



Legislation Details (With Text)

File #: 24-0988 **Version:** 1 **Name:** 6/18/24 - Southtown Rezoning Amendment to Conditional Zoning Statement of Conditions

Type: Ordinance **Status:** Passed

File created: 6/18/2024 **In control:** City Council

On agenda: 7/15/2024 **Final action:** 7/15/2024

Enactment date: 7/15/2024 **Enactment #:** ORD-24-13

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, of 1.7 Acres from C1A/R With [2023] Conditions (Campus Business Residential) to C1A/R With [2024] Conditions (Campus Business Residential), Southtown Rezoning (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (ORD-24-13)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD-24-13 Briefed and Approved.pdf, 2. ORD-24-13 Briefed.pdf, 3. ORD v2 (Southtown Condition Amendment).pdf, 4. May 7, 2024 Planning Staff Report (Southtown), 5. May 7, 2024 Planning Staff Report Attachments (Southtown), 6. Southtown zoning map.pdf, 7. ORD-24-13 Approval Notice.pdf

Date	Ver.	Action By	Action	Result
7/15/2024	1	City Council	Held and Closed	
7/15/2024	1	City Council	Adopted on Second Reading	Pass
6/18/2024	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, of 1.7 Acres from C1A/R With [2023] Conditions (Campus Business Residential) to C1A/R With [2024] Conditions (Campus Business Residential), Southtown Rezoning (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (ORD-24-13)

Approval of this ordinance will amend the zoning designation of the block bounded by South State Street on the west, Henry Street on the north, White Street on the east, and Stimson Street on the south, by changing the one of the adopted and incorporated conditions.

Current Zoning Designation - C1A/R With [2023] Conditions (Campus Business Residential), being a) a maximum height limit, b) a maximum vehicle parking space limit, c) a use limitation, and d) a limitation on natural gas connections.

Proposed Zoning Designation - C1A/R With [2024] Conditions (Campus Business Residential), repeating current conditions a), b) and c) exactly, and changing d) from a limitation on natural gas connections to a requirement to operate a carbon-efficient continuous electricity microgrid.

Description of Amendment - Originally the Southtown project intended to use DTE Electricity as the sole utility provider for the building, using DTE Gas service to only power its on-site emergency back-up internal combustion generators to maintain electricity when the DTE Electricity grid was down. Condition d) of the Southtown Conditional Zoning Statement of Conditions reflects this plan.

The Southtown project now intends to operate an on-site fuel cell to generate its own electricity. Fuel

sources for the fuel cell include renewable natural DTE Gas (RNG). The proposed plan directly conflicts with condition d) although the plan meets and exceeds the intention to be a more sustainable, climate-friendly development. Therefore, condition d) is requested to be amended to reflect the current proposal.

About Fuel Cells - A fuel cell is a device that generates electricity through an electrochemical reaction, not combustion. In a fuel cell, hydrogen and oxygen are combined to generate electricity, heat, and water. By powering and operating an on-site fuel cell to generate its own electricity, the Southtown project will become a “continuous microgrid operation.”

Conditional Zoning Amendment Procedures - An amendment or change a Conditional Zoning Statement of Conditions, being an adopted and incorporated part of Chapter 55 of the Ann Arbor City Code, is subject to the review and approval procedures for an ordinance amendment, of which a rezoning petition is an example.

Southtown History - Ordinance 23-24, rezoning the Southtown site from R4C (Multiple-Family Dwelling) to C1A/R With Conditions (Campus Business Residential) and incorporating the Southtown Conditional Zoning Statement of Conditions, was approved by City Council on September 5, 2023 and became effective on September 24, 2023. Resolution 23-325 approving the 1601 S State “South Town” Site Plan and Development Agreement was also approved on September 5, 2023.

The City Planning Commission held a public hearing and recommended approval of the Southtown rezoning petition on May 7, 2024.

Attachments: Ordinance with attached [2024] Conditional Zoning Statement of Conditions
May 7, 2024 Planning Staff Report and Attachments
May 7, 2024 Planning Commission Minutes

Prepared by: Alexis DiLeo, City Planner

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

Approved by: Milton Dohoney Jr., City Administrator
(See Attached Ordinance)