



**City of Ann Arbor**  
**PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION**  
 301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647  
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**APPLICATION FOR CHANGES IN OR ADDITIONS TO THE ZONING CHAPTER**  
 See [www.a2gov.org/planning/petitions](http://www.a2gov.org/planning/petitions) for submittal requirements.

TO: The Honorable Mayor and City Council  
 City of Ann Arbor  
 Ann Arbor, Michigan

We, the undersigned, respectfully petition the Honorable Council of the City of Ann Arbor to amend the Zoning Map as it relates to the property hereinafter described.

*(Give or attach legal description and include location of property)*

Property comprised of the following eight lots (legal description attached as Exhibit A)

1120 Broadway 09-09-21-302-024, 1140 Broadway 09-09-21-302-046, 1156 Broadway 09-09-21-302-022,  
 1160 Broadway 09-09-21-302-047, 915 Maiden Lane 09-09-21-302-026, 923 Maiden Lane 09-09-21-302-049,  
 943 Maiden Lane 09-09-21-302-029, 959 Maiden Lane 09-09-21-302-045

The petitioner(s) requesting the zoning/rezoning are:

*(List petitioners' name; address; telephone number; and interest in the land;  
 i.e., owner, land contract, option to purchase, etc.)*

Morningside Lower Town, LLC - property owner  
 223 W. Erie Street, 3rd Floor, Chicago, IL 60654  
 312.280.7770

Also interested in the petition are:

*(List others with legal or equitable interest)*

N/A

The applicant requests that the Official City Zoning Map be amended to reclassify this property from  
PUD to C1AR to permit the following use(s): Mixed residential and commercial uses

*(state intended use)*

Justification:

1. The extent to which the zoning/rezoning requested is necessary:

The existing PUD zoning and supplemental conditions, approved in 2003, are tailored to a failed site development concept, which was sponsored by a previous developer that no longer has an interest in the property.

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2. This zoning/rezoning will affect the public welfare and property right of persons located in the vicinity in the following ways:

Eliminate blight. Remediate contamination that has migrated onto adjacent properties, the spread of which has accelerated since 2008 when the previous shopping center was demolished and its surface water collection system removed. Reconstruct Broadway Street into a "complete street", making it calmer, safer, and more inviting to pedestrians.

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3. This zoning/rezoning will be advantageous to the City of Ann Arbor in the following ways:

Increase housing supply and diversity (rental and for-sale). Allow for a development plan that promotes environmental stewardship, housing affordability, and sustainability. Dramatically increase property tax revenue. Create a critical mass of new development, including retail space, that will motivate neighboring property owners to reinvest in and/or redevelop their commercial properties.

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4. This particular location will meet the convenience and service requirements of potential users or occupants in the following ways:

Close proximity to employment (UM Hospital), neighborhood commercial uses, Kerrytown, central business district, and numerous parks and recreational amenities. Transit oriented with numerous alternatives to vehicular travel: walking, biking, AATA, Amtrak, UM bus routes and shuttles, ride sharing (Maven and Zipcar).

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5. Any changed or changing conditions in any particular area, or in the municipality generally which may have bearing on the proposed zoning/rezoning are:

Ann Arbor is experiencing population and employment growth, but high barriers to entry limit new housing supply to meet the growing demand. New development has evaded the Lower Town area in general and the subject site in particular, which was approved for new mixed-use development in 2003.

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6. Other circumstances and factors which will further justify the requested zoning/rezoning are:

Ongoing University land acquisition and development in the area.

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The development concept and proposed zoning result from extensive outreach with elected officials, staff, stakeholders, and neighbors.

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Attached is a scaled map of the property proposed for zoning/rezoning, showing the boundaries of the property, the boundaries of the existing zones, the boundaries of the proposed zones, and the public and/or private easements located within or adjacent to the property petitioned for zoning/rezoning.

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
Ronald S. Mucha  
\_\_\_\_\_  
Member - Morningside Lower Town, LLC  
\_\_\_\_\_  
223 W. Erie, 3rd Floor, Chicago, IL 60654  
*(Print name and address of petitioner)*

Signature: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(Print name and address of petitioner)*

STATE OF MICHIGAN  
COUNTY OF WASHTENAW

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared the above-named petitioner(s), who being duly sworn, say that they have read the foregoing petition by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: \_\_\_\_\_  
\_\_\_\_\_  
*(Print name of Notary Public)*

My Commission Expires:\_\_\_\_\_

## Exhibit A

### **Legal Description**

Land situated in the City of Ann Arbor, County of Washtenaw, State of Michigan, described as follows:

#### **PARCEL A:**

Commencing at the Northwest corner of Lot 30 of ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records; thence North 57 degrees 48 minutes 00 seconds East 15.86 feet along the Southerly right-of-way line of Broadway Street (variable width) to the point of beginning; thence continuing along said Southerly right-of-way line in the following two (2) courses: (1) North 57 degrees 48 minutes 00 seconds East 10.02 feet and (2) North 58 degrees 18 minutes 42 seconds East 33.55 feet (recorded as North 58 degrees 18 minutes 00 seconds East); thence along the centerline of Traver's Creek in the following four (4) courses: (1) South 22 degrees 41 minutes 48 seconds East 13.78 feet (recorded as South 22 degrees 42 minutes 30 seconds East), (2) South 52 degrees 07 minutes 48 seconds East 51.77 feet (recorded as South 52 degrees 08 minutes 30 seconds East, (3) South 65 degrees 43 minutes 18 seconds East 29.31 feet (recorded as South 65 degrees 44 minutes 00 seconds East and (4) South 73 degrees 04 minutes 18 seconds East 50.81 feet (recorded as South 73 degrees 06 minutes 00 seconds East); thence North 37 degrees 31 minutes 42 seconds East 25.40 feet (recorded as North 37 degrees 31 minutes 00 seconds East); thence South 79 degrees 25 minutes 00 seconds East 177.53 feet along the Northeasterly line of Lot 25 of ASSESSOR'S PLAT NO. 32; thence South 31 degrees 16 minutes 00 seconds West 107.37 feet along the Northwesterly line of Ross Maiden Lane Apartments; thence North 58 degrees 44 minutes 00 seconds West 116.74 feet; thence South 76 degrees 16 minutes 00 seconds West 120.49 feet; thence North 32 degrees 12 minutes 00 seconds West 142.55 feet to the point of beginning. Being a part of Lots 25 and 30 of said ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records.

