

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 7, 2016

**SUBJECT: 611 East University Street Site Plan for City Council Approval
Project No. SP16-065**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 611 East University Street Site Plan and Development Agreement, subject to combining the lots prior to issuance of any permits.

STAFF RECOMMENDATION

Staff recommends that the site plan and development agreement be **approved**, because the contemplated development would comply with all applicable state, local, and federal law, ordinances, standards and regulations; and the development would not cause a public or private nuisance, limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, and would not have a detrimental effect on the public health, safety or welfare.

LOCATION

This site is located on the east side of East University Street between South University and Willard having frontage on both East University and Church Streets, and is in the Downtown Development Authority District and Allen Creek Watershed.

DESCRIPTION OF PETITION

The petitioner seeks approval to demolish the existing structures located at 611 E. University; 615-617 E. University; 612 Church Street; and 616 Church Street in order to construct a 13-story, 133,805-square foot mixed-use building with retail and parking on the first floor, parking on the second and third floors and residential apartments (studio, 3, 4, and 5 bedroom units) on floors 4 through 13 with a mechanical penthouse on the 14th level.

Existing Conditions – The subject site is made up of four (4) parcels encompassing 19,518 square feet (0.44 acres) containing five (5) existing structures housing a mix of commercial and residential uses. The parcels are zoned D1 (Downtown Core District) and South University Character Overlay District. Both E. University and Church Streets have a Secondary street frontage designation. There are no natural features on-site; however, there is a 16-inch caliper Honeylocust tree within the Church Street right-of-way that will remain.

Proposed Development – A 13-story, 133,805-square foot residential building containing 90 units encompassing 343 bedrooms with ground floor retail uses in a “shift-bar” shaped footprint fronting East University Avenue and Church Street. A parklet is located on the northwest corner of the site.

The building has a three-story streetwall constructed of glass and metal on each frontage and a 10-story embedded glass tower above. The proposed design reflects the continuing evolution of the South U area from low-rise to high-rise structures. A north-side setback of approximately 10 feet is provided; zero setbacks are provided along East University Avenue, Church Street, and the north-side property lines. The tower is off-set from the streetwall 5 feet along East University Avenue and 12 feet along Church Street.

Residential floor premiums have been applied to earn an additional 285.5% of floor area. The petitioner is proposing a LEED Silver building certification for a total floor area of 685.5%. When utilizing residential premiums, all bedrooms must have a window directly to the outside.

The site is subject to secondary street frontage requirement (0 feet minimum / 10 feet maximum) for both East University Avenue and Church Streets. Along East University, the proposed building has a zero-foot setback for the first through third stories (streetwall). The remaining floors (4-13) are offset five feet from the front façade of floor 3. Along Church Street, the building is setback five feet, and the remaining floors (4-13) are offset 12.25 feet. The proposed building has an approximately 10 foot setback to the north, and a zero setback along the south property line.

A parklet is located in the northwest corner of the site adjacent to the retail entry off of East University. This area is comprised of brick pavers, and provides outdoor seating.

Entry to the building is accommodated from both East University and Church Streets each having a retail and residential entrance on both frontages. The ground floor contains two (2) separate retail areas comprised of 3,601 square feet total. The ground floor also includes the lobby, leasing office, bike rooms, maintenance room, trash area, fire command center, and employee parking. A lounge, fitness center, business center, two (2) small study rooms, and an outdoor patio are proposed on the top floor.

A total of 90 apartment units are proposed and will be divided into: 14 studio apartments; 51 4-bedroom apartments; and 25 5-bedroom apartments. All bedrooms have at least one window directly to the outdoors.

A total of 56 interior parking spaces are provided as required on the ground floor (9 spaces), second floor (22 spaces), and third floor (25 spaces). Two (2) barrier-free spaces are provided on each of the second and third floors, as well as, three (3) scooter parking spaces on the second floor. Ground floor parking is accessed via the one-way entrance along the north property line from Church Street. Cars will exit the ground floor parking area via the one-way egress onto Church Street. The second and third floor parking areas are accessed via the two-way drive along East University.

Enclosed bicycle parking is provided in a secure room on the first floor; 61 individual bicycle spaces are proposed within the room with 8 additional spaces located on the second and third floors. Ten (10) Class C bicycle spaces are also located along East University (6 spaces) and Church Street (4 spaces).

Storm water management for the site will be provided in underground storage tanks beneath the trash/loading areas and meets the requirements of the Washtenaw County Water Resource Commissioner's Office by infiltrating for the bankfull event and providing storage for the 100-year storm event.

There are no protected natural features on the site.

A draft development agreement is attached. The estimated construction cost is \$29,000,000.00.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Mixed-use	D1 (Downtown Core) base, S. University Overlay
EAST	Mixed-use	D1 base, S. University Overlay
SOUTH	Mixed-use	D1 base, S. University Overlay
WEST	University of Michigan	PL (Public Land)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Base Zoning	D1 (Downtown Core)	D1 (Downtown Core)	D1 (Downtown Core)
Lot Area	611 E. University – 1,307 sq ft 615-617 E. University – 9,931 sq ft. 612 Church – 4,399 sq ft. 616 Church – 3,833 sq ft	19,519 sq ft	No minimum
Max. Usable Floor Area in % of Lot Area	None	685.5% (133,805 sq ft) (130,204 sq ft residential; 3,601 sq ft retail)	400% MAX normal (78,075.2 sq ft MAX) Up to 700% MAX with premiums (up to 136,631.6 sq ft MAX)
Premiums	None	55,729.8 sq ft additional floor area from residential use	Up to 58,556.4 sq ft additional floor area
Character Overlay District	South University	South University	South University
Streetwall Height	None	3 stories	2 stories MIN 3 stories MAX
Offset at Top of Streetwall	None	E. University: 5 feet Church St.: 12 feet	Minimum average 5 feet
Building Height	30 feet	150 ft	150 feet MAX
Massing Articulation	None	45 feet	45 feet MAX
Side, Rear Setbacks	NA	0 ft (south) 9.96 ft (north)	0 ft MIN
Building Frontages	Secondary Street	Secondary Street	Secondary Street
East University Avenue	None	0 ft	0 ft MIN, 10 ft MAX

Church Street	None	5 ft	0 ft MIN, 10 ft MAX
Parking	Special Parking District	Special Parking District	Special Parking District
Parking – Automobiles	10 vehicles – spaces are unmarked	56 (interior spaces)	56 spaces MIN (for premium floor area)
Parking – Bicycles	None	61 Class A; 8 Class B; 10 Class C	53 Class A spaces MIN

DESIGN REVIEW BOARD REVIEW

The petitioner presented the 611 E. University project to the Design Review Board on February 17, 2016. The full Design Board Report and meeting minutes are attached.

In summary, the Board observed the plan met the Downtown Design Guidelines. The Board advised providing more contrast on the East University façade, and making this side the primary pedestrian entrance and further suggested removal of vehicular access from the East University facade. The petitioner was asked to consider a better hierarchy between the base, middle, and top of the structure, and to also consider more detailing and elements that further articulate the north elevation. A glass elevator on the exterior of the building and the inclusion of windows in stairwells was also suggested.

The proposed development has been revised to include stairwell windows.

CITIZEN PARTICIPATION MEETING

The petitioner held a meeting for interested citizens on March 3, 2016. Invitations were sent to all residents and property owners within 1,000 feet of the site as well as all subscribers to the GovDelivery planning update service. The full report provided by the petitioner is attached. In general, the discussion at the meeting concerned describing the proposed development and clarifying questions.

HISTORY

The site was rezoned as part of the Ann Arbor Discovering Downtown (A2D2) zoning initiative. The current base and character overlay zoning districts and building frontage standards became effective in December 2009.

The four existing buildings were constructed between 1900-1949 and used as both residential and commercial uses over the years. None of these buildings are part of any local historic district.

PLANNING BACKGROUND

The Downtown Plan identifies this site as part of the “Core” area of downtown (Figure 9). The plan recommends encouraging downtown’s highest density development and tallest buildings to locate within the Core areas to create the critical mass of activity and density needed to support

a range of central retail, service, cultural, residential, and entertainment functions and transportation modes.

The Downtown Plan is based upon several guiding values which articulate the most fundamental elements of the downtown. These values include providing a diversity of uses and accommodating a diversity of users, and providing a viable economy, a “green” and energy-efficient built environment and transportation network and social and cultural opportunities. Dense land use and development patterns which draw people downtown and foster an active street life, contribute to its function as an urban neighborhood and support a sustainable transportation system is a goal expressed in the Plan (page 22) as well as encouraging a diversity of new downtown housing opportunities and expansion of the downtown resident population to strengthen downtown’s role as an urban neighborhood, continuing to seek a range of age groups and income levels in the downtown (page 24).

SERVICE UNIT COMMENTS

Engineering – A crane will be used for construction purposes and is located in the public right-of-way. A temporary license agreement will be required. Shared use of the storm sewer lead between parcels will require an easement. Impacts to the sanitary sewer system are being modeled. Further information will be forthcoming.

Parks – Staff requested a park contribution of \$55,800.00 based on the proposed 90 dwelling units for improvements to nearby parks. The petitioner proposed a parklet located at the northwest corner of the site that includes planters, benches and tables with seating reducing the park contribution. This reduction amount is currently under review.

Planning – The petition complies with all development codes and regulations for new development in the Downtown, D1 District. The design modifications provided are generally responsive to the concerns expressed by the Design Review Board.

Prepared by Chris Cheng
Reviewed by Ben Carlisle
6/1/16

Attachments: Zoning Map
Aerial Photo
Site Plan
Elevations
Design Review Board Report and Recommendations
Citizen Participation Report
6/3/2016 Draft Development Agreement

