

ORDINANCE NO. ORD-24-11

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Approved:
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732 PACKARD PUD ZONING DISTRICT AND SUPPLEMENTAL REGULATIONS

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 (732 Packard PUD Zoning District and Supplemental Regulations)

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 at the Southeasterly Corner of Lot 4, Block 4 of "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR", as recorded in Liber 60 of Deeds, Pages 134 and 135, Washtenaw County Records; thence S51°18'08"W 198.00 feet along the Southeasterly line of said Lot 4; thence N39°03'51"W 36.80 feet along the Southwesterly line of said Lot 4, thence N12°15'03"W 56.33 feet; thence S88°43'13"W 70.89 feet; thence N01°23'37"W 269.88 feet along the West line of said "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR" and its' extension thereof, also being the East line of South State Street (66 feet wide); thence S89°13'35"E 36.07 feet; thence N50°56'09"E 35.98 feet; thence S39°03'51"E 322.28 feet along the Northeasterly line of said "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR", also being the Southwesterly line of Packard Street (66 feet wide) to the POINT OF BEGINNING.

Being part of Lots 1, 3, & 4 and all of Lot 2, Block 4 of "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR", as recorded in Liber 60 of Deeds, Pages 134 and 135, Washtenaw County Records.

Being part of the NW 1/4 of Section 33, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 1.27 acres of land, more or less.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 732 Packard PUD Supplemental Regulations, which are hereby adopted and incorporated herein.

Section 2. Findings

The basis for City Council's approval of this ordinance is as follows:

The PUD satisfies the standards for PUD zoning district review in Section 5.29.11.F of Chapter 55 of Title V of the Code of the City of Ann Arbor given the following:

1. The use, physical characteristics, design features, or amenities proposed have beneficial effects for the City, in terms of public health, safety, welfare, aesthetics, or convenience. In this case, the beneficial effects that warrant this rezoning to PUD include reduced carbon emissions, reduced urban sprawl and vehicular traffic, increased housing density, greater housing affordability, and neighborhood park improvements, which are described more fully in the Supplemental Regulations.
2. The beneficial effects cannot be achieved under any other zoning classification because other zoning classifications do not require the beneficial effects that are provided by the PUD zoning district (such as the requirement of a LEED Silver building and integrated solar power to help reduce carbon emissions) either at all or to the degree required in the PUD district.
3. The use proposed does not have a detrimental effect on public utilities or surrounding properties for the following reasons:
 - a. City Council agrees with the conclusion of the City's engineers' analysis of the PUD use for impacts to public water and sanitary sewer systems, which determined that these public utilities have adequate capacity to serve the district with no detrimental effect on surrounding properties.
 - b. The PUD district is required to comply with all City stormwater ordinances, which ensures that stormwater from the project meets all existing City requirements. As a majority of properties in the district do not currently have stormwater control measures, the installation of a system consistent with current regulations will result in a net improvement of water run-off in the area.
 - c. The proposed development in the PUD zoning district, being subject to the applicable standards of the Unified Development Code, does not introduce any effects related to stormwater management, drainage, soil erosion, sedimentation control, outdoor lighting, or other applicable development standards that are not already possible given uses in the current underlying zoning.
 - d. City Council agrees with the conclusion of the City's traffic engineers' analysis that the multimodal transportation study provided by the

developer for potential impacts of development in the proposed PUD zoning district found no unmitigated detrimental effects on surrounding property, with some improvements leading to additional safety and efficiencies in the public streets when compared with the existing zoning designation and uses.

- e. The permitted uses for the proposed PUD zoning district are identical as the uses allowed in the underlying as well as surrounding C1A/R zoning designation (with the minor exception of Temporary Outdoor Activities in the PUD district). As such, the rezoning to PUD continues to be consistent with surrounding uses and does not have a detrimental effect on surrounding properties.
4. The use or uses proposed are consistent with the City's Comprehensive Plan and policies adopted in that they follow the overarching goals of the City's Comprehensive Plan and City policies, which encourages more dense development with a particular emphasis on more housing overall and a wider range of housing types, encouraging more sustainable developments, living arrangements with less or no reliance on personal vehicles, and reduced vehicle miles travelled. Also, given the underlying C1 A/R zoning designation of the site and surrounding area, the required standards regarding design and massing of the PUD zoning are consistent with the goals and strategies of the Land Use Element of the Comprehensive Plan that emphasize the orderly transitions between higher densities or commercial (and mixed) uses and residential neighborhoods. The City has determined that any departure from the Comprehensive Plan is justified by the beneficial effects provided by the PUD zoning district as listed in the Supplemental Regulations.
 5. The PUD zoning district exceeds the residential density of the underlying zoning district by more than 25%, and is subject to the standard that at least 15% of the total dwelling units are required to be Affordable Housing Dwelling Units or a payment in lieu shall be provided. Here the PUD requires that 16% of the residential floor area will be dedicated to affordable housing dwelling units or a payment in-lieu contribution of \$6,620,604 will be made to the City's Affordable Housing Fund.
 6. The Supplemental Regulations include findings regarding the benefits of the PUD, as well as specific enforceable requirements and standards which satisfy the requirement for 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.
 7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district is provided. Front setbacks measured from

