

6.41 ZONING

File No: 9213K12.03 Filing Date: 10/28/02 Area: ~~7.29~~ acres

Subject: Broadway Village at Lower Town PUD Zoning

Location: Broadway at Maiden Lane

Petitioner(s): Lower Town Development Group, LLC
314 M.A.C. Avenue, Suite 100
East Lansing, MI 48823

Current Zoning: C1, C3 and O Proposed Zoning: PUD

Staff Recommendation: Approval

CPC Public Hearing: ^{12-17-02 & 3-18-03} Continued Closed Date: 4-1-03

CPC Recommendation: ^{12-17-02 & 3-18-03} Tabled approval (6-3) Date: 4-1-03

City Council - First Reading: ^{6/2/03, 6/16/03} Proposed Carried Date: 7-21-03

- Public Hearing: Closed Date: 10-7-03

- Second Reading: Carried Date: 10-7-03

File Assigned To: Donna Johnson Karen Hart
Planning Director

Close Out Date: 10-17-03 Date Map(s) Updated: 03-18-04 NC



Planning Department

CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

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<http://www.ci.ann-arbor.mi.us>

October 17, 2003

Kevin McGraw
Lower Town Development Group, LLC
314 M.A.C. Avenue, Suite 100
East Lansing, Michigan 48823

Subject: Broadway Village at Lower Town PUD Zoning and Site Plan

Dear Mr. McGraw:

At its meeting of October 7, 2003, the Ann Arbor City Council approved the above PUD zoning and site plan and development agreement, subject to the following: 1) the development agreement is approved, and 2) all terms of the development agreement are satisfied. Council also approved the proposed disturbance of the Traver Creek natural features open space. For three years from the date of this approval, permits may be issued by the Building Department upon submittal of construction drawings which are consistent with this plan. If permits are not pulled within three years, the site plan will expire, unless you request an extension from the Planning Department prior October 7, 2006.

PUD site plan approval indicates acceptance of the plan for development of your site and entitles you to proceed with implementation in accordance with the contents and provisions of the approved PUD site plan and development agreement. It does not constitute the approval of construction and/or engineering drawings that are required prior to the issuance of permits.

Once the development agreement has been recorded, you may begin the process of obtaining the necessary permits from the Building Department (734-994-2674) and the Engineering Division (734-994-2744). This will require the submission of construction drawings. All City standards and regulations must be followed in preparing construction drawings and in making improvements to the site.

Mr. Kevin McGraw
October 10, 2003
Page 2

Once you have received permits and proceeded with construction, you are obligated to install all improvements shown on the approved PUD site plan before a certificate of occupancy or other final permit approval is granted. If you have a concern about the timing of the installation of these improvements, contact the Building Department well in advance of the projected completion date to discuss your implementation schedule.

If you have any questions, please contact the Planning Department or the appropriate City department.

Sincerely,



Karen Popek Hart, AICP
Planning Director

KPH/lhf

Enclosure: Approved PUD Site Plan

c: SmithGroup JJR
Building Department
Engineering Division - Private Development
Engineering Division - Transportation
Fire Department
Parks & Recreation Department
Solid Waste Department
Utilities Department
File Nos. 9213K12.03 and .05

PROJECT UP-DATE SHEET

6.41

FILE NUMBER: 9213K12.03

AREA: 7.29 acres

SUBJECT: Broadway Village at Lower Town PUD Zoning

LOCATION: Broadway at Maiden Lane

PETITIONER: Lower Town Development Group, LLC OWNER: same
314 M.A.C. Avenue, Suite 100
East Lansing, MI 48823

PHONE#: 517-336-4400 - Kevin T. McGraw PHONE #: _____

*PROJECT DESCRIPTION: _____
 from C1, C3 and O to PUD

ADC Meeting: 11/18/02

	COMMENTS	DATE
PETITION FILED		10/28/02
STAFF RECOMMENDATION	<i>Approval</i>	
CPC PUBLIC HEARING	<i>Continued</i> 12-17-02 & 3/18/03 <i>Closed</i>	4-1-03
CPC RECOMMENDATION	<i>Tabled</i> 12-17-02 & 3/18/03 <i>Approval (6-3)</i>	4-1-03
<u>CITY COUNCIL</u>		
First Reading <i>7/1?</i>	<i>6/16/03, 7/1/03</i> 6/2/03, 7/1/03 <i>Postponed</i> <i>Carried</i>	7/21/03
Public Hearing <i>9/2</i>	<i>Closed</i>	9/2/03
Second Reading or <i>10/7</i> Approval by Resolution	<i>9/2/03</i> <i>Postponed</i> <i>Carried</i>	10/7/03
ZONING BOARD OF APPEALS ACTION		_____
ANNEXATION APPROVED BY SECRETARY OF STATE		_____
MAPS UPDATED		
FILE CLOSED OUT		10/17/03

*Proposed housing type and number of dwelling units and/or other use and proposed floor area

6/14/82
lg/m

MEMORANDUM

TO: Mayor and Council

FROM: Karen Popek Hart, Planning Director *KPH*

DATE: September 2, 2003

SUBJECT: Amendment to Chapter 55, Rezoning of 6.41 acres from C1 (Local Business District), C3 (Fringe Commercial District) and O (Office District) to PUD (Planned Unit Development District), Broadway Village at Lower Town, Broadway at Maiden Lane (CPC Recommendation: Approval - 6 Years and 3 Nays)

Approval of this ordinance will change the zoning of this property to PUD to allow a complex of multiple-story, mixed-use buildings. Proposed uses include residential, retail, hotel, medical and general office, research and development, an athletic club, and parking. Included with the PUD ordinance are supplemental regulations, which have been reviewed and found acceptable by the Attorney's Office. Minor changes in the supplemental regulations from the ordinance presented at first reading include adding a hotel use, as a permitted principal use in Building A, allowing one elevated pedestrian connector at the third story level or above, and placing Building D in Phase I, which formerly contained Building E. The City Planning Commission recommended approval of this request at its meeting of April 1, 2003.

