



**City of Ann Arbor**  
**PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES**  
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**APPLICATION FOR PLANNED PROJECTS**

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission to approve this planned project request as it relates to the property hereinafter described.

**A. Legal Description**

*(Give or attach legal description and include address 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

**B. Petitioner Information**

The petitioner(s) requesting the planned project 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, 3rd Floor, Chicago, IL 60654  
312.280.7770

Also interested in the petition are:

*(List others with legal or equitable interest)*

N/A

### C. Modification(s) Request

The applicant requests the following area, height and placement modifications of the following section(s) of the Zoning Ordinance:

5.43C requires a 10 ft. setback from lot lines that abut a public street. The following reductions are proposed:

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Building B lobby tower to 7 ft. at Maiden Lane

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Building C retail frontage to 3 ft. at Broadway Street and to 5 ft. at Maiden Lane

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Building C residential elevation to 9 ft. at Broadway Street

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Please explain how these modifications will help achieve the objectives of the development program and the standards listed in Section D below (add attachment if necessary):

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Activate the street frontage, strengthen urban character, enhance retail space access and visibility, and allow for more interesting architecture.

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### D. Standards for Approval

Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the Zoning Chapter in the form of a planned project site plan. Please explain how and to what extent these standards are met by the proposal:

1. The lot or lots included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum gross lot size shall be the combined total of the minimum gross lot sizes for each dwelling on a parcel. However, the following exceptions may apply:
  - a. For purposes of this section, zero lot line duplex or townhouse development shall mean a development containing attached single-family units on individual lots. If a planned project for a zero lot line duplex or townhouse development provides affordable housing for lower income households, the minimum gross lot size and width requirements may be reduced. The number of dwelling units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed development is located.
  - b. In any residential zoning district allowing 3 or fewer dwelling units per acre, when 20 percent or more of the total area of a development is set aside for permanent open space preservation, the gross lot size may be reduced below the minimum lot area per dwelling unit and width requirements for the zoning district in which it is located, as provided in this section.

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The CIAR district does not have a minimum gross lot size requirement.

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2. The proposed modifications of zoning requirements must provide one or more of the following:

- a. Usable open space in excess of the minimum requirement for the zoning district. Where no minimum usable open space standard is required by the zoning district, a minimum usable open space standard shall be established by the approval of the planned project.
- b. Building or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum building or parking setback is required by the zoning district, a minimum setback standard shall be established by the approval of the planned project.
- c. Preservation of natural features that exceeds ordinance requirements, especially for those existing features prioritized in the land development regulations as being of highest and mid-level concern.
- d. Preservation of historical or architectural features.
- e. Solar orientation or energy conserving design.
- f. An arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.
- g. Affordable housing for lower income households.
- h. A recorded conservation easement or similar binding instrument providing for permanent open space of 20 percent or more of the planned project, in any residential zoning district allowing 3 or fewer dwelling units per acre.

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(a) Creation of usable open space (none required by zoning district)

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(b) Building and parking setbacks in excess of minimum requirement for zoning district. Building mass and parking is primarily concentrated at the site's core.

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(f) Pedestrian oriented building arrangement.

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3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.

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A traffic engineer is studying existing traffic conditions and conducting an impact analysis for the proposed project.

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The proposed modifications will not impact traffic.

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4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.

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The modifications enhance retail space viability and the buildings' architectural appearance, resulting in a more harmonious fit with adjacent land and buildings.

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5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 (Off-Street Parking) and Chapter 62 (Landscape and Screening).

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Parking and landscaping will be provided in accordance with the City requirements.

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The proposed modifications will not impact parking and landscaping.

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6. The standards of density, allowable floor area and required usable open space for the zoning district(s) in which the project is located must be met.

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The CIAR district standards for density, allowable floor area, and required open space will be met.

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7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

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The proposed uses are permitted within the CIAR district.

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8. In any residential zoning district allowing 3 or fewer dwelling units per acre and where 20 percent or more of the total area is proposed for permanent open space, projects shall meet the following standards:

- a. The minimum gross lot size of the parcel proposed for the planned project shall be 2 acres. The size and shape of the portions of the planned project designated for open space preservation shall be reviewed and approved in conjunction with a planned project site plan, a planned unit development site plan, or a plat, in relation to natural features or characteristics specific to that site.
- b. The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of the permanent open space. Minimum lot width and setback requirements shall meet or exceed standards of the R1B residential zoning district.
- c. Permanent open space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, natural features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear open space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
- d. Land in permanent open space may be, but is not required to be, dedicated to the use of the public.
- e. Prior to the issuance of any permit, the permanent open space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the permanent open space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for open space preservation. Such permanent open space shall constitute 20 percent or more of the total area of a development.

- f. The option of utilizing a conservation easement or plat dedication for open space preservation for not less than 20 percent of the total area may be exercised only one time on a parcel of land.

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N/A

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The Commission or Council may add conditions to the approval of the planned project to achieve conformity to these standards.

### E. Supporting Plans

Attach a site plan and building elevations of the property proposed for planned project approval, showing the boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls) and the Land Development Regulations.

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)*

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 and 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.