

ORDINANCE NO. 29-06

First Reading : June 5, 2006  
Public Hearing : August 10, 2006

Approved: August 10, 2006  
Published: August 20, 2006  
Effective: August 30, 2006

THE GALLERY  
(414 NORTH MAIN STREET)

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:

Lots 19, 20, 21 and 36 of Assessor's Plat No. 29, as  
recorded in Liber 9 of Plats, Page 20, Washtenaw County  
Records, City of Ann Arbor, Washtenaw County, Michigan,

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

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

## **THE GALLERY PUD SUPPLEMENTAL REGULATIONS**

### **Section 1: Purpose**

It is the purpose of the City Council in adopting these regulations to provide for the coordinated re-development of four parcels of land, which currently contain surface parking lots and a vacant church building. These regulations seek to promote development of two multiple-story, mixed-use buildings, structured parking, and enhanced pedestrian access between a similarly mixed neighborhood of office, residential and retail uses, complementary to the downtown area.

### **Section 2: Applicability.**

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

Lots 19, 20, 21 and 36 of Assessor's Plat No. 29, as recorded in Liber 9 of Plats, Page 20, Washtenaw County Records, City of Ann Arbor, Washtenaw County, Michigan.

Further, the provisions of these regulations shall be adopted and incorporated into The Gallery Planned Unit Development (PUD) 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, retail and office uses.
- (B) The surrounding neighborhood contains a mixture of residential-scale buildings for office, residential, cultural and commercial uses; mid-rise office buildings; surface parking lots; the Kerrytown Shops development; and the City-owned Farmer's Market.
- (C) A dense residential development together with ground-level retail and office spaces and below-grade and covered parking along the north boundary of downtown will complement the mix of uses existing on Main Street and the predominantly residential neighborhood on the north by increasing the customer base for retailers and services nearby; by strengthening development of and demand for other businesses on Main and in the Kerrytown area; and by providing additional housing units and types of ownership for a more predominantly pedestrian-oriented lifestyle, while lessening the demand on surface and structured parking within the parking-exempt DDA area.
- (D) Pedestrian linkage between North Main and Fourth Avenue will be enhanced by the walkway along the south side of the district and by the inclusion of works of art that are adjacent to the walkway and accessible to the public.
- (E) The development and availability of 15 percent of the total number of residential dwelling units for lower income households in the City of Ann Arbor, or payment of an affordable housing contribution to the City of Ann Arbor Affordable Housing Trust Fund in lieu of the

development of units on-site, will expand the supply of affordable housing and will have a beneficial effect for the City of Ann Arbor.

- (F) The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute neither the granting of special privilege nor deprivation of property rights.

#### **Section 4: PUD Regulations**

- (A) Permitted principal uses shall be:

**Below Grade –**

Vehicular and bicycle parking, mechanical equipment, and storage.

**Ground Floor –**

Neighborhood goods and services, including but not limited to: restaurants, general merchandise retailers, personal services and business/professional services, subject to performance standards listed below.

Offices, except that offices for physicians, dentists, and other health practitioners, and veterinarians and associated services are prohibited.

**Second Floor-**

Multi-family dwelling units

Neighborhood goods and services, including but not limited to: restaurants, general merchandise retailers, personal services and business/professional services, spaces for sale or for lease, subject to performance standards listed below.

Offices, except that offices for physicians, dentists, and other health practitioners, and veterinarians and associated services are prohibited.

**Third through Eighth Floors-**

Multi-family dwelling units

- (B) Permitted accessory uses shall be:

- (1) Parking - below-grade structured parking or at-grade.
- (2) Commercial - common public areas, including lobbies and circulation cores.
- (3) Mechanical and maintenance rooms-
- (4) Solid waste collection areas-
- (5) Building management spaces-
- (6) Multi-family residential - common areas, including storage, rental community space, laundry rooms, meeting rooms, and exercise and recreational rooms.
- (7) Home occupations - subject to all the provisions of the City Code.

- (C) Performance standards for permitted principal uses:

Commercial uses:

- (1) The majority of goods offered for sale must be able to be reasonably transported by pedestrians.
- (2) The use shall not have a drive-thru pick-up or drop-off function.
- (3) The use shall not depend upon commercial vehicles stored and/or readily accessible in close proximity to the building to provide its goods and services.

Multi-family residential:

- (1) A minimum of 15 percent of the total residential dwelling units in the PUD zoning district shall be affordable to lower income households, as required by Chapter 55, Section 5:80, of 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, in a separately approved affordability agreement or similar document.