Prepared By Jill St. John, Clerk Stenographer III
Reviewed By Karen Popek Hart, Planning Director *KPH*
Approved By Roger Fraser, City Administrator

Attachments: Proposed Ordinance and Supplemental Regulations
4/1/03 Planning Commission Minutes
4/1/03 Planning Staff Report
3/18/03 Planning Staff Report

AN ORDINANCE TO AMEND THE ZONING MAP BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

Beginning at the intersection of the Northeast line of Maiden Lane (50.00 feet wide) and the Southeast line of Broadway Street (82.50 feet wide), said point being the West corner of Lot 78 of Assessor's Plat No. 33, City of Ann Arbor, Washtenaw County, Michigan; thence along the Southeast line of Broadway Street (82.50 feet wide) N57°48'00"E 564.41 feet; thence N01°46'04"E 20.70 feet (recorded as N01°46'00"E 20.54 feet) along a line coincident between said Assessor's Plat No. 33 and Assessor's Plat No. 32, City of Ann Arbor, Washtenaw County, Michigan; thence along the Southeasterly line of Broadway Street (66.00 feet wide) N58°18'00"E 59.38 feet; thence S22°42'30"E 13.78; thence S52°08'30"E 51.77 feet; thence S65°44'00"E 29.31 feet; thence S73°06'00"E 50.81 feet; thence N37°31'00"E 25.40 feet; thence S79°25'00"E 177.07 feet along the Northeasterly line of Lot 25 of said Assessor's Plat No. 32; thence S31°16'00"W 410.29 feet along the Northwesterly line of Ross-Maiden Lane Apartments property; thence S58°44'00"E 75.00 feet; thence S31°16'00"W 255.50 feet; thence N58°44'00"W 653.23 feet along the Northeasterly line of Maiden Lane (50.00 feet wide) to the Place of Beginning, being all of Lots 73 through 87 of said Assessor's Plat 33, and all of Lots 26, 27, 28, 29 and part of Lots 25 and 30 of said Assessor's Plat 32, City of Ann Arbor, Washtenaw County, Michigan, including those portions of the vacated alleys adjacent thereto. Containing 6.41 acres of land, more or less. Also being subject to easements and restrictions of record, if any,

in the City of Ann Arbor, Washtenaw County, Michigan as Planned Unit Development (PUD), in accordance with the attached Broadway Village at Lower Town PUD Supplemental Regulations, which are hereby adopted and incorporated into the Broadway Village at Lower Town PUD zoning ordinance.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

Broadway Village PUD Zoning District Supplemental Regulations

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the coordinated and unified re-development of 10 parcels of land, which currently contain a variety of land uses in multiple zoning districts. These regulations seek to promote development of a complex of multiple-story, mixed-use buildings and a predominance of structured parking within a pedestrian-oriented neighborhood center, which will provide services to and be compatible with surrounding single- and multi-family residential neighborhoods, a historic commercial district, and a major medical center. Brownfield funding is sought to clean up ground water and soil contamination and to provide public infrastructure.

Section 2: Applicability.

The provisions of these regulations shall apply to the property described as follows:

Beginning at the intersection of the Northeast line of Maiden Lane (50.00 feet wide) and the Southeast line of Broadway Street (82.50 feet wide), said point being the West corner of Lot 78 of Assessor's Plat No. 33, City of Ann Arbor, Washtenaw County, Michigan; thence along the Southeast line of Broadway Street (82.50 feet wide) N57°48'00"E 564.41 feet; thence N01°46'04"E 20.70 feet (recorded as N01°46'00"E 20.54 feet) along a line coincident between said Assessor's Plat No. 33 and Assessor's Plat No. 32, City of Ann Arbor, Washtenaw County, Michigan; thence along the Southeasterly line of Broadway Street (66.00 feet wide) N58°18'00"E 59.38 feet; thence S22°42'30"E 13.78; thence S52°08'30"E 51.77 feet; thence S65°44'00"E 29.31 feet; thence S73°06'00"E 50.81 feet; thence N37°31'00"E 25.40 feet; thence S79°25'00"E 177.07 feet along the Northeasterly line of Lot 25 of said Assessor's Plat No. 32; thence S31°16'00"W 410.29 feet along the Northwesterly line of Ross-Maiden Lane Apartments property; thence S58°44'00"E 75.00 feet; thence S31°16'00"W 255.50 feet; thence N58°44'00"W 653.23 feet along the Northeasterly line of Maiden Lane (50.00 feet wide) to the Place of Beginning, being all of Lots 73 through 87 of said Assessor's Plat 33, and all of Lots 26, 27, 28, 29 and part of Lots 25 and 30 of said Assessor's Plat 32, City of Ann Arbor, Washtenaw County, Michigan, including those portions of the vacated alleys adjacent thereto. Containing 6.41 acres of land, more or less. Also being subject to easements and restrictions of record, if any.

Further, the provisions of these regulations shall be adopted and incorporated into the Broadway Village Planned Unit Development zoning district. These regulations, however, are intended to supplement only those provisions in the City Codes that may be modified as a part of a PUD and shall not be construed to replace or modify other provisions or regulations in the City Codes.