back of curb as well as from the lot line ensure sufficient amenity and walking zones, electric vehicle charging stations are included at a higher rate than normally required, and alternative methods of transportation are encouraged with bicycle parking requirements that are beyond that required by the underlying zoning designation, including the inclusion of specific requirements for both cargo bicycles and e-bikes.

8. Disturbance of natural features, historical features, and historically significant architectural features are limited to the minimum necessary to allow a reasonable use of the land. There are minimal natural features on site, including two landmark trees, and the zoning ordinance requires mitigation of those trees. There are no historical or historically significant features. The benefits, listed above, by the zoning district to the community are substantially greater the impact to the very minimal natural features on the site.

City Council hereby incorporates the Planning Staff report by reference in these findings, and has based its decision on the complete City record of review, including but not limited to, City Staff review, the Planning Commission review, public hearings and communications, and City Council's deliberation of the PUD zoning ordinance.

Section 3. This ordinance shall take effect and be in force on and after ten days from legal publication.

**732 Packard – 5 Corners – Planned Unit Development
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 12 parcels in harmonious integration with the surrounding neighborhood and presenting a unified development.

These regulations guiding redevelopment in the district will provide for a more efficient use of the property through the redevelopment of parcels within walking distance to the University of Michigan Central Campus and the City's core and near-core business and entertainment districts. The redevelopment will provide an opportunity to make available convenient, modern and sustainable housing in a manner that reduces the need for individual vehicular transportation. Furthermore, these regulations will create a district that is compatible with the surrounding districts and land uses. These regulations will arrange development in the district 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 land described as follows:

BEGINNING at the Southeasterly Corner of Lot 4, Block 4 of "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR", as recorded in Liber 60 of Deeds, Pages 134 and 135, Washtenaw County Records; thence S51°18'08"W 198.00 feet along the Southeasterly line of said Lot 4; thence N39°03'51"W 36.80 feet along the Southwesterly line of said Lot 4, thence N12°15'03"W 56.33 feet; thence S88°43'13"W 70.89 feet; thence N01°23'37"W 269.88 feet along the West line of said "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR" and its' extension thereof, also being the East line of South State Street (66 feet wide); thence S89°13'35"E 36.07 feet; thence N50°56'09"E 35.98 feet; thence S39°03'51"E 322.28 feet along the Northeasterly line of said "MAP OF HILLS ADDITION TO THE CITY OF ANN ARBOR", also being the Southwesterly line of Packard Street (66 feet wide) to the POINT OF BEGINNING.

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Further, the provisions of these regulations shall be adopted and incorporated into the 732 Packard Street Planned Unit Development Zoning District (the "PUD"). These regulations, however, are intended to supplement only those provisions in the City Codes that may be modified as a part of a planned unit development and shall not be construed to replace or modify other provisions or regulations in the City Code.

SECTION 3: FINDINGS

Following public hearings, the City Planning Commission and City Council find the following beneficial effects in terms of public health, safety, welfare, aesthetics, or convenience, regulated in these Supplemental Regulations, warrant the zoning; could not be achieved under any other zoning classification and are not otherwise required; do not have detrimental effects; provide adequate justification for departures from approved plans and policies; provide affordable housing with the increase in density from the underlying zoning and comprehensive plan recommendation; provide safe transportation circulation and encourage and support the use of alternative modes of transportation; and limit disturbance of existing natural, historical, and architecturally significant features to the minimum necessary to allow a reasonable use of the land:

A. Carbon Neutrality-A2 Zero.

- 1) **LEED Standards.** Development of the PUD 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 standards.
- 2) **Integrated Solar Power.** The PUD integrates solar panels into the building at the roof level, aiming to produce a portion of its energy needs with 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.
- 3) **Electric Vehicle Charging Infrastructure.** The PUD will include 20% EV-I (installed) charging stalls, which is double the requirement under Ann Arbor City Code. The proposed site plan would result in Fifteen EV-I stalls will be located in the parking structure and two EV-I stalls will be located at the ground level surface parking. The remaining spaces for the Project will be EV-C (capable).

