

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of December 17, 2013**

**SUBJECT: 624 Church Street Site Plan for City Council Approval  
(624 Church Street)  
File No. SP13-049**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 624 Church Street Site Plan and Development Agreement.

**STAFF RECOMMENDATION**

Staff recommends that the petition be **approved** because the contemplated development would comply with all applicable state, local and federal law, ordinances, standards and regulations; the development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare. There are no regulated natural features on the site.

**LOCATION**

This site is located on the west side of Church Street, between South University Avenue and Willard Street, and is in the Downtown Development Authority (DDA) district and the Allen Creek watershed.

**DESCRIPTION OF PETITION**

The subject site is made up of three parcels and currently contains a two-story structure (originally constructed as a house and later converted to commercial/office uses), a two-story restaurant building containing 15,868 square feet and a two-story house containing one residential apartment. The parcels are zoned D1 (Downtown Core District) and South University Character Overlay District.

The petitioner is seeking approval to demolish the buildings at 624 Church Street and 1117 Willard and construct a 14-story, 116,167-square foot apartment building adjacent to and over the southern half of the existing two-story restaurant building at 618 Church Street and extending to the corner of Willard and Church. The new building addition will contain 122 dwelling units and 232 bedrooms. The building will also contain accessory uses, such as a fitness center and management office.

Residential floor area premiums have been applied to earn an additional 240% of floor area, and the petitioner is proposing a LEED Silver building certification for an additional 50% floor area, for a total floor area ratio of 667%. When utilizing residential premiums, all bedrooms must have a window directly to the outside.

The site is subject to a Secondary building frontage requirement (0 feet minimum/10 feet maximum) for both Church and Willard streets. Along Church, the proposed building has a zero

foot front setback for building columns and the second story, while the first floor façade is recessed 5 feet. The remaining floors, 3 through 14, are offset five feet from the front façade of floor 2. Along Willard Street the building is setback 2.5 to the residential entrance canopy and 5 feet at the closet spot to the first floor. The remaining floors, 3 through 14, are offset five feet from the front façade of floor 2. The proposed building has a 9-foot side setback (west, adjacent to 1113 Willard) and a 10-foot minimum rear setback (west) to the ground floor addition and 20-foot setback to the new building to the tower.

A 70 foot by 20 foot (1,491 square foot) covered outdoor dining area for Pizza House will be provided at street level south of the restaurant. This area is completely covered by floors 2 through 14 of the new building and will be partially enclosed. The proposed outdoor dining area will be adjacent to the internal driveway and service area. This area will be separated from the drive and parking by curbing, brick wall and fencing. There will be large garage-style overhead doors along the front property line opening to the sidewalk.

A total of 53 parking spaces are required for the proposed development. There will be 5 parking spaces (1 barrier-free) underneath the building that will be accessed via a service drive from Willard. The drive will be one-way and exit on Church Street. The drive will be used for deliveries and access to solid waste/recycling, as well as access to the parking.

The remaining 48 required parking spaces are proposed to be provided off-site in a public parking structure through the Contribution in Lieu of Required Parking agreement with the DDA. For the previous 624 Church street proposal, the DDA approved a resolution in support of a parking contract to provide a maximum of 42 spaces in the Forest Avenue public parking structure. Due to the increase in FAR for the current project, the petitioner is now required to provide an additional 6 spaces for a total of 48. This request will be considered by the DDA Operation's Committee December 18, 2013.

The building entrance will be located at the corner of Willard and Church Street. The ground floor of the proposed addition includes two small offices for building management, the resident lobby with an entrance at the Willard and Church street corner, solid waste/recycling room and bicycle parking room at the rear. There will be no new retail space provided in the building. A small club room for use by the building residents is proposed for the top floor. A rooftop patio and amenity area is proposed for access and use by all building residents. Benches and a small grilling area will be provided. A garden trellis is also proposed for the plaza area.

The second floor contains the fitness room, study lounge and 5 residential apartments. Floors 4 through 13 will have eleven apartments each. The total of 76 units will be divided into: 23 one bedroom apartments (19%); 88 two-bedroom apartments (72%); and 11 three-bedroom apartments (9%). All bedrooms have at least one window directly to the outdoors. The units will range in size from 490 to 1,100 square feet.

Enclosed bicycle parking will be provided in a secure room on the first floor: 56 individual bike spaces are proposed in the room, in addition to six wall-mounted racks adjacent along the rear stairwell. There are five bike hoops existing in the right-of-way, and the petitioner is proposing to add 20 more hoops, for a total of 50 exterior bicycle parking spaces in the curb extension.

Storm water management for the site will be provided in underground tanks underneath the loading area. There are no protected natural features on the site and no required landscaping.

A development agreement has been drafted to address a variety of issues, including: building elevations, parkland contribution, required footing drain disconnections, documentation of LEED Energy & Atmosphere and Silver certification, and condominium requirements.

The estimated cost of construction is \$17,000,000.

### **DESIGN REVIEW BOARD**

The petitioner presented the 624 Church Street Site Plan project to the Design Review Board on September 18, 2013. The proposed materials include red-brown brick matching the existing Pizza House restaurant for the first two levels and a mix of limestone color and red-brown concrete, and aluminum window walls. The full Design Review Board report is attached.

In summary, the Board observed that the proposed design responded favorably to the Downtown Design Guidelines. The Board advised incorporating design elements from the existing restaurant, with a pedestrian design that builds on that character. Protecting the outdoor dining area from encroachment of the loading zone functions was a concern of the Board, as well ensuring active uses along the area between the Pizza House restaurant and the Willard corner. It was also recommended that the petitioner mitigate building massing using changes in volume and not just changes in materials and to design a greater setback to accentuate the tower from the building base.

The proposed development has been revised to address some of the Board's comments. The outdoor dining area has been separated using curbing and fencing. The massing has been revised to utilize vertical offsets as well as change in materials. Additional bicycle parking was added to the right of way, and the street level design is consistent with the adjacent restaurant.

The Board also encouraged the petitioner to reconsider the location of the bicycle parking and ensure adequate visibility for pedestrians and motorists exiting the drive on site. However, the bicycle parking was not adjusted and remains in the same location as originally designed. The petitioner has provided the attached statement of revisions in response to the Board's report.

### **CITIZEN PARTICIPATION**

The petitioner held a meeting for interested citizens on October 9, 2013, four weeks prior to submitting this project for approval. 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; 11 people attended the meeting. The full report provided by the petitioner is attached.

In general, the discussion at the meeting addressed:

- Setbacks and building design – whether there will be windows along the western façade (rear) and whether the design meets the *Downtown Design Guidelines*
- Parking – where will it be provided
- Roof uses – what will the pergola be used for and will there be a green roof
- Details of the units – size, number of bedrooms, anticipated rents

### **COMPARISION CHART**

|   | EXISTING   | PROPOSED  | REQUIRED/PERMITTED   |
|---|--|---|--|
| <b>Base Zoning</b>                      | <b>D1 (Downtown Core)</b>  | <b>D1 (Downtown Core)</b>   | <b>D1 (Downtown Core)</b>  |
| Gross Lot Area                          | 19,776 sq ft   | 19,776 sq ft  | No minimum   |
| Max. Usable Floor Area in % of Lot Area | 80.2%<br>(15,868 sq ft)  | 667%<br>(132,035, sq ft)  | 400% MAX normal<br>(59,996 sq ft MAX)<br>Up to 700% MAX with premiums<br>(up to 104,993 sq ft MAX) |
| Premiums                                | None used  | 47,427 sq ft - residential<br>5,504 sq ft - LEED Silver<br>52,931 sq ft total                                 | Up to 57,314 sq ft additional floor area MAX   |
| <b>Character Overlay District</b>       | <b>South University</b>  | <b>South University</b>   | <b>South University</b>  |
| Streetwall Height                       | 2 stories  | 2 stories   | 2 stories MIN<br>4 stories MAX   |
| Offset at Top of Streetwall             | Not applicable   | 5 ft  | 5 ft Average MIN   |
| Building Height                         | 2 stories  | 150 feet  | 24 ft/2 story MIN<br>150 ft MAX  |
| Side, Rear Setbacks                     | 0 ft (north) side<br>18 ft (south) side<br>0 ft (west) rear existing | 0 ft (north) side<br>5 ft (south) side<br>0 ft (west) rear existing building<br>10 ft (west) propose addition | None   |
| <b>Building Frontages</b>               | <b>Secondary Street</b>  | <b>Secondary Street</b>   | <b>Secondary Street</b>  |
| Church Street                           | 10 ft  | 0 ft  | 0-10 ft MIN  |
| Willard Street                          | 16.5 ft  | 2.5 ft  | 0-10 ft MIN  |
| <b>Parking</b>                          | <b>Special Parking District</b>                                      | <b>Special Parking District</b>   | <b>Special Parking District</b>  |
| Parking – Automobiles                   | 7 spaces   | 5 spaces (on-site)<br>48 spaces (off-site)  | 53 spaces MIN for premium floor area   |
| Parking – Bicycles                      | 10 spaces  | 62 Class A<br>40 Class C  | 46 Class A MIN<br>2 Class C  |

### SURROUNDING LAND USES AND ZONING

|       | LAND USE                                 | ZONING   |
|-------|--|--|
| NORTH | Commercial                               | D1 (Downtown Core), South University Character Overlay |
| EAST  | Mixed Residential/Office/Commercial      | D1, South University                                   |
| SOUTH | Multiple-family Residential<br>Dormitory | D1, South University<br>PL (Public Land)               |
| WEST  | Mixed Residential/Commercial             | D1, South University                                   |

### HISTORY

This 618 Church parcel originally contained a single-family house, circa 1900. That house was used for single and two-family residences until approximately 1975. It then was converted to a pinball parlor on the first floor with at least one rental apartment remaining on the second and third floors. In approximately 1977, the pinball parlor was converted to a restaurant. The original building and a house on the adjacent parcel were demolished and the Pizza House restaurant building was built on the combined parcels in 1992. A 7,822 square foot, two-story addition was approved and constructed in 2005. This addition was constructed with footings and structural elements to support future construction of a building above.