Section 3: Findings

During the public hearings on this Planned Unit Development, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the parcel described above with a mixture of residential, hotel, retail, office, research and development, and indoor recreational uses.
- (B) The surrounding neighborhoods contain the historic Lower Town commercial district, single-family residential areas, multi-family residential areas, and the existing facilities and a future sub-campus of The University of Michigan Medical Center.
- (C) Elimination of existing soil and ground water contamination will provide a benefit to the surrounding properties, the City of Ann Arbor, Traver Creek, and the Huron River.
- (D) Traver Creek and the Huron River and their associated watersheds will be protected and enhanced by the reduction of impervious coverage of the land, which results from mandatory structured parking, a limit on the number of parking spaces, the establishment of a unified storm water management system, and landscape restoration and a connecting greenway along Traver Creek, within the development.
- (E) A compact, pedestrian-oriented development with mixed land uses and a variety of public spaces will provide the amenity of a neighborhood center and services for the on-site inhabitants, employees and visitors, for the surrounding single-family and multi-family residential areas, and for the employees and clients of nearby existing and proposed facilities of The University of Michigan Medical Center.
- (F) Additional job opportunities within the City limits will result from the development of related medical and non-medical office spaces together with a health-related recreation center and research and development facilities in close proximity to an existing hospital complex.
- (G) The development and availability of 29 units of housing for lower income persons in the City of Ann Arbor will have a beneficial effect for public welfare and will help offset the increased demands on such housing linked to the generation of jobs.
- (H) Negative impacts of the development on the surrounding public street system and adjacent intersections will be mitigated by the Petitioner's contribution to appropriate remedial measures, which are an outcome of a comprehensive traffic study, and by the reduction in vehicle trips, which result from the close proximity of mixed land uses including housing, services, and job opportunities. Enhanced streets and sidewalks around and through the site will facilitate easy pedestrian accessibility by surrounding land users.
- (I) The quality of the visual environment will be improved by the relocation underground of overhead utilities on Broadway and Maiden Lane within and immediately adjacent to the project.

- (J) Pedestrian linkages through and to the site will be improved by the donation of an improved Traver Creek greenway to the City of Ann Arbor Parks and Recreation Department with native plantings and lighted walkway, and will be an initial step in pursuing the goal of creating a greenway link to the Huron River.
- (K) The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein constitute neither the granting of special privilege nor deprivation of property rights.

Section 4: PUD Regulations

- (A) Permitted principal uses of the components of the development (as diagrammed in Exhibit A, Conceptual Plan, attached) shall be:

Building A	Athletic/health/recreational club; hotel; conference and meeting rooms; medical and general office; research and development; and retail, but retail uses shall not exceed 20 percent of the building's gross floor area
Buildings B, C, D, E, and G	Retail; medical and general office; residential
Building F	Residential, general office, and retail (restricted to south side, facing Building A, only)
Parking Deck	Vehicular and bicycle parking

Residential uses shall constitute not less than 35 percent of the aggregate gross floor area of Buildings B through G.

General office may include, but is not limited to:

- Executive or administrative offices;
- Business offices of a public utility, real estate, insurance, commercial, or industrial establishment,
- Offices of legal, engineering, architectural and surveying services, accounting, auditing and bookkeeping services;
- Finance, insurance and real estate offices; travel bureaus; and banks;
- Government offices;
- Business services such as advertising, consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services;
- Offices of non-profit organizations such as professional membership organizations; labor unions; civic, social and fraternal associations; political organizations; and religious organizations.

Medical office may include, but is not limited to, offices of physicians, dentists and other health care practitioners.

Retail may include, but is not limited to:

- Sales of apparel and accessories, variety and general merchandise, groceries, miscellaneous retail such as drugs, alcoholic beverages, antiques, art (including artists' studios), flowers, jewelry, gifts and novelties, books, cameras, bicycles (and bicycle repair), office supplies or restaurants;
- Retail services and personal services including, but not limited to, a management and leasing office, bank, hairdressing, dry cleaning and laundry pick up or travel agencies.
- Family, group day care, child care centers and nursery schools, only if licensed by the State of Michigan Department of Social Services

Drive-through facilities are prohibited.

Research and development may include:

- Offices of physicians, dentists and other health care practitioners;
- Laboratories for the design, development, and testing of medical and wellness products and procedures;
- Technical training and related activities.

All research and development uses are subject to required conditions for research provided under the City of Ann Arbor Code of Ordinances.

Indoor recreational uses, including, but not limited to, swimming, exercise classes, court activities, the use of exercise equipment, counseling, and physical therapy.

(B) Permitted accessory uses shall be:

Outdoor seating, merchandise display areas, vendor carts, temporary open-air markets, art displays, and performance areas provided they are located so as to maintain a six foot minimum width clear path and do not interfere with pedestrian movement on private sidewalks and comply with Chapter 47 of the City of Ann Code of Ordinances in public rights-of-way.

Temporary structures such as, but not limited to, tents, performance stages, or projection screens. Such accessory structures shall be in conformance with the regulation of and shall obtain occupancy permits from the City within public rights-of-way or as applicable.

Home occupations, subject to all the performance standards provided under the City of Ann Arbor Code of Ordinances.

Maintenance and management areas and storage and utility structures. Such areas and structures shall have a hedge, berm, wall, fence, or combination thereof, forming a continuous screen at least four feet high, from any internal or external residential environment, from pedestrian ways, and from the public rights-of-way or Traver Creek.

Parking

Wireless communication antennas, if affixed to buildings, or bell towers, carillons, and flagpoles.

(C) Setbacks: (see Exhibit A)

Front:	SW	(Maiden Lane) – 10 feet minimum
	SE	(Nielsen Court) – No required minimum
		(Broadway) – No required minimum

(Private Streets) – 10 feet minimum (from edge of pavement)

Side: SE 10 feet minimum

Rear: NE 60 feet minimum

Internal: In order to maintain the unified nature of the PUD zoning district, there shall be no required building separation, except as required by Fire Codes, as illustrated in the conceptual plan, (Exhibit A, attached), described in this document under Site Access, and by the maximum floor area in percentage of lot area established by these supplemental regulations.

