

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For the Planning Commission Meeting of September 15, 2020

**SUBJECT: Lockwood of Ann Arbor PUD Zoning District and PUD Site Plan for City Council Approval  
(2195 East Ellsworth)  
File No. SP20-010 & Z20-027**

### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Lockwood of Ann Arbor Development Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan, and Development Agreement with the following conditions:

- An amended landscape plan, and any corresponding Supplemental Regulations amendments, being approved by City staff prior to scheduling for City Council.

### STAFF RECOMMENDATIONS:

Staff recommends that the Lockwood of Ann Arbor PUD (Planned Unit Development) Zoning District and Supplemental Regulations be **approved** because the uses, physical characteristics, design features, and amenities proposed provide a beneficial effect for the City, could not be achieved under any other zoning classification, will not have a detrimental effect on public utilities or surrounding properties, provide adequate justification for deviation from the master plan, provide sufficient analysis and justification in the supplemental regulations, and provide acceptable vehicular and pedestrian circulation.

Staff recommends that the Lockwood of Ann Arbor PUD Site Plan be **approved** because the development would comply with the PUD Zoning District and Supplemental Regulations as well as all applicable local, state and federal laws, ordinances, standards and regulations, would limit the disturbance of natural features to the minimum necessary to allow reasonable use of the land, and would not cause a nuisance or a detrimental effect on the public health, safety and welfare.

## **HISTORY:**

This petition was postponed at the September 1, 2020 City Planning Commission meeting due to a technical issue with the public comment participation. There was no Planning Commission discussion of the project.

## ***CHANGES FROM PREVIOUS SUBMISSION*** **SITE PLAN PETITION:**

There is no change to the layout, design or engineering items for the project. Staff has met with the petitioner regarding revisions to the landscape and mitigation plans. While the review on the final plans has not been completed, the outstanding items involve parking lot landscape island planting requirements, western conflicting land use buffer and final mitigation calculations. Regarding the parking lot landscaping, City Code requires at least one tree located within each landscape island in order to meet the requirement. Due to the location of a fire hydrant and required separation distance, a tree could not be planted in one landscape island. The petitioner will meet the intent of the code by providing the tree just outside the required landscape island. While this does not meet the code, staff is satisfied it meets the intent and can be supported as a deviation permitted under the PUD regulations.

Final mitigation calculations are under review. Staff review noted that several trees indicated as landmark on the tree survey do not qualify for landmark tree protection due to poor health. This will lower the mitigation required for the project. All required mitigation required by code will be provided for the project.

City code also requires a landscape buffer on all sides of the project. This requirement will be met on two of the three sides, including the eastern property line adjacent to the Forest Hills Co-op Housing development. This requirement is not being met on the western side of the site due to the existing slope and proposed retaining wall. The petitioner is working with the Ann Arbor Public School System which owns the adjacent site to finalize grading in that area. Staff is supportive of this deviation under the PUD regulations.

## **REZONING PETITION:**

Due to the modifications of the landscaping plan, the PUD supplemental regulations will be revised to indicate the amended parking lot landscape islands and western property line buffer requirements.

## **DEPARTMENT COMMENTS:**

Planning: As indicated Planning and Urban Forestry & Natural Resources staff met with the petitioner to address the remaining review comments. Staff is confident the revisions will be acceptable based on the meeting and subsequent discussion. These revisions

will not change the overall benefits provided by the project or impact to the adjacent residential uses.

Urban Forestry & Natural Resources: The changes to the landscape plan are under review and will be confirmed before scheduling for City Council. Staff supports the justifications for the deviations proposed.

Prepared by Matt Kowalski  
Reviewed by Brett Lenart  
09/11/2020

Reference Documents:     [Site Plan](#)  
                                  [Citizen Participation Summary](#)

Attachments:               September 1, 2020 Planning Commission Staff Report  
                                  Zoning Map  
                                  Aerial Photo  
                                  Draft Development Agreement  
                                  Draft Supplemental Regulations

c: Steve Gabrys, Lockwood Companies, LLC (Owner)  
Joe Maynard, Washtenaw Engineering, LLC (Project Engineer)  
Jordan London, Edmund London & Associates  
Systems Planning  
Project No. SP20-010, Z20-027

