inspection selected by City. Prior to issuance of Building permit the applicant and City shall enter into an agreement outlining and define the process and timing for funding, construction of the bridge and long- term maintenance of the facility. It is the intent of the Developer and City that reimbursement of any contribution by an owner shall be supported by tax increment financing through an approved Brownfield Development Plan and corresponding Work Plans
- (Q) Subject to available brownfield redevelopment financing or other mutually acceptable funding sources, prior to issuance of any Certificate of Occupancy, 1.2 million dollars will be identified for repair and upgrade of the Argo and Gallup dams. The long-term viability of development at this site is dependent upon the continued operation and maintenance of both public facilities. It is the intent of the Developer and the City that reimbursement of this funding shall be supported by tax increment financing through an approved Brownfield Development Plan and corresponding Work Plans.
- (R) Payment of an affordable housing contribution in lieu of units, consistent with the formula adopted by annual resolution of City Council, shall be provided by the developer, as defined 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.

- (S) Brownfield Remediation – All remediation and associated activities shall be completed as specified in the approved Brownfield Plan, prior to the issuance of any building permit, excepting any vapor intrusion measures, which shall be prior to any certificate of occupancy. This work shall be in full accordance with the MDEQ approved Work Plan, and any required amendments to the Eligible Activities require Brownfield Plan Amendment.
  
- (T) If any remediation activity approved as part of the Brownfield Plan is not approved as part of an MEDQ Work Plan a revised Brownfield plan shall be submitted for review and approval. Failure to comply will result in termination of any brownfield plan tax increment financing associated with the lot.
  
- (T) All Residential and Hotel structures on the property shall be constructed to LEED Silver standard or higher. Prior to issuance of a Certificates of Occupancy the applicant may either have the buildings certified by the USGBC, the project architect or other acceptable demonstration indicating that they meet such standard to the City. Consistent with foregoing, the City at its sole discretion, may require any information it determines necessary to confirm the standard has been met. If not achieved, owner shall be subject to fines as set forth in Section 5.18.6.D.4.
  
- (U) Prior to issuance of a Certificate of Occupancy a non-profit 501c3 Conservancy will be established to own, improve, maintain and operate the public space in perpetuity pursuant to mutually acceptable by-laws and operating budget and shall cause the establishment of a board of directors which includes representatives from residential and commercial property owners bordering the space, as well as representatives from the City of Ann Arbor Parks Department. Developer shall be responsible for initially funding the Conservancy in the minimum amount of \$1,000,000 toward the ongoing operation and maintenance of the public space.