(D) Height: All heights shall be not less than 35 feet and 3 stories in height, except as noted below for Buildings A and G. Maximum heights shall be restricted, as shown below (refer to Exhibit A, attached for building location):

Building A: 90 feet and 6 stories, maximum, with two elements not less than 20 feet in height located in the Maiden Lane façade and comprising not less than 75 percent of the length of the façade.

Building B: 85 feet and 6 stories, maximum

Building C: 65 feet and 5 stories, maximum

Building D: 40 feet and 3 stories, maximum, on the Maiden Lane façade; 55 feet and 4 stories, maximum, on the Broadway façade; with an element between the two facades not less than 30 feet and 2 stories. The Maiden Lane façade shall comprise not less than 65 percent of the building area; and the 2-story element shall comprise not less than 10 percent of the building area.

Building E: 55 feet and 4 stories, maximum, with one element of 65 feet and 5 stories, maximum, located in the façade facing Private Street 1. This element shall not exceed 55 percent of the total building floor area and shall not exceed 33 percent of the length of the northeast façade.

Building F: 85 feet and 6 stories maximum.

Building G: 60 feet and 4 stories, maximum, with one element of 32 feet and 2 stories, maximum, which shall extend the length of the northeast façade, facing Landscape Area CP.

Parking Deck: 6 stories, maximum, but not including uncovered vehicle parking on the roof of the structure, which shall be allowed. Height of the parapet wall shall not exceed 80 feet.

Heights shall not be applicable to roof-mounted mechanical equipment.

(E) Lot Size: The size of the PUD zoning district shall be 6.41 acres, more or less.

The PUD may be further subdivided into no more than four lots, in accordance with the laws of the State of Michigan; provided, however, that easements shall be recorded, conveying to each owner the right of shared parking and vehicular and pedestrian access between any and all lots and addressing the ownership and obligation of maintenance

and liability for those elements of the site, including, but not limited to, private streets and sidewalks, utilities, storm water management system, assignment of floor area in percentage of lot area within the PUD, and architectural review.

The PUD may be developed as condominiums, in accordance with the laws of the State of Michigan; provided, however, that the Condominium Master Deed shall address ownership and mutual obligations of maintenance and liability, including but not limited to, shared landscaping, utilities, storm water management system, and architectural review. Prior to any filing of the Condominium Master Deed, access easements shall be recorded, conveying to each owner the right of shared parking and vehicular and pedestrian access.

(F) Floor Area Ratio: Floor area in percentage of lot area for the PUD shall be determined for the entire 6.41-acre zoning district and shall not exceed 235 per cent based on gross building square footage, including basement space occupied by a principal or accessory use or structured parking, but not including roof-level, uncovered parking.

(G) Parking:

Vehicular: No fewer than 647 vehicle parking spaces and no more than 790 vehicle parking spaces shall be provided on site and in the public right-of-way of Broadway Street. No fewer than 80 per cent of these parking spaces shall be provided in a parking structure.

Parking spaces within parking structures shall be 8.5 feet by 17 feet in dimension with 22-foot aisles. Surface parking spaces shall conform to City standards and shall not exceed 9 feet by 18 feet for 90 degree parking or 9 feet by 20 feet for parking parallel to a curb.

No more than 150 monthly or annual parking permits for structured parking spaces may be made available to on-site residents and retail tenants. On-site resident permits may be restricted for evening, weekend and holiday hours, and use of such permits outside of the designated restricted hours charged on an hourly or other short-term basis.

No more than 190 deck parking spaces may be reserved for tenants and visitors of Building A.

No permits or reserved spaces shall may be made available for long-term parking for the general public in any lot or deck, but shall be charged on an hourly basis or other short-term basis.

Bicycle: No fewer than 180 bicycle parking spaces shall be located throughout the site and in the public right of way of Broadway Street to provide service near building entrances and dwelling units. These spaces shall consist of 25 percent Class A, 35 percent Class B, and 40 percent Class C, as defined in City Code.

(H) Screening and Buffers:

A vehicular use area right-of-way screen, consisting of plant materials only, shall be provided off-site in the public right-of-way, at the north and south ends of the vehicular use area within the Broadway right-of-way. Such landscaping shall meet the materials standards in the City of Ann Arbor Code of Ordinances and be subject to review and approval of the Parks and Recreation Department before issuance of a certificate of occupancy for Phase 1.

A conflicting land use buffer shall be provided on the east side of the site. The buffer adjacent to the parking deck, approximately 280 feet in length, shall be not less than 14 feet in width and shall contain evergreen trees, which shall meet the materials standards in the City of Ann Arbor Code of Ordinances. The buffer adjacent to the trash compaction area shall be not less than 4 feet in width, approximately 75 feet in length, and include a screen wall, not less than six feet in height and evergreen shrubs, shall meet the materials standards in the City of Ann Arbor Code of Ordinances.

(I) Landscaping and Site Amenities

Landscape design and installation shall be coordinated through out the PUD zoning district, as referenced in Exhibit A. All paved surface materials and walls shall meet performance standards of the City of Ann Arbor Public Services Department Standard specifications. All landscaping shall meet the materials standards established in Chapter 62, Landscape and Screening of the City Code and in these supplemental regulations.

Plaza Area TS shall be not less than 16,000 square feet in area and shall contain paving on not less than 90% of its surface with decorative block or brick covering not less than 75 percent of the paved surface. Plaza Area TS shall include deciduous trees with protective tree grates (or where subsurface construction precludes tree growth, planters); benches or seating walls; screening walls; post-mounted and wall-mounted, down-directed exterior lights; decorative trash receptacles; and not less than one central, decorative, surface-mounted focal point such as a fountain, sculpture or mural.

