

ORDINANCE NO. ORD-23-10

First Reading: March 20, 2023
Public Hearing: April 17, 2023

Approved: April 17, 2023
Published: April 27, 2023
Effective: May 7, 2023

415 WEST WASHINGTON STREET PUD ZONING

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART 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 5.10.2 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:

Lot 13, except that portion thereof described as follows: Commencing at the Northwest corner of Lot 12, Block 2 of Assessor's Plat No. 3 and running thence North along the West line of Lot 13 in said Block, 40.58 feet and to the Southwest corner of land conveyed by Gottlieb Schneider and wife to the Board of County Road Commissioners of Washtenaw County by deed dated March 27, 1920 and recorded in Liber 219, Page 606, Washtenaw County Records; thence Easterly along the Southerly line of said land to a point on the West line of Lot 10 in said Block, 22 feet South of the Northwest corner of said Lot 10; thence South along the West line of said Lot 10, 56.89 feet and to the Northeast corner of Lot 11 in said Block; thence West along the North line of Lots 11 and 12 to the Place of Beginning; also except that portion thereof described as follows: Commencing at an iron pipe at the Northwest corner of Lot 10, Block 2 of Assessor's Plat No. 3, thence Southerly along the line between Lots 10 and 13 of said Assessor's Plat, 22 feet to an iron pipe for a Place of Beginning; thence Westerly through an interior angle of 88°14' to the right 123.8 feet to an iron pipe in the West line of said Lot 13; thence Northerly through an interior angle of 88°30' to the right 6 feet; thence Easterly through an interior angle of 91 °30' to the right 123.46 feet to the Westerly line of said Lot 10; thence Southerly along the Westerly line of said Lot 10, 6 feet to the Place of Beginning;

And all of Lots 14, 15, 16, and 17, and also a right of way over Lot 7 as reserved in a deed recorded in Liber 156, Page 61, Washtenaw County Records; all of said lots being in Block 2 of Assessor's Plat No. 3 in the City of Ann Arbor, as recorded in Liber 2 of Plats, Page 39, Washtenaw County Records.

Parcel ID 09-09-29-211-003: 95,309 SF, 2.188 acres (+/-)

PARCEL 2 & 3:

Lots 7 and 8, Block 2, Assessor's Plat No. 3, City of Ann Arbor, as recorded in Liber 2 of Plats, page 38, Washtenaw County Records.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 415 W. Washington Street Supplemental Regulations, which are hereby adopted and incorporated into the 415 W. Washington Street zoning ordinance.

Parcel ID 09-09-29-211-017: 11,047 SF, 0.253 acres (+/-)

Parcel ID 09-09-29-211-018: 2,424 SF, 0.056 acres (+/-)

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

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of April 17, 2023.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on April 27, 2023.

Jacqueline Beaudry, Ann Arbor City Clerk

415 WEST WASHINGTON PUD 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 efficient and coordinated development of a 2.5-acre area. These regulations seek to promote a development that:

- mitigates an environmental hazard through utilization of a Brownfield Tax Increment Financing Work Plan created by the City of Ann Arbor
- promotes a mixed-income development with a diversity of housing types
- transitions from the urban downtown to the adjacent single family residential neighborhood.

Section 2: Applicability

The provisions of these regulations shall apply to the land described as follows:

PARCEL 1:

Lot 13, except that portion thereof described as follows: Commencing at the Northwest corner of Lot 12, Block 2 of Assessor's Plat No. 3 and running thence North along the West line of Lot 13 in said Block, 40.58 feet and to the Southwest corner of land conveyed by Gottlieb Schneider and wife to the Board of County Road Commissioners of Washtenaw County by deed dated March 27, 1920 and recorded in Liber 219, Page 606, Washtenaw County Records; thence Easterly along the Southerly line of said land to a point on the West line of Lot 10 in said Block, 22 feet South of the Northwest corner of said Lot 10; thence South along the West line of said Lot 10, 56.89 feet and to the Northeast corner of Lot 11 in said Block; thence West along the North line of Lots 11 and 12 to the Place of Beginning; also except that portion thereof described as follows: Commencing at an iron pipe at the Northwest corner of Lot 10, Block 2 of Assessor's Plat No. 3, thence Southerly along the line between Lots 10 and 13 of said Assessor's Plat, 22 feet to an iron pipe for a Place of Beginning; thence Westerly through an interior angle of 88°14' to the right 123.8 feet to an iron pipe in the West line of said Lot 13; thence Northerly through an interior angle of 88°30' to the right 6 feet; thence Easterly through an interior angle of 91 °30' to the right 123.46 feet to the Westerly line of said Lot 10; thence Southerly along the Westerly line of said Lot 10, 6 feet to the Place of Beginning;

And all of Lots 14, 15, 16, and 17, and also a right of way over Lot 7 as reserved in a deed recorded in Liber 156, Page 61, Washtenaw County Records; all of said lots being in Block 2 of Assessor's Plat No. 3 in the City of Ann Arbor, as recorded in Liber 2 of Plats, Page 39, Washtenaw County Records.