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of September 1, 2020**

**SUBJECT: Lockwood of Ann Arbor PUD Zoning District and PUD Site Plan for City Council Approval  
(2195 East Ellsworth)  
File No. SP20-010 & Z20-027**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Lockwood of Ann Arbor Development Planned Unit Development (PUD) Zoning District and Supplemental Regulations, PUD Site Plan, and Development Agreement

**STAFF RECOMMENDATION:**

Staff recommends that the Lockwood of Ann Arbor PUD Site Plan, Zoning District and Supplemental Regulations be **postponed** in order to allow petitioner additional time to address outstanding staff comments regarding the landscape and tree mitigation plans.

**LOCATION:**

The site is located on the south side of East Ellsworth, east of Stone School Road and adjacent to Forest Hills Co-operative.

**SUMMARY:**

A proposal to rezone a 7.92 acre vacant site from R1C (Single-Family Residential District) to PUD (Planned Unit Development), and to construct a three-story, 168,130 square foot residential building with a 154 space surface parking lot. The site plan proposes 154 independent senior apartments, 89 one-bedroom units and 65 two-bedroom units in a single building. The building will also contain a commercial kitchen and dining area, small barber shop, activity room, movie room, fitness room and small clinic. All facilities are for use only by the Lockwood residents and their guests.

**REZONING PETITION:**

Current Zoning – The site is currently zoned R1C which allows a maximum of 25 single-family homes based on the alternatives’ analysis presented.

Proposed Zoning -- The proposed Supplemental Regulations allow the following uses and configuration of the site:

- Three stories of residential use and a maximum of 154 units, a minimum of 40% of the units must be designated for households with income no higher than 50% of the Area Median Income (\$35,500 for an individual).
- One vehicle parking space per unit, a total of 154 vehicle parking spaces.
- A maximum floor area of 170,000 square feet.
- Accessory uses for residents including: Commercial kitchen and dining area, barber shop, clinic, fitness room, and shuttle bus.

**SITE PLAN PETITION:**

Existing Conditions – The site is currently occupied by one single-family home.



Figure 1: Existing Conditions (2018)

Site Layout – The proposed site plan and additional color renderings show a X-shaped building in the center of the site with parking proposed along the northern, western and eastern property line. The Ann Arbor Public School System (AAPS) own the land on both the northern and western boundaries of the site and the eastern boundary is Forest Hills Cooperative residential community.