Plaza Area GP, in the public right of way, shall contain paving on not less than 20 percent of its surface, with decorative block or brick covering not less than 45 percent of its paved surface; deciduous trees within islands of vegetation or organic, biodegradable mulch; and decorative trash receptacles

Landscape Area CP shall be not less than 22,000 square feet in area and shall contain lawn or ground cover or other organic, biodegradable surface suitable for pedestrian foot traffic, on not less than 80 percent of its surface; deciduous trees; and decorative trash receptacles.

Landscape Area TCG shall be not less than 30 feet to 60 feet in width along the northeast property boundary. It shall include a hard-surfaced, barrier-free walkway, subject to review and approval of the Parks and Recreation Department. The walkway shall have connections to existing sidewalks on Broadway, to Private Street 1 and within the PUD. The walkway shall have decorative-type, pedestrian-scale lighting not greater than 14 feet from ground surface to light source. The plants utilized within this landscape area shall be Michigan native species, which enhance habitat diversity for and restore the soil and wetland environment of Traver Creek; and shall not include invasive plant species.

Public and private street and sidewalk areas (Broadway, Maiden Lane, and Nielsen Court; Private Streets designated 1 and 2) shall contain elements of an urban character, including, but not limited to: decorative block or brick paving, covering not less than 65 percent of the sidewalk surface; deciduous trees with protective tree grates (or where subsurface construction precludes tree growth, planters); post-mounted and wall-mounted, down-directed exterior lights; and decorative trash receptacles.

(J) Site Access

Vehicular:

Access shall be limited to the following (refer to Exhibit A, Conceptual Plan):

Nielsen Court – one curb cut on the southeast side of the property, providing access to Private Street 1 and the solid waste compaction area.

Broadway – one curb cut on the northwest side of the property, for two-way traffic on Private Street 1. Mountable curb shall be provided for a pedestrian walkway, which shall be not less than 14 feet wide, along the designated Open Space TCG for emergency vehicle access to the north and west portions of Building F.

Maiden Lane one curb cut on the south side of the property, for two-way traffic on Private Street 2.

Mountable curb shall be provided at the intersection of Private Streets 1 and 2 for the pedestrian walkway, which shall be not less than 14 feet wide, for emergency vehicle access to the west portion of Building H.

Pedestrian:

Barrier-free public access shall be provided to and within the site by sidewalks, not less than five feet in width, bordering all public and private streets. A public pedestrian walkway, not less than 8 feet in width, shall be provided adjacent to Open Space TCG, connecting public and private walkways east and west of the site.

Barrier-free public access shall be maintained to the Plaza Area TS from all surrounding public and private streets and rights-of-way. Inter-building separation shall be not less than 20 feet in width and walkways shall be unobstructed and not less than 14 feet in width.

One elevated pedestrian connection may be constructed between Building A and Building B or between Building B and Building C at the third story level or above.

Buses: Ann Arbor Transportation Authority and University of Michigan transportation vehicles buses shall be permitted full access to private streets internal to the site.

(K) Architectural Design:

General: Principal exterior materials of all buildings shall be brick, masonry, and pre-cast concrete with accent materials including rough face concrete block, stucco, wood, and metal panels. Roof areas visible from ground level shall be surfaced with standing seam metal or asphalt shingles.

Transformers, meters, roof mounted equipment, loading, and service areas shall be screened using materials consistent with buildings' principal and accent materials. The roof surfaces of the two-story components of Building A shall include a decorative pattern of materials.

Facades: Building façades shall be detailed to provide architectural relief, accent materials, fenestration, upper story balconies and varied rooflines.

Ground level facades of each of Buildings A, B, C, D, E, and G, up to a minimum height of 10 feet, shall contain an average of 50 percent of clear glass per building, including entries, storefront display, or windows.

Entrances: Public entrances to buildings shall be provided in no fewer locations than the following:

Building A: one each facing Private Street 1 and Maiden Lane

Building B: one each facing Plaza TS and Private Street 1; two facing Private Street 2

Building C: two facing Maiden Lane; one facing Plaza TS

Building D: one each facing Maiden Lane and the Plaza TS; one facing the junction of Broadway/Plaza GP or Building E

Building E: three facing Broadway; two facing Plaza TS; one facing Private Street 1

Building F: one each facing Area TCG, Private Street 1 or the intersection of Private Streets 1 and 2; and three facing Area CP.

Building G: one facing Broadway; one facing Area CP; two facing Private Street 1

Parking deck: Not less than 25 percent of the parking deck façades facing Nielsen Court shall be finished with masonry, pre-cast concrete or rough face concrete block with no more than 75 percent in exposed ramped segments.

The location and height of Building F shall screen not less than 90 percent of the northeast and northwest facades and not less than 40 percent of the southwest façade of the parking deck.

The location and height of Building A shall screen not less than 95 percent of the south façade of the parking deck from the Maiden Lane public right-of-way.

Interior lighting of the parking deck shall be down-directed and shielded to prevent light spillover and to minimize impact on neighboring properties.

(L) Phasing

The PUD shall be constructed in at least two phases.

Phase 1 shall generally include site utilities, brownfield clean-up infrastructure, portions of the storm water management system, improvements in the Broadway right of way and Building D.

Phase 2 shall generally include Buildings A, B, C, E, F G, the Parking Deck, the private streets and sidewalks, the remaining storm water management system, traffic management infrastructure, and remaining site improvements.

The phasing and sequencing plans may be amended administratively, following review and approval by staff and in accordance with environmental clean-up and remediation, City Code, fire safety, utility infrastructure, requirements of existing lease holders and tenants, and requirements for access and parking for existing and future buildings.

