



Legislation Details (With Text)

**File #:** 19-0930      **Version:** 1      **Name:** 06/3/19 - 841 Broadway - PUD Zoning  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/3/2019      **In control:** City Council  
**On agenda:** 7/1/2019      **Final action:** 7/1/2019  
**Enactment date:** 6/3/2019      **Enactment #:** ORD-19-20

**Title:** 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, Rezoning of 13.81 Acres from M1 (Limited Industrial District) to PUD (Planned Unit Development District), 841 Broadway PUD Zoning and Supplemental Regulations (CPC Recommendation: Approval - 7 Yeas and 2 Nays) (Ordinance No. ORD-19-20)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-19-20 841 Broadway Rezoning Briefed and Approved.pdf, 2. 841 Broadway SuppReg COUNCIL AMENDED July1.pdf, 3. 841 Broadway Supplemental Regulations as Amended on 070119.pdf, 4. ORD-19-20 841 Broadway Rezoning Briefed.pdf, 5. 841 Broadway PUD Zoning Ordinance.pdf, 6. Memo to Council - Revised Supplemental Regulations- 841 Broadway - 6-3-19.pdf, 7. 841 Broadway Supplemental Regulations JUNE 3.pdf, 8. 841 Broadway Staff Report Memo w Attachments 4-2-2019.pdf, 9. PUD area map.pdf, 10. Concept Area Plan, 11. ORD-19-20 Zoning Approval Notice.pdf

Date	Ver.	Action By	Action	Result
7/1/2019	1	City Council	Held and Closed	
7/1/2019	1	City Council		
7/1/2019	1	City Council	Amended	
7/1/2019	1	City Council	Amended	Pass
7/1/2019	1	City Council	Adopted as Amended on Second Reading	Pass
6/3/2019	1	City Council	Approved on First Reading	Pass

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, Rezoning of 13.81 Acres from M1 (Limited Industrial District) to PUD (Planned Unit Development District), 841 Broadway PUD Zoning and Supplemental Regulations (CPC Recommendation: Approval - 7 Yeas and 2 Nays) (Ordinance No. ORD-19-20)

Approval of this ordinance will zone this property PUD (Planned Unit Development) to allow a minimum of 90 residential units, parking garage, restaurant and a hotel, public open space with recreational amenities such as canoe launch, outdoor pavilion, open space and river access.

Approval of this ordinance will also create supplemental regulations for the new PUD district.

Supplemental regulations create the standards and requirements, as well as regulating the uses, for the corresponding PUD District.

Petition Summary:

- An area plan, or site plan is required when an amendment to the City Zoning Map is proposed [Chapter 55, Section 5.29.7]. In this case, the petitioner has proposed amending the City

Zoning Map from M1 to PUD, Planned Unit Development District with the proposed Area Plan. The purpose of an area plan is to demonstrate that the property could be developed consistent with the requested zoning classification. The area plan for this project will be presented with the second reading of the zoning ordinance at City Council.

- Area Plans are required to provide a brief description of the development program, a community analysis, a site analysis, general information, and a schematic design for the entire development site. Area Plans are not required to include the number and type of dwelling units proposed; placement of proposed structures; front, side and rear open space and setback lines; number and dimensions of parking spaces; landscaping; soil erosion and sedimentation control plans; storm water management plans; utilities; the accurate location and description of all natural features; the location and extent of natural features open space; or a natural features protection plan, mitigation plan and alternative analyses. These are, however, requirements of site plans.
- Approval of a site plan is required for any construction on the site, if the PUD zoning and area plan are approved, petitioner would need to submit a site plan for City Council approval in order to construct the plan. It should be noted this area plan may or may not resemble the future site plan submission, as review of the plans will be in greater detail with additional information. An alternatives analysis showing different layouts of the site showing impacts on natural features will be required at this submission. At the site plan stage, alterations to the site design could result in a different density on the site, but not to exceed that written into the supplemental regulations.
- The supplemental regulations created for the site permit the development of a mixed-use project requiring a minimum of 90 attached residential units and a minimum of six contiguous acres of public open space. Other uses permitted, but not required are: parking garage, surface parking lots, office, retail (minimum 7,000 square feet), and restaurant uses. Supplemental Regulations do allow shared parking with the adjacent site as permitted by City Code. A parking structure is required if all required parking is provided on-site. Residential units will have a maximum of three bedrooms per unit with the exception of a maximum of eight units, which will be permitted to have a maximum of five bedrooms. The entire site will have a maximum Floor Area Ratio (FAR) of 80%.
- The uses described above are permitted only if a secondary emergency-only access is obtained to the site. The petitioner is currently working on obtaining the secondary access through the adjacent Broadway Park and will follow the required process for obtaining permission, which includes the Parks Advisory Commission (PAC) recommendation and City Council approval. The petitioner presented the proposal for secondary emergency access through Broadway Park to the Park Advisory Commission (PAC) on March 19. There was no action taken by PAC at the meeting. The PAC did agree to review the formal proposal for the project after the detailed design has been approved by the Fire Marshall. The requirement for secondary emergency-only access to permit mixed uses on the site is noted within the supplemental regulations for the project.-
- The accompanying Area Plan depicts 104 dwelling units in four six-story buildings with a two-story parking deck attached. Approximately 10,900 square feet of retail is proposed on the site. The retail space will be divided between two detached buildings containing a total of

