

ASHLEY MEWS PUD REZONING
(414 South Main Street)

AN ORDINANCE TO AMEND THE ZONING MAP, SECTION 5.10.2 OF CHAPTER 55
OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR – ASHLEY MEWS PUD

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:

Commencing at the Northeast corner of Block 4 South, Range 3 East, "Original Plat of the Village (now City) of Ann Arbor," Washtenaw County, Michigan, as recorded in Transcripts, pages 152 and 153, Washtenaw County Records; thence S 00°10'30" E 95.67 feet along the East line of said Block 4 and the West line of South Main Street to the POINT OF BEGINNING; thence continuing S 00°10'30" E 351.73 feet along said East line and said West line; thence S 89°50'00" W 263.06 feet to a point on the West line of said Block 4 and the East line of South Ashley Street; thence N 00°16'10" W 297.00 feet along said West line and said East line; thence N 89°50'00" E 115.24 feet; thence N

00°12'45" W 54.73 feet; thence N 89°50'00" E 148.34 feet to the Point of Beginning. Being Lots 4, 5, 6, 11, 12, 13 and 14 and a part of Lots 2, 3, 7, 10 and 15, and a part of a vacated alley, all in Block 4 South, Range 3 East of said "Original Plat of the Village (now City) of Ann Arbor" and containing 1.98 acres of land, more or less. Being subject to easements and restrictions of record, if any.

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

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

Approved by Ann Arbor City Council October 18, 1999
Revised May 15, 2000
Revised October 20, 2003
Revised March 19, 2007

ASHLEY MEWS SUPPLEMENTAL REGULATIONS
City of Ann Arbor, Michigan

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the unified, cohesive development of seven parcels of land, presently comprised of three zoning districts and several land uses, in a manner and with a physical configuration that optimizes the use of this site which is located within the Downtown Area.

These regulations seek to promote development that provides a mix of desirable uses arranged in such a way that is innovative and efficient; advances the City's land use plans and policies; returns underutilized and vacant sites to use; 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 Northeast corner of Block 4 South, Range 3 East, "Original Plat of the Village (now City) of Ann Arbor," Washtenaw County, Michigan, as recorded in Transcripts, pages 152 and 153, Washtenaw County Records; thence S 00°10'30" E 95.67 feet along the East line of said Block 4 and the West line of South Main Street to the POINT OF BEGINNING; thence continuing S 00°10'30" E 351.73 feet along said East line and said West line; thence S 89°50'00" W 263.06 feet to a point on the West line of said Block 4 and the East line of South Ashley Street; thence N 00°16'10" W 297.00 feet along said West line and said East line; thence N 89°50'00" E 115.24 feet; thence N

00°12'45" W 54.73 feet; thence N 89°50'00" E 148.34 feet to the Point of Beginning. Being Lots 4, 5, 6, 11, 12, 13 and 14 and a part of Lots 2, 3, 7, 10 and 15, and a part of a vacated alley, all in Block 4 South, Range 3 East of said "Original Plat of the Village (now City) of Ann Arbor" and containing 1.98 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Parcel ID 09-09-29-411-900: 86,224.5 sf, 1.98 acres (+/-)

Further, the provisions of these regulations shall be adopted and incorporated into the Ashley Mews PUD (Planned Unit Development) zoning district. These regulations, however, are intended to supplement only those provisions in the City Codes which 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. The surrounding neighborhood is located within the Core area of the City's downtown, which contains the highest densities of land development, while also being adjacent to the Interface area on its west, which contains a mixture of building types and uses. Additionally, nearby on the west is the Old West Side, an historic neighborhood of predominantly single-family residences in an urban setting.
- B. It is desirable to develop the property described above with a mixture of residential, retail and offices uses.
- C. It is in the best interest of the surrounding properties the City of Ann Arbor that the Downtown Area is preserved and enhanced by providing a high-density, mixed use development on the site which has a quality of architectural and site design, a strong pedestrian orientation, enclosed and below-grade parking, a variety of residential units on the lots, described above. The development 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
- D. The architectural design of the buildings, the limitations on vehicular access, the enclosed parking, the design amenities of the high-rise building and residential units, the sidewalk improvements, the mid-block access, and the available of eight units for affordable housing will provide beneficial effects for the City, as well as an appropriate transition between the downtown core and the adjacent interface areas, an enhanced pedestrian quality on South Main Street and desirable intra-block pedestrian connections to the residential component and to Ashley Street.
- E. The mixed land uses are not readily achieved within a single zoning district and would necessitate multiple variances within the existing zoning districts.
- F. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained in this ordinance do not constitute the granting of special privilege nor the deprivation of property rights.

Section 4: PUD Regulations

A. Permitted principal uses of the two components of the development (as diagramed in Exhibit A, attached) shall be:

1. Low-rise component: The following uses, together with the associated shared pedestrian access (the "mews") and drives to garages, shall comprise no less than 68 percent of the gross land area:
Single-family attached dwelling units and apartment dwelling units.
2. High-rise component: The following uses, together with associated plaza and sidewalks, shall comprise no more than 27 percent of the gross land area.

a. Ground floor: All uses permitted in D1 zoning, except for residential uses.