Parcel ID 09-09-29-211-003: 95,309 SF, 2.188 acres (+/-)

PARCEL 2 & 3:

Lots 7 and 8, Block 2, Assessor's Plat No. 3, City of Ann Arbor, as recorded in Liber 2 of Plats, page 38, Washtenaw County Records.

Parcel ID 09-09-29-211-017: 11,047 SF, 0.253 acres (+/-)

Parcel ID 09-09-29-211-018: 2,424 SF, 0.056 acres (+/-)

Further, the provisions of these regulations shall be adopted and incorporated into the 415 W. Washington Planned Unit Development (PUD) zoning district. These regulations are intended to supplement only those provisions in the City Code 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 Code.

Section 3: Findings

During the public hearings on this PUD, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the land as a mixed-income development, furthering the City's goals to advance the development of affordable housing as identified in the 2015 Washtenaw County Affordability and Economic Equity Analysis.
- (B) The proposed development will advance the City's goals by remediating a brownfield site.
- (C) The creation of this PUD zoning district as described above will allow a unique arrangement of development not permitted in any conventional established zoning district, but which is reasonable, beneficial, and poses no harm, threat or concern to the natural environment, surrounding area, or the City.
- (D) The land 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 or deprivation of property rights.
- (E) The PUD Conceptual Plan includes a representation of the Treeline Trail. This PUD shall dedicate land and establish minimum standards to construct a portion of the Treeline Trail. The final design, alignment, width, and connections to off-site bicycle infrastructure shall be developed with input from the Treeline Conservancy.

Section 4: PUD Regulations

The PUD shall meet the standards and regulations of the D2 Zoning District provided in the UDC unless specifically provided in these Supplemental Regulations.

The standards and regulations provided below shall regulate development in the 415 W. Washington PUD district using the terms, definitions, interpretations, and applicability set forth in Chapter 55, Unified Development Code. All standards and regulations provided in the UDC shall also apply unless specifically provided in these Supplemental Regulations.

The development is within the Old West Side Historic District and shall meet all relevant requirements. The standards and regulations in these Supplemental Regulations do not supersede the Historic District regulations nor do they preclude the development from meeting the Historic District regulations.

(A) Principal Uses. The permitted Principal and Special Exception Uses shall be those provided for in the D2 Zoning District as provided in Table 5.15-1: Primary Use Table of Section 5.15 of the Unified Development Code with the following exceptions, which are expressly prohibited:

1. Fueling Station
2. Automobile, Truck, Construction Equipment Repair
3. Vehicle Wash

(B) Required Affordable Housing.

1. A minimum of 15 designated affordable residential units shall be provided on site or 15% of the total units in the PUD District (whichever is greater). The units shall be Affordable Dwelling Units as defined by the Unified Development Code **OR** the applicant may make a payment to the Affordable Housing Fund in lieu of providing Affordable Dwelling Units.
2. Verification of ongoing compliance with Affordable Housing requirements shall be required and verified by the City of Ann Arbor or its designee on a frequency established by the City.

(C) Dwelling Units

1. Dwelling units shall have a maximum of three (3) bedrooms and two (2) bathrooms.

(D) Area, Height and Placement Standards

1. **District Area.** The PUD zoning district shall be 2.5 acres.
2. **Setbacks, Building Spacing, and Height**

All applicable area, height and placement regulations of the D2 zoning district and First Street Character Overlay District shall apply with the following exceptions:

- a. **Streetwall** – Minimum two story, Maximum three story Streetwall.
- b. **Front Setback** -
 - i. Washington Street: 40 Feet Maximum / 20 Feet Minimum.
 - ii. Liberty Street: 10 feet Minimum
- c. **Side and Rear Setbacks-**

- i. West lot line:
 - a. 50 feet for stories 1-4, 65 feet setback for stories above 5.
 - ii. South lot line: 35 feet.
 - iii. East lot line: 10 feet.
 - d. **Height-** The maximum height permitted for any building in the district shall be 70 feet.
- e. **Open Space-** Minimum 60% open space on site.

(E) Parking and Transportation

Vehicle – One (1) parking space per residential unit maximum. No minimum spaces are required.

(F) Site elements

1. All efforts shall be made to preserve the existing chimney on site for value as chimney swift habitat. The chimney can be removed if the City Administrator or designee determines that preservation is not possible or prudent, based on the structure being determined unsafe by a third-party engineer, or that the measures to preserve habitat are unlikely to be successful.
2. Treeline trail shall provide:
 - a. Minimum 30-foot-wide public access easement from Liberty to Washington
 - b. Construction of minimum 15-foot-wide non-motorized path within easement linking Liberty to Washington. Pathway shall be constructed with pedestrian scale lighting to city approved specifications.
 - c. Other treeline trail amenities and design aspects such as landscaping, furniture, public art shall be designed with input from the Treeline Conservancy.

(G) Building Sustainability Any building shall be designed in a manner to be considered, at minimum, net zero ready as determined by the Office of Sustainability and Innovation prior to issuance of a building permit.

As Amended and Approved by Ann Arbor City Council on April 17, 2023