7,700 square feet and one smaller retail unit in each of the four residential buildings. Several surface parking lots are also proposed, this parking will be provided for the retail, restaurant and recreational amenities. The petitioner is proposing outdoor recreation and open space on at least six acres of the site. Recreation opportunities provided will include: ice rink, Interactive water feature, non-motorized watercraft launch area and canoe/kayak rental area. A 7,800 square foot pavilion and concession building is proposed in the recreation area.

- The existing land use recommendation designates the site for commercial/office uses for the east half of the site and parks/open space for the western half. The rezoning of this parcel from M1 to PUD zoning accomplishes many goals identified in the City's Master Plan and supporting documents:
  - A reduction of impervious surface
  - Mixed uses on one site
  - Affordable housing contribution
  - Increased pedestrian connectivity
  - Improved park access with non-motorized linkages to existing trails and parks.
  - Preservation of open space along the Huron River, a minimum of 6 contiguous acres of open space is required.
  - Residential uses adjacent to public transit
- Chapter Five (Land Use) also describes Land Use Goals, Objectives and Action Statements the 841 Broadway 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.
  - Improve transportation integration between neighborhoods
- Public Benefits provided by the project include:
  - Remediation of an environmentally contaminated site in accordance with an MDEQ approved response activity plan and in full accordance with an Approved Brownfield Plan.
  - Walkable residential condominiums and a hospitality use near Kerrytown and downtown Ann Arbor with neighborhood retail.
  - Increased pedestrian convenience and publicly accessible recreation by constructing a riverfront trail connected to B2B trail and Treeline trail.
  - Economical land use by reducing the need for unnecessary impervious parking surfaces, providing structured parking for the majority of site parking and increasing the usable open space on the site.
  - Increased public recreational opportunities by providing a seasonal ice rink, watercraft rentals publicly accessible riverfront open space, to be maintained privately for public benefit.

- Increased required open space with a minimum of 6 contiguous acres adjacent to the river
- Dark Sky lighting required for exterior lighting fixtures.
- A reduction of impervious surfaces, maximum of 57% of the site can be impervious surface.

The Planning Commission raised the following issues, which were addressed by the petitioner and staff as described:

- Maximum height for all uses clarified in the supplemental regulations. A maximum height of all residential buildings not to exceed 80 feet and a maximum height for non-residential buildings not to exceed 115 feet.
- Clarification of standard requiring electric vehicle parking, one electric vehicle space is required per 50 vehicle parking spaces based on the total number of parking spaces provided.
- Added restrictions regarding site lighting, requiring all exterior fixtures to be Dark Sky compliant and additional limitations on exterior lighting, including prohibiting light trespass within the project areas.

The City Planning Commission, at its meeting of April 2, 2019, recommended approval of this request.

Attachments: 04/12/19 Supplemental Regulations  
04/02/19 Planning Staff Report  
04/02/19 Planning Commission Minutes

Prepared By: Matt Kowalski, City Planner

Reviewed By: Brett Lenart, Planning Manager  
Derek Delacourt, Community Services Area Administrator

Approved By: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-19-20

First Reading: June 3, 2019

Approved: July 1, 2019

Public Hearing: July 1, 2019

Published: July 11, 2019

Effective: July 21, 2019

841 BROADWAY PUD ZONING  
(841 BROADWAY)

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

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 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:

Part of Block 14, all of Blocks 15, 20, 21, 22 and 23 and vacated Fourth Street, vacated Fifth Street, vacated Hotel Alley, vacated Railroad Street and vacated River Street of Ormsby & Page's Addition to the Village (Now City) of Ann Arbor, being a part of the Southeast 1/4 of Section 20 and the Southwest 1/4 of Section 21, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber M of Deeds, Page 191, Washtenaw County Records except land conveyed to the Michigan Central Railroad Company as recorded in Liber 86 of Deeds, page 105 and in Liber 450, page 79, Washtenaw County Records and the land between the Huron River (As Platted) and the water's edge of the existing Huron River, all being more particularly described as follows:

Beginning at the Northwest corner of Lot 1 of said Block 14, thence South 20 degrees 01 minutes 45 seconds East along the North line of Michigan Central Railroad, 106.00 feet to the Southwest corner of Lot 1 of said Block 14; thence South 24 degrees 55 minutes 15 seconds East along the North line of Michigan Central Railroad, 99.00 feet to the Southwest corner of Lot 2 of said Block 14; thence South 29 degrees 38 minutes 55 seconds East, 18.61 feet to the intersection of the North line of the Michigan Central Railroad and the Southerly face of a steel seawall, as extended, also being the point of beginning; thence North 60 degrees 54 minutes 09 seconds East along said Southerly face of a steel seawall, 24.79 feet; thence the following two (2) courses along said the Southerly face: 1) 89.96 feet along the arc of a curve to the right, radius of 269.37 feet, central angle of 19 degrees 08 minutes 09 seconds, chord bearing North 71 degrees 46 minutes 28 seconds East, 89.55 feet and 2) South 69 degrees 37 minutes 45 seconds East, 11.66 feet to the end of said seawall, also being Point 'A'; thence Southeasterly along the water's edge of relocated Huron River 1540 feet, plus or minus, to a point on the West line of Broadway Street (98 feet wide); thence South 56 degrees 30 minutes 00 seconds West along said West line of Broadway Street, 22.00 feet, plus or minus, to a point being South 69 degrees 37 minutes 45 seconds East, 107.27 feet and North 72 degrees 18 minutes 19 seconds East, 175.00 feet and South 84 degrees 12 minutes 49 seconds East, 310.00 feet and South 67 degrees 40 minutes 35 seconds East, 400.00 feet and South 50 degrees 11 minutes 00 seconds East, 435.00 feet and South 19 degrees 36 minutes 25 seconds East, 84.50 feet from said Point 'A'; thence continuing along said West line South 56 degrees 30 minutes 00 seconds West, 127.54 feet; thence the following (13) thirteen courses along the northerly line of the Michigan Central Railroad: 1) North 33 degrees 30 minutes 00 seconds West, 50.00 feet, 2) South 56 degrees 30 minutes 00 seconds West, 77.14 feet, 3) 269.33 feet along the arc of a curve to the right, radius of 634.03 feet, central angle of 24 degrees 20 minutes 18 seconds, chord bears South 68 degrees 41 minutes 06 seconds West, 267.31 feet to a point on the centerline of said vacated Railroad Street, 4) North 61 degrees 55 minutes 00 seconds West along said centerline of vacated Railroad Street, 496.57 feet to a point on the centerline of said vacated Fifth Street, 5) South 31 degrees 03 minutes 43 seconds West along said centerline of Fifth Street, 74.65 feet, 6) North 60 degrees 15 minutes 43 seconds West, 174.80 feet, 7) North 51 degrees 15 minutes 43 seconds West, 147.00 feet, 8) North 47 degrees 45 minutes 43 seconds West, 43.00 feet to a point on the East line of said vacated Fourth Street, 9) South 26 degrees 28 minutes 38 seconds West, 3.00 feet to the Southwest corner of said Block 15, 10) North 38 degrees 58 minutes 32 seconds West, 72.40 feet to the Southerly corner of said Block 14, 11) North 39 degrees 01 minutes 45 seconds West, 98.00 feet to the Northwest corner of Lot 6 of said Block 14, 12) North 34 degrees 21 minutes 00 seconds West, 98.00 feet to the Northwest corner of Lot 4 of said Block 14, 13) North 29 degrees 38 minutes 55 seconds West, 80.39 feet to the point of beginning.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 841 Broadway PUD Supplemental Regulations, which are hereby

adopted and incorporated into the 841 Broadway PUD zoning ordinance.

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 July 1, 2019.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on July 11, 2019.

Jacqueline Beaudry, Ann Arbor City Clerk