The building at 1117 Willard was built in 1901 and contains one residential apartment. There is no site plan on file for this parcel.

The three parcels were zoned from C1A to C1A/R in 1966 and then to C2A in 2006. The parcels were subsequently rezoned to D1/South University as part of the A2D2 Zoning Initiative. The current base and character overlay zoning districts and building frontage standards became effective in December 2009.

In January 2013, Planning Commission recommended approval of a similar site plan and City Council subsequently approved the plan in March 2013. After approval the petitioner was able to acquire an additional parcel (1117 Willard) in order to add area and increase the size of the development. The previous approved plan included an 83,807 square foot building addition with a total of 76 units; the current plan increases the total additional area to 116,167 square feet and the number of units will increase to 122 units.

### 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**

Downtown Development Authority – As noted above, the DDA will discuss the resolution to enter into a contract to provide required parking within the DDA parking system on December 18, 2013. Details and requirements of the agreement will be outlined in a formal contract executed between the petitioner and the DDA. The contract must be executed before building permits will be issued for the project.

The DDA has reviewed the proposed site plan for consistency with the existing and planned streetscapes along Church Street, including sidewalk materials, bike hoops, landscape planters and lighting. Additional comments may be issued up to the time of construction.

Parks – Parks staff has requested a parks contribution of \$72,450. The petitioner has offered to contribute \$47,120 for improvements to the plaza adjacent to the Forest Street parking structure, in addition to providing on-site recreation in the form of a rooftop area that will be available for use by the residents.

System Planning – The proposed sanitary flows are being modeled by the City. Sanitary sewer mitigation calculations must be revised on the plan. The equivalent of 27 footing drain disconnects will be required.

The placement of bicycle hoops in the public right of way may require an additional agreement.

Planning – The petition complies with all development codes and regulations for new development in the Downtown. While similar in design to the previously approved project, it extends the building to the corner of Willard and Church. This allows for creation of a notable corner design containing a window glass wall on both the Church and Willard Street frontages. The design modifications provided are generally responsive to the concerns expressed by the Design Review Board.

Planning staff has concerns regarding the location of the bicycle parking room. Echoing concerns of the Design Review Board, and based on the observations of bicycle parking rooms in similar downtown projects staff recommended that the room be moved closer to the front of the building. The location of the room as proposed will require the petitioner actively promote this area to ensure usage. In addition, it appears the area previously designated as an outdoor plaza will be used solely for outdoor dining. While this is an allowable use and will activate that space along the street, it is a change from the open plaza use presented at the Design Review Board.

Attachments: Design Review Board Report  
Petitioner's Response to DRB Report  
Citizen Participation Report  
Parcel and Zoning Map  
Aerial Photo  
Site Plan  
Elevations  
Outdoor Dining Area Plan  
Draft Development Agreement

c: Property Owner: Tice Family LLC  
618 Church Street  
Ann Arbor, MI 48105

Petitioner: Opus Development Corporation  
9700 Higgins Road, Suite 900  
Rosemont, IL 60018

Petitioner's Agent: J. Bradley Moore  
J. Bradley Moore & Associates  
4844 Jackson Road, Suite 150  
Ann Arbor, MI 48103

City Attorney  
DDA  
Systems Planning  
Project No. SP13-049



## City of Ann Arbor Design Review Board

### 624 Church Street Summary Report

September 18, 2013

The Design Review Board met on September 18, 2013 to review a new iteration of the **624 Church Street** proposal, which was previously considered by the DRB on October 17, 2012. The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal.

#### Description of Revisions

A 14-story tower addition has been added to the previously approved site plan. It uses smooth-faced concrete masonry units and glazing on the lower two floors, and pre-cast concrete panels and glazing on the upper stories. The project architect explained the color difference in the rendering of the precast panels as smooth vertical and horizontal bands with an exposed aggregate texture in the larger areas. A notch in the building differentiates the new section from the previously reviewed section, and different colors will be used on each section. The new portion of the tower is light-colored, which contrasts with the red brick of the previous application. Five parking spaces will be located under the building. The tower will now be set back 10' from the west property line, in response to the abutting property owner's concerns.

#### Summary of Priority Issues

Per the DRB, the project as reviewed does not meet the *Downtown Design Guidelines* for pedestrian experience and building massing as found in Sections A, B and C.

Examples of applicable guidelines are noted in parenthesis; the full text of each referenced guideline is provided at the end of the summary. Please note that the South University Character Area guidelines also apply.

#### *Site Planning*

1. The stretch of Church Street between Willard and the Pizza House Restaurant will not be a positive pedestrian experience since it consists of lobby, driveway, and plaza areas – these areas should be active, year-round uses. (A.1.2, A.3.6, A.3.7)



2. The driveway should be examined to ensure that both drivers and pedestrians can see each other while entering and exiting. (A.4.1)
3. Public art, landscaping, awnings, and similar streetscape elements are requested to make the area interesting and pedestrian friendly. Consider using the area shown as parking spaces for a different, more active use. (A.1.2, A.3.6, A.3.7, A.5.3, A.5.4, C.1.1, C.2)
4. The covered plaza next to the restaurant is now boxed in by the additional tower, and needs to be a bright, lively space rather than a large cavernous void. Windows from the restaurant onto the plaza are strongly suggested. Lighting will be important to the plaza. (A.5.4, A.5.5)
5. The feasibility of a mid-block connection should be investigated. (A.5)

### *Building Design*

6. Design a greater step back of the stair tower facade in order to accentuate the separation of the base from the tower. (B.1.1, B.1.2, B.1.3)
7. The base of the building should be broken up and varied. The east and south side should have as much detail as the other sides of the building. (B.1.1, B.1.2, B.1.3)
8. The horizontal elements at the top of the second floor and top floor of the building are not visually strong enough. (B.1.4)
9. The location of bicycle parking should be reconsidered. Bicycle parking on residential floors instead of all on the first floor should be investigated. (A.6.2)

### **Additional General Discussion Points**

- Moving the residential entrance to the corner is appropriate.
- The stairways should be convenient and inviting to encourage their use instead of the elevator.
- Address pre-cast concrete's fading problem. Some DRB members prefer brick to pre-cast concrete panels, though the panels are acceptable.

### **Referenced Sections of the City of Ann Arbor Downtown Design Guidelines**

#### *Design Guidelines for Context and Site Planning*

- 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.1.5 If the street geometries are such that the mid-block is the termination of a perpendicular street view, consider a design with enough presence and detail to make that view noteworthy.

- 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.3.6 Provide dining opportunities, movable tables and chairs, public art, lighting, interpretive materials, historic markers, water features, and architectural details such as windows and storefront walls, to frame urban open space.
- A.3.7 Enrich the space using special paving, plants, trellises and site structures.
- 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.4.2 Provide a pedestrian-friendly street edge at street level adjacent to surface parking areas and enclosed parking structures. Provide a landscape buffer appropriate for urban conditions at the edges of surface parking areas.
- A.5.1 Pedestrian walkways should be well integrated with the existing infrastructure in a way that supports pedestrian connections within and outside the areas of the proposed project.

#### *Design Guidelines for Buildings*

- B.1.1 Design a building to minimize its impact on adjacent lower-scale areas.
- B.1.2 When a new building will be larger than surrounding structures, visually divide it into smaller building modules that provide a sense of scale.
- 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.
- B.1.4 If appropriate to the context, establish a design treatment that includes a differentiated building top.

#### *Design Guidelines for Building Elements*

- C.1.1 Use building elements to create a street edge that invites pedestrian activity.
- C.3.1 A high level of ground floor transparency is encouraged throughout downtown.

### *South University Character District*

...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.



To: City of Ann Arbor Planning Department  
301 E. Huron  
Ann Arbor, MI 48103

Date: October 23, 2013

Re: 624 Church Street 2 – Revised proposed high-rise addition to the Pizza House restaurant.

To Whom it May Concern,

Below please find the project team's responses to the Design Review Board project comments. Responses are shown in bold italics after the text from the Design Review Board report supplied by the Planning Dept.:

The Design Review Board met on September 18, 2013 to review a new iteration of the revised **624 Church Street** proposal, which was previously considered by the DRB on October 17, 2012. The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal.

#### **Description of Revisions**

A 14-story tower addition has been added to the previously approved site plan. ***The current revised proposal is the same height as the previously approved project consisting of 13 occupied floors plus a rooftop mechanical equipment enclosure/penthouse.*** It uses smooth-faced concrete masonry units and glazing on the lower two floors, and pre-cast concrete panels and glazing on the upper stories. The project architect explained the color difference in the rendering of the precast panels as smooth vertical and horizontal bands with an exposed aggregate texture in the larger areas. A notch in the building differentiates the new section from the previously reviewed section, and different colors will be used on each section. The new portion of the tower is light-colored, which contrasts with the red brick of the previous application. ***The proposed exterior pallet of materials for this revision to the previously approved 624 Church Street project remain the same as those of the originally approved project.*** Five parking spaces will be located under the building. ***This is five more on-site parking spaces than in the previously approved project.*** The tower will now be set back 10' from the west property line, in response to the abutting property owner's concerns. ***The previously approved project had setbacks from the western property line of Ten feet (at the southern portion of the approved addition) and Zero feet (at the northern portion of the approved addition) - the current proposal has westerly setbacks of Ten feet (at the southern portion of the proposed addition just as before) and Twenty feet (at the northern portion of the proposed addition). This represents a 20 foot increase in the setback of the northern portion of the proposed addition from the western property line (the neighbor to the west had requested 10 feet) over what was previously approved.***

## Summary of Priority Issues

Per the DRB, the project as reviewed does not meet the *Downtown Design Guidelines* for pedestrian experience and building massing as found in Sections A, B and C. ***It should be noted that all the members of the DRB in attendance at the DRB meeting indicated they like the current proposal over the previously approved ones and applauded the design team for the improvements.***

Examples of applicable guidelines are noted in parenthesis; the full text of each referenced guideline is provided at the end of the summary. Please note that the South University Character Area guidelines also apply.

