

ORDINANCE NO. 28-03

First Reading :	June 2, 2003	Approved:	October 7, 2003
Public Hearing :	September 2, 2003	Published:	October 12, 2003
		Effective:	October 22, 2003

BROADWAY VILLAGE AT LOWER TOWN REZONING

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 percent 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.

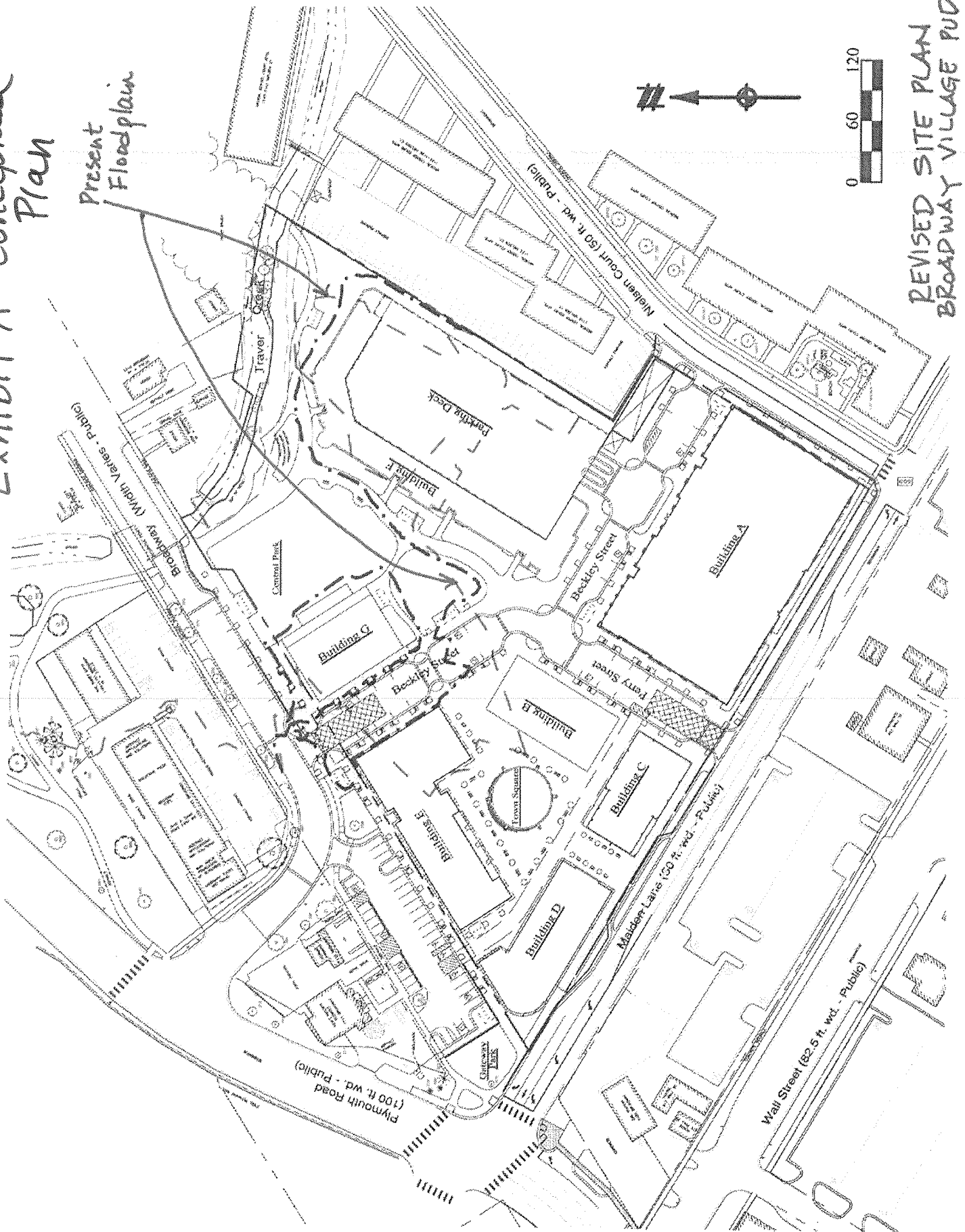
Leaseholders shall be entitled to access to each and every amenity available to market-rate units, including the provision of off-street parking.

Attachment: Exhibit A – Conceptual Plan

Prepared by Donna Franklin Johnson
DJ/f

Council Approval: 10/7/03

Exhibit A - Conceptual Plan



REVISED SITE PLAN
BROADWAY VILLAGE PUD