(M) Affordable Housing

Twenty percent of the residential units, but not less than 29 units, shall be affordable on a long-term basis to lower income households, as defined in Chapter 55 of the Ann Arbor City Code, and shall be made available for lease or sale to eligible households under such negotiated terms reasonably acceptable to the City and the Petitioner.

The mixture of affordable units shall be in equal proportion to the mixture of unit sizes in the complete development and within each structure, and shall be physically indistinguishable from any other unit in the development.

Leaseholders shall be entitled to access to each and every amenity available to market-rate units, including the provision of off-street parking.

Attachment: Exhibit A – Conceptual Plan

Prepared by Donna Franklin Johnson
DJ/lf

APRIL 1, 2003 PLANNING COMMISSION MINUTES

a. Public Hearing and Action on Broadway Village at Lower Town PUD Zoning and PUD Site Plan, 6.41 acres, Broadway at Maiden Lane. A request to rezone this site from C1 (Local Business District), C3 (Fringe Commercial District) and O (Office District) to PUD (Planned Unit Development District), and a proposal to create a pedestrian-oriented, mixed-use neighborhood. The proposal will include seven 3 to 6-story buildings: 145 multiple-family residential units (178,900 square feet); retail and restaurants (46,000 square feet); medical office (97,000 square feet); general office (65,000 square feet); research and development (10,000 square feet); an athletic club and indoor courts (49,000 square feet); and a 6-story, 640-space parking structure (tabled at 3/18/03 meeting) - Staff Recommendation: Approval
Vaughn described the proposal.

Connie Dimond, of Smith Group/JJR, representing the petitioner, stated that she and other members of the development team were present to answer questions. She stated that Building B had been reduced from seven to six stories, as was suggested by a number of Planning Commission members, and Building G was reduced from five to four stories. She stated that the modifications represented about a 14,000-square foot reduction in medical office and general office square footage. She said they listened very carefully to the comments and concerns of the neighbors at the last meeting, adding that members of the development team met with neighbors on March 27. She said the neighbors' main concerns continue to be building height, overall density and traffic on Broadway. She said they believed that further reducing the overall size and the amount of square footage would jeopardize the success of this project as a vital pedestrian-oriented mixed-use center and as a catalyst for revitalizing this area. She stated that neighbors who were looking for a three and four-story development were going to be disappointed that the project has not been substantially redesigned. She said the development team did not agree that the neighbors' recommendation for a height limit was the best from a planning standpoint. She distributed a booklet that included the revised site plan, digital imagery of the project, alternatives, and building height and streetscape character. She stated that buildings exceeding three and four stories in height did not preclude a pedestrian human scale environment. She stated that the presence of architecture and character at street level were key. Also key considerations, she said, were the width of the sidewalks, the street trees that created a ceiling above the pedestrian zone, and the roadway and how it was designed and used from curb to curb. She said they believed the proposed buildings used all of these effectively. She said she heard many questions about why the parking deck could not be made smaller and said they did not believe they could achieve the critical mass of uses that create an active street life and fabric of buildings without the parking deck as proposed.

Gretchen McKernan, of Atwell-Hicks, representing the petitioner, discussed the executive summaries for three possible scenarios. The first addressed the latest revised plan, she said, and the other two addressed alternative plans. She stated that an analysis was done for the revised plan to find the right balance. She said they analyzed economic implications of the second scenario, which was taking a level off of the parking deck and reducing the overall building square footage, which resulted in a \$7.8 million deficit. She said the building square footage would no longer be generating enough taxable value to make the project feasible. The third scenario, she said, was a four-story deck, which would result in a \$17.6 million deficit, making the project infeasible. She stated that many of the development costs did not decrease when density was decreased.

Rick Peshkin, owner of The Produce Station and a prospective tenant, stated that shortly after Whole Foods bought out the Merchant of Vino, which ended his service to the Plymouth Road corridor, he thought about what could do in this area. He stated that this project had a lot of synergy, a lot more than he would have been able to provide alone. He liked the idea of a park and mixed uses, as well as local people being involved in the project. As a retailer, he said, he has had parking problems and he thought it was important that parking be addressed properly,

because it would be difficult on the retailers if there were nowhere to park other than in the parking structure.

Dave Cahill, 1418 Broadway, stated that a two percent reduction in the overall project size has resulted, pointing out that the residents were told that any further reductions could not be achieved. He thought one of the most entertaining features of the new executive summary was the payment for the brownfield, which was only \$1,500,000. He said it would be nice to see what was behind the new features, but said the developers had refused to release supporting documentation. He said the developers have said they would do this after the Planning Commission approved the project, but he thought the project should be tabled until the supporting financial documents were released.

Diane Nielsen, owner of the Broadway Shops and former owner of Nielsen's Flowers, stated that after the sale of the flower shop, she had wanted to invest in the Broadway area, so she bought the Broadway Shops. Since then, she said, the CVS drugstore closed and her shop was now the only viable business north of this site. She said the tenants were small local retailers who were surviving, despite the deterioration that has been occurring. She said the vacancies were a blight on the area and subtracted from the efforts they have made to improve their property. She said the Lower Town group has presented an opportunity to revitalize the area, they have listened to the concerns of the tenants, and are willing to work with the tenants to relocate and sustain their businesses. After much thought and review of the pros and cons, she said, she endorsed this proposal.