### *Site Planning*

1. The stretch of Church Street between Willard and the Pizza House Restaurant will not be a positive pedestrian experience since it consists of lobby, driveway, and plaza areas – these areas should be active, year-round uses. (A.1.2, A.3.6, A.3.7) ***We disagree that the pedestrian experience will be unpleasant. The lobby by necessity is located on the ground floor and will be an active year-round use as tenants will be coming and going throughout the day year-in and year-out. The lobby is clad with glass and open to the streetscape on two sides. The drive exit on to Church Street is quite minimal, currently exists, is consistent with the streetscape of the block and does not define or dominate the streetscape experience. The covered plaza space is currently being programmed as additional seasonal outdoor dining for the Pizza House restaurant and as such the vast majority of the streetscape will be activated.***
2. The driveway should be examined to ensure that both drivers and pedestrians can see each other while entering and exiting. (A.4.1) ***Proposed column configuration has been modified on the north side of the drive, and a column eliminated on the south side of the drive, to improve visibility.***
3. Public art, landscaping, awnings, and similar streetscape elements are requested to make the area interesting and pedestrian friendly. Consider using the area shown as parking spaces for a different, more active use. (A.1.2, A.3.6, A.3.7, A.5.3, A.5.4, C.1.1, C.2) ***The limited parking area shown will remain as proposed due to the tight geometry of the site.***
4. The covered plaza next to the restaurant is now boxed in by the additional tower, and needs to be a bright, lively space rather than a large cavernous void. Windows from the restaurant onto the plaza are strongly suggested. Lighting will be important to the plaza. (A.5.4, A.5.5) ***The covered plaza space is currently being programmed as seasonal outdoor dining for the Pizza House restaurant. It will be a bright, active, lively space.***
5. The feasibility of a mid-block connection should be investigated. (A.5) ***We believe this is not an appropriate location for a through-block connection. This property is too close to the end of the block to be appropriate for a through-block connection. The grade and disposition of the neighbor to the west would not be conducive to such a connection A more appropriate location for such a through-block connection would be north of the subject property at mid-block (where one currently exists due to aligned drives/alleys).***

### *Building Design*

6. Design a greater step back of the stair tower facade in order to accentuate the separation of the base from the tower. (B.1.1, B.1.2, B.1.3) ***This has been incorporated into the revised building design.***

7. The base of the building should be broken up and varied. The east and south side should have as much detail as the other sides of the building. (B.1.1, B.1.2, B.1.3) ***The base of the building at the east and south sides has been differentiated by varying building materials & color, through offsets in building plans and additional detailing.***

8. The horizontal elements at the top of the second floor and top floor of the building are not visually strong enough. (B.1.4) ***We respectfully disagree.***

9. The location of bicycle parking should be reconsidered. Bicycle parking on residential floors instead of all on the first floor should be investigated. (A.6.2) ***Additional class C bike parking has been provided at grade both on-site and in the ROW. In addition to the 60 Class A bike parking spaces provided in a secured designated tenant bike parking room (more than required by code) tenants will be permitted to store their bikes in their dwelling units.***

#### **Additional General Discussion Points**

- Moving the residential entrance to the corner is appropriate. ***Done***
- The stairways should be convenient and inviting to encourage their use instead of the elevator. ***The eastern stair is connected to the lobby and has glass facing the street to the east so it will be a bright day-lit space with good views to the surrounding area.***
- Address pre-cast concrete's fading problem. Some DRB members prefer brick to pre-cast concrete panels, though the panels are acceptable. ***Color choice will be reviewed.***

#### **Referenced Sections of the City of Ann Arbor Downtown Design Guidelines**

##### *Design Guidelines for Context and Site Planning*

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.1.5 If the street geometries are such that the mid-block is the termination of a perpendicular street view, consider a design with enough presence and detail to make that view noteworthy.

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.3.6 Provide dining opportunities, movable tables and chairs, public art, lighting, interpretive materials, historic markers, water features, and architectural details such as windows and storefront walls, to frame urban open space.

A.3.7 Enrich the space using special paving, plants, trellises and site structures.

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.4.2 Provide a pedestrian-friendly street edge at street level adjacent to surface parking areas and enclosed parking structures. Provide a landscape buffer appropriate for urban conditions at the edges of surface parking areas.

A.5.1 Pedestrian walkways should be well integrated with the existing infrastructure in a way that supports pedestrian connections within and outside the areas of the proposed project.

B.1.1 Design a building to minimize its impact on adjacent lower-scale areas.

B.1.2 When a new building will be larger than surrounding structures, visually divide it into smaller building modules that provide a sense of scale.

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.

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

### *Design Guidelines for Building Elements*

C.1.1 Use building elements to create a street edge that invites pedestrian activity.

C.3.1 A high level of ground floor transparency is encouraged throughout downtown.

### South University Character District

...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. ***Our proposed material pallet recognizes and is consistent with this diversity.*** 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. ***Our building project will have varying facade expressions.***

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

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. ***We are proposing an active roof-top use. We are proposing additional trees and outdoor dining.*** 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.

***We are proposing large windows at the ground level.***

The cumulative character can be described as a busy and vibrant urban setting that encourages and accommodates a diverse range of downtown activities. ***We believe our proposal continues and enhances the qualities enumerated above.***



## **Citizens' Participation Meeting Report**

Project: 624 Church Street - revised, Ann Arbor, MI

Meeting Date: October 9, 2013

Meeting Location: Pizza House restaurant

Time: 6:30pm-8:00pm

The City Planning & Development Services provided a list of addresses to mail notices of the meeting. Approximately 1,359 postcards were mailed out to the addresses provided describing the scope of the project and indicating the time, date, and location of the Citizens' Participation Meeting.

At approximately 6:25pm project presentation boards were set up and a sign-in sheet started for meeting participants. At approximately 6:40pm, with about a dozen attendees present, the project architect, J. Bradley Moore, made a presentation of the proposed residential addition to the property commonly called Pizza House. He noted that the new proposal is an expansion of the previously approved residential high-rise project at 624 Church St. After the presentation Mr. Moore 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 Mr. Moore and/or other project team members:

How many residential units will there be in total? *There will be around 122 units total on all floors.*

Who will the units be marketed to? *Anyone who wants to live in the area.*

How big will the units be? *There will be Studios, One bedroom, Two bedroom and a few Three bedroom units ranging in size from about 480 Sf. to about 1100 Sf. Most of the units, about 70%, will be Two bedroom units – only 11 or so will be Three bedroom units.*

How many bedrooms will there be in total? *232 in total.*

Will the units be furnished? *Yes, units will come with the major furniture pieces but renters will have the option to provide their own furniture should they so choose.*

Where will the occupants store luggage? *In their closets.*

What will the rents be? *Rental rates have not been set but will be competitive with other similar high-rise residential developments in town .*

Will there be any parking provided? *The project will require 55 parking spaces by code. 5 will be provided on site. The project has up to 42 off-site parking spaces approved for lease by the DDA. The balance of the spaces can be provided by shared cars or by getting additional lease spaces approved by the DDA. It should be noted that Zip cars are available nearby and the site has a walkability score of 94 so tenants may not have much need for a car.*

A participant asked why the building was pushed up so close to the street. *Mr. Moore stated that the zoning ordinance encourages locating buildings up toward the street. Furthermore the tight geometry of the site also necessitates keeping the building close to the street.*

What will the building be constructed of? *The structural system of the existing building is steel frame as will be the new addition, with the exterior skin being a mixture of brick, glass, limestone, precast concrete, burnished masonry and glass.*

Will there be a trash chute? *Yes, one trash chute and one chute for recyclables.*

Will each unit have a living & eating area and kitchen? *Yes.*

How many bathrooms will each unit have? *Studios and one bedroom units will have one bathroom and the others will have two bathrooms.*

How will the trash pick-up be handled? *There will be a central trash room with compactors and carts that will be wheeled to the curb for pick-up.*

Will the project require approval again from the Planning Commission? *Yes, the project will go to the Planning Commission and City Council for approval.*

What type of a green roof is proposed for the addition to the building? *We are planning on using the same system we used on the Big George's Home Appliance building – it is called an "extensive" green roof system and consists of planting trays with vegetation already growing at the time of installation.*

How long will the construction take and when would the first occupancy commence? *We estimate between 13 and 16 months of construction with occupancy by August of 2015.*

Have you incorporated any of the suggestions of the Design Review Board? *We have not revised the drawings since our presentation at the DRB as the owners wished to wait till after this meeting to do only one round of revisions before submitting to the Planning Department for the regular review and approval process but we will be giving consideration to the DRB comments.*

Will the DRB comments regarding "activating" the streetscape be followed. *Yes, we are currently working with the Tice family, owners of the Pizza House restaurant, to program that covered plaza with active outdoor dining.*

When would construction start? *Sometime next spring.*

Have you done wind studies? *We do not plan on doing any wind studies as none are required.*

Is the existing utility infrastructure adequate for the project? *We believe they are but the city will do computer modeling to verify. The computer modeling done for the previously approved version of this project indicated the utilities were adequate.*

Will your floor levels line up with Zaragon Place to the west? *No. and our project will be taller.*

How many elevators will there be for residential tenants? *Two*

What will the ceiling height be in the dwelling units? *Close to nine feet.*

Will you need to do footing drain disconnects? *Yes, according to the city requirements.*

When will the project come before the City Council? *Early next year, most likely.*

What are the next steps? *Presentation of the proposal for review by city staff and then the planning commission and lastly City Council.*

A participant asked what would prevent tenants from taking up street parking spaces. *Mr. Moore stated that the building occupants would have the same right to parking in designated street parking spaces as any other city resident.*

Will there be loud partying on the rooftop patio? *No.*

One participant stated that she thought the precast concrete panels looked too industrial and that she would prefer brick instead.