Ann Arbor City Council may approve payment of an affordable housing contribution in lieu of providing some or all of the required residential dwelling units affordable to lower income households on-site. Payment shall be made for up to 15 percent of the units constructed on-site to the City of Ann Arbor Affordable Housing Trust Fund, based on Chapter 55, Section 5:80, of Ann Arbor City Code and the formula approved annually by City Council.

- (2) Residential units, either for sale or for lease, shall have a minimum size of 600 square feet and maximum size of 3,200 square feet.

(D) Setbacks:

Main Street structure:

West - Minimum 0 feet, maximum 10 feet  
North - Minimum 0 feet, maximum 15 feet  
South - Minimum 0 feet, maximum 10 feet  
East - Minimum 0 feet, maximum 10 feet

Fourth Avenue structure:

East - Minimum 0 feet, maximum 15 feet  
North and South – Minimum 0 feet, maximum 10 feet  
West - Minimum 0 feet, maximum 10 feet

(E) Height:

Main Street structure:

The height shall be a minimum of two stories, a maximum of 11 stories, and shall not exceed 185 feet (including rooftop mechanical systems).

Fourth Avenue structure:

The height shall be a minimum of two stories, a maximum of four stories, and shall not exceed 68 feet (including rooftop mechanical systems).

(F) Lot Size:

The size of the PUD zoning district shall be .755 acres.

The PUD may be divided into no more than two lots with minimum lot sizes of .189 acres and .566 acres, in accordance with the laws of the State of Michigan; provided, however, that the maximum allowable floor area ratio will be applicable to the entire .755-acre PUD zoning district, and provided 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 sidewalks and pedestrian arcades, parking, utilities, and storm water management system.

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 parking, pedestrian access ways, utilities, and storm water management systems. 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.

(G) Floor Area Ratio:

The maximum allowable floor area as a percentage of the lot area for the entire .755-acre PUD zoning district shall not exceed 607 percent (not including lower level parking).

(H) Parking:

Vehicular:

A minimum of 1 parking space for every residential unit shall be provided on-site in a below-grade parking structure.

A minimum of 7 spaces shall be provided at grade within the perimeter of the North Main structure and 4 spaces shall be provided at grade within the perimeter of the Fourth Avenue structure, shall be designated for short-term, transient, public parking only, and shall not be assigned to building occupants.

Up to 57 parking spaces may be provided in the parking structure for exclusive use by an off-site entity.

Spaces in the parking structure, which are not reserved for residential parking or for exclusive use by an off-site entity, shall be made available to the public between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and all day on weekends and holidays. The number of parking spaces made available to the public shall not be less than 40.

Bicycle:

1 space per 10 residential units: 50% Class "A", 50% Class "C"

1 space per 3,000 SF of commercial area: 50% Class "B", 50% Class "C"

(I) Site Access:

Vehicular access shall be provided to below grade parking from a curb cut on North Main Street.

No curb cuts shall be permitted on Fourth Avenue.



Vehicular access shall be provided to short-term surface level parking spaces from the public alley between Main Street and Fourth Avenue.

Pedestrian access shall be provided through the site from Main Street to Fourth Avenue by a continuous walkway and arcade generally along the south portions of both structures and across the public alley and shall be surfaced with brick, pavers or other textured paving material. Access for public egress shall be maintained at all times.

(J) Architectural Design:

The building facades shall be complimentary to one another in materials and character.

The primary exterior building materials shall be brick, cast stone, precast concrete and metal panels with secondary materials of cast stone and metal.

A minimum of 70 percent transparency shall be provided for first floor commercial spaces from the finished floor level to a point 8' above the finished floor along the entire length of public street right-of-way and any pedestrian access easement. Maintenance of this transparency shall be included in any lease agreement by and between the petitioner and any tenant.

The interior of the pedestrian arcades, walkways and the north exterior of the building shall contain original works of art, such as, but not limited to, surface treatments, 3-dimensional works, and/ or light displays.

All mechanical equipment shall be screened from adjoining properties and shall meet all City Codes with regard to noise emission.

Drummond, Elizabeth  
Date: Mar 29, 2006, 11:43am From: Unsub, Posted In: Misc



Sheet Size - 24x36

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DATE ISSUED

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DRYIN 8

CHECKED 8

**THE GALLERY**      **Luxury Flats + Penthouses**  
**Marketplace + Lofts**

414 N. Main Street  
— N. Fourth Avenue

PROJECT



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CONSULTANT

## SITE PLAN

SHEET TWO F

05-807

PROJECT NUMBER

SP-3

SHEET NUMBER