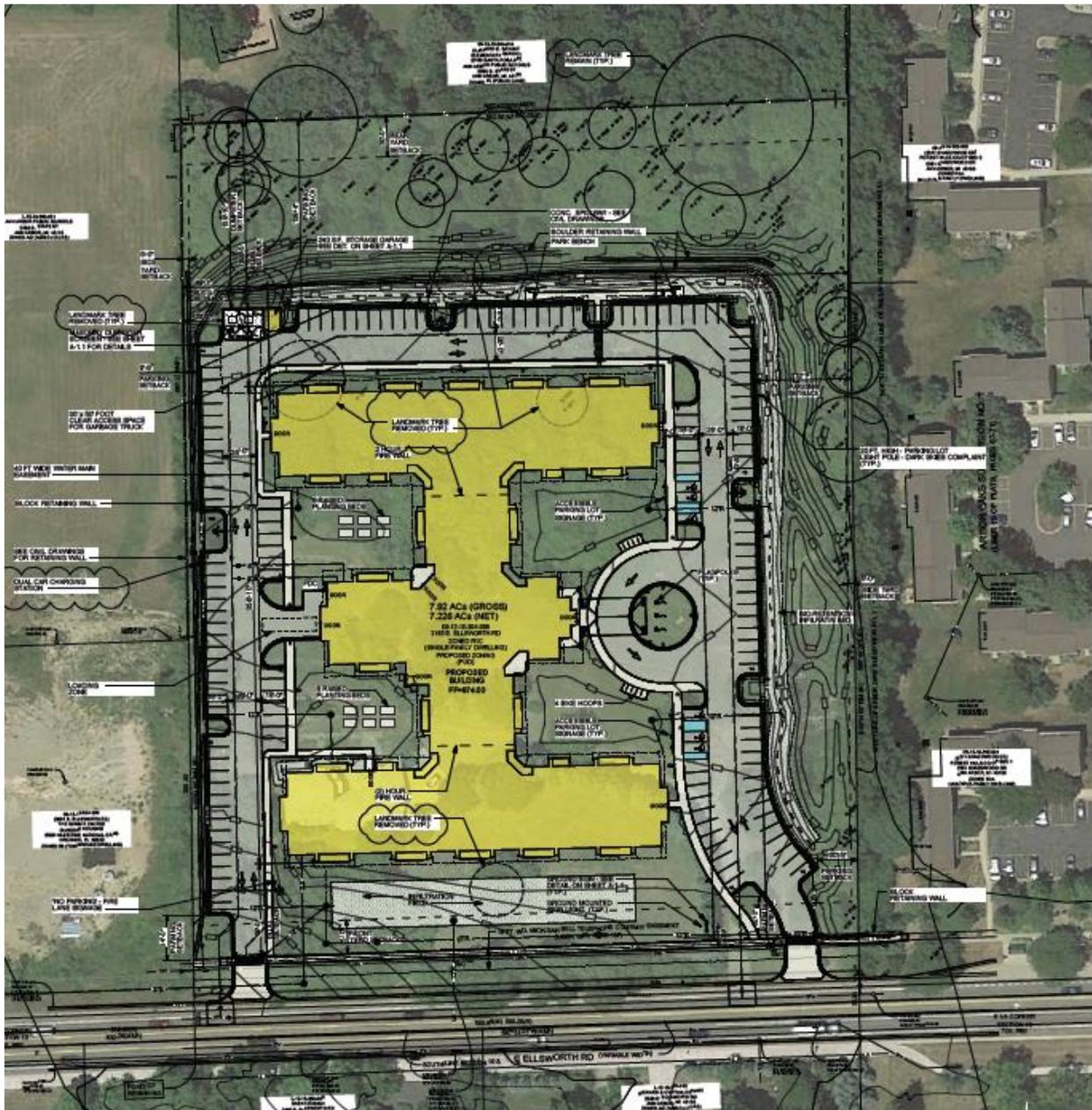


Figure 2: Proposed Layout

Access and Parking – The site has two access driveways off East Ellsworth leading to the parking lot which includes a small covered drop off area. Parking is provided in a 154 space parking lot. The uses proposed in the building require 231 spaces (1 ½ spaces per unit) according to the parking requirements for multiple-family structures. The PUD zoning allows the modification of to reduce the parking required. Also included in the parking provided will be spaces dedicated to electric vehicle charging where the petitioner pledges to install conduit for future installation of EV charging stations. The site plan depicts 16 bicycle parking Class C spaces near the main entrance and 16 internal Class A bicycle parking locations.

Currently no sidewalk exists along East Ellsworth at this location. The petitioner will install 500 feet of public sidewalk along the frontage of the subject parcel as required by code. The petitioner has been working with AAPS to provide a pedestrian linkage and/or some paths in the northern area of the site.

Traffic Study – A traffic study has been prepared for the proposed development and has been reviewed by city traffic engineering staff. The traffic study used data specific to senior adult housing of similar nature. The study concluded that any additional trips generated by the proposed use will not have an impact on existing traffic on East Ellsworth. This analysis was confirmed by the City's Traffic Engineer.

Natural Features – There are 31 landmark trees located on the site along with numerous additional trees of smaller sizes, including invasive species. Ten landmark trees will be removed for construction. Mitigation is proposed per City Code; however the final calculations are still being verified.

Landscaping, Screening, Buffers – A 15 foot wide conflicting land use buffer (CLUB) is required for the east, west and south sides of the parcel. This requirement is being met with an increase in the number of evergreen trees along the east boundary adjacent to the residential use. All parking lot landscape islands and bio-retention areas are proposed as required by code.

Storm Water Management – Management of a 100-year storm event volume is proposed via the use of infiltration basins primarily in the northwest corner of the site. Bioretention basins are planned in parking lot landscape islands. All storm water in these basins will infiltrate, and as a result, will not increase off storm water flow off-site.

