

ORDINANCE NO. ORD-24-05

First Reading: April 1, 2024
Public Hearing: May 6, 2024

Approved:
Published:
Effective:

711 CHURCH 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 (711 Church 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 NW Corner of Lot 5, Block III of "R.S. Smith's Second Addition to the City of Ann Arbor", as recorded in Liber 48 of Deeds, Pages 40, Washtenaw County Records;

thence N88°49'47"E 132.61 feet along the North line of Lot 4 and Lot 5, Block III of said "R.S. Smith's Second Addition" and the South line Willard Street (49.5 feet wide); thence S01°04'57"E 216.00 feet along the East line of Lot 4, Block III of said "R.S. Smith's Second Addition"; thence N88°49'47"E 33.00 feet along the North line of the East 33.00 feet of the South 48.00 feet of Lot 4, Block IV of said "R.S. Smith's Second Addition"; thence S01°04'57"E 108.00 feet along the East line of the East 33.00 feet of Lots 4 and 5, Block IV of said "R.S. Smith's Second Addition"; thence S88°49'47"W 164.21 feet along the South line of the North 54.00 feet of Lot 5, Block IV and the South line of the North 54.00 feet of Lot 2 and Lot 3, Block III, "R.S. Smith's Second Addition"; thence N01°19'51"W 324.00 feet along the West line of Lot 2 and Lot 5, Block III, of said "R.S. Smith's Second Addition" and the East line of Church Street (66 feet wide) to the POINT OF BEGINNING.

Being a part of the SW 1/4 of Section 28, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 1.06 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 711 Church PUD Supplemental

Regulations, which are hereby adopted and incorporated herein.

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

**711 Church Planned Unit Development
SUPPLEMENTAL REGULATIONS**

SECTION 1: PURPOSE

It is the purpose of the City Council in adopting these regulations to provide for the development of the Property (defined below) with high-density, multiple-family residential use in an efficient and sustainable manner to further the overarching goals of the City to encourage more dense development with a particular emphasis on more housing overall and a wider range of housing types, and more sustainable developments, living arrangements that enable less or no reliance on personal vehicles, and reduced vehicle miles traveled.

These regulations seek to promote development of underutilized parcels with housing, including affordable and workforce housing, in close proximity to centers of employment, education, and recreation. Furthermore, these regulations provide for the Property to be used in a manner that is compatible with the surrounding uses and properties, and 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 land described as follows:

BEGINNING at the NW Corner of Lot 5, Block III of "R.S. Smith's Second Addition to the City of Ann Arbor", as recorded in Liber 48 of Deeds, Pages 40, Washtenaw County Records;

thence N88°49'47"E 132.61 feet along the North line of Lot 4 and Lot 5, Block III of said "R.S. Smith's Second Addition" and the South line Willard Street (49.5 feet wide); thence S01°04'57"E 216.00 feet along the East line of Lot 4, Block III of said "R.S. Smith's Second Addition"; thence N88°49'47"E 33.00 feet along the North line of the East 33.00 feet of the South 48.00 feet of Lot 4, Block IV of said "R.S. Smith's Second Addition"; thence S01°04'57"E 108.00 feet along the East line of the East 33.00 feet of Lots 4 and 5, Block IV of said "R.S. Smith's Second Addition"; thence S88°49'47"W 164.21 feet along the South line of the North 54.00 feet of Lot 5, Block IV and the South line of the North 54.00 feet of Lot 2 and Lot 3, Block III, "R.S. Smith's Second Addition"; thence N01°19'51"W 324.00 feet along the West line of Lot 2 and Lot 5, Block III, of said "R.S. Smith's Second Addition" and the East line of Church Street (66 feet wide) to the POINT OF BEGINNING.

Being a part of the SW 1/4 of Section 28, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 1.06 acres of land, more or less.

Further, the provisions of these regulations shall be adopted and incorporated into the 711 Church Street 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

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. Sustainability

- 1) LEED Standards. Development in the district will contribute to the City's goal of achieving carbon neutrality (A2Zero). Buildings will be constructed and developed in accordance with LEED Gold standards.
- 2) Passive House Technologies. Development in the district will utilize both renewable sourced energy and heat recovery ventilation systems and integrate "thermally broken exterior" technology.
- 3) Integrated Solar Power. Development in the district will integrate solar panels into the building at the roof level, further reducing the development'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.
- 4) Electric Vehicle Charging Infrastructure. Development in the district will include 20% of parking stalls as EV-I (installed electric vehicle charging stations), double the normal requirement under Ann Arbor City Code. This effort reduces community-based pollution by promoting alternatives to conventionally fueled automobiles and supports the adoption of electric vehicles and A2Zero.
- 5) Electric Building. Development in the district will be "primarily-electric" to support A2Zero goals promoting electrification. As regional power grids are converted to carbon neutral sources, development in the district will automatically become more sustainable.