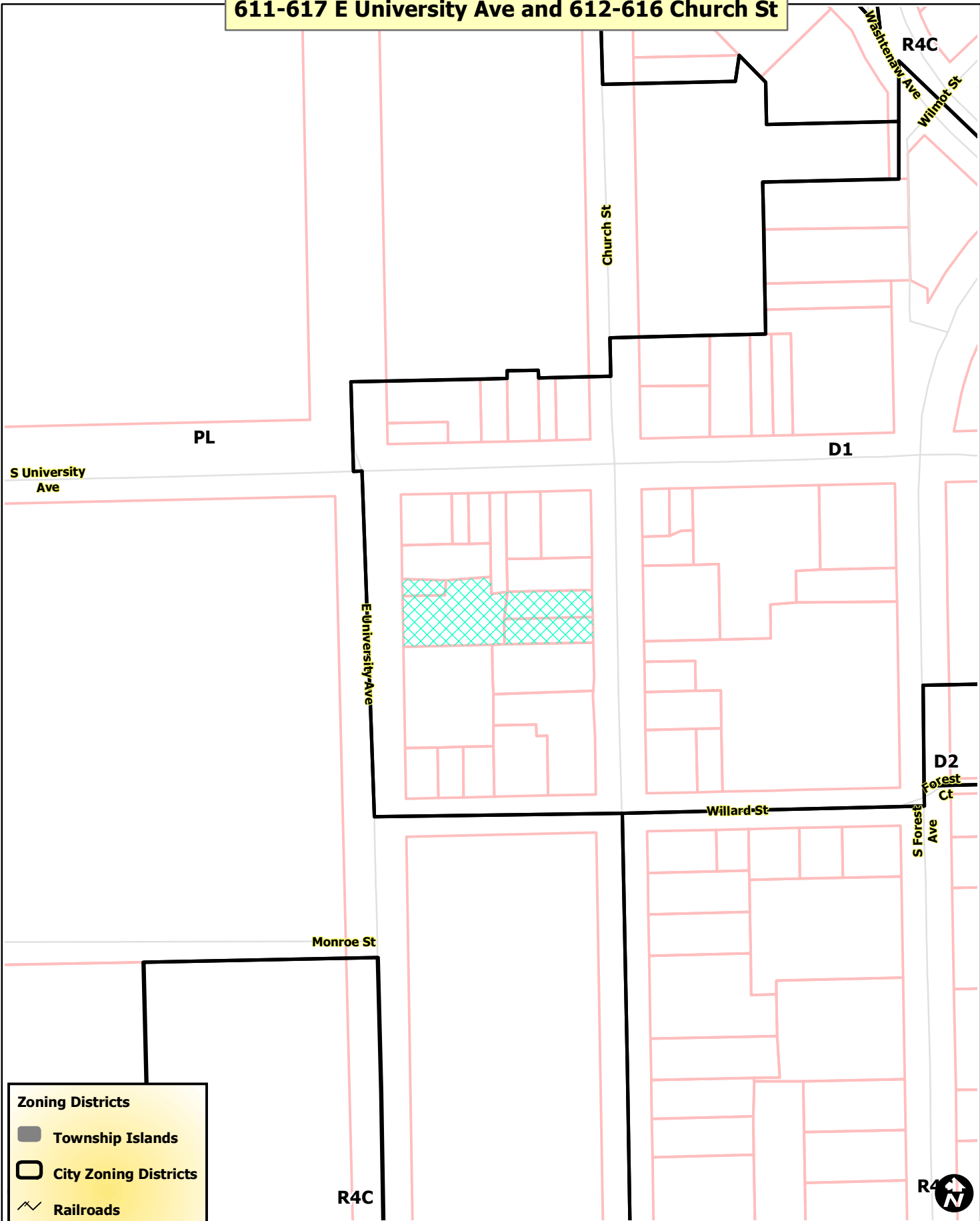
c: Petitioner: Collegiate Development Group
7711 Bonhomme, Suite 625
St. Louis, MO 63105
Attn: B. Stiles

Petitioner’s Agent: Midwestern Consulting

3815 Plaza Drive
Ann Arbor, MI 48108
Attn: Scott Betzoldt

Systems Planning
Project No. SP16-065

611-617 E University Ave and 612-616 Church St

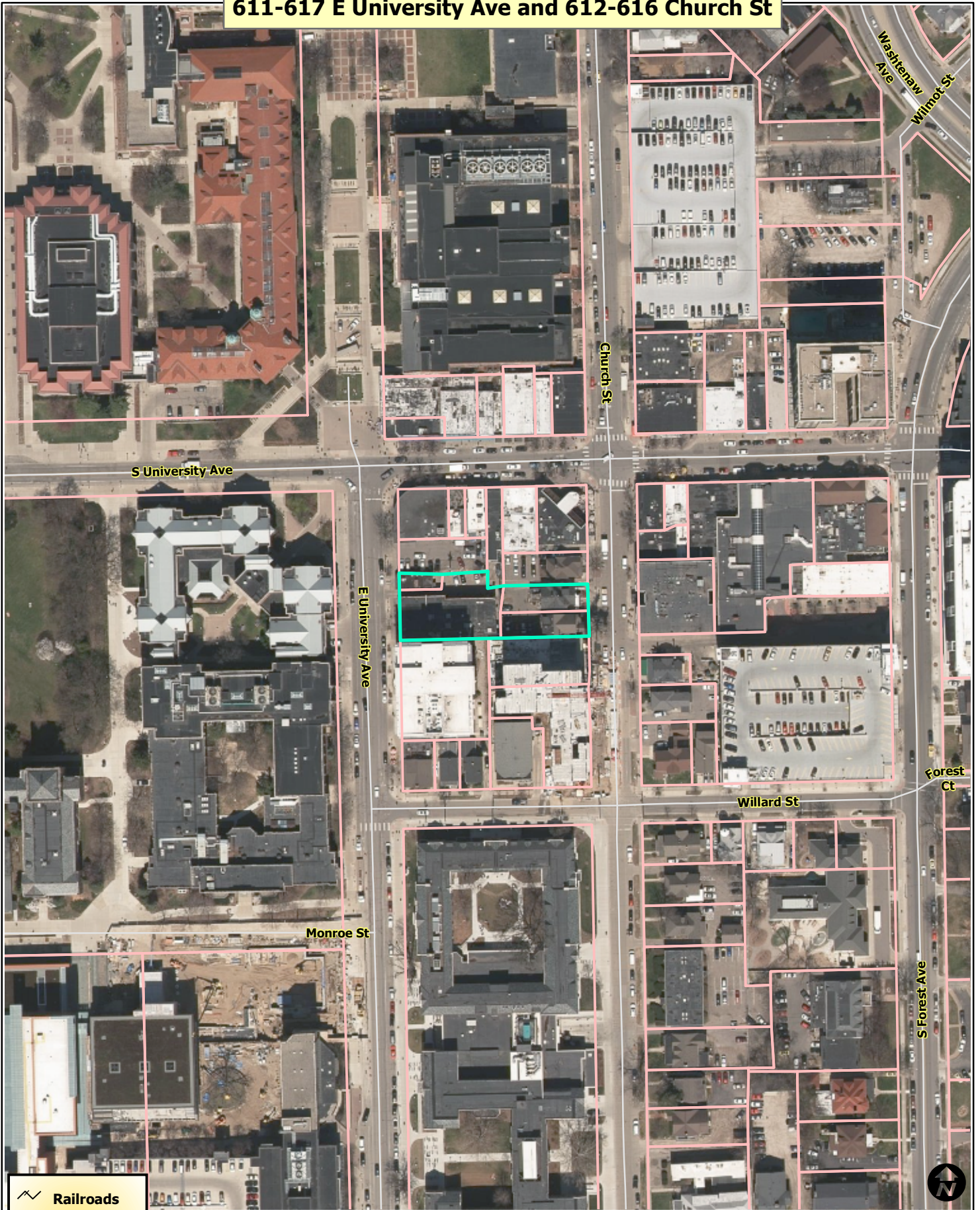





Zoning Districts

-  Township Islands
-  City Zoning Districts
-  Railroads
-  Parcels
-  Huron River



611-617 E University Ave and 612-616 Church St






-  Railroads
-  Parcels
-  Huron River



611-617 E University Ave and 612-616 Church St

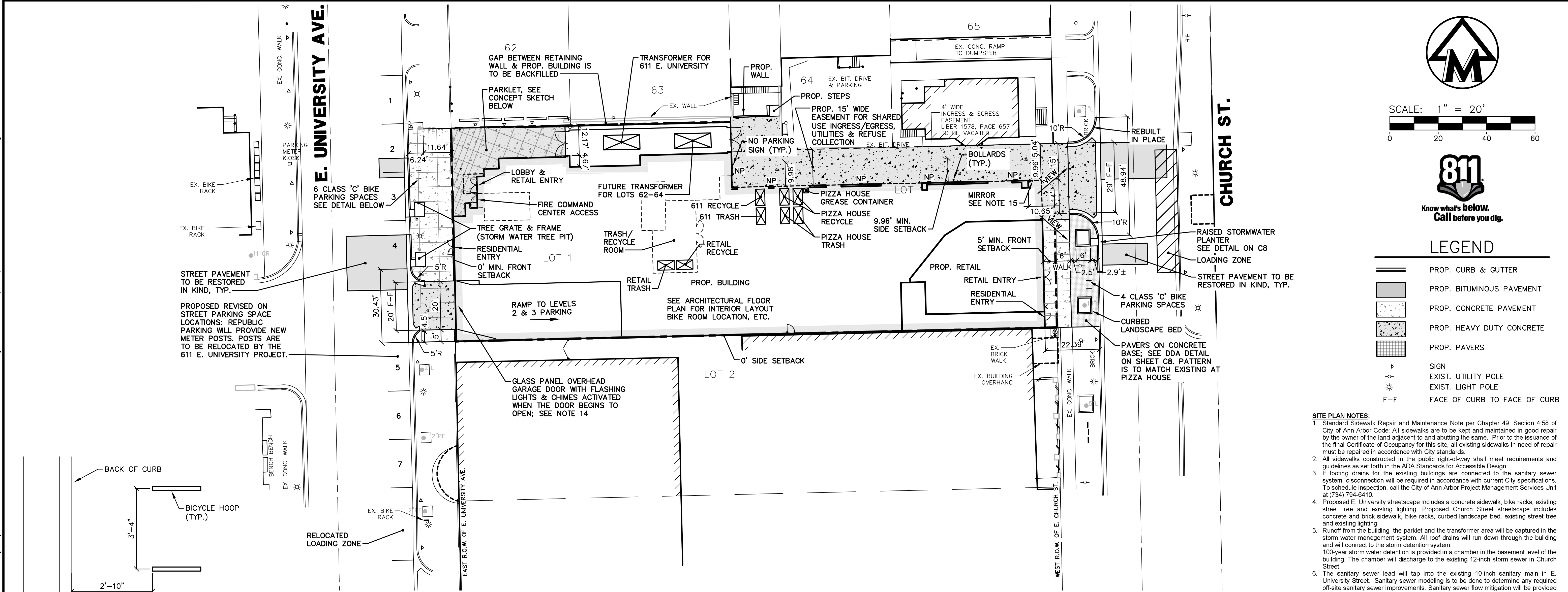


-  Railroads
-  Parcels
-  Huron River



Map date 1/14/2016
Any aerial imagery is circa 2015
unless otherwise noted
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SCALE: 1" = 20'