Jerry Malesin, representing McKinley Associates, read a letter of support for this proposal. He said his company owned the Medical Center Court Apartments that were contiguous to this site, stating that they were a longstanding member of this neighborhood. He asked that the Planning Commission take into consideration that this project would be a welcome, strong commitment and investment in the neighborhood, which has been plagued with a decline in services to the residents. He stated that local retailers for their tenants were very important, and he invited this project which would bring food, fitness, and entertainment facilities to the area. Other than the University's developments, he said, this project was the most significant attempt for a private investment in the area. He hoped the City did not make the process so difficult that the developers would lose their incentive to develop this project. He thought the development team had been forthright and open, discussing all aspects of the proposal. He appreciated and applauded their efforts.

Sabra Brier, 1418 Broadway, believed that the development team from the beginning has wanted to build tall buildings. She said the proposal has gone through many changes since the original meeting with the residents, where three tall buildings were proposed. She said the major change to the project has been a switch to a complex of buildings, but one thing that has not changed was the desire for height. She stated that four-to-six-story buildings were not the same as two-to-four-story buildings, which was what many in the neighborhood dreamed about. She said neighbors were invited to attend a meeting last week with the development team, with the team wanting to talk about compromises in order to win the support of the neighborhood, but she did not think there were any compromises made. She said eliminating one floor from two of the buildings was the only design change made. She would like to patronize the proposed facilities, she said, but in four-story buildings.

Paul Nielsen, a lifelong resident of Ann Arbor, said he has resided on both Broadway and Maiden Lane. His grandfather established Nielsen's Greenhouse in 1934, he said. He stated that this used to be a vital neighborhood until about 20 years ago when the University started tearing down buildings and making parking lots. He said retail stores then started to close. He supported this proposal, stating that his main objective was the betterment of this area. He knew this would be a good project for this area and for the City.

Mark Van Doren, 1025 Maiden Lane, a resident of the Nielsen Square development, stated that he had a petition signed by 26 residents supporting this proposal. He emphasized that this petition did not include all of the residents from Nielsen Square, as time schedules limited the amount of contact made with the residents.

Mike Garfield, director of the Ecology Center, stated that while he had reservations about this project, he was fairly happy to see how this project conformed with the northeast area goals. With regard to the brownfield aspect of the project, he said, a couple of years ago he was approached by City officials to help develop a City brownfield program, on which he worked closely. He understood that some have suggested that it was not appropriate for the Planning Commission to discuss the brownfield issue, but he disagreed. This was the first brownfield project the City has considered under the program, he said, and it would create future expectations for other developers. He thought the process with which the City handled it was critical. It was his understanding that the way the process was meant to work was that the site plan, brownfield cleanup and TIF aspects would move along on a parallel process. This made sense to him, as all three were linked together. He was somewhat surprised to find that the brownfield consideration had not progressed very far, adding that he did not believe this was how it should be handled in the future.

Ruth Moore, 1540 Broadway, stated that this proposed project presented a dilemma, as parts of it were quite attractive in concept, such as she liked the idea of mixed uses and bringing in current local retailers. She did see the need to develop this site and she would like to support this proposal, but she did not feel that she could do so. She believed that the massiveness of this project was just not right for this location. She did not think it integrated well with the existing historical neighborhood. She would like to see a less dense project.

Ken Clark, 497 Larkspur, spoke on behalf of the Urban Environmental Alliance (UEA), a group of active members formed to encourage positive directions and results in the City, maintaining an emphasis on the urban environment. He read a statement from the group. He stated that if the brownfield cleanup was done to City standards, this project was similar to and in agreement with the goals the group had for this area. He said there were a few reservations, such as they would have preferred that some of the parking be underground. He said they continued to feel the parking structure was too large, but it would be hidden. Unfortunately, he said, the proposal was revised to reduce the number of housing units. He said the UEA would have preferred that the brownfield consideration be done parallel with the site plan. He said there were research findings used for people buying homes in transit areas, stating that it was quite likely that residents of Broadway would drive through this proposed area more than the residents of this project would drive through the Broadway neighborhood. He did not think that Ann Arbor could afford to sacrifice any neighborhood to traffic. He said there were measures that could be used to deal with traffic problems and said it would be unfortunate if not allowing this project was one of those measures.

Laura Stowe, 1327 Broadway, thought this project was still too big, stating that a three percent reduction in size was not enough. She thought this project was too big for this neighborhood, adding that it would only provide half of the parking required for a development of this size. She was concerned about parking spillover in her neighborhood. She said just stating that this would be transit or pedestrian friendly did not make it true. She thought inadequate parking would threaten its success and might damage the businesses here. The answer, she said, was either making the parking structure larger, which would be ridiculous, or reducing the sizes of the whole development. She thought it was reasonable that the immediate neighbors would take issue with this project. At the meeting last week with the developers, she said, the neighbors were hoping for a compromise, but the developers did not want to downscale the project. She urged that the Planning Commission ask the development team to downscale the project further.

Peter Pollack, 515 Detroit Street, stated that there were a number of roads that led to this location, which meant that this area was intended to be a core area. He thought the purpose of

the Broadway-Wall project and the Fuller-Glen project was to move traffic, such as buses, private vehicles, pedestrians and bicycles, to the edges of this area. He stated that bike lanes, bike paths, vehicle routes and bus routes existed around the edge of this location. He noted that there were various neighborhoods that surrounded this area, with this area being in the center. He stated that this area was in the core of a whole series of neighborhoods. He stated that a 3.5-story building was built by Anson Brown many years ago and that a 6-story building now was probably less out of proportion than the 3.5-story built in 1830. He said this was an important part of the City, a communication of vital services to a whole host of neighborhoods, and he hoped this project would move forward.