#### **PARCEL B:**

Commencing at the Westerly corner of Lot 78, ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, Washtenaw County Records; thence South 58 degrees 44 minutes 00 seconds East 653.70 feet along the Northerly right-of-way line of Maiden Lane (50 feet wide); thence North 31 degrees 16 minutes 00 seconds East 255.50 feet; thence North 58 degrees 44 minutes 00 seconds West 75.00 feet; thence North 31 degrees 16 minutes 00 seconds East 234.63 feet along the Northwesterly line of Ross Maiden Lane Apartment to the point of beginning; thence North 58 degrees 44 minutes 00 seconds West 13.39 feet to a point on the outside foundation line of a proposed parking garage; thence along said outside foundation line in the following eight (8) courses; (1) South 31 degrees 16 minutes 00 seconds West 225.17 feet, (2) South 58 degrees 44 minutes 00 seconds East 6.00 feet, (3) South 31 degrees 16 minutes 00 seconds West 9.50 feet, (4) South 58 degrees 44 minutes 00 seconds West 6.00 feet, (5) South 31 degrees 16 minutes 00 seconds West 93.46 feet, (6) North 58 degrees 44 minutes 00 seconds West 129.42 feet, (7) North 31 degrees 16 minutes 00 seconds East 90.29 feet and (8) South 58 degrees 44 minutes 00 seconds East 3.51 feet; thence along a common outside foundation line of

said proposed parking garage with a proposed building in the following three (3) courses: (1) North 31 degrees 16 minutes 00 seconds East 219.90 feet, (2) North 76 degrees 16 minutes 00 seconds East 47.16 feet and (3) South 58 degrees 44 minutes 00 seconds East 94.44 feet; thence North 31 degrees 16 minutes 00 seconds East 53.16 feet; thence South 58 degrees 44 minutes 00 seconds East 11.50 feet; thence South 31 degrees 16 minutes 00 seconds West 68.57 feet along the Northwesterly line of said Ross Maiden Lane Apartments to the point of beginning. Being a part of Lot 83 of said ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, and a part of Lots 25 and 28 of said ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records.

PARCEL C:

Beginning at the Westerly corner of Lot 78 of ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, Washtenaw County Records; thence Northeasterly along the Southerly right-of-way line of Broadway Street in the following three courses: North 57 degrees 48 minutes 00 seconds East 564.63 feet, North 01 degrees 45 minutes 27 seconds East 20.50 feet and North 57 degrees 48 minutes 00 seconds East 15.86 feet; thence South 32 degrees 12 minutes 00 seconds East 142.55 feet; thence North 76 degrees 16 minutes 00 seconds East 120.49 feet; thence South 58 degrees 44 minutes 00 seconds East 105.24 feet; thence South 31 degrees 16 minutes 00 seconds West 53.16 feet to a point on the outside foundation line of a proposed parking garage common with the foundation line of a proposed building; thence along said common foundation line in the following three courses: North 58 degrees 44 minutes 00 seconds West 94.44 feet, South 76 degrees 16 minutes 00 seconds West 47.16 feet and South 31 degrees 16 minutes 10 seconds West 219.90 feet; thence along the outside foundation line of said proposed garage in the following eight courses: North 58 degrees 44 minutes 00 seconds West 3.51 feet, South 31 degrees 16 minutes 00 seconds West 90.29 feet, South 58 degrees 44 minutes 00 seconds East 129.42 feet, North 31 degrees 16 minutes 00 seconds East 93.46 feet, South 58 degrees 44 minutes 00 seconds East 6.00 feet, North 31 degrees 16 minutes 00 seconds East 9.50 feet, North 58 degrees 44 minutes 00 seconds West 6.00 feet and North 31 degrees 16 minutes 00 seconds East 225.17 feet; thence South 58 degrees 44 minutes 00 seconds East 13.39 feet; thence South 31 degrees 16 minutes 00 seconds West 234.63 feet along the Northwesterly line of Ross Maiden Lane Apartments; thence South 58 degrees 44 minutes 00 seconds East 75.00 feet; thence South 31 degrees 16 minutes 00 seconds West 255.50 feet along the West right-of-way line of Nielsen Court; thence North 58 degrees 44 minutes 00 seconds West 653.70 feet along the Northerly right-of-way line of Maiden Lane to the point of beginning. Being Lots 26, 27 and 29 and a portion of Lots 25, 28, and 30 of ASSESSOR'S PLAT NO. 32, as recorded in Liber 9, Page 45 of Plats, Washtenaw County Records and Lots 72 through 82, inclusive, Lots 84 through 87, inclusive, and a part of Lot 83 and a vacated alley of ASSESSOR'S PLAT NO. 33, as recorded in Liber 9, Page 46 of Plats, Washtenaw County Records.