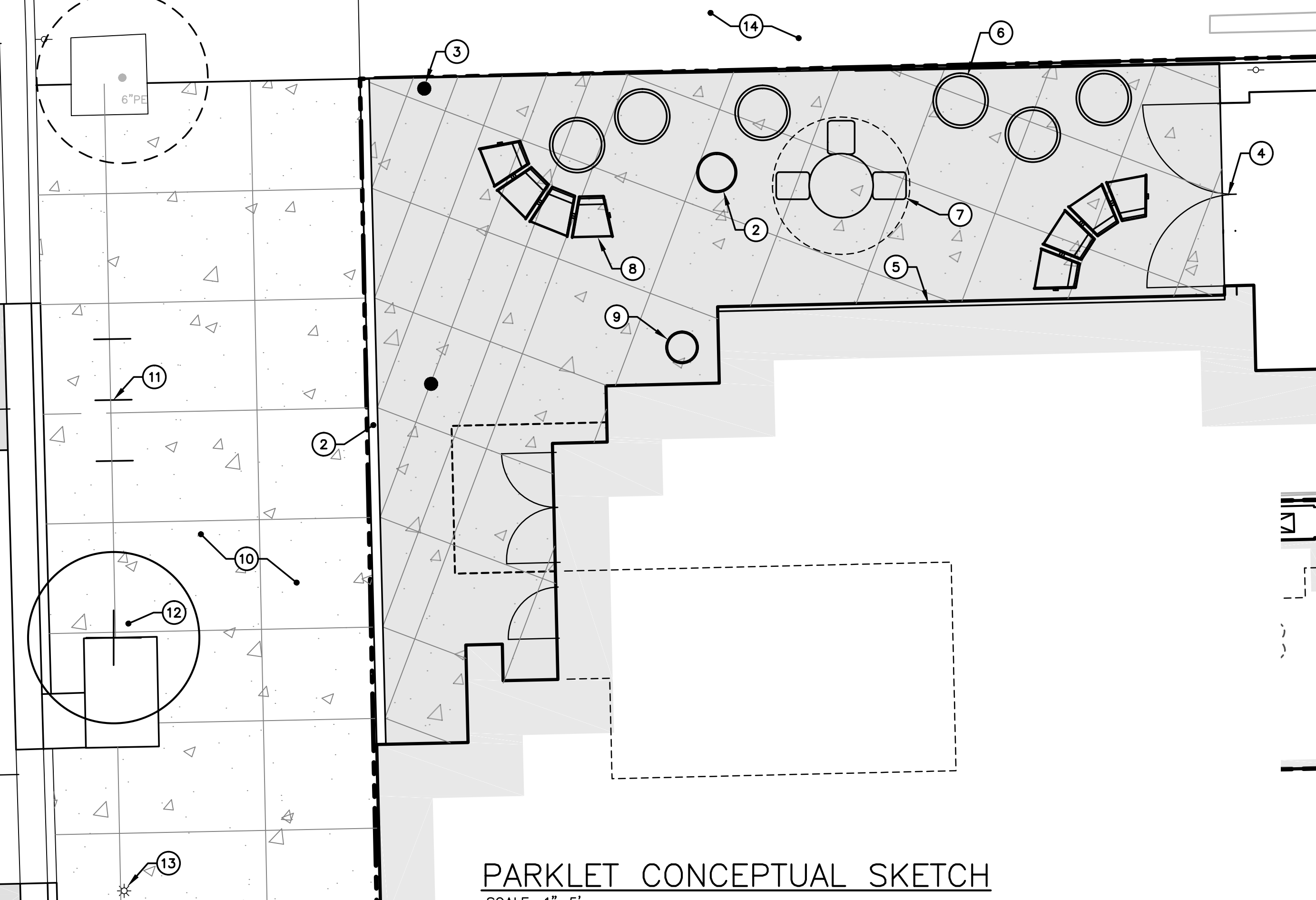
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Know what's below. Call before you dig.

- ### LEGEND
- PROP. CURB & GUTTER
 - PROP. BITUMINOUS PAVEMENT
 - PROP. CONCRETE PAVEMENT
 - PROP. HEAVY DUTY CONCRETE
 - PROP. PAVERS
 - SIGN
 - EXIST. UTILITY POLE
 - EXIST. LIGHT POLE
 - FACE OF CURB TO FACE OF CURB

- ### SITE PLAN NOTES:
- Standard Sidewalk Repair and Maintenance Note per Chapter 49, Section 4.58 of City of Ann Arbor Code. All sidewalks are to be kept and maintained in good repair by the owner of the land adjacent to and abutting the same. Prior to the issuance of the final Certificate of Occupancy for this site, all existing sidewalks in need of repair must be repaired in accordance with City standards.
 - All sidewalks constructed in the public right-of-way shall meet requirements and guidelines as set forth in the ADA Standards for Accessible Design.
 - If footing drains for the existing buildings are connected to the sanitary sewer system, disconnection will be required in accordance with current City specifications. To schedule inspection, call the City of Ann Arbor Project Management Services Unit at (734) 794-6410.
 - Proposed E. University streetscape includes a concrete sidewalk, bike racks, existing street tree and existing lighting. Proposed Church Street streetscape includes concrete and brick sidewalk, bike racks, curbed landscape bed, existing street tree and existing lighting.
 - Runoff from the building, the parklet and the transformer area will be captured in the storm water management system. All roof drains will run down through the building and will connect to the storm detention system. 100-year storm water detention is provided in a chamber in the basement level of the building. The chamber will discharge to the existing 12-inch storm sewer in Church Street.
 - The sanitary sewer lead will tap into the existing 10-inch sanitary main in E. University Street. Sanitary sewer modeling is to be done to determine any required off-site sanitary sewer improvements. Sanitary sewer flow mitigation will be provided at the rate of 110% of the proposed flow.
 - Domestic water and fire suppression water services are to tap into the existing 12-inch water main in E. University Street. Booster pumps will be provided for domestic and fire water services.
 - De-watering operations during construction, if necessary, are to meet City requirements for sediment control and disposal. De-watering is not anticipated because the on-site soils are sandy and the water table is below the depth of the proposed excavation.
 - There are no proposed firewalls in the building.
 - If temporary tie-backs are required in the right-of-way for construction purposes, a temporary licensing agreement will be provided. If the building's footings will be located in the right-of-way, the horizontal and vertical locations shall be clearly identified on the plans and a permanent licensing agreement will be provided.
 - Trash management systems:
Per discussion with City staff, the best concept for this particular location is for service vehicles to drive straight in from Church Street and pick up the dumpsters without making any turns and then back straight out. Bollards will be provided adjacent to the proposed building. A mirror will be provided at the northeast corner of the building. No parking signs will be posted on the joint use drive. A minimum of 25 foot overhead clearance will be provided.
There are two solid waste management systems on site, one for 611 E. University residential and retail trash and recycling, and one for Pizza House trash and recycling.
The 611 E. University trash will be collected via a vertical chute that leads to a mini compactor in the ground floor trash room. The trash dumpsters will be two 2-cy units on wheels. The trash room will also have two 4-cy dumpsters on wheels for recycling. The retail component will have two 4-cy dumpsters on wheels in a space within the ground floor parking area (one for recycling and one for trash).
Pizza House will have four 4-cy recycling dumpsters on wheels in the ground level parking area (two for trash and two for recycling).
Staff will push them out into the shared driveway for public pick up.
Pizza House will also have a grease container in a space within the ground level parking. Grease pickup will be private.
See the chart for preliminary trash and recycle pick up schedule.
Frequency of pickup will be adjusted as necessary.



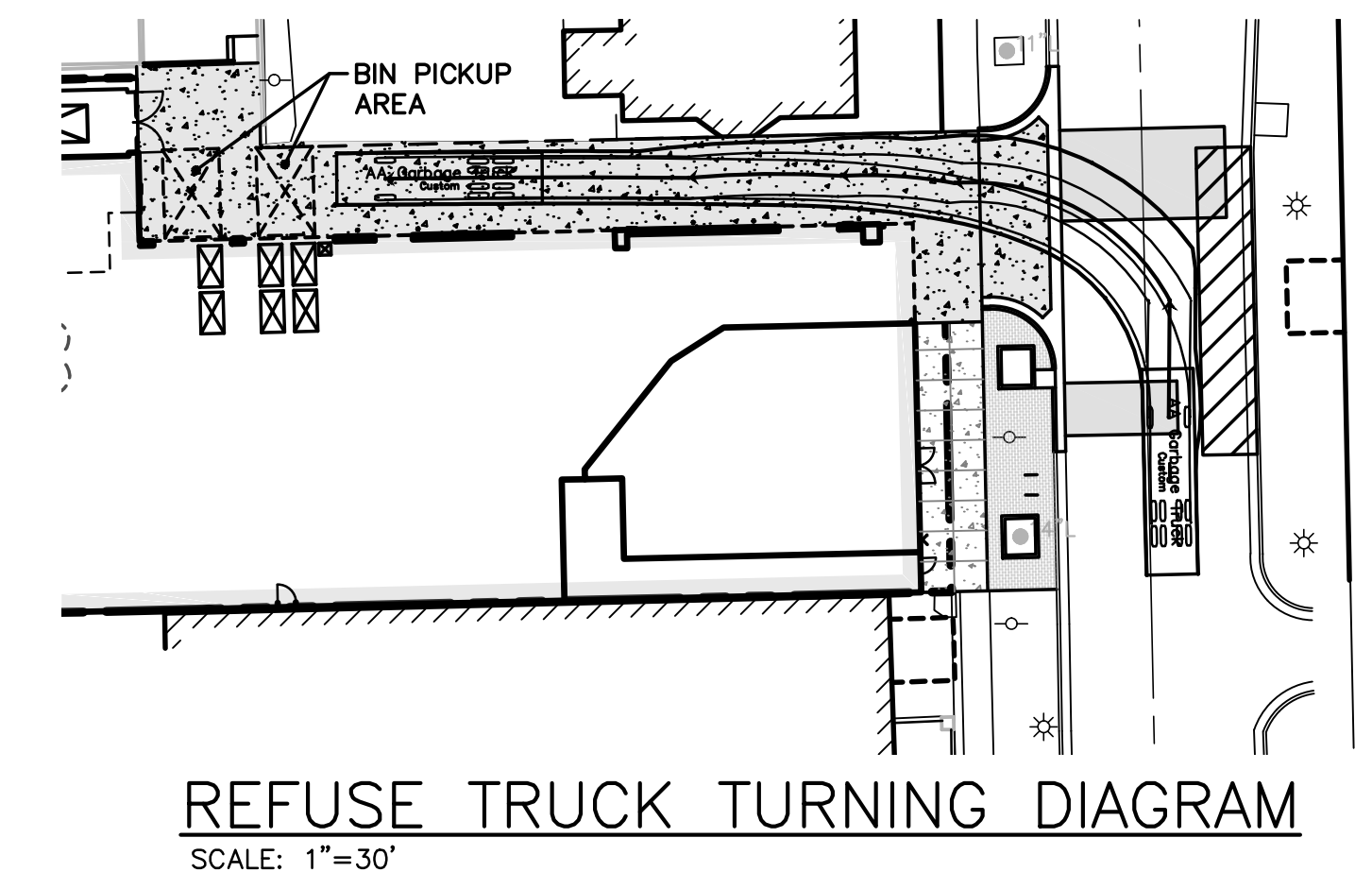
- ### PARKLET CONCEPT
- Create small parklet at northwest corner of the site.
 - Assume future potential expansion of the parklet to the north when/if the parcels that front on S. University are redeveloped.
 - Distinguish park from adjacent public sidewalk.
 - Visually expand park as an extension of the entry to 611 E. University.
 - Maintain service access for technicians at west side of transformer enclosure.
- ### CONCEPT COMPONENTS - Keyed to Sketch
- Ground plane
 - light color material in pattern that differs from the public sidewalk and extends across the frontage of the 611 E. University resident pedestrian/lobby entry area.
 - 719.5 sf x 10 = 7,195 sf potential premium Floor Area for pedestrian amenity
 - concrete: saw cut scoring on an angle that creates narrow bands adjacent to the sidewalk and then larger flags within the park.
 - Decorative castings for trench drain and manhole
 - Iron Age 'Tulie' pattern of concentric circles and cat tails; or approved equal.
 - Bollard lights - two
 - Landscape Forms, Annapolis Standard Bollard, LED, 6" diameter, removable; or approved equal.
 - symbolic fence that helps to define parklet and provides low level lighting
 - color per architect
 - Transformer enclosure
 - custom gates with cat tail pattern similar to Iron Age Tulie (incised, laser cut, or perforated)
 - Storefront
 - glass panels form south wall of parklet
 - frosted lower 36-42" with cat tail pattern similar to Iron Age Tulie
 - Planters - six
 - Landscape Forms Lakeside, 36" diameter, 23" ht., plain, removable black liner for annuals and perennials; or approved equal.
 - color per architect
 - Umbrella Table and Seating -
 - Landscape Forms Solstice Cygnus umbrella, aluminum, perforated; or approved equal.
 - One Landscape Forms Carousel, 3-seat, wire grid seat, backed, umbrella hole, surface mounted, steelhead perforated; or approved equal
 - color per architect
 - Seating -
 - Two Landscape Forms Plexus, 4-seat, wire grid, backed, free standing; or approved equal
 - color per architect
 - Trash container -
 - One Landscape Forms Lakeside, plain, top opening, black liner, 36" ht., 21" dia.; or approved equal
 - color per architect
 - Public sidewalk on E. University to match that at Zaragon Place - concrete
 - Bicycle parking - DDA hoop style, Class C bike parking
 - Street tree and grate - Iron Age Oblio 48" x 72" (or EIJW 48" x 72", concentric circle pattern) perforated; or approved equal.
 - Existing pedestrian lightpole with upgraded fixture and architectural coating per DDA.
 - Potential future park expansion when parcels that front on S. University parcels are redeveloped.