Building Design and Materials – The site plan indicates a three-story building with a peaked roof measuring a total of 42.5 feet in height to the mid-point of the gable roof. The two-story base of the building will be composed of brick with stone accents, the third floor is composed of vinyl siding. A covered drop-off area is proposed for the east side of the building

Site Amenities – With the reduction of parking requested, the petitioner can dedicate significantly more area to open space that would otherwise be used by parking lots. Within this open space area there are proposed paths, gardening beds for residents, a small outdoor patio adjacent to the dining room and a sidewalk with benches along the northern edge of the parking lot overlooking the adjacent open space. A shuttle bus is also provided for residents. This shuttle provides scheduled trips to stores, doctor visits, local attractions and special field trips.

The site provides for 61.72% open space, this includes sidewalks and paths, but not any parking areas or building area.

Park Contribution – As a public benefit, the petitioner is working with the AAPS to coordinate some joint use of the open space on the subject site that is adjacent to the school athletic fields and playgrounds. Conversations with the AAPS are ongoing.

**SITE PLAN DATA ANALYSIS:**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Zoning District	R1C (Single-Family)	PUD
Lot Area	7.92 acres (344,832 sq ft)	7.92 acres (344,832 sq ft)
Density	7,200 sf per parcel or 21 single-family parcels	154 units
Setback: Front (East Ellsworth)	25 ft	69 ft
Setback: Side (East)	5 ft	145 ft 5 in
Setback: Side (West)	5 ft	64 ft 1 in
Setback: Rear (South)	30 ft	199 ft 5 in
Height	30 ft	42.7 ft MAX (to the midpoint of gable)
Open Space	N/A	224,518 sf or 61.7%
Land Uses	Residential	Residential
Vehicle Parking	1 space per unit	154 spaces
Bicycle Parking	N/A	16 Class A spaces (inside building); 16 Class C

**LAND USE ANALYSIS (SURROUNDING LAND USES AND ZONING):**

	<b>LAND USE</b>	<b>ZONING</b>
NORTH	Public School	PL (Public Land)
EAST	Multiple-family residential	R4A (Multiple-Family Residential)
SOUTH	Residential	TWP (Township)
WEST	Vacant	TWP (Township) and R3 (Multiple-Family)

**CITIZEN PARTICIPATION:**

The applicant held a meeting for citizens regarding the proposed rezoning and site plan on July 25, 2019 and provided a summary report as required. There were a total of 14 people that attended the meeting in addition to the project team. The petitioner held a PUD pre-petition conference with Planning Commission on November 7, 2019.

**CITY MASTER PLAN:**

Seven documents constitute the elements of the City Master Plan:

1. Sustainability Framework (2013)
2. Land Use Element (2009)
3. Downtown Plan (2009)
4. Transportation Plan Update (2009)
5. Non-motorized Transportation Plan (2007) and Update (2013)
6. Parks and Recreation Open Space Plan (2016-2020)

## 7. Natural Features Master Plan (2004)

The project location is part of a site-specific recommendation in the South Area Plan. The Site recommendation also includes the adjacent land currently owned by the AAPS.

*Site 9: This 20 acres is located on the east of Stone School Road, north of Ellsworth Road. Approximately eight acres adjacent to Bryant School is recommended for neighborhood parkland, playground addition to Bryant School, and a possible expansion to the Bryant Community Center. The remainder of the area is recommended for single-family attached and detached use. Due to proximity to the approach to Ann Arbor Airport, noise buffering should be considered in new residential construction. The Ellsworth and Stone School intersection could develop as a gateway intersection with careful attention to the northeast corner.*

Chapter Five (Land Use) of the Master Plan: Land Use Element identifies key issues the City wishes to address with new development. Affordable housing is a prominent goal of the City identified in different studies and plans. Lockwood will dedicate a minimum of 42% of units affordable for senior citizens. Diversity of housing types, mixed uses and land use balance are additional goals that are achieved by the housing type proposed. The site is also located on a transit route with new sidewalk to be installed leading to the bus stops along on East Ellsworth. The new sidewalk will also help the existing residential neighborhood have safer more convenient access to bus transportation.