~~b. Tenant spaces with street level frontage on South Main Street, designated as B on Exhibit B, attached: retail sales including, but not limited to, apparel and accessories, variety and general merchandise, groceries, miscellaneous retail such as drugs, alcoholic beverages, antiques, art, flowers, jewelry, gifts and novelties, books, cameras, office supplies, or food and beverage service. Such businesses shall be pedestrian oriented emphasizing retail programming and incorporating the use of storefront display windows.~~

~~c.—~~

~~d. Tenant spaces with street level frontage on South Main Street, designated as E on Exhibit B, attached: all of the uses listed above and retail services including, but not limited to, finance, real estate, insurance and legal; motion pictures, amusement and recreation services, galleries, museums, enclosed theaters, assembly halls, concert halls or similar places of assembly or entertainment; and personal services including, but not limited to, hairdressing, dry-cleaning and laundry pick-up or travel agencies. Retail sales businesses shall be pedestrian oriented emphasizing retail programming and incorporating the use of storefront display windows. If there is no retail sales tenant, windows shall remain unblocked, with pedestrian visibility of the building interiors that are adjacent to the sidewalk.~~

~~e.—~~

~~f. Tenant spaces with street level frontage on South Main Street, designated as A on Exhibit B, attached: all of the uses listed above allowed in Areas B and E, as well as a learning center containing high-technology communications and learning facilities. Retail sales businesses shall be pedestrian oriented emphasizing retail programming and incorporating the use of storefront display windows. If there is on retail sales tenant, windows shall remain unblocked, with pedestrian visibility of the building interiors that are adjacent to the sidewalk.~~

~~g.~~
~~h. Remainder of tenant spaces, designated as C and D as shown on Exhibit B, attached: all uses as described above for Areas A, B, and E; business services including, but not limited to, duplicating, blueprinting, printing, photographic reproduction and film processing; child care center, nursery school, and offices.~~

~~b. On the second through seventh floors: all uses permitted in D1 zoning.~~

~~i.~~—On the eighth through ninth floors: offices, comprising no more than 65 percent; and apartment dwelling units, comprising no less than 10 percent of the floor area of the high-rise structure.

~~j-c.~~

~~k-d.~~ The balance of the high-rise floor area shall be for mechanical and common areas serving the entire building.

~~l-e.~~ Specifically excluded uses are automobile-oriented retail businesses or other uses which tend to detract from or interfere with a higher intensity of pedestrian activity.

B. Permitted accessory uses of the two components shall be:

1. Low-rise component:

- a. Family day care home, if licensed by the State of Michigan.
- b. Home occupation, subject to all the performance standards provided under the City of Ann Arbor Code of Ordinances.
- c. A maintenance and management area, and a utility structure, provided that they are located so as not to be detrimental to the residential character of the mews, the landscaping, the pedestrian environs or the architectural design of the unified development.
- d. Enclosed or below-grade vehicle parking solely for the use of the residents, tenants, employees, or guests.

2. High-rise component:

- a. Home occupation, subject to all the performance standards provided under the City of Ann Arbor Code of Ordinances.
- b. Meeting rooms, conference rooms, a kitchen, a dining area, a social club or a recreation unit, incidental to the primary uses, located within the interior of the building for use solely by occupants and guests of the Ashley Mews PUD and which shall not be a service customarily carried on as a business.
- c. Outdoor seating areas, provided that the areas are located so as to not interfere with pedestrian passage between South Main and South Ashley and to not be detrimental to the residential character

of the adjoining low-rise component of the PUD. Food and beverage service and consumption is permitted in these seating areas.

- d. Vehicle parking solely for the use of the residents, tenants, employees, or guests.
- e. Areas for maintenance and management of the building.
- f. On the ground floor through the seventh floor: all accessory uses permitted in D1 zoning.

C. Setbacks

Front: East- Low-rise component – 5 feet minimum from property line at South Main.

High-rise component – 5 feet maximum from the property line at South Main for 70 percent of the length of the front of the building.

West- Low-rise component – 7 feet minimum from the property line at South Ashley.

High-rise component – 125 feet minimum from the property line at South Ashley, except that the minimum setback shall be 8 feet from any property line that doesn't front South Ashley.

Side: North- Low-rise component – 25 feet minimum.

High-rise component – 10 feet minimum.

South- Low-rise component – 10 feet minimum.

High-rise component – 10 feet minimum.

Rear: There are no rear setbacks, because the property is situated with frontage on two streets.

D. Height

Low-rise component -40 feet maximum, with a street facade maximum of 32 feet, measured from the sidewalk to mid-peak of the roof.

High-rise component -150 feet maximum.

- E. Lot Size - The minimum lot size of the PUD zoning district shall be 86,224.5 square feet. The PUD may be divided into no more than two lots, in accordance with laws of the State of Michigan; provided, however, that no lot shall be smaller than 16,425 square feet and easements shall be recorded providing for, but not limited to, shared access, parking and utilities, continuation of established architectural character, and integrated maintenance and landscaping.

