



## Legislation Text

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**File #:** 08-0459, **Version:** 1

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Resolution to Approve Tierra on Ashley Site Plan and Development Agreement, 0.11 Acre, 200 South Ashley Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Attached is a resolution requesting approval to construct an eight-story, 28,964-square foot mixed use building consisting of six floors of commercial and office use (including the basement) and three floors of residential use. Two dwelling units are proposed for each of the three floors, for a total of six units. A total of four parking spaces are proposed at the rear of the site, accessed from a shared private alley on Washington Street.

A site plan for an eight-story mixed use building, containing two floors of retail uses, three floors of office uses and three floors of residential uses (with six dwelling units total) was approved on March 5, 2007. That approved site plan also contained an underground parking garage accessed by a ramp from West Washington Street. According to the petitioner, it was discovered during the final design stages that the underground parking garage had corners and angles that were too tight to be functional. The proposed site plan switches the previous seven-space underground parking garage with mechanical rooms and additional retail space, and adds a niche off the private alley for a four-space parking alcove where there was ground floor retail space. A full history can be found in the attached March 18, 2008 staff report.

A development agreement has been prepared that addresses utilities, noise control, footing drain disconnections, street tree planting escrow, LEED certification, and elevations. The City Attorney's Office has reviewed the agreement and the petitioner has acknowledged concurrence with its provisions.

The City Planning Commission, at its meeting of April 15, 2008, recommended approval of the site plan and development agreement. The Planning Commission also recommended that City Council reduce the premium floor area off-street parking requirement from 11 to 4 spaces, as the parking needs for the property will be met.

Following the April 15 Planning Commission meeting, the petitioner submitted revised plans, which were reviewed by staff and found to address all outstanding items noted by the Systems Planning Unit. One issue involved the existing driveway off of West Washington Street that runs across the western 10 feet of the subject site. At 10 feet wide, this driveway does not meet the minimum width for either a one-way or two-way drive opening (15 feet and 24 feet respectively). The driveway is an existing nonconforming opening. As no changes are proposed to the opening or drive approach, the existing nonconforming driveway may continue to be used for this development. However, the petitioner has been advised that no permits may be issued related to the driveway (for example, a right-of-way permit to reconstruct the approach) unless the opening is widened to meet minimum code requirements or a variance is granted. It is possible that damage during construction could occur which will necessitate a right-of-way permit to rebuild the curb cut and approach, or that sidewalk grading may be required across the approach to comply with ADA regulations and thus a right-of-way permit will be necessary. Aware of these issues, the petitioner has elected to proceed

with the proposed site plan.

Prepared By: Laurie Foondle, Management Assistant

Reviewed By: Mark Lloyd, Planning and Development Services Manager  
Jayne Miller, Community Services Administrator

Approved By: Roger W. Fraser, City Administrator

Whereas, Tierra Equities, LLC has requested site plan approval in order to construct an eight-story, 28,964-square foot mixed use building at 200 South Ashley Street;

Whereas, A development agreement has been prepared to address utilities, noise control, footing drain disconnections, street tree planting escrow, LEED certification, and elevations;

Whereas, The Ann Arbor City Planning Commission, on April 15, 2008, recommended approval of said requests;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated April 8, 2008;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve the Tierra on Ashley Site Plan, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied; and

RESOLVED, That City Council reduce the premium floor area off-street parking requirement from 11 to 4 spaces.