Another participant requested that the owner have regular meetings with neighbors during construction.

The meeting adjourned at approximately 8:00pm as there were no additional questions or comments

One e-mail was submitted to the development team after the meeting which is below:

*I was at the October 9 citizens' participation meeting, and based on what I heard there are several significant potential issues that I hope you will be able to successfully address, both of which involve parking.*

*You are required to have 55 parking spaces for your building; you say you have an agreement with DDA to purchase 40, plus you plan to provide shared cars (counted as 4 spaces each) to allow you to meet your parking requirement.*

*Problem #1: because the waiting list for the nearby Forest Ave. parking structure is 18 months, your tenants may find their parking spaces are on the other side of town. This will certainly be a problem for them, and cause for complaint.*

*Problem #2: since you probably will locate your shared cars in your available on-site parking spots, this precludes any tenant using those spots for a temporary space while they load/unload their vehicles. At the Design Guidelines Board meeting you said these spots would be available for tenant temporary loading/unloading, but if your shared cars are there that option is no longer feasible. The statement tonight, that tenants have the same right everyone else does to on-street parking, which is true, completely ignores the reality that on-street parking on the streets surrounding your proposed development is in short supply and high demand.*

*The result of these two problems will be tenants unable to park, unable to unload groceries, and increased traffic congestion.*

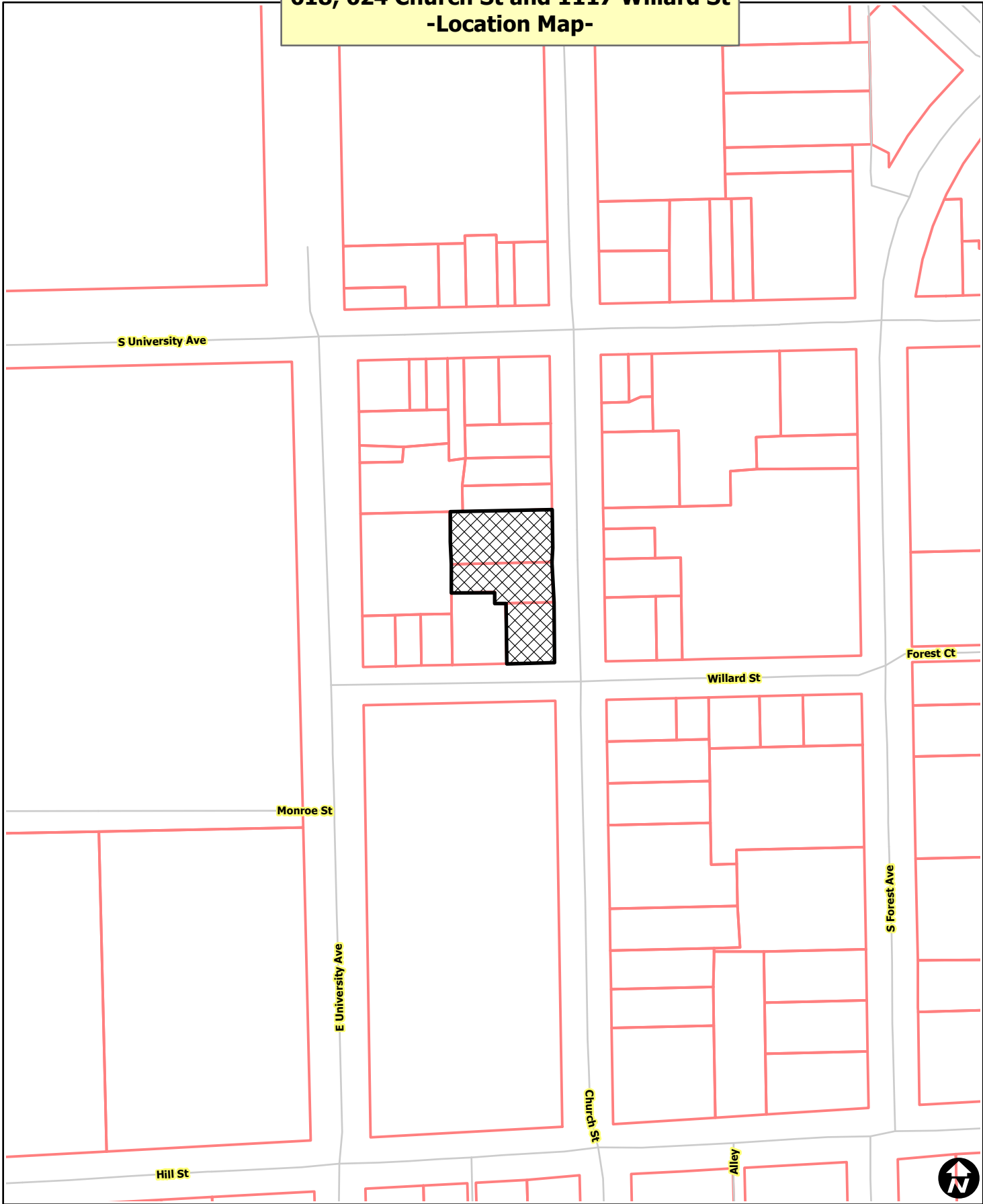
*I don't believe you are adequately planning for these possibilities, and therefore I sincerely hope you volunteer (or are required) to do a traffic study.*

*Thanks,*

*Peter Nagourney  
914 Lincoln Avenue  
Co-Chair, North Burns Park Association*

.

**618, 624 Church St and 1117 Willard St  
-Location Map-**



 Railroads  
 Parcels



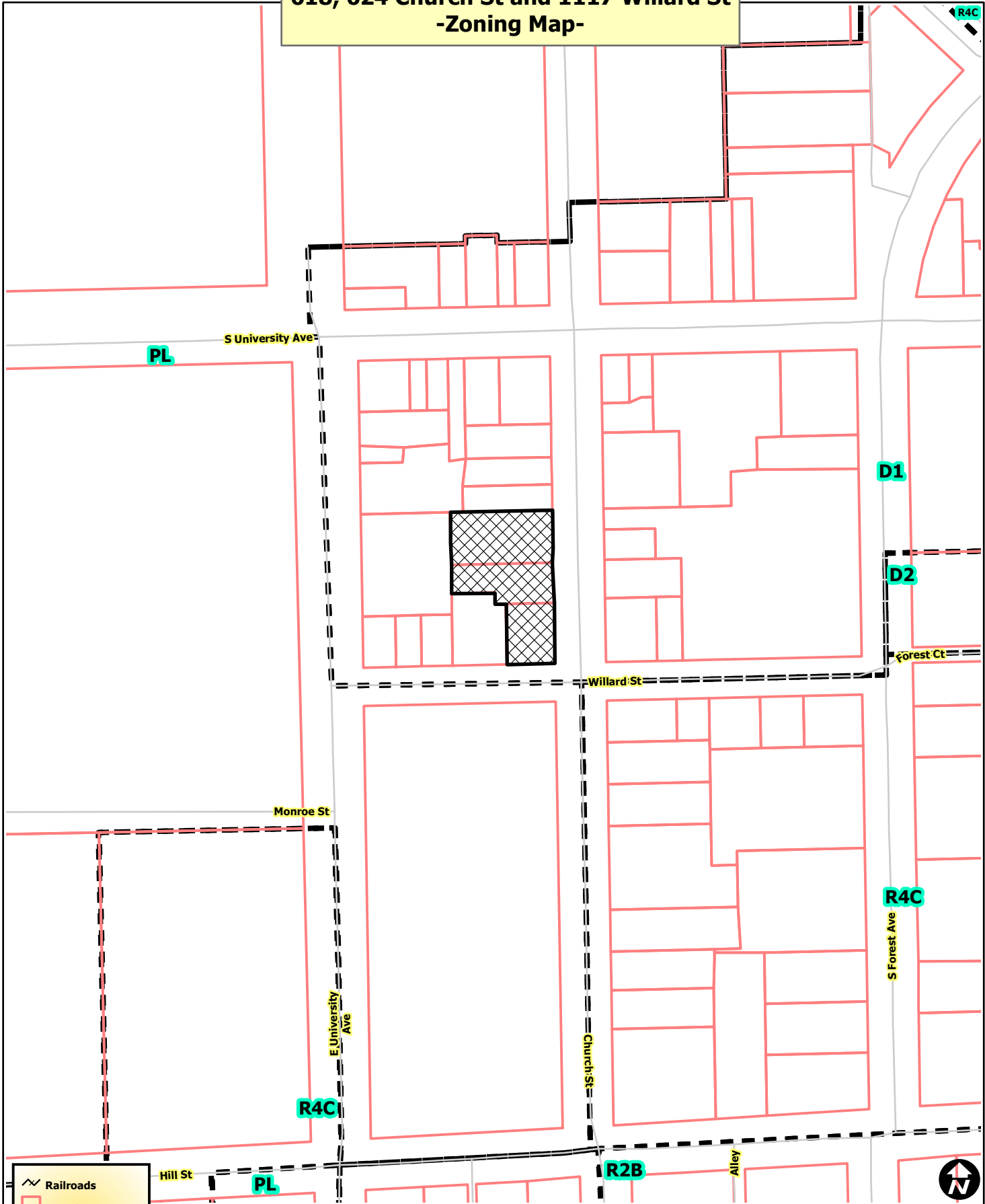
City of Ann Arbor Map Disclaimer:

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 8/21/2013

# 618, 624 Church St and 1117 Willard St -Zoning Map-

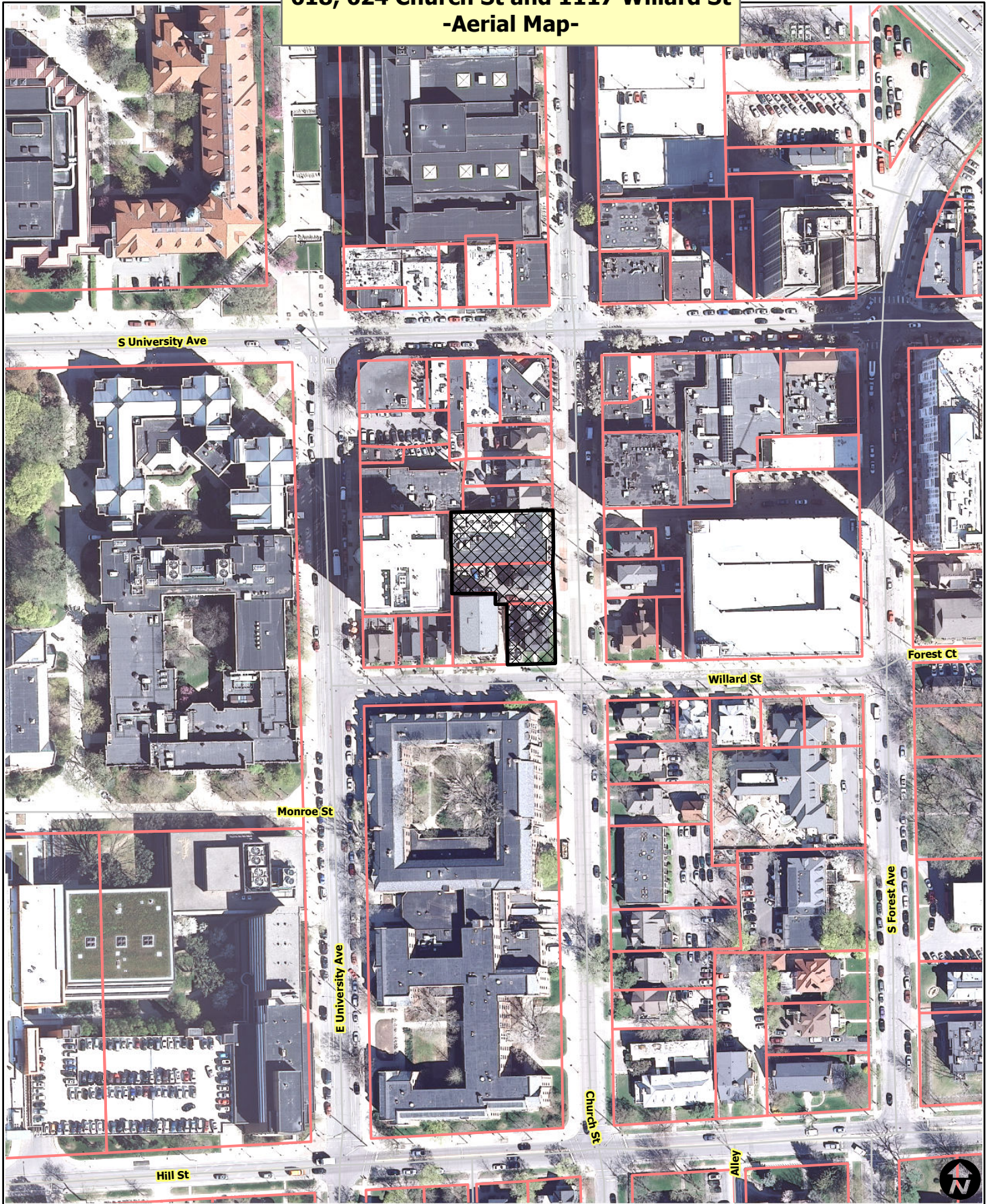


Railroads  
 Parcels  
**Zoning**  
 Township Islands  
 Zoning Districts



City of Ann Arbor Map Disclaimer:  
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.  
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.  
 Map Created: 8/21/2013

**618, 624 Church St and 1117 Willard St  
-Aerial Map-**

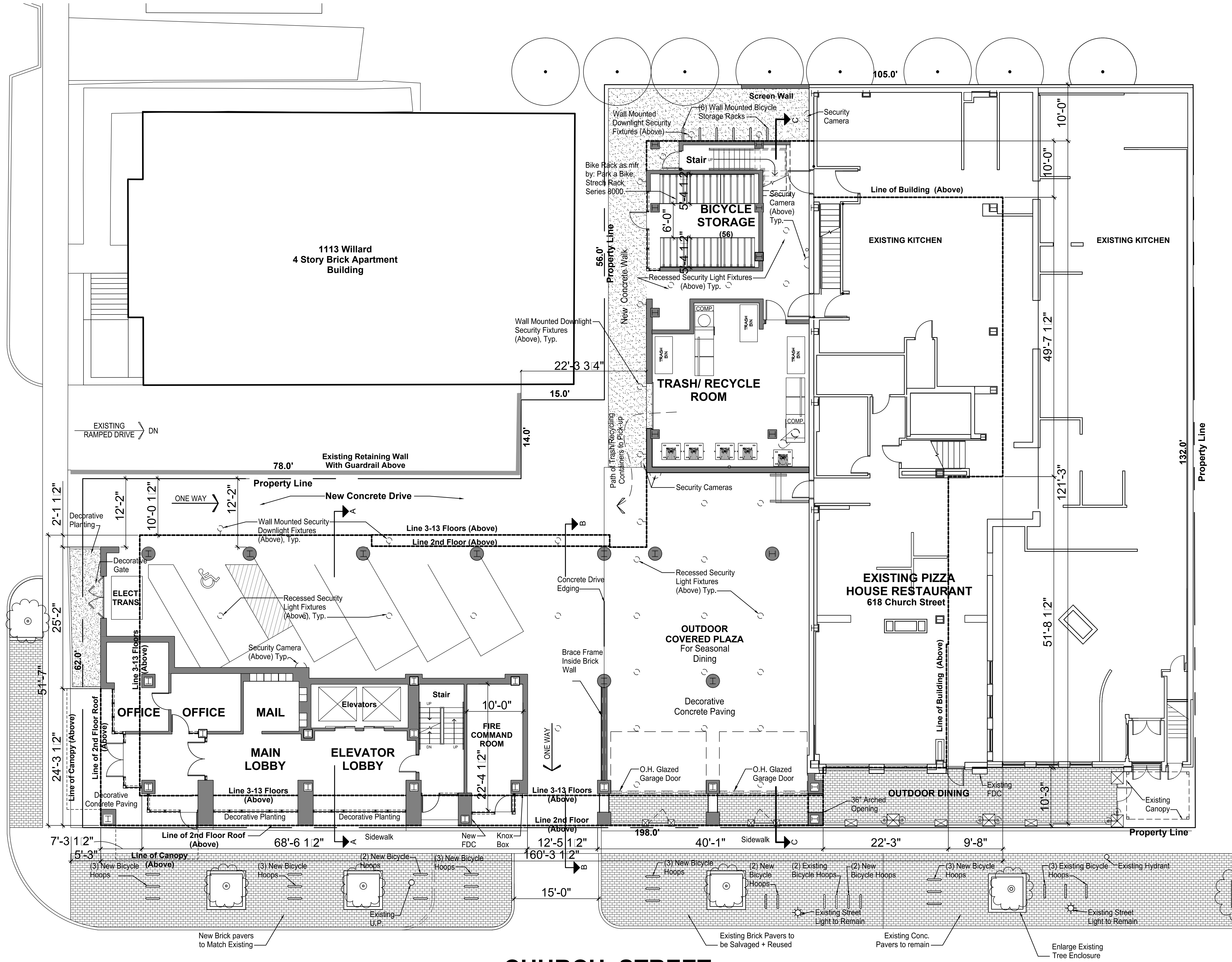


-  Railroads
-  Parcels



City of Ann Arbor Map Disclaimer:  
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.  
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.  
 Map Created: 8/21/2013

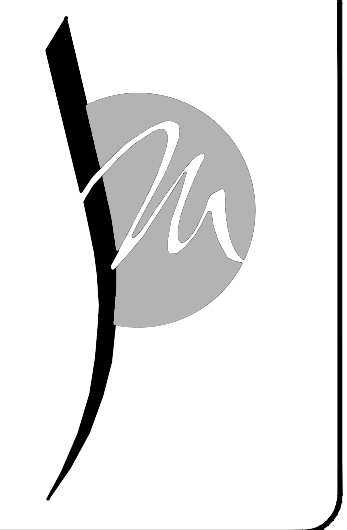
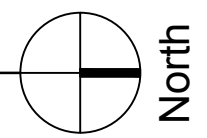
WILLARD STREET



CHURCH STREET

1st Floor Plan with Site Plan

Scale: 1/8" = 1' - 0"



© Copyright 2013

624 Church Street  
Ann Arbor, MI  
1st Floor Plan/Site Plan

J BRADLEY MOORE  
& ASSOCIATES  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