Chapter Five (Land Use) also describes Land Use Goals, Objectives and Action Statements the Lockwood of Ann Arbor petition addresses several of the objectives/goals identified:

*To ensure that development projects are designed and constructed in a way that preserves or enhances the integrity of natural systems.*

*Establish strong open space linkages with new development*

*Locate higher residential densities near mass transit routes and in proximity to commercial, employment and activity centers*

*Improve the safety, accessibility and desirability of walking, biking or using mass transit.*

*Encourage affordable housing units to be constructed as part of new development projects.*

### **REZONING ANALYSIS:**

Changes to the text or map of the Unified Development Code (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Sections 5.29.9. and 5.29.10. To assist the Planning Commission and City Council with their decision, applicants provide a petition with justifications in support of the request. The petition addresses:

- The current zoning and history of the site.
- The objective, purpose, and beneficial effect of the PUD for the city.
- Why this beneficial effect cannot be achieved under any other zoning.

- Why the uses proposed will not have a detrimental effect on public utilities and surrounding properties.
- How the proposed PUD is consistent with the Master Plan Land Use Element recommendation
- Vehicular and pedestrian circulation.
- Disturbances to natural or historical features and why this disturbance is necessary.
- Proposed modifications to the City Code.

As condensed into the Supplemental Regulations, the PUD zoning petition says the district provides:

- New housing for the City, which addresses numerous housing goals of the Master plan including: A diverse housing type(s), housing for independent seniors, a minimum of 40% (15% Required) of total units designated for affordable housing for 99 years for households at or below 50% of Area Median Income (60% Area Median Income specified in city code).
- Economical land use by reducing parking areas based on parking counts of similar facilities and demonstrated need of residents. This results in significantly less impervious surface, increased stormwater infiltration, and increased open space for residents and neighbors.
- Improvements to transportation options and pedestrian safety through the installation of new public sidewalks on site.
- Significant excess natural area open space adjacent to the school facilities and playgrounds.

#### **SERVICE UNIT COMMENTS:**

Urban Forestry and Natural Resources Planning Coordinator – Petitioner has been working with staff to finalize the landscaping and mitigation plan. Due to the large number of existing and proposed trees on the site, the natural features review is ongoing.

Parks – Parks has requested the voluntary parks contribution of \$96,250. The petitioner has indicated a desire to allow the proposed plan with the AAPS to meet the intent of the requested contribution. Additional information has been requested and will be used in future discussion with Parks.

Planning – The rezoning of this parcel from R1C to PUD zoning accomplishes many goals identified in the City’s Master Plan and supporting documents. The existing land use recommendation designates the site as part of a site specific recommendation(below) and for attached single-family residential use. While this proposed use does not meet this site-specific land use recommendation or the single-family attached land use designation, the PUD petition does accomplish several Goals, Objectives, and Action Statements City’s Master Plan:

- A reduction of impervious surface
- Diverse housing type
- Affordable housing
- Increased pedestrian connectivity
- Increased pedestrian safety



- c: Steve Gabrys, Lockwood Companies, LLC (Owner)
- Joe Maynard, Washtenaw Engineering, LLC (Project Engineer)
- Jordan London, Edmund London & Associates
- Systems Planning
- Project No. SP20-010, Z20-027

# 2195 E Ellsworth Rd



**Zoning Districts**

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 6/24/2019  
 Any aerial imagery is circa 2018  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 2195 E Ellsworth Rd



- Railroads
- Huron River
- Tax Parcels



Map date: 6/24/2019  
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8/27/20 DRAFT

**LOCKWOOD OF ANN ARBOR DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this [--] day of [Month], [Year], by and between the City of Ann Arbor, a Michigan municipal corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY; and Lockwood Development Company LLC, a [Michigan Limited Liability Company], with principal address at 27777 Franklin Road, Suite 1410, Southfield MI. 48034, , hereinafter called the DEVELOPER, witnesses that:

WHEREAS, the DEVELOPER owns certain land in the City of Ann Arbor, described below and site planned as Lockwood of Ann Arbor, and

WHEREAS, the DEVELOPER has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as Lockwood of Ann Arbor, and desires PUD site plan and development agreement approval thereof, and

WHEREAS, the DEVELOPER desires to build or use certain Improvements with and without the necessity of special assessments by the CITY, and

WHEREAS, the CITY desires to ensure that all of the Improvements required by pertinent CITY ordinances and regulations be properly made, and that the DEVELOPER will install these Improvements prior to any permits being issued.