- 4) **Electric Ready Building.** Directly supporting A2Zero to promote home and business electrification, the development in the PUD shall be “electric ready” with natural gas utilized only for auxiliary hot water generation and only because full electrification is not achievable given the capacity of the grid in the area.
- B. **Density; Reducing Urban Sprawl; Reduced Vehicular Travel.** The PUD will continue high-density residential development in areas appropriate for such use within the City in order to increase housing options. This Project supports higher density housing near transit corridors, public transportation routes, campus education and recreational venues, and is walkable to commercial areas, such as the commercial and retail sites located on South University Avenue, S. State St., Liberty St., Church Street, and East University Avenue. The Project encourages residential densities that invite and sustain bus transit in accordance with the City’s Master Plan.
 - C. **Housing Affordability.** The PUD requires 16% of its residential floor area dedicated to affordable housing dwelling units, which is one percent more than the standard for approval for PUD Zoning Districts.
 - D. **Neighborhood Park Improvements.** The PUD provides improvements to adjacent Forsythe Park.

SECTION 4: PUD REGULATIONS

The standards and regulations provided below shall regulate development in the 732 Packard PUD district using the terms, definitions, interpretations, and applicability set forth in Chapter 55, Unified Development Code. All of the standards and regulations provided in the UDC shall also apply unless specifically provided in these Supplemental Regulations.

- A. **Permitted Uses.** The permitted uses shall be as provided in Section 5.15 of the Unified Development Code for the C1A/R district, plus Temporary Outdoor Activities use as defined in the Unified Development Code. Only residential uses shall be permitted above the third story.
- B. **Development Standards**
 - 1) **Height:** The minimum building height shall be six stories. The maximum building height shall be 15 stories and 200 feet.
 - 2) **Building Coverage and Open Space:** The maximum building coverage shall be 70%. The minimum open space shall be 20%.
 - 3) **Setbacks:** The minimum setback from any front lot line shall be 5 feet, provided there is at least 16 feet between the back of curb and building. The minimum side or rear setback shall be 5 feet.

C. Parking

- 1) **Vehicle**: The maximum number of vehicle parking spaces shall be 82.
- 2) **Bicycle**: The minimum number of bicycle parking spaces shall be one Class A space per dwelling unit and no less than 329. Of the provided bicycle parking spaces, a minimum of 5% shall provide electric bicycle charging access of one outlet per bike, and at least two shall be sized to accommodate cargo bicycles.
- 3) **Electric Vehicle Charging**: A minimum of 20% of the vehicle parking spaces shall be EV-I (electric vehicle charging station installed).

D. Landscaping, Buffers, and Screening

- 1) **Vehicular Use Area Landscaping**: As required in Section 5.20 of the Unified Development Code.
- 2) **Right-of-Way Screening**: As required in Section 5.20 of the Unified Development Code.
- 3) **Buffer**: A buffer shall be provided where the district abuts existing residential uses at the time of approval, consisting of an average of 12 feet in width and no specific location along the buffer being less than 7 feet in width, a minimum of four deciduous trees, and shrubs forming a continuous screen at least 4 feet in height

E. Sustainability

- 1) **LEED Silver**. The building shall achieve the Silver level of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) Certification for new construction, version 4.0 or newer. Proof of registration is required at the time of building permit issuance and documentation of certification shall be provided within two years of issuance of the final certificate of occupancy. If the project fails to provide written certification of compliance within two years of issuance of the final certificate of occupancy, penalty and/or enforcement provision specified in the development agreement shall apply.
- 2) **Electrification**. Buildings in the district shall only use natural gas connections for auxiliary hot water generation. (Full electrification is not achievable given the grid capacity at the time of approval.) Conduit and other necessary infrastructure shall be provided for the future conversion of buildings to full electrification when grid capacity is available.
- 3) **Renewable Energy**. A minimum of 125,000 kwh of capacity shall be generated in the PUD from solar energy panels.

- F. Affordable Housing.** A minimum of 16% of the residential floor area in the district shall be dedicated to 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. Payment of a cash contribution in lieu of affordable housing may be made at the sole discretion of the City Council in the amount established by Council resolution at the time of site plan approval.

G. Streetscape Activation.

- 1) **Residential Front Doors.** A minimum of six dwelling units shall be provided at street-level with direct front door access to Packard Street.
- 2) **Retail Activity.** A minimum of 2,000 square feet of street-level retail space shall be made available with a minimum interior height of 15 feet.
- 3) **Outdoor Activities.** A minimum of 4,000 square feet shall be provided and made available for temporary outdoor activities.

H. Park Improvements. Repairs, improvements, and new amenities shall be provided to adjacent Forsythe Park, which may include: removing the existing kiosk; removing existing wood retaining walls and restoring the area; repairing or replacing pavers and pavement; replacement of drinking fountains, furnishings and lighting; and repairs or replacement of basketball court surface, backboards and nets.