In the event of a land division, no minimum setbacks are required from lot lines in the interior of the PUD in order for the petitioner to have maximum flexibility to achieve the goals of the integrated development. However, building placement, spaces provided for vehicular and pedestrian circulation and for usable open

space and landscaping shall be reviewed and approved on the PUD site plan to ensure optimum safety, functionality and amenity for the residents, occupants, employees and users of the PUD.

F. Lot Area Per Dwelling Unit and Floor Area Ratio Requirements

Low-rise component - Minimum lot area per dwelling unit shall be no less than 1,223 square feet, based upon an allocation of 58,704 square feet of the gross land area, as illustrated in Exhibit A, attached.

High-rise component – Floor area in percentage of lot area for the high rise shall be no greater than 541 percent, based upon an allocation of 24,247 square feet of the gross land area, as illustrated in Exhibit A, attached.

G. Parking

Vehicular: Low-rise component- no fewer than one enclosed space per dwelling unit.

~~High-rise component – no fewer than 120 enclosed spaces within the building. As permitted in D1 zoning.~~

Bicycle: Low-rise component-

Class A – no fewer than one space per dwelling unit.

Class C – no fewer than 6 spaces, distributed throughout the

mews.

High-rise component-

Class A – one space per dwelling unit; no fewer than 6 total spaces for office/retail users.

Class C – no fewer than 12 spaces, located near the entrances to the building.

Classes are as defined in Ann Arbor Code, Chapter ~~59-55~~.

H. Site Access

Vehicular: Access to the site shall be limited to two driveways from South Ashley.

Pedestrian: A cross-site continuous access between South Main and South Ashley Streets in an approximate location as shown in the cross-hatched area on Exhibit A, attached, and totaling not less than 6,800 square feet in area, shall be provided for the residents and users of the single-family dwelling units, office building, and retail uses, and for public pedestrian use in perpetuity.

I. Architectural Design

1. General (applicable to both low-rise and high-rise components):

- a. Principal exterior material of all buildings shall be brick, with accent materials of painted or clad wood, cast stone, limestone, or granite.
 - b. Building facades shall be detailed and shall provide architectural relief, accent materials, fenestration, and varied roof lines on all sides of the buildings.
 - c. Transformers, meters, rooftop mounted equipment, and loading/service areas shall be screened, utilizing materials consistent with the principal and accent materials of the buildings.
2. Low-rise: Units shall have a minimum of 4/12 roof pitch; individual entrances with porches or similar elements oriented to the street or mews; and windows with a vertical orientation, of wood or metal with simulated or true divided lights, and not exceeding 35 percent of the facade area. If muntins are utilized, they shall be exterior, of wood or metal.
 3. High-rise: The structure shall have a principal pedestrian entrance on South Main Street, with a secondary pedestrian entrance oriented towards the mews and plaza; street level frontage with a minimum of 65 percent clear glass. The design of the building shall include a clearly identifiable base of not more than two stories with an enhanced level of detail, pedestrian scale elements and marquees or canopies; a middle office section with window or window units separated by solid masonry and terminating in a cornice at the top of the seventh floor; and a top residential penthouse which includes a setback from the entire perimeter, a distance of no less than 20 percent of the height above the seventh floor.

J. Landscaping and Site Amenities

1. The mews and plaza areas shall contain elements of an urban character as shown on the landscape plan, designated A001, dated 3-1-99 and revised 11-17-99, as prepared by Luckenbach Ziegelman Architects, including: a predominance of decorative block or brick paving for pedestrian ways; deciduous trees or, where subsurface construction precludes tree growth, trellises; benches or seating walls; post-mounted, wall-mounted, and trellis-mounted exterior lights; one or more flagpoles; and not less than one significant decorative focal point, such as a sculpture, a fountain, a sculptural wall, or similar feature.
2. Any paved surface materials for walks, mews and plaza shall meet performance standards of the City of Ann Arbor Public Services Department Standard Specifications.

- K. Phasing – The project shall be built in a single phase, by initially commencing the site work and infrastructure for the entire project. Construction of the high-rise and the low-rise components shall be sequenced in accordance with good construction practice, except that no certificates of occupancy for either component may be granted until building permits have been obtained and construction beyond the initial site and infrastructure have commenced for the other component.

L. Affordable Housing - Eight dwelling units shall be made available to the CITY for purchase for affordable housing, at a negotiated price and under negotiated terms reasonably acceptable to the CITY and the PROPRIETOR. All matters of policy, including, but not limited to, ownership, disposition, administration, management, and eligibility for occupancy of the units, and the definition of "affordable housing," shall be determined solely by the CITY, with the sole exception that these units may be subject to provisions in the Condominium Master Deed, except for any provision that would prevent the conveyance and/or ownership of these units as affordable housing.

M. Definitions

1. Mews – The pedestrian access as shown on Exhibit A, and labeled "Cross-Site Access (Mews)."
2. Plaza - The portion of the PUD, open to the sky, and bounded on the north and east by the high-rise component, on the west by the low-rise component, and on the south by an imaginary line extending from the south facade of the high-rise component west to the low-rise component, as shown on Exhibit A, and labeled "Plaza."