**THE DEVELOPER(S) HEREBY AGREE(S):**

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for construction of public water main, public sanitary sewer mains, , [private storm water management system], [public sidewalk], private sidewalk, and ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To construct all Improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in the Improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the DEVELOPER fails to construct the Improvements, the CITY may send notice via first class mail to the DEVELOPER at the address listed above requiring it to commence and complete the Improvements in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the DEVELOPER, if the DEVELOPER does not complete the work within the

time set forth in the notice. Every owner of a portion of the property, including co-owners of condominium units, shall pay a pro-rata share of the cost of the work. That portion of the cost of the work attributable to each condominium unit shall be a lien on that Property and may be collected as a single tax parcel assessment as provided in Chapter 13 of the Ann Arbor City Code.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public Improvements set forth in Paragraph P-1 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the DEVELOPER'S engineer inspects.

(P-4) Prior to the issuance of building permits ], to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities . The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public Improvement to be conveyed by the easement.

(P-5) To provide, prior to the issuance of building permits, a signing plan to the Fire Department and install all street name signs according to CITY specifications and to provide and install such temporary warning signs during the construction period as are appropriate to protect the health, safety and welfare of the public.

(P-6) To install all water mains, storm sewers and sanitary sewers pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any [building permits] .

(P-7) To be included in a future special assessment district, along with other benefiting property, for the construction of additional Improvements to East Ellsworth Road, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along East Ellsworth Road frontage when such Improvements are determined by the CITY to be necessary.

(P-8) To convey to the CITY, prior to the issuance of any permits and subject to acceptance by the Ann Arbor City Council, any off-site sanitary sewer easement to be conveyed as shown on Attachment [--].

(P-9) Petitioner shall be responsible for repairing retaining walls located within public utility easements resulting from repairs to public utilities.

(P-10) To indemnify, defend and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the DEVELOPER, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-11) To cause to be maintained General Liability Insurance and Property Damage Insurance in the minimum amount of \$1,000,000 per occurrence and naming the CITY as additional insured to protect and indemnify the CITY against any claims for damage due to public use of the public improvement(s) in the development prior to final written acceptance of the public improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in

full force and effect during construction of the public improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-12) Existing landmark trees and street trees shown on the site plan as trees to be saved shall be maintained by the [DEVELOPER] in good condition for a minimum of three years after acceptance of the public Improvements by the CITY or granting of [Certificate of Occupancy]. Existing landmark trees and street trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public Improvements or [granting of Certificate of Occupancy], shall be replaced by the DEVELOPER as provided by Chapter 55 of the Ann Arbor City Code.

(P-13) For the benefit of the residents of the DEVELOPER'S development, to make a park contribution of \$[Dollar Amount] to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for Improvements to [Name of Park(s)].

(P-14) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the DEVELOPER to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the DEVELOPER one year after the date of acceptance by the CITY.

(P-15) To construct, repair and/or adequately maintain on-site storm water management system. If the DEVELOPER fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the DEVELOPER at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the DEVELOPER if the DEVELOPER does not complete the work within the time set forth in the notice.

(P-16) After construction of the private on-site storm water management system, to maintain it until non-developer co-owners elect one or more directors to the Association's board of directors. Thereafter, by provision in the master deed, the Association shall own and maintain the storm water management system. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units. If the DEVELOPER or Association, as appropriate, fails to maintain any portion of the system, the CITY may send notice via first class mail to the DEVELOPER, or Association, at the address listed above, requiring it to commence and complete the maintenance stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the DEVELOPER or Association if the DEVELOPER or Association does not complete the work, as appropriate, within the time set forth in the notice. If the CITY completes the work, and the costs remain unpaid by the Association for 60 days after notice via first class mail, the CITY may bill each condominium unit for the pro rata share of the total cost, or assess the pro rata share of those costs to each condominium unit as a single tax parcel assessment as provided in Chapter 13 of Ann Arbor City Code. Provisions for maintenance and responsibility for the storm water management system, as well as the pro rata share of each condominium unit shall be included by the DEVELOPER in the master deed.

(P-17) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating

its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area.