Trash and Recycling Pickup Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
611 E. Univ.	2 cy trash 2 cy recycle		2 cy trash 2 cy recycle		2 cy trash 2 cy recycle	
Retail		4 cy trash 4 cy recycle				
Pizza House	4 cy trash 4 cy recycle	4 cy trash 4 cy recycle	4 cy trash 4 cy recycle	4 cy trash 4 cy recycle	4 cy trash 4 cy recycle	4 cy trash 4 cy recycle

The trash room has a mini compactor that accommodates 2 2 cy dumpster on wheels.
Recycling dumpsters in the trash room are 2 cy dumpsters on wheels.
Recycling dumpsters within the ground level parking area are 4 cy dumpsters on wheels.

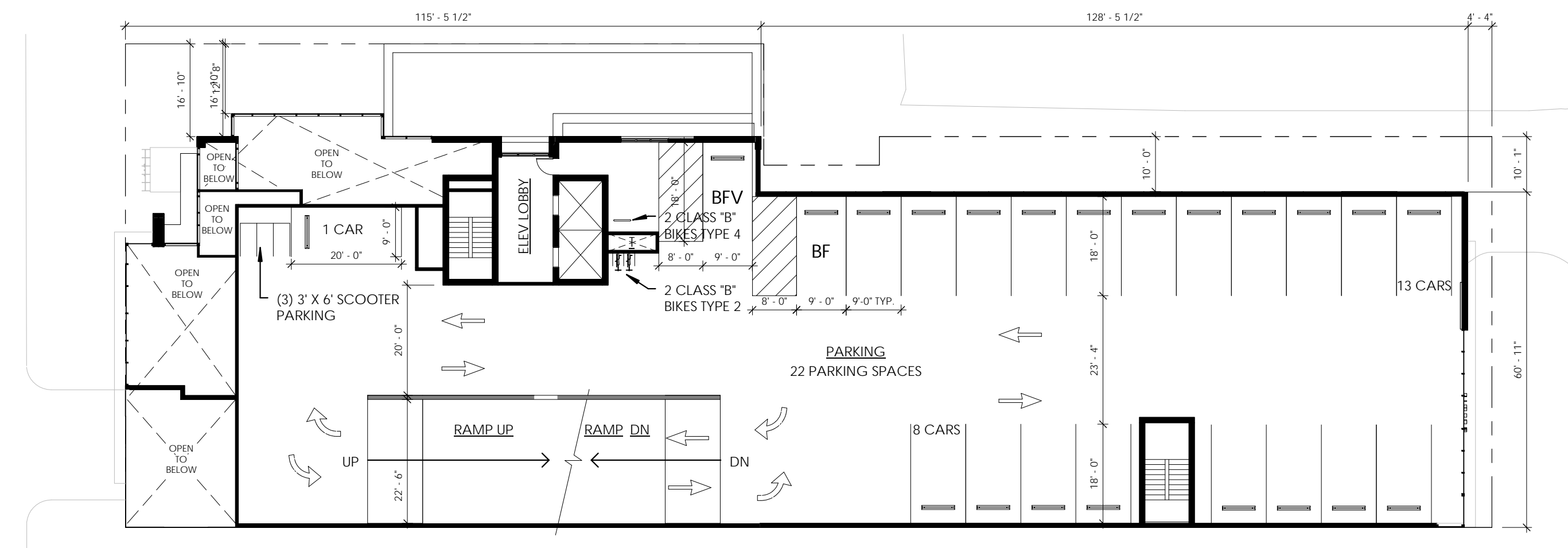


MIDWESTERN CONSULTING
 9845 Plaza Drive Ann Arbor, Michigan 48108
 (734) 995-0000 • www.midwesternconsulting.com
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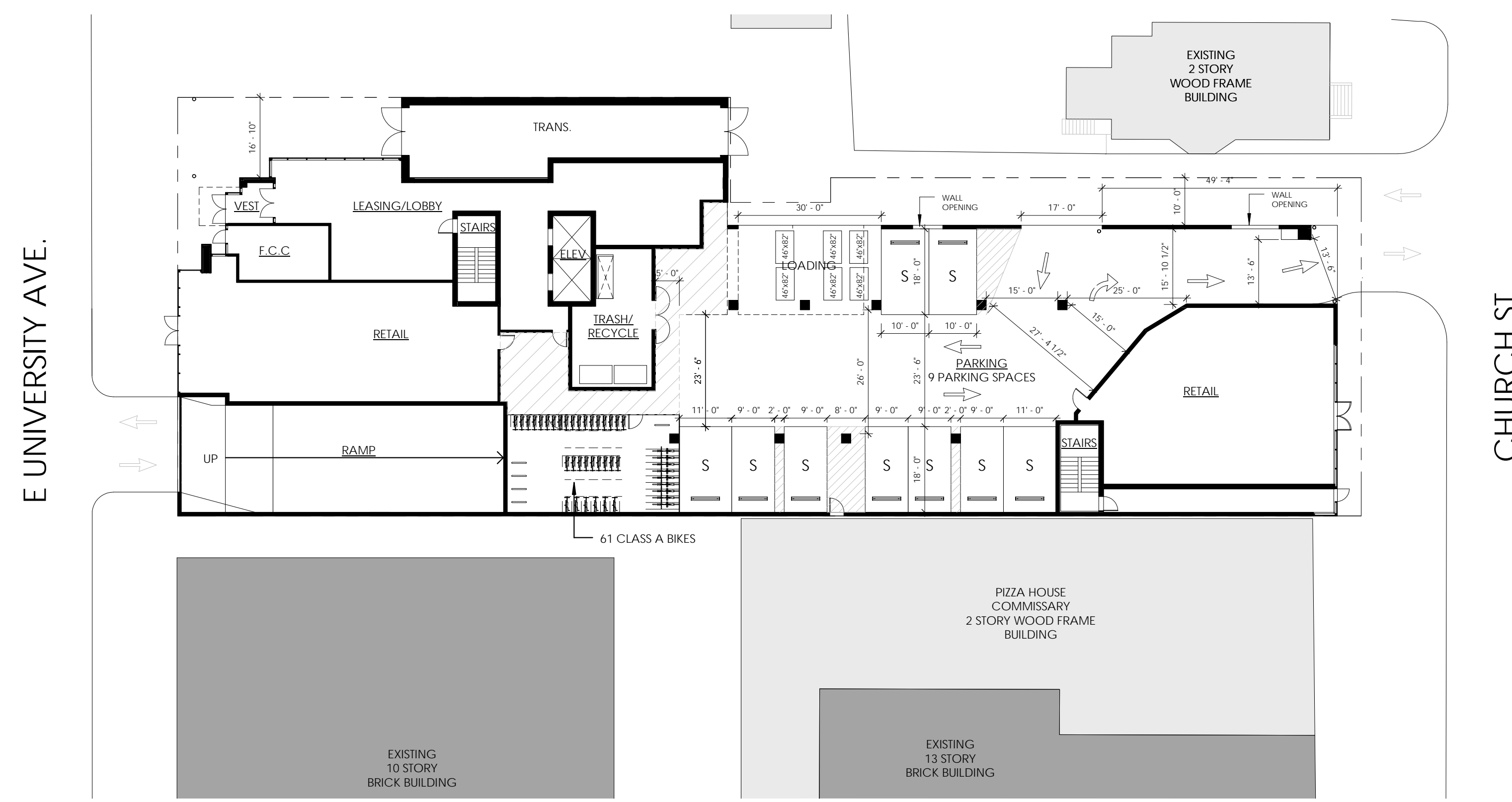
CLIENT
 COLLEGIATE DEVELOPMENT GROUP
 7711 BONHOMME AVE., SUITE 625
 ST. LOUIS, MO 63105
 ATTN: BRANDT STILES
 PH: (314) 721-5559

611 E. UNIVERSITY
 SITE PLAN
 DIMENSIONAL SITE PLAN

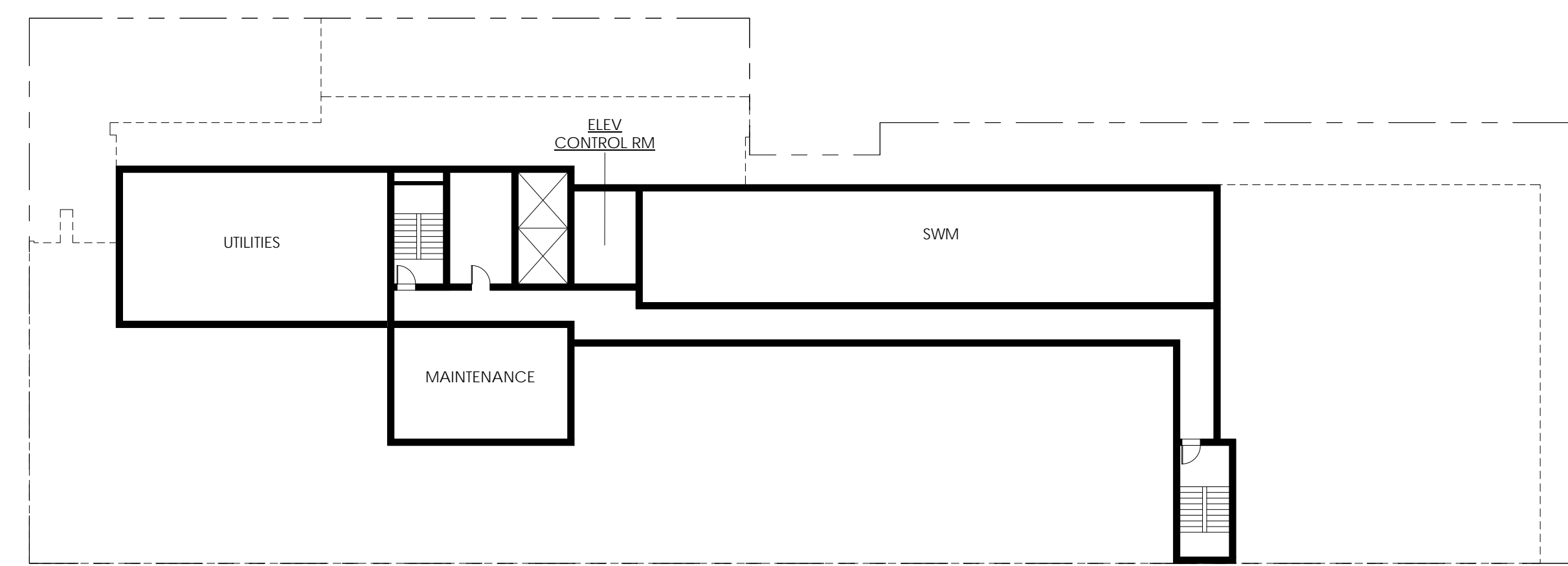
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3 LEVEL 2 - SITE PLAN SUBMISSION
 SCALE: 1" = 20'-0"



