

From: [DiLeo, Alexis](#)
To: [Ron Mucha](#)
Cc: [McDonald, Kevin](#); [Lenart, Brett](#)
Subject: 1140 Broadway language of conditional zoning
Date: Thursday, September 21, 2017 10:24:00 AM
Attachments: [image001.png](#)

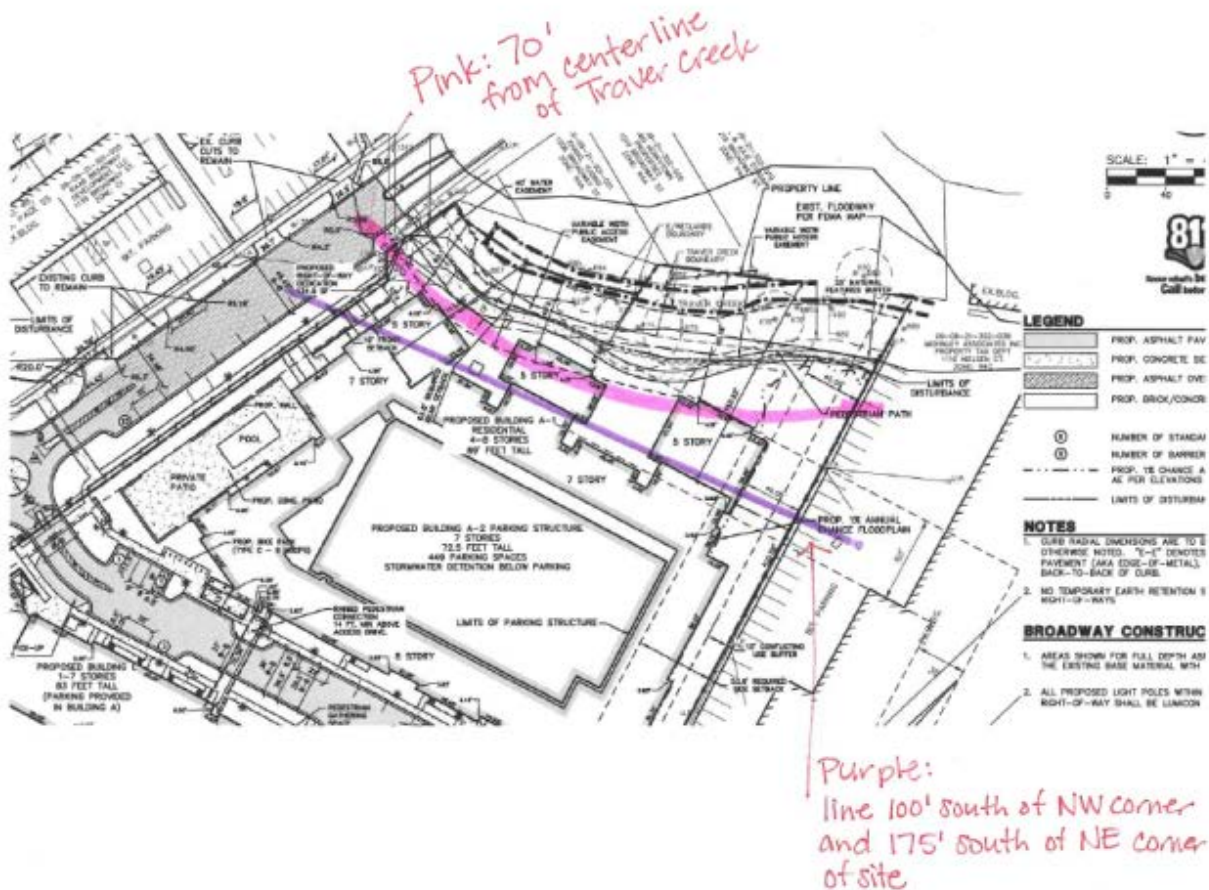
Ron,

I am transferring your July 27, 2017 offer to condition the rezoning with respect to building height to a Conditional Zoning Statement of Conditions document, the format in which the City Council accepts and codifies the conditions. The language in the July 27, 2017 needs to be slightly modified for best applicability and enforcement. I suggest, at minimum, the following version:

The height of any part of a structure on the Property within 70 feet of the centerline of Traver Creek shall be a maximum of four stories and a maximum of 60 feet, and the height of any structure on all other areas of the Property shall be a maximum of eight stories and a maximum of 100 feet.

The maximum height limitations shall include architectural features such as parapet walls, railings, sky lights and similar structures, but shall exclude structures such as chimneys and ventilation assemblies, mechanical equipment, elevator penthouses, solar panel installations, antennae and similar structures. Excluded structures shall not extend more than the minimum height necessary to achieve its intended purpose and shall be set back from the perimeter of the building so that it is not visible from any public sidewalk surrounding the Property.

You'll note that this version is nearly identical to your July 27 letter, with only changes for enforcement clarity. You'll also note, as shown in the graphic below, that this does not accurately reflect what I believe you intend to offer.



The pink line is your stated offer – 70 feet from the centerline of Traver Creek – but this does not actually include the majority of the three wings. The purple line is a line between a point 100 feet south of the NW corner of the site and 175 feet south of the NE site. I believe this would better codify your intentions and I offer the following alternative language in the same spirit as your July 27 letter:

The height for any part of a building or structure on the Property shall be a maximum of eight stories and a maximum of 100 feet, which shall be further restricted to a maximum height of four stories and a maximum height of 60 feet within the area defined by the north Property line and a line 100 feet south of the northwest corner of the Property and 175 feet south of the northeast corner of the Property. [Consider creating an exhibit for the Conditional Zoning Statement of Conditions with this line for complete clarity.]

The maximum height limitations shall include architectural features such as parapet walls, railings, sky lights and similar structures, but shall exclude structures such as chimneys and ventilation assemblies, mechanical equipment, elevator penthouses, solar panel installations, antennae and similar structures. Excluded structures shall not extend more than the minimum height necessary to achieve its intended purpose and shall be set back from the perimeter of the building so that it is not visible from any public sidewalk surrounding the Property.

Please let me know your preference for the language to be included with the Conditional Zoning Statement of Conditions as soon as possible.

Alexis DiLeo, AICP | City Planner

City of Ann Arbor Planning & Development

301 East Huron Street, P.O. Box 8647

Ann Arbor, MI 48107-8647

Direct 734-794-6000 x 42610 | General 734-794-6265