in association with



job 213380

drawn mho  
date  
10.22.13  
11.20.13  
12.09.13  
sht  
A1.1





© Copyright 2013

624 Church Street  
Ann Arbor, MI  
Exterior Elevations

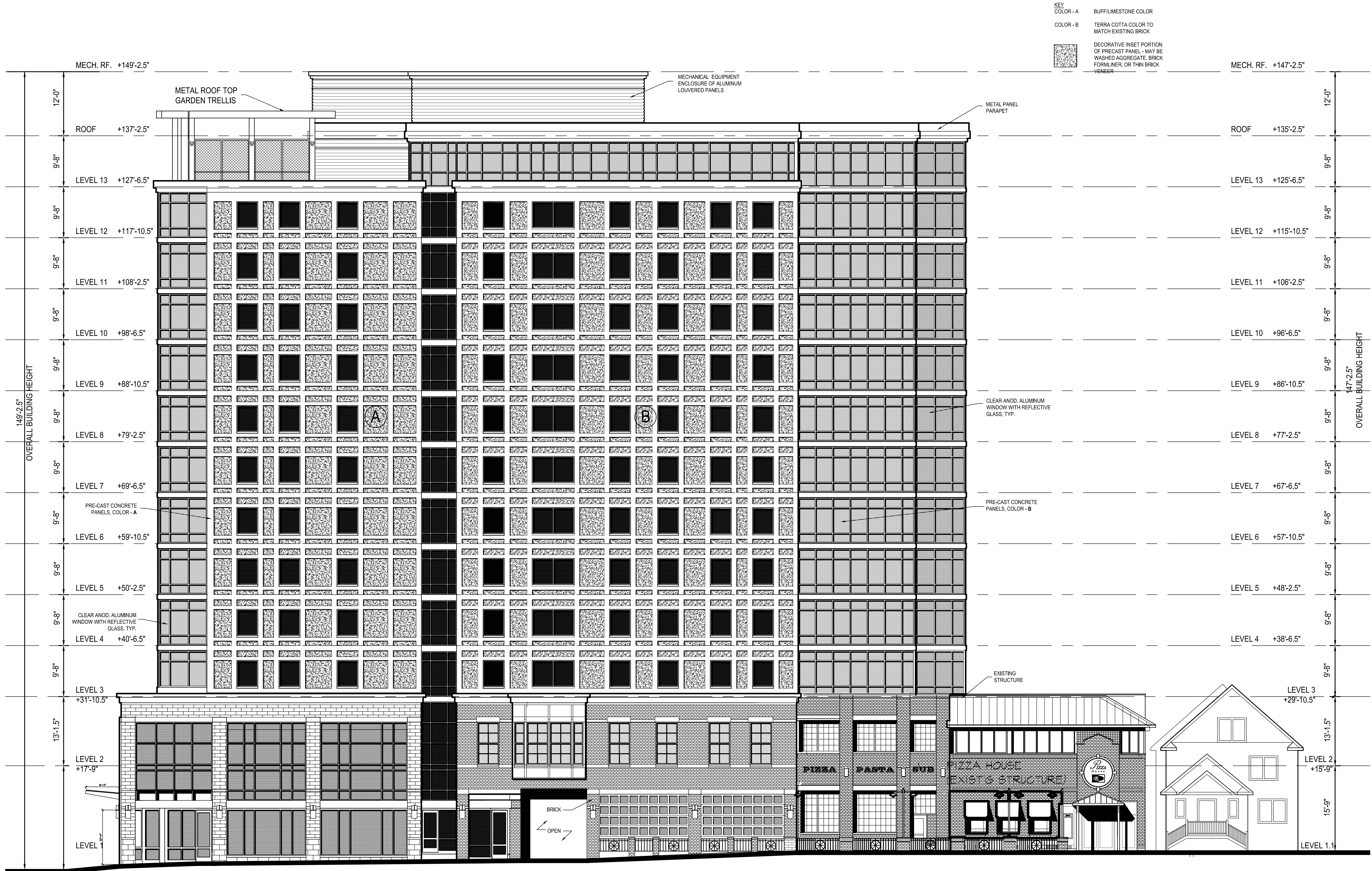
**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

in association with



job 213380

drawn wrm/mho  
date  
10.22.13  
11.20.13  
12.09.13  
sht  
**A2.1**



KEY  
COLOR - A BUFF LIMESTONE COLOR  
COLOR - B TERRA COTTA COLOR TO MATCH EXISTING BRICK  
DECORATIVE INSET PORTION OF PRECAST PANEL - MAY BE WASHED AGGREGATE, BRICK FORMLINER, OR THIN BRICK VENEER

METAL PANEL PARAPET

MECHANICAL EQUIPMENT ENCLOSURE OF ALUMINUM LOUVERED PANELS

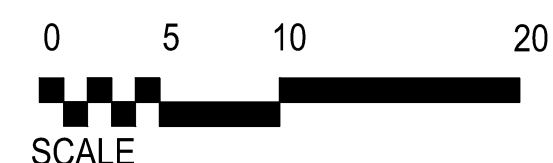
METAL ROOF TOP GARDEN TRELLIS

CLEAR ANOD. ALUMINUM WINDOW WITH REFLECTIVE GLASS, TYP.

PRE-CAST CONCRETE PANELS, COLOR - B

EXISTING STRUCTURE

BRICK  
OPEN



**EAST ELEVATION**  
SCALE: 1/8"=1'-0"

149'-2.5" OVERALL BUILDING HEIGHT

13'-1.5" OVERALL BUILDING HEIGHT

15'-9" OVERALL BUILDING HEIGHT

147'-2.5" OVERALL BUILDING HEIGHT

MECH. RF. +149'-2.5"

ROOF +137'-2.5"

LEVEL 13 +127'-6.5"

LEVEL 12 +117'-10.5"

LEVEL 11 +108'-2.5"

LEVEL 10 +98'-6.5"

LEVEL 9 +88'-10.5"

LEVEL 8 +79'-2.5"

LEVEL 7 +69'-6.5"

LEVEL 6 +59'-10.5"

LEVEL 5 +50'-2.5"

LEVEL 4 +40'-6.5"

LEVEL 3 +31'-10.5"

LEVEL 2 +17'-9"

LEVEL 1

MECH. RF. +147'-2.5"

ROOF +135'-2.5"

LEVEL 13 +125'-6.5"

LEVEL 12 +115'-10.5"

LEVEL 11 +106'-2.5"

LEVEL 10 +96'-6.5"

LEVEL 9 +86'-10.5"

LEVEL 8 +77'-2.5"

LEVEL 7 +67'-6.5"

LEVEL 6 +57'-10.5"

LEVEL 5 +48'-2.5"

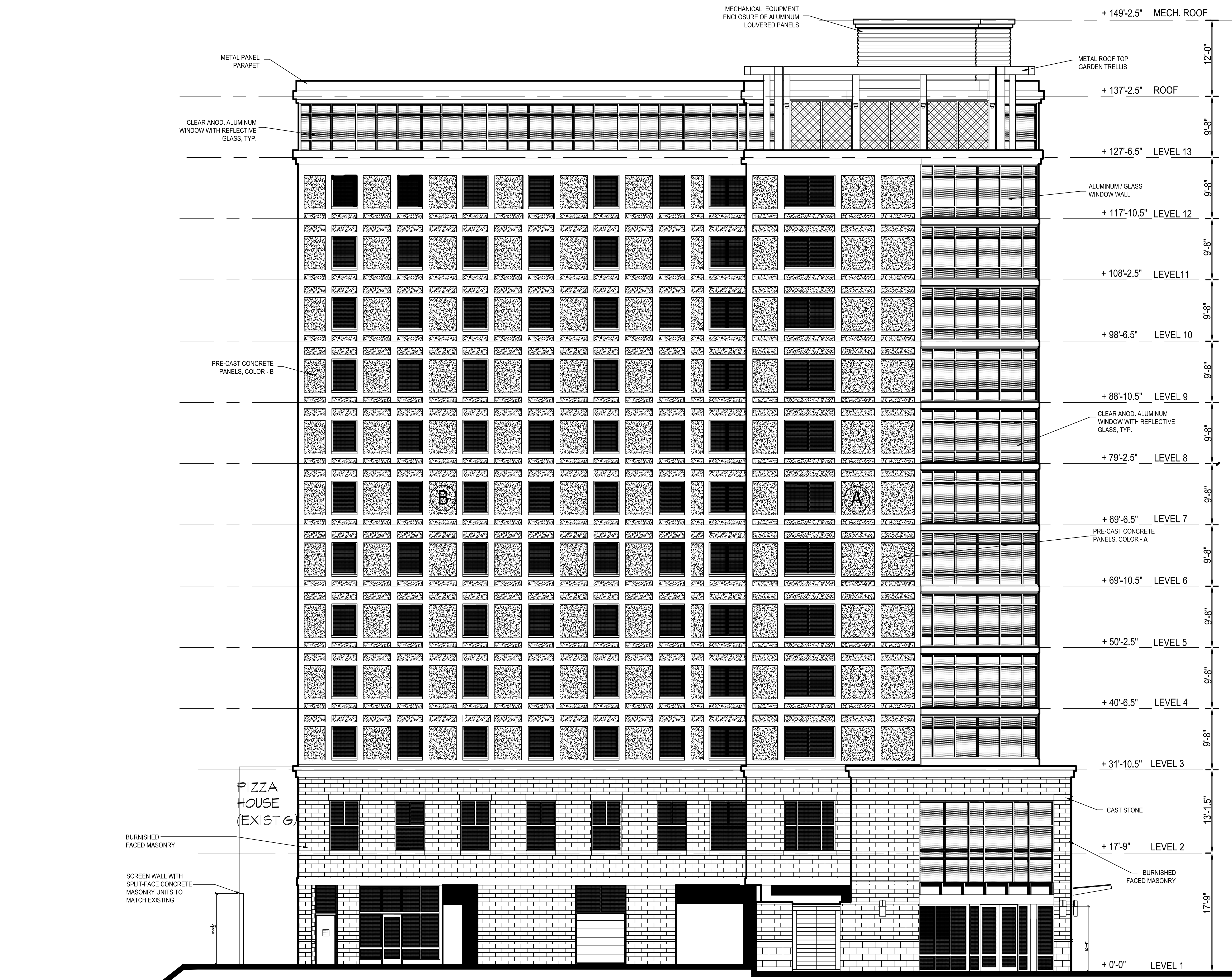
LEVEL 4 +38'-6.5"

LEVEL 3 +29'-10.5"

LEVEL 2 +15'-9"

LEVEL 1.1

KEY  
 COLOR - A BUFF/LIMESTONE COLOR  
 COLOR - B TERRA COTTA COLOR TO MATCH EXISTING BRICK  
 DECORATIVE INSET PORTION OF PRECAST PANEL - MAY BE WASHED AGGREGATE, BRICK FORMLINER, OR THIN BRICK VENEER



© Copyright 2013

624 Church Street  
 Ann Arbor, MI  
 Exterior Elevations

**J BRADLEY MOORE & ASSOCIATES**  
 4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

in association with  
**MEIER ARCHITECTS**

job 213380

drawn wrm / mho  
 date  
 10.22.13  
 11.20.13  
 12.09.13  
 sht  
**A2.2**

KEY  
 COLOR - A BUFF LIMESTONE COLOR  
 COLOR - B TERRA COTTA COLOR TO MATCH EXISTING BRICK  
 DECORATIVE INSET PORTION OF PRECAST PANEL - MAY BE WASHED AGGREGATE, BRICK FORMLINER, OR THIN BRICK VENEER