2 LEVEL 1 - SITE PLAN SUBMISSION
 SCALE: 1" = 20'-0"



1 BASEMENT - SITE PLAN SUBMISSION
 SCALE: 1" = 20'-0"



TYPE 1



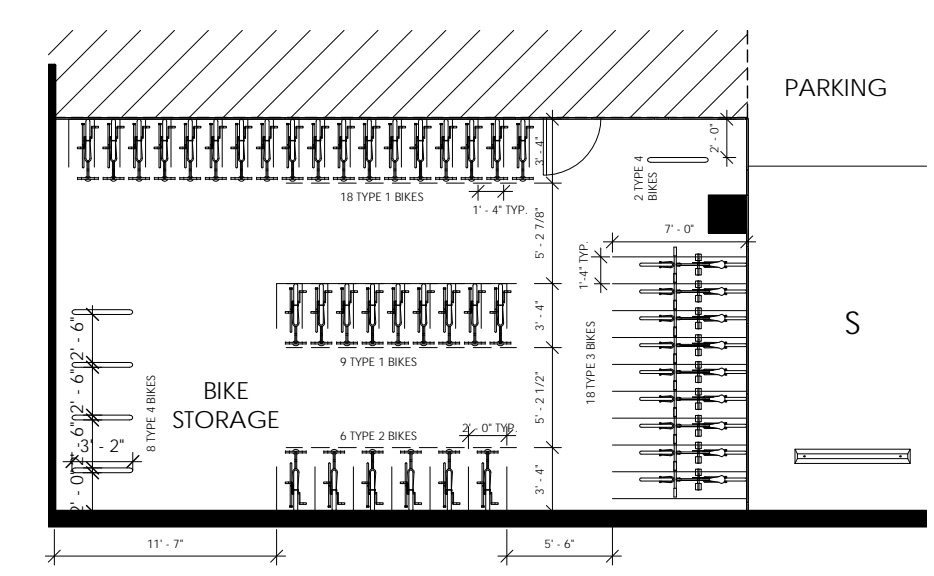
TYPE 2



TYPE 3

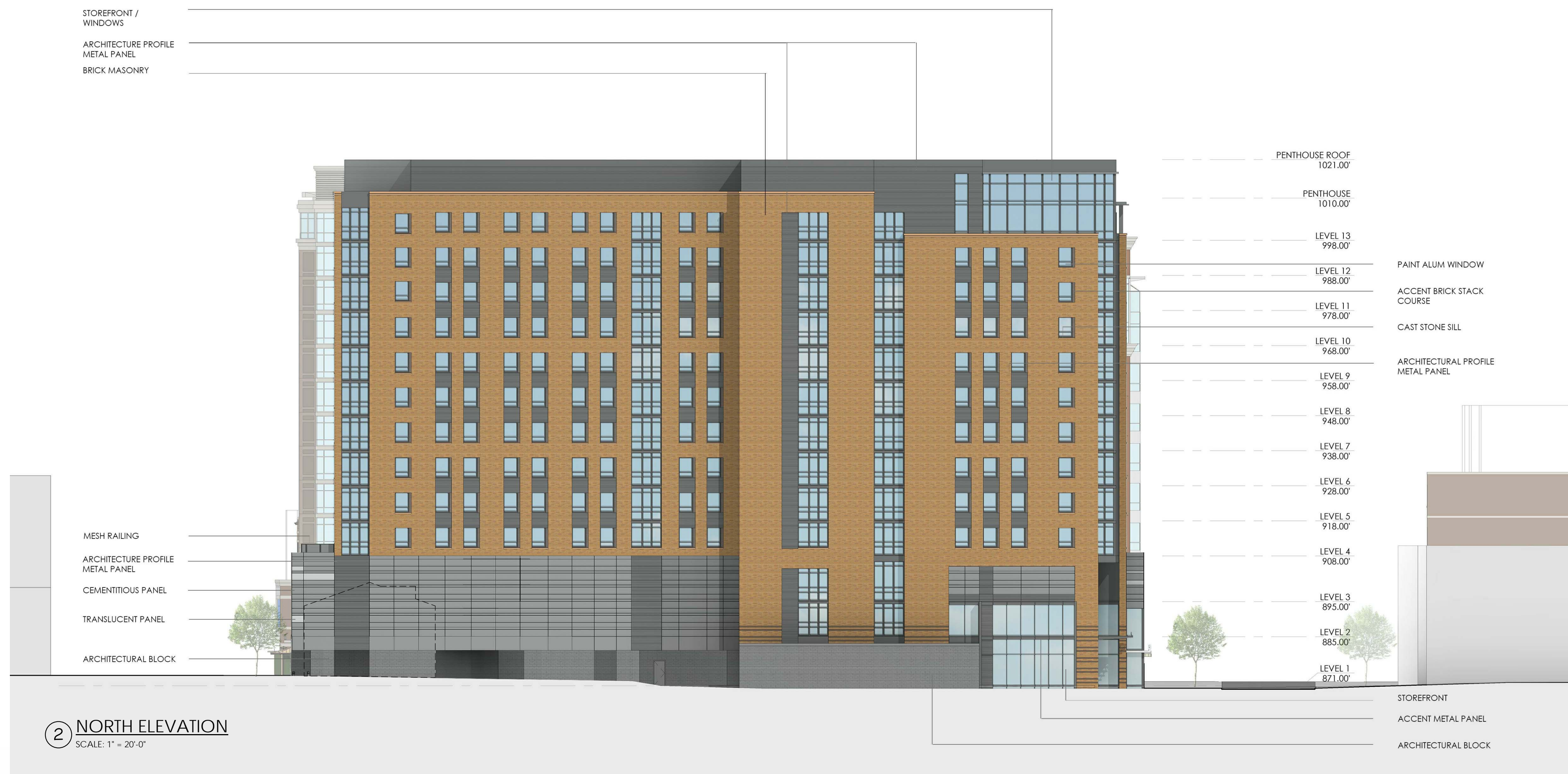


TYPE 4

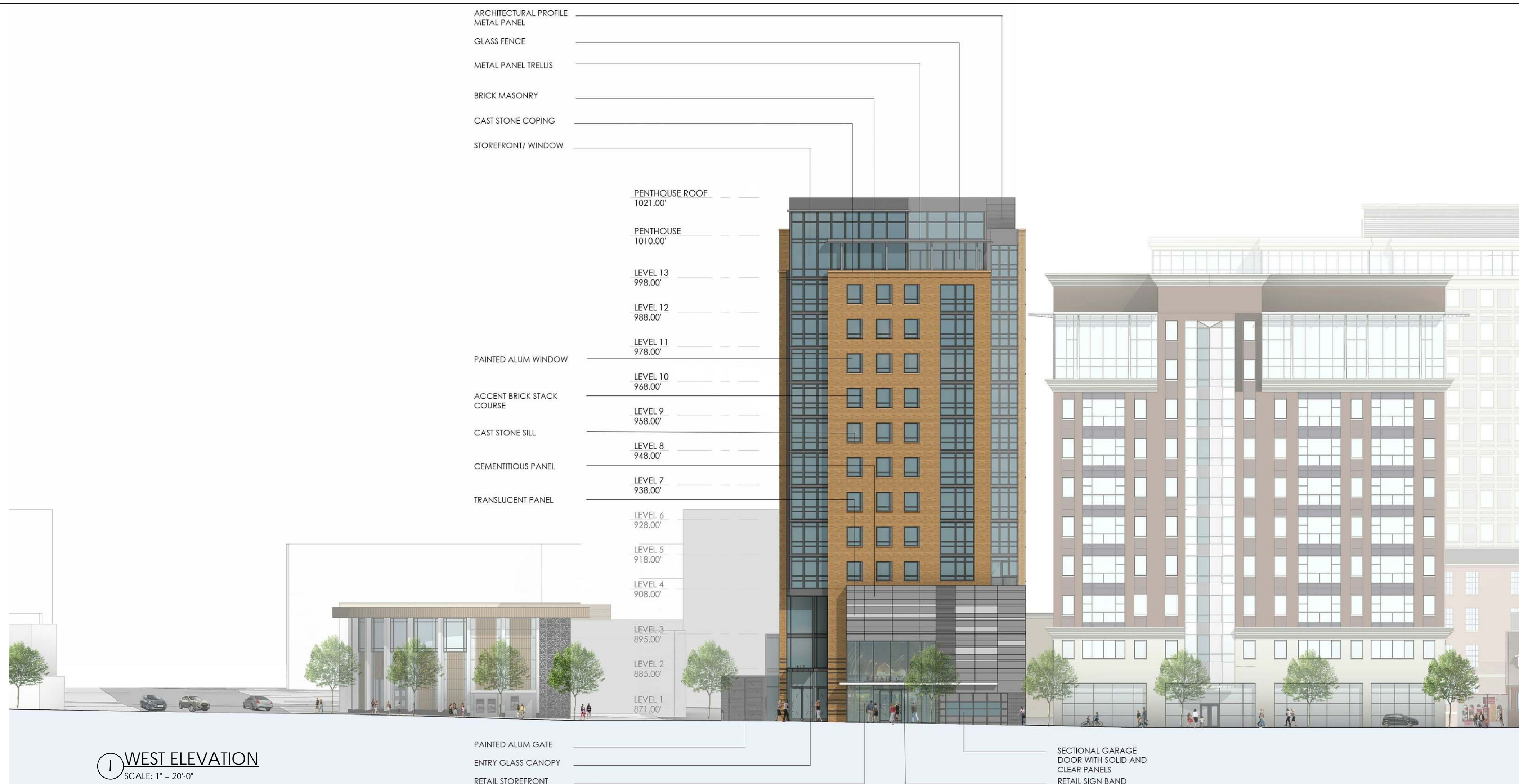


4 LEVEL 1 - SITE PLAN SUBMISSION - BIKE STO
 SCALE: 1" = 10'-0"

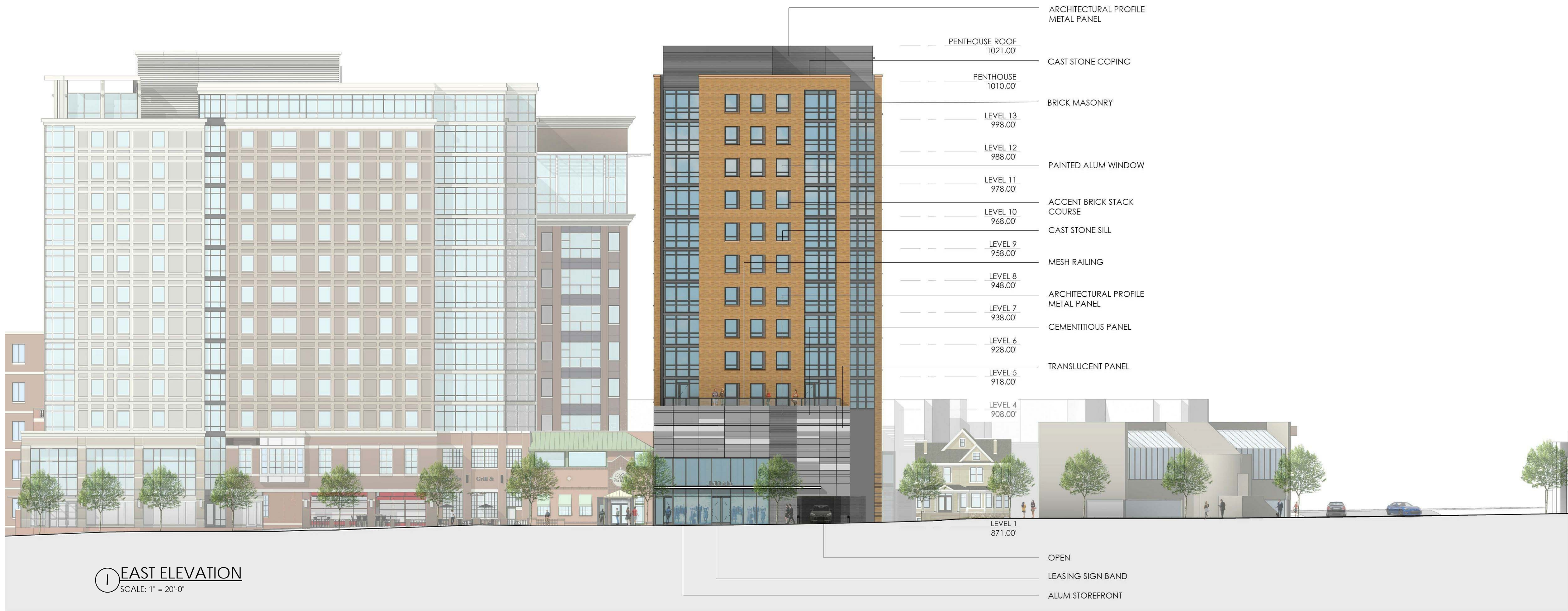
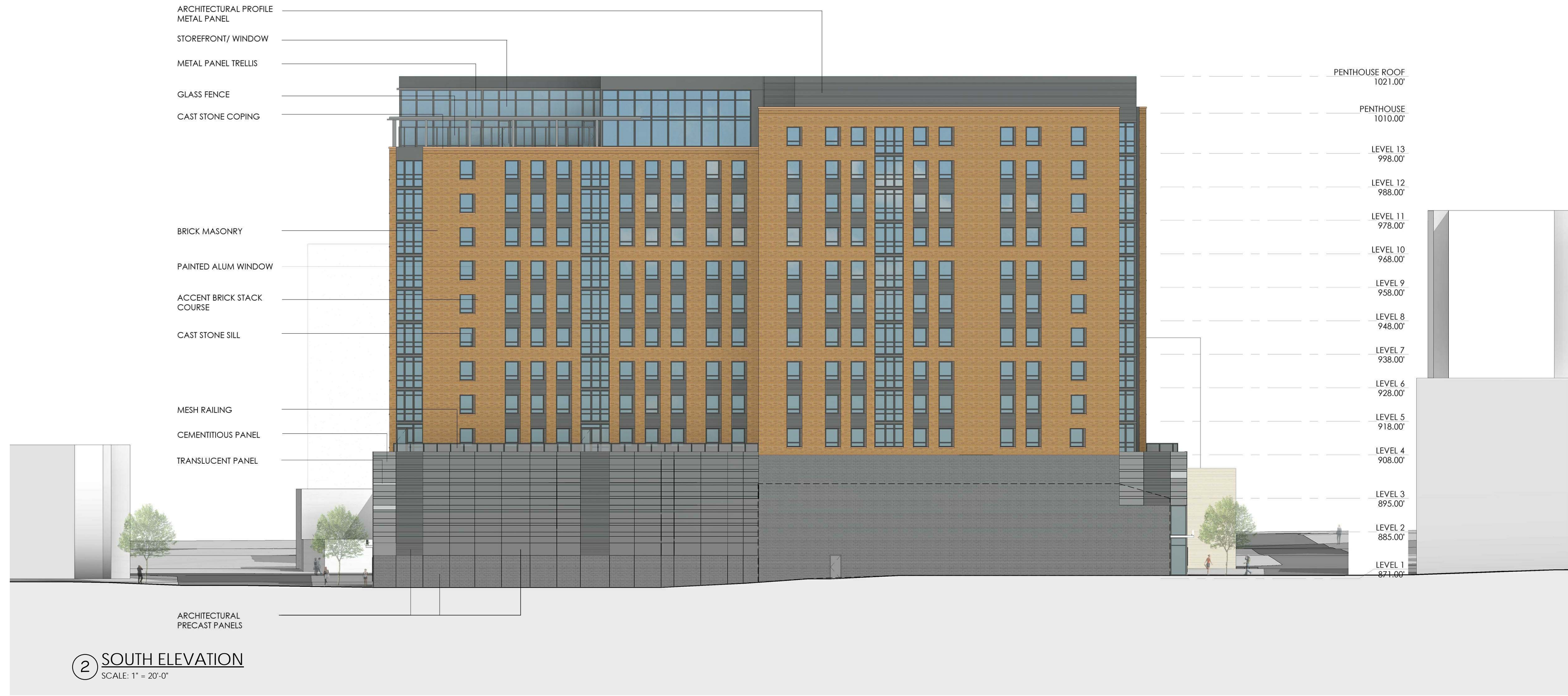
TYPE 4



② NORTH ELEVATION
 SCALE: 1" = 20'-0"



① WEST ELEVATION
 SCALE: 1" = 20'-0"





② EAST ENLARGED ELEVATION
 SCALE: 1" = 10'-0"



① WEST ENLARGED ELEVATION
 SCALE: 1" = 10'-0"

ANN ARBOR DESIGN REVIEW BOARD

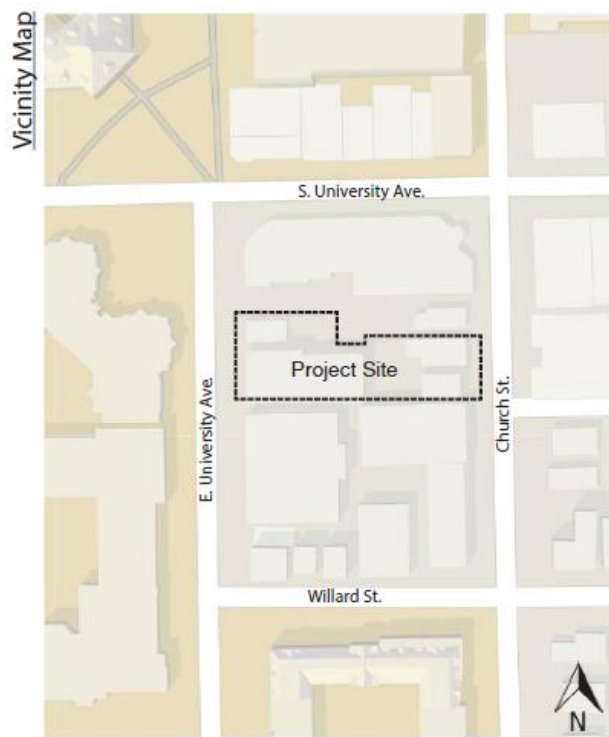
Staff Report

MEETING DATE:	February 17, 2016
PROJECT:	611 East University Project No. DR16-001
ADDRESS:	611 East University Avenue (also 617 E University, 612 and 616 Church)
ZONING DISTRICTS:	D1 (Downtown Core) Base, South University Character Overlay
DESIGN TEAM:	Brad Moore – J Bradley Moore & Associates Architects, Inc. Brandt Stiles – CDG Bob Keane – WDG Architects Scott Betzoldt – Midwestern Consulting

PROPOSED PROJECT: A new 13-story, 134,000-square foot residential building with ground floor retail uses in a “shift-bar” shaped footprint fronting East University Avenue and Church Street. Driveways are proposed on both fronting streets for access to the parking garage and building services.

The 611 East University building has a 3-story streetwall of glass and metal on each front and a 10-story embedded glass tower above. The proposed design reflects the continuing evolution of the South U area from low-rise to high-rise mixed use structures.

The site currently contains several occupied one and two-story commercial buildings which will be demolished to make way for the new development.



STAFF COMMENTS:

1. The area, height and placement regulations for this site (D1 base, South U character overlay, secondary street frontages) are:

	Required	Proposed
Density (Floor Area Ratio)	Max 400% FAR normal, Max 700% FAR with Premiums	689% (premiums)
Front Setback	Min 0 feet, Max 10 feet	E University: 0 ft Church St: 5 ft
Side Setback	Min 0 feet	0 – 10 ft
Rear Setback	Min 0 feet	Not applicable
Streetwall Height	Min 2 stories, Max 3 stories	3 stories
Offset at Top of Streetwall	Min Average 5 feet	E University: 5 ft Church St: 12 ft
Massing Articulation	Max 45 feet	Unknown
Total Height	Max 150 feet	150 ft (14 stories)

2. The South University area contains a very diverse and eclectic mix of architectural styles that are well documented in the context photos in the applicant’s submittal package. Turn-of-the-century commercial buildings, midcentury low-rise banks, suburban shopping malls, and frame houses are found in equal abundance.
3. The one common architectural feature of the area is brick facades. Almost all commercial buildings are brick no matter their vintage. The newest developments also all have strong streetwalls, cornices, and at least 12 stories.