- #### **B. Affordable Housing**. Development in the district will address the City's desire to increase affordable housing options available within the City by providing more than the standard requirement for affordable housing.

C. Density, Reducing Urban Sprawl, Reduced Vehicular Travel.

- a. Development in the district provides high density residential use in an area appropriate within the City in order to increase housing options. Urban sprawl is reduced because of the increased building height, creating vertical density to reduce impervious surface compared to low rise buildings with similar footprints. Vehicular travel is reduced by the district's proximity to transit corridors, public transportation routes, campus education and recreational venues, and walking distance to commercial areas, such as the commercial and retail sites located on South University Avenue, Church Street, and East University Avenue.
 - b. Development in the district encourages residential densities that invite and sustain walking, bicycling, bus transit and other forms of mobility in accordance with the City's policies. Redevelopment in the district represents the transformation of an underutilized and inefficient residential parcel with a higher density use that is both consistent with the other high density developments in the area and a better utilization of limited resources, space and infrastructure on and adjacent to the site.
 - c. Vehicle parking in the district is minimized and alternatives are encouraged and emphasized. Pedestrian activity and neighborhood vitality are encouraged by reduced setbacks and innovative architecture.
- D. **Public Amenities.** Development in the district provides public art to enhance the streetscape and for the enjoyment of residents and visitors to the site and to the City.

Section 4: PUD Regulations

The standards and regulations provided below shall regulate development in the 711 Church 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 D2 (Downtown Interface) district, except only residential uses shall be permitted above the third story.

B. Area, Height and Placement

- 1) FAR: The maximum permitted FAR shall be 1000%.
- 2) Height: The minimum building height shall be 12 stories. The maximum permitted building height shall be 230 feet.
- 3) Setback and Placement: The minimum required setback shall be 0 feet from any lot line provided that the building is at least 16 feet from the back of curb along Willard Street and Church Street.

C. Parking

- 1) Vehicle. The maximum number of vehicle parking spaces shall be 52.
- 2) Bicycle. The minimum number of bicycle parking spaces shall be two Class A space for each dwelling unit and a total of 10 Class C spaces for nonresidents. A minimum of 2 bicycle parking spaces shall accommodate cargo bicycles and a minimum of 28 shall be capable of recharging electric bicycles.
- 3) Electric Vehicle Charging. A minimum of 20% of all provided vehicle parking spaces shall be EV-I (electric vehicle [charging station] installed).

D. Landscaping, Buffers, and Screening

- 1) Vegetated Wall. A green vegetated screening wall shall be attached to the first and second stories of the east façade consisting of: a trellis or similar support panels and a mix of Boston Ivy and Virginia Creeper or similar plants.
- 2) Mechanical Equipment. All ground-mounted mechanical equipment shall be screened with a 6-foot, opaque, solid fence or wall.

E. Sustainability

- 1) LEED Gold. Buildings shall achieve the Gold 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 provisions specified in the Development Agreement shall apply.
- 2) Electrification. Natural gas use in the district shall be limited to power emergency back up power generation, and auxiliary hot water generation only during periods when demand cannot be met by the available electric supply.
- 3) Renewable Energy. Solar panels shall be installed on building roofs achieving a minimum of 125,000 kwh of capacity.
- 4) Passive House Technologies. Buildings shall use heat recovery ventilation systems.
- 5) Geothermal Technologies. The Project will integrate ground source heat exchange technology into the building's HVAC system, to facilitate 8% (or 642 MBH) of the building's total MBH load. Additionally, the pumps for this heat exchange system will be connected to the back-up generators to offer these areas of the building as emergency tenant warming spaces during power outages.

F. Affordable Housing. A minimum of 17% of the dwelling units in the district shall be dedicated to affordable housing dwelling units. A payment of an affordable

housing contribution in lieu of units 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 prior to issuance of any certificate of occupancy.

G. Architectural, Design, and Materials

- 1) Architecture. The mass and shape of the building shall be consistent with the architectural renderings submitted as part of the site plan, generally described as: A variable height, high-rise building with a three-story base, and distinct vertical articulation with significant recesses, stepped down in height and stories at its southern end.

H. Public Art. A public art element will be designed, installed, and maintained following these steps and criteria:

- 1) A conceptual, draft, or preliminary design for public art to be installed in the district will be proposed by the developer(s) of the district.
- 2) A minimum of one public meeting will be held to solicit public feedback on the proposed design.
- 3) The final design and a summary of the meeting and feedback received will be submitted to the Planning Manager for consideration and approval.
- 4) The Planning Manager's approval will be considered against the following criteria:
 - i. The accessibility of the art project to the general public so that it may be experienced by both visitors to the development and those traveling on public rights-of-way adjacent to the development.
 - ii. The value of the art project being at least \$50,000.00.
 - iii. The nature and quantity of feedback received on the preliminary design at the required public meeting and the responsiveness of the developer to the feedback in the final design.

As Amended and Approved at First Reading on April 1, 2024