Saul Cooper, vice president of the River House Condominium Association, 1050 Wall Street, stated that they were neighbors and a part of what went on in this area. He was concerned that they had not been heard sufficiently. He did not like the notion of counting how many residents were in support of and how many were against the project, but stated that there were 60 units in their building. He said he has lived here for 30 years and had a great concern for what happened. He said the residents of this building signed a petition to the City indicating their support for the project, as they believed the project would revitalize the neighborhood and move forward in a progressive way as a continuation of this core area. He thought it was extremely important that the Planning Commission move forward with this.

Helen Corey, 1015 Rose Avenue, was connected with The Thrift Shop, which was being negatively impacted by this project. However, this evening she spoke as a resident of Ann Arbor who supported this proposal. She stated that on the occasions she has watched the Planning Commission meetings, she has been impressed with the Commission's sensitivity to neighborhoods and neighbor concerns. She believed this proposal was about more than the impact it would have on the neighborhood; rather, it was about what the development could do for the City. She stated that changes must come. This area was an extension of downtown, she said, an historic area of abandoned buildings and contamination, and this was an opportunity to create an attractive and dynamic addition to the City. She thought it was thoughtful, imaginative and sophisticated and would benefit not just the neighbors, but all residents. Living close to Michigan Stadium, she said, she could tell stories about traffic that most of the residents in this area would never see. She thought any problems here could be managed and pointed out the advantages of walking to the Produce Station, to the Food and Drug Mart, to the packaging store, and to the fitness center. She believed the advantages far outweighed the negatives and urged the Planning Commission to approve this.

Fred Ormand, 1605 Harbal, supported an improvement in this area, but said the present design of this project did not take into account the needs of the neighborhood. He said traffic on Broadway was a very big concern and even more of a concern now with the development proposed at the other end of Broadway. He chose this neighborhood because he could walk to work and he was very concerned about it changing into an urban area. He said the City of Santa Barbara addressed tall buildings and put limits on them and said that Ann Arbor could look to the east to any number of cities that have not addressed the concern of tall buildings and how development has affected the environment. As a person who suffered from lack of light, he said, to see more buildings constructed that blocked the light was disturbing. He thought this project had many things to offer, but he encouraged the developers to be required to put things in writing before the project was approved, and for the size of the project to be reduced to something that would be appropriate for the neighborhood.

Eric Obstrafus, of the executive committee of the Huron River Watershed Council, stated that the watershed council supported redevelopment efforts like this as an alternative to pushing development outside the City limits into the townships. He stated that this project would improve storm water detention, pay greater attention to Traver Creek, and eliminate the threat to Traver Creek through cleaning site contaminants.

Ethel Crane, 1050 Wall Street, stated that she has lived here since 1990. She was very happy here but was distressed to see the deterioration that has occurred over the last ten years. She shuddered to think what would happen here if this well-planned, carefully thought out project was not approved. She was worried that the University would develop more highrises. She believed this project had a lot to offer within easy walking distance. As a long-time citizen of Ann Arbor, she said, she has been associated with several different civic groups concerned about the broader question of urban sprawl and the lack of moderate-priced housing. She thought this was the first project she could think of that addressed those issues. She hoped this would set an example for others. She supported this project, adding that she did not think the proposed building heights would be disturbing.

Phil Stoll, 1334 Broadway, said there was widespread agreement about the need for redevelopment and brownfield cleanup, adding that there has been agreement on practically everything except the building height, density and traffic. He expressed concern about what the building height would do to Ann Arbor's skyline. He stated that the Planning Commission and City Council had the power and responsibility to shape the City's skyline by approving and disapproving projects, and by establishing setbacks and height allowances. He said the developers were talking about developing all the way to the river and approving this could be seen as a go-ahead for other tall buildings to the river. He noted that Upper Town was dotted with high rises that stood out like sore thumbs and said he thought a six-story building would also fall into that category.

Rosemary Sarri, 1050 Wall Street, supported this proposal, as did other residents of 1050 Wall Street. She said she lived in a ten-story building, which must be considered a skyscraper, and she has never heard any criticisms about the building. She said there were signs posted all the time about people who wanted to purchase a unit in the building. She believed the notion that this would not be a popular area in which to live was false. She thought this proposal would enhance the livability and vitality of Lower Town, which was needed not only for the residents in the area, but also for the employees. She stated that the brownfield cleanup was an important part of this project, noting that the whole area was been an unattractive eyesore for too long. She stated that one thing that has not been mentioned was the accessibility of public transportation, which was very important. She felt the development team had been sensitive to the concerns of people who reside in this area, especially with regard to the height of the buildings, and said she believed the proposal was entirely appropriate for this area, which was so close to the downtown. If this development did not occur, she was quite certain that the University would develop it and there would be no control over what went there and the City would lose the tax base.

Jim Moran, 1113 Pontiac Trail, said his office was on Broadway. He said he did not support this proposal. When this was proposed months ago, he said, it was a smaller footprint. He stated that downtown Ann Arbor, on both sides of Main Street from William to Huron Street, had 613,000 square feet. If 31,000 square feet were taken away from that, he said, that was the original size of this project. He thought this was a gargantuan project, bigger than many small downtowns. He did not believe this project would work here and he did not believe it was the City's job to create a PUD for a new downtown. He thought this design would be great for a different location in a different time.

Jim Mogenson, 3780 Greenbrier, said he participated in the Northeast Area Plan process. He stated that this area had a traffic problem and that seven speed bumps were to be installed on Broadway. He wondered if the TIF included a front and rear-end alignment program for people living in this neighborhood, as all those speed bumps would cause vehicle damage. He stated that this site needed to be developed in a way that made sense and he did not think this PUD made sense for this neighborhood. He was not convinced that people would want to go here and he was not convinced that the traffic problems had been solved.

Peter Juberg, 1027 Maiden Lane, president of the Nielsen Square Condominium Association, drew attention to the petition that was signed by 26 residents supporting this proposal. He noted