4. The proposed materials of 611 East University – brick, glass and metal – fit well within the character of the area.
5. The height and footprint of the proposed development also are compatible with the context of the block and the South University character area.
6. However, the proposed development is not consistent with the streetwalls and tower tops of the block or the South University character area. Church Street and East University Avenue both have uniformly strong, almost rigid, two-story streetwalls. Even if 611 East University desires a three-story base, it should respect and continue the established streetwall patterns.
7. Further, the proposed development is not consistent with the tower tops of the block or the South University character area. 611 East University’s immediate neighbors to the south, and the overall character of South University, have cornices at their tops. Some are distinctive and ornate, some are simple, but

tops are present.

8. With two driveways, approximately 45% of the proposed development's East University Avenue lot width (and 1/3 of the building width) is devoted to vehicular use. The Church Street front also has two curb cuts and driveways, and is about 30% devoted to vehicular use (1/5 of the building width). Particularly for a development with frontage on two streets, and which already includes an internal ramp between the two parking levels, this is an excessive amount of lot width as well as building frontage devoted to vehicles. The South University area has the greatest concentration of pedestrians anywhere in the City, their comfort, safety and needs must be prioritized over private parking. Ideally one driveway in all, and certainly no more than one on each street, should be provided.
9. The building's north wall will be highly visible to South University Avenue and Central Campus. Its current design does not reflect its prominence. At present, there is nothing to modulate the 220-foot long north wall of 611 East University. As much detailing should be included on this façade, the upper half especially, as proposed on the street-facing facades. Since the proposed building will be the new background for the entire 1100 block of South University Avenue, the design team should at minimum consider adding massing articulation mimicking those existing or historical lot widths.
10. Given the proposed building's mass, it will be very important to provide appropriately recessed windows.

APPLICABLE GUIDELINES: From the Ann Arbor Downtown Design Guidelines

Staff has identified the following Guidelines as applicable to the proposed project. These include Guidelines both with which the proposed project is and is not consistent. The Design Review Board may find other Guidelines are also applicable.