(P-18) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, DEVELOPER shall review existing noise sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-19) To include the elevation drawings, as submitted to City Council, as part of the approved site plan and to construct all buildings consistent with said elevation drawings. If the DEVELOPER proposes any substantive changes to the approved building elevations, setbacks, aesthetics, or materials, that those changes be brought back to the City Council for consideration. The DEVELOPER is required to submit signed and sealed drawings to staff reflecting the elevations, setbacks, aesthetics, materials and site plan approved by City Council.

(P-20) To remove all discarded building materials and rubbish from the development at least once each month during construction of the development Improvements, and within one month after completion or abandonment of construction.

(P-21) DEVELOPER is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the person(s) signing below on behalf of DEVELOPER has (have) legal authority and capacity to enter into this Agreement for DEVELOPER.

(P-22) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved Agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the DEVELOPER complies with the approved site plan and/or the terms and conditions of the approved Agreement. The DEVELOPER shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or Agreement.

(P-23) In addition to any other remedy set forth in this Agreement or in law or equity, if DEVELOPER fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-24) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

**THE CITY HEREBY AGREES:**

(C-1) In consideration of the above undertakings, to approve the Lockwood of Ann Arbor.

(C-2) To use the park contribution described above for Improvements to the [Name of Park(s)].

(C-3) To provide timely and reasonable CITY inspections as may be required during construction.

(C-4) To record this Agreement with the Washtenaw County Register of Deeds.

**GENERAL TERMS**

Both the DEVELOPER and the CITY agree as follows:

(T-1) This Agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

(T-4) The obligations and conditions on the DEVELOPER, as set forth above in this Agreement and in the approved site plan, shall be binding on any successors and assigns in ownership of the following described parcel:

City of Ann Arbor, Washtenaw County, Michigan

Commencing at the Southwest corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 87 degrees 54'25" East 832.65 feet (measured North 87 degrees 54'25" East 832.26 feet) along the South line of said Section and the centerline of Ellsworth Road for a Place of Beginning; thence North 0 degrees 53'05" West 687.12 feet; thence North 87 degrees 47' East 502.23 feet (measured as North 87 degrees 47'00" East 502.50 feet); thence South 0 degrees 43'20" East 688.25 feet (measured a South 00 degrees 44'00" East 688.25 feet) along the N & S 1/4 line of the southwest 1/4 of said section (as monumented) and the boundary line of Arbor Oaks Subdivision No. 1 as recorded in Liber 19 of Plats, Page 67 through 71, Washtenaw County Records; thence South 87 degrees 54'25" West 500.25 feet (measured as South 87 degrees 54'25" West 500.66 feet) along the South line of said Section and the centerline of Ellsworth Road to the Place of Beginning. Being a part of the SW 1/4 of Section 10, T3S, R6E Pttisfield Township (now City of Ann Arbor). Washtenaw County, Michigan.

*Parcel ID Number: 09-12-10-304-098*

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the DEVELOPER, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits unless and until the CITY has notified the DEVELOPER in writing that the DEVELOPER has satisfactorily corrected the item(s) the DEVELOPER has failed to perform.

(T-6) This agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and Ann Arbor City Code.

CITY OF ANN ARBOR, MICHIGAN  
301 East Huron Street  
Ann Arbor, Michigan 48107

By: \_\_\_\_\_  
Christopher Taylor, Mayor

By: \_\_\_\_\_  
Jacqueline Beaudry, City Clerk

Approved as to Substance:

\_\_\_\_\_  
Tom Crawford, Interim City Administrator

Approved as to Form:

\_\_\_\_\_  
Stephen K. Postema, City Attorney

Lockwood of Ann Arbor

By: \_\_\_\_\_  
[Name, Title]

STATE OF MICHIGAN )  
 ) ss:  
County of Washtenaw )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Christopher Taylor, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
My Commission Expires: \_\_\_\_\_

Acting in the County of Washtenaw

STATE OF \_\_\_\_\_ )  
 ) ss:  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_, on behalf of the \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
County of \_\_\_\_\_, State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Acting in the County of \_\_\_\_\_