© Copyright 2013

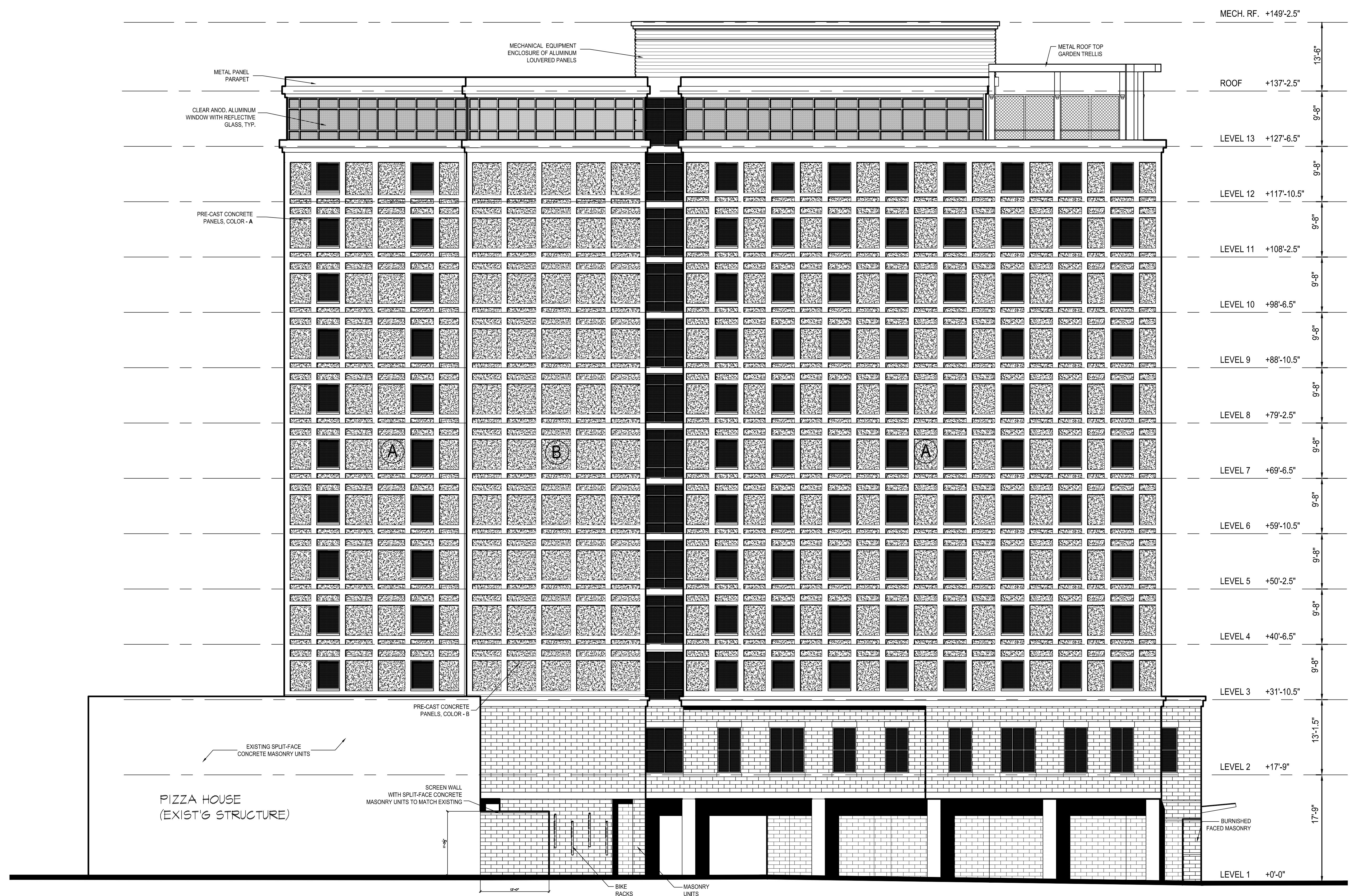
624 Church Street  
 Ann Arbor, MI  
 Exterior Elevations

**J BRADLEY MOORE & ASSOCIATES**  
 4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

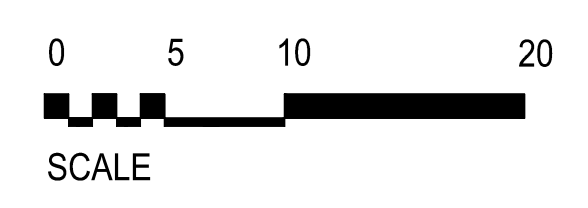
in association with  
  
**MEIER ARCHITECTS**

job 213380

drawn wrm/ mho  
 date  
 10.22.13  
 11.20.13  
 12.09.13  
 sht  
**A2.3**



**WEST ELEVATION**  
 SCALE 1/8"=1'-0"





© Copyright 2013

624 Church Street  
Ann Arbor, MI  
Exterior Elevations

**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

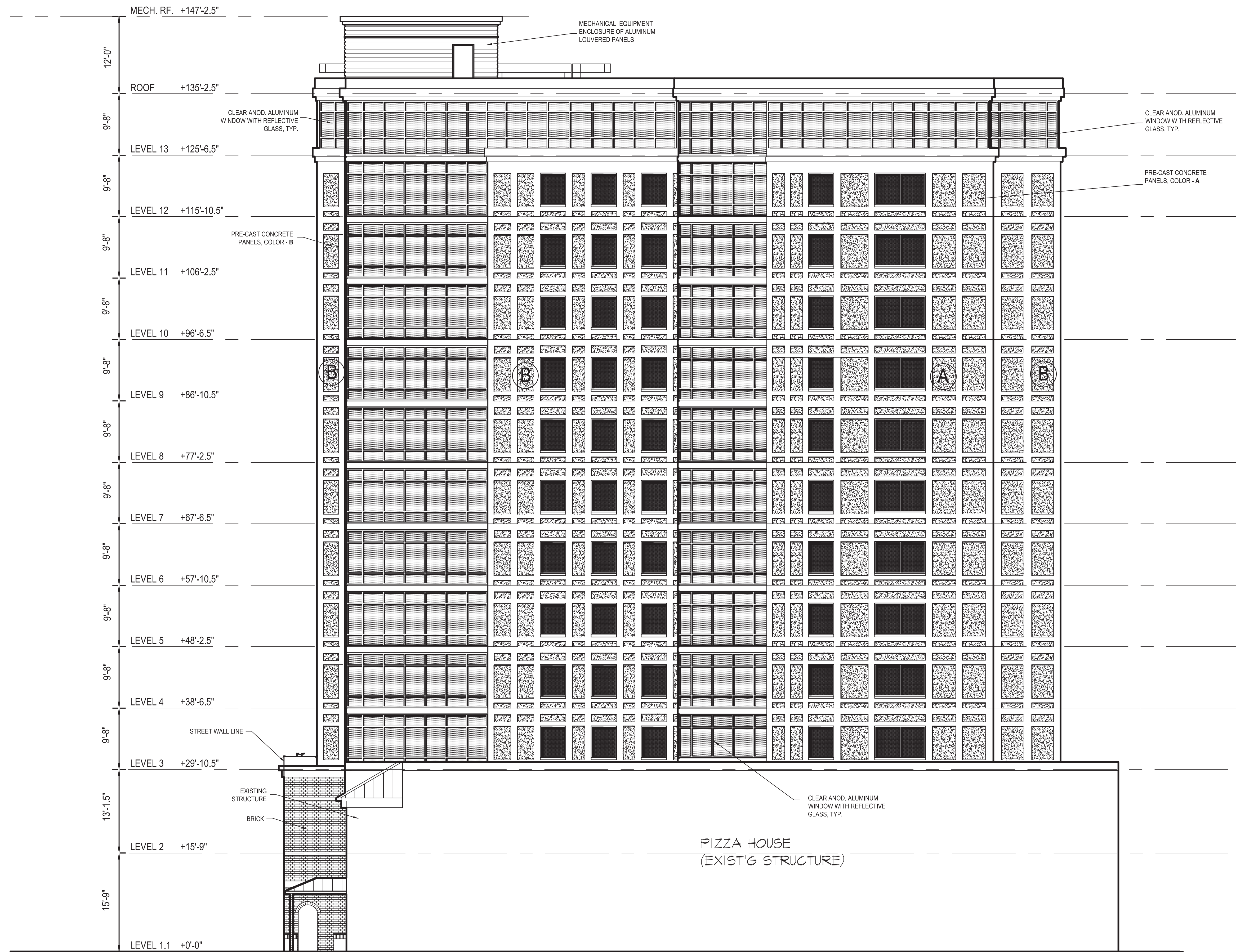
in association with



job 213380

drawn wrm/mho  
date  
10.22.13  
11.20.13  
12.09.13  
sht A2.4

- KEY  
 COLOR - A BUFF/LIMESTONE COLOR  
 COLOR - B TERRA COTTA COLOR TO MATCH EXISTING BRICK
- DECORATIVE INSET PORTION OF PRECAST PANEL - MAY BE WASHED AGGREGATE, BRICK FORMLINER, OR THIN BRICK VENEER