Chapter 1: General Design Guidelines

A. Design Guidelines for Context and Site Planning

A.1 Urban Pattern and Form. When considering urban pattern and form, the petitioner should assess the character of the adjacent streetscape, open spaces, and buildings to determine how they function as places and facilities supporting human use.

A.1.1 Identify and then reinforce the positive characteristics of adjacent sites.

A.1.2 Design sidewalk level features and facilities to provide enrichment of the pedestrian experience.

A.1.4 For mid-block sites, identify adjacent site and building design qualities, noting that a design may be appropriate for a mid-block site that best serves the area in a secondary role.

A.2 Site Planning and Natural Systems. An urban setting can be a challenging environment in which to respond to natural systems. Consider natural systems such as sun and wind patterns, climates and seasonality, rainwater harvesting, and significant individual features such as street tree patterns and landmark trees on public and private sites.

A.3 Open Space. Open spaces can include public and private courtyards, plazas, patios, terraces, alleys, and gardens. Throughout downtown, site features and elements that invite use should be provided.

A.3.1 Design an urban open space to maximize activity and usability for a diverse population of different abilities.

A.3.2 Locate an urban open space where there is a high level of existing or potential pedestrian activity.

A.4 Parking, Driveways and Service Areas. Parking, driveways, and service areas are necessary functions, which should be designed to benefit the urban experience.

A.4.1 Locate and size driveways, access points, service entries, alleys, loading docks, and trash receptacles to minimize impact on pedestrians and maintain pedestrian safety, circulation, and comfort.

A.5 Pedestrian Connections. Pedestrian connections include sidewalks, alleys and arcades that provide pedestrian access within, through and among properties. Such connections provide access to buildings, courtyards, plazas and other site elements.

A.6 Cycling and Transit. Walking, cycling, transit and other multi-modal means of transportation are to be considered in the design of streetscapes.

A.6.2 Consider use of convenient bicycle racks, including proximity to building entries, weather protection and security when selecting a location for bicycle parking and storage.

B. Design Guidelines for Buildings

B.1 Building Massing. Building massing principles address the overall height, size and shape of a building. Although these guidelines refer to the visual aspects of structures, it is important to note that downtown zoning districts address key building massing considerations including floor area ratio, building height, streetwall height, offset and module length.

B.1.3 Provide a clear definition between the base (the lower floor or floors) and upper floors to maintain a sense of scale at the street level. Suggested strategies include:

a) Use a distinct horizontal molding to define the base

B.1.4 If appropriate to the context, establish a design treatment that includes a differentiated building top.

a) Use a distinctive cornice line or roof form

b) Change wall surface materials, colors or texture of the building top

C. Design Guidelines for Building Elements

Building elements include specific design features that give character and detail to a building. They are not generally addressed by the requirements of the downtown zoning districts. Entries, windows, materials, and other building elements influence the degree to which a new building contributes to the urban fabric. Quality and creativity are most clearly expressed and experienced at this level of design.

The design of building elements should be compatible with its surrounding context. However, a wide range of styles or design themes are appropriate including creative, contemporary, and environmentally-oriented design solutions. Surfaces that have variations in depth with substantial shadow lines add interest.

C.1 Street Edge. Building elements and architectural details used at the street front have a direct impact on the quality of the pedestrian experience and should be combined to create an active and interesting street front. Creative use of materials, textures and architectural details is especially important where there are few windows at the street front of a building.

C.2 Entries. The location, spacing and general pattern of building entries impact the quality of the pedestrian experience downtown. Building entries should be located to enhance the street level experience and help give a sense of scale. Entries should be clearly defined, accessible, and located to express rhythm and visual interest along a street front. Although traditional building entry designs may be appropriate, creative and contemporary interpretations are also encouraged.

C.3 Windows. Window design and placement should help establish a sense of scale and provide visual interest.

C.3.2 If contextually appropriate, upper floor windows should reference established patterns of adjacent and nearby buildings in size, shape, and spacing by aligning sills and headers and using similar window proportions.

C.3.3 Window depths should be appropriate to the building design concept. For example, windows flush to the wall surface are often appropriate for modern designs, but traditional concepts should have punched or recessed windows.

C.4 Awnings. The use of awnings is encouraged at the sidewalk level to provide shelter from the rain, to modulate natural light, and to indicate entry and provide transition from the outdoor to the indoor environment.

C.5 Materials. Building materials should reinforce the massing and architectural concepts and enhance the character of the building and its context.

C.6 Building Operational Systems. Building operational systems such as waste management, utility services, heating and cooling systems, must be carefully integrated into the design of a building and not detract from the architectural concept.

C.7 Sustainability in Building Elements. Consider sustainability when selecting structural and façade materials and designing functional building elements.

C.7.3 Incorporate building elements that allow for natural environmental control.

Suggested strategies include: 1) Operable windows for natural ventilation; 2) Rotating doors or wind locks at high volume entries; 3) Interior or exterior light shelves/solar screens above south facing windows

South University Character District

This district is located on the southern and eastern edges of central campus. Current architectural character includes diverse styles ranging from older eclectic forms to new/contemporary ones, expressed through a wide variety of architectural materials including wood siding, brick, limestone, precast concrete, and various metals. Building heights range from one and two floor/low-rise to mid and hi-rise. Rooflines vary from two and three story frame houses to flat roofed contemporary expressions at various building heights and façade expressions.

This area is a mixed use district, largely consisting today of university population-focused restaurant and commercial services, and student housing. This district is busy and vibrant with automobile and pedestrian activity. Sidewalk level doorways provide access to upper floor offices and apartments.

The urban landscape includes sidewalk extensions (bump-outs) with circular tree sized planters; a well developed tree canopy over some sidewalks; and outdoor dining spaces at sidewalk and rooftop levels. First floor facades are more transparent with clear, large display windows, allowing inside first floor retail activities to be visible from, and

contribute to, the district's active street life.

The cumulative character can be described as a busy and vibrant urban setting that encourages and accommodates a diverse range of downtown activities.

Prepared by Alexis DiLeo, City Planner
February 11, 2016



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

DESIGN REVIEW BOARD COMMENTS AND RECOMMENDATIONS

TO: Brad Moore, J Bradley Moore & Associates Architects

FROM: Alexis DiLeo, City Planner on behalf of the Design Review Board

DATE: March 24, 2016

SUBJECT: 611 East University (Project No. DR16-001)

The Design Review Board discussed the proposed design of your proposed development located at and known as 611 East University on February 17, 2016. Please consider the following comments and recommendations made by the Board when preparing the site plan petition.

1. Provide more contrast on the East University façade, and make this side of the building the primary pedestrian entrance. Do not have a vehicle entrance on East University, and ensure the plaza at the northwest corner is active. Consider moveable furniture in the plaza.
2. Provide more detailing and elements that further articulate the north elevation. Consider a glass elevator on the exterior of the building, and include windows in the stairwells.
3. Create a better hierarchy between the base, middle and top of the building.
4. Consider designing different, perhaps opposing, façades on the two streets. It may be appropriate for the East University façade to be more atypical, have more color and “do something more zingy”, and the Church façade to be more conservative and conventional.

These comments and recommendations were prepared on March 24, 2015 and approved by the Design Review Board on April 20, 2016.

Citizens' Participation Meeting Report

March 18, 2016

Project: **611 East University, mixed use development - Ann Arbor, MI**

Meeting Date: **March 3, 2016**

Location: **Pizza House**

Time: **6:30pm-8:00pm**

The City Planning & Development Services provided a list of addresses to which to mail notices of the meeting. Approximately 1378 postcards were mailed out to the addresses provided describing the project and indicating the time, date, and location of the **Citizens' Participation Meeting (CPM)**. At approximately 6:40pm the meeting was convened by the project architects, J. Bradley Moore, and Bob Keane - a sign-in sheet was started for meeting participants to record their presence. They indicate that they had other members of the project team with them including, a civil engineer from Midwestern Consulting, and representatives of the developer. At approximately 6:40pm, with about 10 attendees in attendance, Mr. Moore started the evening's meeting by outlining the process and requirements of obtaining site plan approval through the city's designated processes. They then made a presentation of the mixed-use project proposed for the North side of Pizza House and Zaragon Place from East University east to Church St. They noted that the new proposal has frontage on two streets with active uses at street level including retail and leasing with parking behind and above the active street level uses. They indicated that the levels above the parking and retail levels would be apartments targeted to U of M students. Apartments would range from Micro Studios to 5 bedroom units with the bulk of the units having 4 bedrooms. After the presentation they opened the meeting up to participants for their questions and comments.

The following is a summary of comments and questions voiced by participants and answers provided (*answers/responses in italics*) by project team members:

Are the developers buying the lots that make up the project? *Yes, they have sales agreements on all four lots.*

Will the north and south facades be changed due to comments by the Design Review Board? *Mr. Moore stated that the design team is working to incorporate the DRB comments.*

When will the public be able to see and changes made to the project based upon DRB comments? *When the Project is formally submitted to the city for site plan approvals in late March.*

How far will the south walls of the new project be from the neighboring projects to the south? *The proposed 611 E. University will be built on the southern property line for the first 3 stories then the "tower" levels above that will be setback (northward) from the southern property line 10 feet on the East University side so there will be approximately 19 to 20 feet between the tower walls of the north side of Zaragon Place and the proposed project. The setback between the Arbor Blu tower over Pizza House and the proposed project on the church street side will be approximately 35 feet.*

How far away to the north could the owners of the property to the north build adjacent to your proposed project? *Legally they could build up to the common property line but if they did that they would not be able to have any windows in the south face of their building. It is most likely they would setback their building at least 10 feet in order to get some windows on their south facing façade so there would be something like 20 to 26 feet, plus or minus, between adjacent faces of the two buildings towers, if they built as tall as our building. Our building is set back, southward of our northern property line, 10 to 16 feet to create a space for a "pocket park" and an electrical transformer corral.*

So will the apartments be marketed to students? *Yes, we cannot restrict occupancy to just students but that is the envisioned target market for the apartments. The studios and micro-studio apartments could be attractive to non students.*

What will the rental rates be? *They are anticipated to be comparable to other high-rise apartments in the area.*

Disappointment was expressed by one attendee in not being able to see any changes incorporated from the DRB at this meeting? *We need time to discuss with DTE their requirements for accessing the transformer corral and with the neighboring property owner to the north as to their requirements and all that could not be coordinated in time to make any changes to the plans by this date.*

An Attended suggested that we should then have postponed the CPM meeting and considered holding it at a later date. *Mr. Moore and the developer's representative indicated that they were on a very tight timetable in order to meet the requirements of the sellers of the land for performance of milestones in the sales agreements on purchase of the land and could not therefore delay the CPM. Mr. Moore further indicated that the CPM date was vetted by the Planning Department.*

How energy efficient will the project be? *The project will be designed to be LEED Silver standards.*

Will there be any on-site parking provided? *Yes, the project will have two levels of above grade parking spaces as well as some grade level parking.*

One attendee state he wished that we would go back to the DRB for a second round of their comments. *Moore and the developer's representative reiterated that key date milestones of the sales agreements would give them the time to do this.*

How long will the construction take and when would the first occupancy commence? *We estimate between 16 and 20 months of construction. The goal would be for occupancy in late August of 2018.*

One attendee asked if the development team had heard any specifics of other developments rumored along S. University. *The development team stated they had not heard anything. This is the only project we are involved with.*

Could retail uses also be incorporated along Church St as well as along E. University? *We are looking at that.*

How many people own the existing parcels? *Four.* Is Prime Student Housing one of the Owners? *No, they are just a tenant in one of the adjacent buildings.*

An attendee indicated that the DDA was proposing improvements along S. University. *The design team said they had been in touch with the DDA and look forward to seeing the proposal when it is ready.*

Is the bank parking lot (on E. University at S. University) part of the project? *No.*

Will the retail space have its own entry at the street level? *Yes.*

The meeting adjourned at approximately 8pm. Mr. Moore indicated that he would be happy to receive additional questions and comments via the e-mail address listed on the post card mailed out announcing the meeting. Participants were encouraged once again to sign the attendance sheet.