DRAFTED BY AND AFTER RECORDING RETURN TO:  
Ann Arbor Planning & Development Services  
ATTN: Brett Lenart  
Post Office Box 8647  
Ann Arbor, Michigan 48107  
(734) 794-6265

## Lockwood of Ann Arbor 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 these five parcels 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"):

Commencing at the Southwest corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 87 degrees 54'25" East 832.65 feet (measured North 87 degrees 54'25" East 832.26 feet) along the South line of said Section and the centerline of Ellsworth Road for a Place of Beginning; thence North 0 degrees 53'05" West 687.12 feet; thence North 87 degrees 47' East 502.23 feet (measured as North 87 degrees 47'00" East 502.50 feet); thence South 0 degrees 43'20" East 688.25 feet (measured a South 00 degrees 44'00" East 688.25 feet) along the N & S 1/4 line of the southwest 1/4 of said section (as monumented) and the boundary line of Arbor Oaks Subdivision No. 1 as recorded in Liber 19 of Plats, Page 67 through 71, Washtenaw County Records; thence South 87 degrees 54'25" West 500.25 feet (measured as South 87 degrees 54'25" West 500.66 feet) along the South line of said Section and the centerline of Ellsworth Road to the Place of Beginning. Being a part of the SW 1/4 of Section 10, T3S, R6E Pittsfield Township (now City of Ann Arbor). Washtenaw County, Michigan.

Further, the provisions of these regulations shall be adopted and incorporated into Lockwood of Ann Arbor 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

During the public hearings on this Planned Unit Development Amendment, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the property described above for a 154 unit three-story independent senior living facility

- (B) The surrounding neighborhood contains existing multi-family developments to the west & east, a public school to the north and abuts Ellsworth Road to the south.
- (C) It is in the best interest of the City of Ann Arbor that the developer reduce impervious surface and provide high quality independent senior living facility with designated affordable housing units, increased open space, and dark sky compliant light fixtures. 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.
- (D) The PUD zoning district provides:
- Senior independent housing with a minimum of 65 affordable housing units designated for households with income no higher than 50% of the Area Median Income;
  - Economical land use by reducing the need for unnecessary impervious surface by reducing the parking provided and increasing useable open space;
  - Increased required open space and setbacks adjacent to the residential neighborhood than existing zoning (R1C) regulations.
- (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) Permitted Principal Uses of the development as depicted in the attached Site Plan shall be:  
Multiple-Family Residential
- (B) Permitted Accessory Uses shall be:
1. Shuttle transportation for residents only.
  2. Food preparation for residents only.
  3. Personal salon services for residents only.
  4. Medical Clinic for residents only.
  5. Chapel Room for residents only.
  6. Fitness Room for residents only.
- (C) Setbacks:
- North (Rear): 197 feet MIN
- East (Side): 144 feet MIN
- South (Front): 68 feet MIN
- West (Side): 62 feet

- (D) Height. Maximum of three-stories, not to exceed 45 feet, as measured to the midpoint of the proposed roof.
- (E) Lot Size. 344,995.2 square feet (7.92 acres).
- (F) Floor Area. Maximum 170,000 square feet.
- (G) Parking One vehicle space per unit as well as 16 Class A and 16 Class C bicycle parking spaces. Parking shall include underground conduit for future installation of charging station for electric vehicle(s).
- (H) Site Access. Two curb cuts shall be permitted on East Ellsworth Road.
- (I) Architectural Design.
  - 1. Exterior Materials -- Principle building materials shall be brick, stone, fiber cement trim boards and panels, vinyl siding with cellular PVC bands, asphalt shingles and glass as shown on the approved site plan. Panel brick and EIFS are not permitted.
- (J) Screening -- All mechanical units and solid waste shall be screened from view from adjacent properties.
- (K) Additional Regulations - Unless specifically noted in these regulations, all other applicable development codes in Chapter 55 shall apply.
- (O) Affordable Housing for Lower Income Households -

Provisions to assure the affordability and availability of such housing shall be as follows:

At all times, 40% of the units shall not exceed the housing expense limit for lower income households. Affordable Housing shall be provided compliant with the Ann Arbor Primary Metropolitan Statistical Area (PMSA) Housing Expense Limits, which is produced annually by the U.S. Department of Housing and Urban Development, for households at or below 50% of Area Median Income.