Call E. ONLY. 3-3-14 CAPM

Name	Mailing Address	Phone #
	E-mail address	
Peter Nagourney	914 LINCOLN AA 48104 nagourney@gmail.com	734-668-7424
Sean Hawera	30100 Telegraph Rd. Ste 220, Bingham Farm Shawera@Hughes-Properties.net	313-410-6488
Denise Lise	618 Church St. AA 48104 dlise@przshouse.com	734-564-1096
TODD BEZAK	1207 WILKIND tbezakov@msco.com	440 6697800
Chris Crockett	506 E Kingsley St. A2 48104 christinecrockett8@gmail.com	734-657-4347
SCOTT BEZROUDT	9075 AUTUMN TRAIL DEXTER MI	734-995-0200
RAY DETTER	120 N. DIVISION ANN ARBOR, MICHIGAN	734-668-7027
Mdre Geustein	1321 Forest Court A204	734 665 9230
Eleanor LINN	1321 Forest Court 48104	734-665-9230

DRAFT COPY 6/3/16

611 EAST UNIVERSITY AVENUE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2016, by and between the City of Ann Arbor, a Michigan municipal corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY and Collegiate Development Group, a Missouri limited liability company, with principal address at 7711 Bonhomme Avenue, Suite 625, St. Louis, Missouri 63105, hereinafter called the DEVELOPER, witnesses that:

WHEREAS, the DEVELOPER owns certain land in the City of Ann Arbor, described below and site planned as 611 East University Avenue, and

WHEREAS, the DEVELOPER has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as 611 East University Avenue, and desires site plan and development agreement approval thereof, and

WHEREAS, the DEVELOPER desires to build or use certain improvements with and without the necessity of special assessments by the CITY, and

WHEREAS, the CITY desires to insure that all of the improvements required by pertinent CITY ordinances and regulations be properly made, and that the DEVELOPER will install these improvements prior to any permits being issued.

THE DEVELOPER HEREBY AGREES:

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for construction of public water main, private storm water management systems, and sidewalks ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee in accordance with City standards, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To construct the Improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in the Improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the DEVELOPER fails to construct the Improvements, the CITY may send notice via first class mail to the DEVELOPER

at the address listed above requiring it to commence and complete the Improvements in the notice within a reasonable time as set forth in the notice. The CITY may cause the work to be completed at the expense of the DEVELOPER, if the DEVELOPER does not complete the work within the time set forth in the notice. Every owner of a portion of the property, including co-owners of any condominium units, shall pay a pro-rata share of the cost of the work. That portion of the cost of the work attributable to each condominium unit shall be a lien on that Property and may be collected as a single tax parcel assessment as provided in Chapter 13 of the Ann Arbor City Code.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public Improvements set forth in Paragraph P-1 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the DEVELOPER'S engineer inspects.

(P-4) To install all water mains and storm sewers pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits, except as allowed by the CITY Public Services Area in accordance with City Ordinance and Public Service Department Standard Specifications.

(P-5) To indemnify, defend and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the DEVELOPER, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-6) To cause to be maintained General Liability Insurance and Property Damage Insurance in the minimum amount of \$1,000,000 per occurrence and naming the CITY as additional insured to protect and indemnify the CITY against any claims for damage due to public use of the public Improvement(s) in the development prior to final written acceptance of the public Improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in full force and effect during construction of the public Improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-7) For the benefit of the residents of the DEVELOPER'S development, to make a park contribution of \$55,800 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to the Farmers Market.

(P-8) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the DEVELOPER to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the DEVELOPER one year after the date of acceptance by the CITY.

(P-9) To construct, repair and/or adequately maintain on-site storm water management system. If the DEVELOPER fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the DEVELOPER at the address listed above, requiring it to commence and complete the items stated in the notice

within a reasonable time as set forth in the notice. The CITY may cause the work to be completed at the expense of the DEVELOPER if the DEVELOPER does not complete the work within the time set forth in the notice.

(P-10) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area upon request by the CITY.

(P-11) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, DEVELOPER shall review existing noise sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-12) To submit signed and sealed drawings to the CITY reflecting the building elevations, aesthetics, and materials approved by City Council and to construct all buildings consistent with said elevation drawings. If the DEVELOPER proposes any substantive changes to the approved building elevations, aesthetics, or materials, that those changes be submitted to the City Council for approval. Nonmaterial changes to the approved building elevations, aesthetics, or materials may be approved by the Planning and Development Services Manager or designee.

(P-13) To remove all discarded building materials and rubbish from the development at least once each month during construction of the development improvements, and within one month after completion or abandonment of construction.

(P-14) Prior to application for and issuance of certificates of occupancy, to disconnect _____ footing drains, which is based upon the uses currently existing on the Property and those currently contemplated by the Site Plan in accordance with the City of Ann Arbor Developer Offset Mitigation Program, as revised by City Council on June 15, 2015 (the "Guidelines"), or to provide an alternative method of mitigation that results in an equivalent amount of sanitary flow removal, in accordance with the Guidelines, or to provide mitigation to offset the increased sanitary flow as required by any City Council-approved amendments to or replacement of the Guidelines. In the event the actual intensity of uses contemplated by the Site Plan are either increased or decreased, CITY and DEVELOPER agree to adjust the number of footing drains to be disconnected, or the amount of alternative mitigation to be provided, in accordance with the Guidelines. DEVELOPER may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis at the discretion of the CITY Public Services Area.

(P-15) As part of the application for the first building permit, to provide documentation from an independent, qualified professional that verifies the building has been designed to achieve a minimum of two points under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1, based on the most recent version in effect at the date of this agreement. Compliance with this requirement shall be verified and documented by the independent, qualified professional using an industry standard software energy modeling tool (EQUEST or equivalent).

(P-16) DEVELOPER is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the persons signing below on behalf of DEVELOPER has legal authority and capacity to enter into this Agreement for DEVELOPER.

(P-17) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved Agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the DEVELOPER complies with the approved site plan and/or the terms and conditions of the approved Agreement. The DEVELOPER shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or Agreement.

(P-18) In addition to any other remedy set forth in this Agreement or in law or equity, if DEVELOPER fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-19) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

THE CITY HEREBY AGREES:

(C-1) In consideration of the above undertakings, to approve the 61 East University Avenue Site Plan.

(C-2) To use the park contribution described above for improvements to nearby Parks.

(C-3) To provide timely and reasonable CITY inspections as may be required during construction.

(C-4) To record this Agreement with the Washtenaw County Register of Deeds.

GENERAL TERMS

Both the DEVELOPER and the CITY agree as follows:

(T-1) This Agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this

Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

(T-4) The obligations and conditions on the DEVELOPER, as set forth above in this Agreement and in the approved site plan, shall be binding on any successors and assigns in ownership of the following described parcel:

City of Ann Arbor, Washtenaw County, Michigan

611 E. University:

The Southerly 22.1 feet of the South 1/2 of Lots 62 and 63, except the Easterly 55 feet of Lot 63, Ransom S. Smith's Addition to the City of Ann Arbor, according to the plat thereof as recorded in Liber 42 of Deeds, Page 446, Washtenaw County Records.

615 E. University:

Parcel 1:

Lot 1, Block 1, Excepting and reserving therefrom the East 7 rods of said Lot 1, R.S. Smith's Second Addition to the City of Ann Arbor, according to the recorded plat thereof as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records.

Parcel 2:

The East 55 feet of the South 22 feet and 1 inch of the South half of Lot 63, Ransom S. Smith's Addition to the City of Ann Arbor, according to the recorded plat thereof as recorded in Liber 42 of Deeds, Page 446, Washtenaw County Records.

612 Church

The North 1/2 of the East 7 rods of Lot 1, in Block 1, of R. S. Smith's Second Addition to the City of Ann Arbor, according to the plat thereof, as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records. Reserving a right of way over the South 4 feet of the land herein described and granting a right of way over a strip 4 feet wide, along the South side and next adjoining land herein described. Also the South 5 feet of the East 111 feet of Lots 64 and 65, according to the Plat of Smith's Addition to the City of Ann Arbor, as recorded in Liber 42 of Deeds, Page 446, Washtenaw County Records.

Being subject to:

4.) Right of Way for common drive as recorded in Liber 145, Page 486, Washtenaw County Records.

5.) Easement for ingress and egress as disclosed by instrument recorded in Liber 1578, Page 657, Washtenaw County Records.

616 Church

The South 1/2 of the East 7 rods of Lot 1, Block 1, R. S. Smith's Second Addition to the City of Ann Arbor, as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records.

Subject to and together with a mutual easement and right of way as recorded in Liber 264, Page 234, and in Liber 509, Page 284, Washtenaw County Records.

Being more particularly described as:
PARCEL 2A:

Commencing at the NE Corner of Lot 65 of "R.S. Smith's Addition to the City of Ann Arbor", as recorded in Liber 42 of Deeds, Page 446, Washtenaw County Records, thence S 01°11'02" E 126.93 feet along the East line of said Lot 65 and along the West line of Church Street (66.00 feet wide) to the Point of Beginning:

thence continuing S 01°11'02" E 70.96 feet along the East line of said Lot 65 and the East line of Lot 1 of "R.S. Smith's Second Addition to the City of Ann Arbor", as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records, and along the West line of said Church Street;
thence S 88°40'01" W 248.60 feet along the South line of said Lot 1;
thence N 01°09'47" W 88.10 feet along the West line of said Lot 1 and along the West line Lot 62 of said R.S. Smith's Addition to the City of Ann Arbor" and along the East line of East University Avenue (variable width);
thence N 88°40'32" E 115.73 feet;
thence S 01°10'20" E 22.10 feet along the West line of Lot 64 of said R.S. Smith's Addition to the City of Ann Arbor;
thence N 88°40'32" E 21.00 feet along the South line of said Lot 64;
thence N 01°10'41" W 5.00 feet;
thence N 88°40'32" E 111.84 feet to the Point of Beginning. Being a part of the E 1/2 of the SW 1/4 of Section 28, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 0.55 acres of land, more or less. Being subject to easements and restrictions of record, if any.

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the DEVELOPER, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits unless and until the CITY has notified the DEVELOPER in writing that the DEVELOPER has satisfactorily corrected the item(s) the DEVELOPER has failed to perform.

(T-6) This Agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and Ann Arbor City Code.

CITY OF ANN ARBOR, MICHIGAN
301 East Huron Street
Ann Arbor, Michigan 48107

By: _____
Christopher Taylor, Mayor

NOTARY PUBLIC

County of _____, State of _____

My Commission Expires: _____

Acting in the County of _____

DRAFTED BY AND AFTER RECORDING RETURN TO:

Ann Arbor Planning & Development Services

Post Office Box 8647

Ann Arbor, Michigan 48107

(734) 794-6265