© Copyright 2013

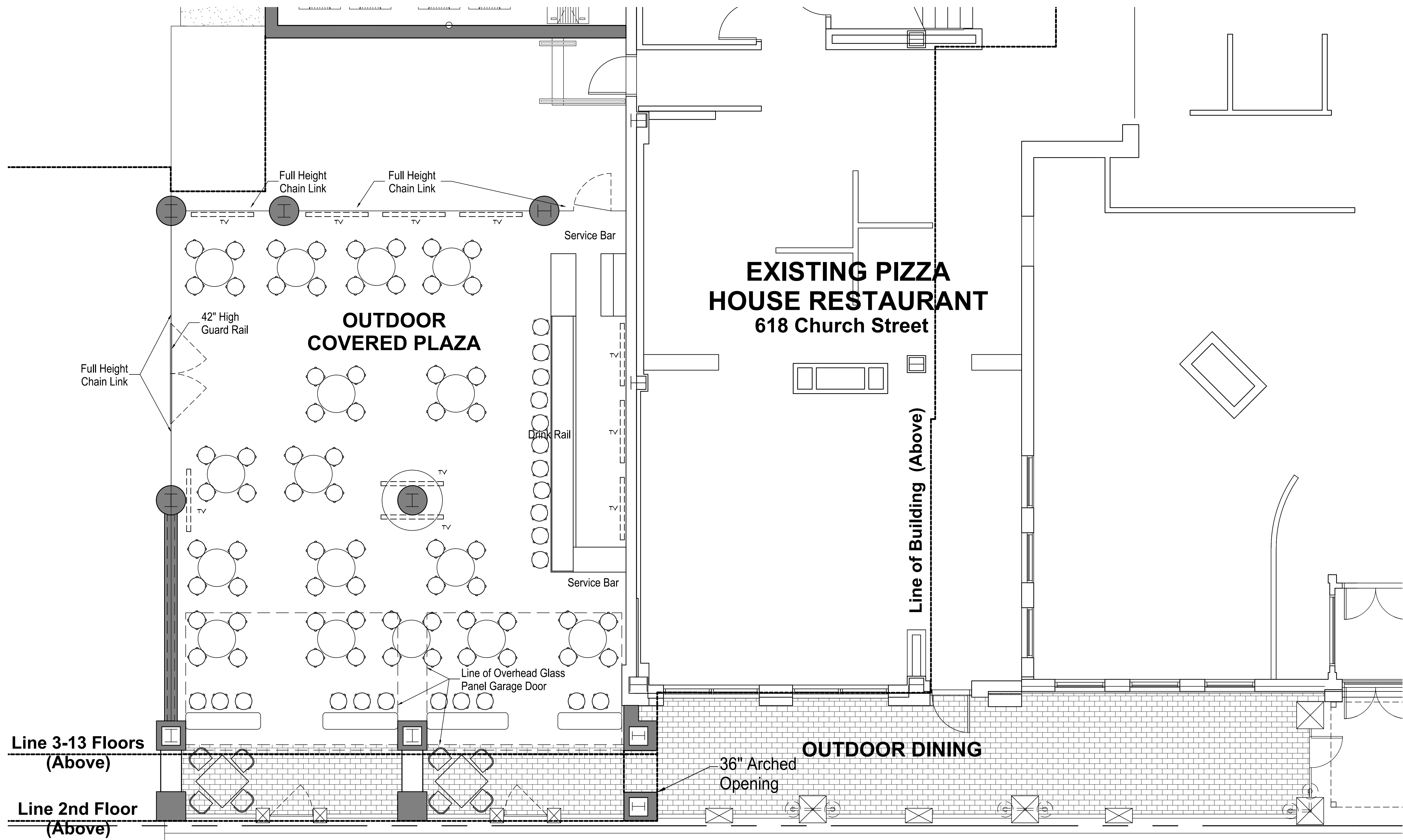
624 Church Street  
Ann Arbor, MI  
Pizza House Outdoor  
Plaza Seating Concept

**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

in association with  
11.20.13  
  
**MEIER  
ARCHITECTS**

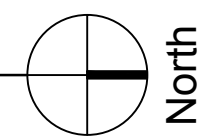
job 213380

drawn SAR  
date  
11.18.13  
sht  
A4.1



Enlarged Plaza Plan

Scale: 1/4" = 1' - 0"





shd  
R1.0  
drawn  
date 11.20.13

job 213250

revisions

**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

624 Church Street  
Ann Arbor, MI  
Pizza House Outdoor  
Plaza Seating Concept

© Copyright 2013





shd  
R2.0

drawn  
date 11.20.13

job 213250

revisions

**J BRADLEY MOORE  
& ASSOCIATES**

4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

624 Church Street  
Ann Arbor, MI

Pizza House Outdoor  
Plaza Seating Concept

© Copyright 2013





shd  
R3.0  
drawn  
date 11.20.13

job 213250

revisions

**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

624 Church Street  
Ann Arbor, MI  
Pizza House Outdoor  
Plaza Seating Concept

© Copyright 2013







shl  
R4.0  
drawn  
date 11.20.13

job 213250

revisions

**J BRADLEY MOORE  
& ASSOCIATES**  
4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

624 Church Street  
Ann Arbor, MI  
Pizza House Outdoor  
Plaza Seating Concept

© Copyright 2013



**624 CHURCH DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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 Opus Development Company LLC, with principal address at 9700 West Higgins Road, Suite 900, Rosemont, IL 60018, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as 624 Church, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as 624 Church, and desires site plan and development agreement approval thereof, and

WHEREAS, the PROPRIETOR 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 PROPRIETOR will install these improvements prior to any permits being issued.

**THE PROPRIETOR(S) HEREBY AGREE(S):**

(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 private storm water management systems, sidewalks and streetlights ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To construct all 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 PROPRIETOR fails to construct the improvements, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above requiring it to commence and complete the improvements in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR, if the PROPRIETOR 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 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 PROPRIETOR'S engineer inspects.

(P-4) To install storm sewer, 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.

(P-5) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to Church Street, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along Church Street frontage when such improvements are determined by the CITY to be necessary. A provision shall be included in the master deed of the project stating that if the CITY undertakes to establish a special assessment district to improve Church Street each unit shall be assessed its pro rata share of the cost of improvements allocable to the Property.

(P-6) To indemnify 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 PROPRIETOR, 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-7) 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 named 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-8) For the benefit of the residents of the PROPRIETOR'S development, to make a park contribution of \$47,120 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to Forest Plaza.

(P-9) 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 PROPRIETOR 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 PROPRIETOR one year after the date of acceptance by the CITY.

(P-10) To create an association composed of all owners of 624 Church condominium, hereinafter called the "Association", in which membership shall be required by covenants and restrictions recorded as part of the master deed for 624 Church. The association(s) shall be responsible for and shall execute the appropriate documents insuring perpetual maintenance and ownership of the landscape materials, exterior lighting, seating structures, driveways, on-site storm water management system, and all other common elements.

(P-11) To construct, repair and/or adequately maintain on-site storm water management system. If the PROPRIETOR fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR if the PROPRIETOR does not complete the work within the time set forth in the notice.

(P-12) After construction of the private on-site storm water management system, to maintain it until non-developer co-owners elect one or more directors to the Association's board of directors. Thereafter, by provision in the master deed, the Association shall own and maintain the storm water management system. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units. If the PROPRIETOR or Association, as appropriate, fails to maintain any portion of the system, the CITY may send notice via first class mail to the PROPRIETOR, or Association, at the address listed above, requiring it to commence and complete the maintenance stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR or Association if the PROPRIETOR or Association does not complete the work, as appropriate, within the time set forth in the notice. If the CITY completes the work, and the costs remain unpaid by the Association for 60 days after notice via first class mail, the CITY may bill each condominium unit for the pro rata share of the total cost, or assess the pro rata share of those costs to each condominium unit as a single tax parcel assessment as provided in Chapter 13 of Ann Arbor City Code. Provisions for maintenance and responsibility for the storm water management system, as well as the pro rata share of each condominium unit shall be included by the PROPRIETOR in the master deed.

(P-13) 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.

(P-14) To prepare and submit to the Planning and Development Services Unit one copy of the Master Deed, along with the required review fee, prior to issuance of building permits.

(P-15) 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, PROPRIETOR 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-16) To include the elevation drawings, as submitted to City Council, as part of the approved site plan and to construct all buildings consistent with said elevation drawings. If the PROPRIETOR proposes any substantive changes to the approved building elevations, setbacks, aesthetics, or materials, that those changes be brought back to the City Council for consideration. The PROPRIETOR is required to submit signed and sealed drawings to staff reflecting the elevations, setbacks, aesthetics, materials and site plan approved by City Council.

(P-17) 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-18) Prior to application for and issuance of certificates of occupancy, to disconnect 27 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 Guidelines for Completion of Footing Drain Disconnections, Table A, and adopted by City Council, August 18, 2003 and revised November 30, 2005 (the "Guidelines"). In the event the actual intensity of uses contemplated by the Site Plan are either increased or decreased, City and PROPRIETOR agree to adjust the number of footing drains to be disconnected in accordance with the Guidelines.

(P-19) As part of the application for the first building permit, to provide documentation from an independent, qualified professional that verifies that the building design achieves a minimum of four points under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1, the most recent version in effect at the date of this agreement, using an industry standard software energy modeling tool (EQUEST or equivalent). Further documentation or verification from an independent, qualified professional that the building achieves the two points shall be provided by the PROPRIETOR prior to any request for or issuance of a first certificate of occupancy.

(P-20) As a requirement for premium use new building addition must achieve a LEED Silver certification with a minimum of four points under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1, the most recent version in effect at the date of this agreement, using an industry standard software energy modeling tool (EQUEST or equivalent). Within 6 months of receiving the final Certificate of Occupancy, to provide documentation from an independent, qualified professional that verifies that the building design achieves a minimum of four points (Silver certification)

(P- 21) Prior to issuance of building permits, to PROPRIETOR shall execute a contract with the City or its designee to provide a Contribution in Lieu of providing required parking on site. Proprietor agrees and acknowledges that failure to maintain the off-site parking contract will be a violation of the zoning ordinance regarding the minimum required number of parking spaces, consistent with Chapter 59, Section 5:167 of Ann Arbor City Code.

(P-22) PROPRIETOR 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 person(s) signing below on behalf of PROPRIETOR has (have) legal authority and capacity to enter into this agreement for PROPRIETOR.

(P-23) 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 development 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 PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR 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 development agreement.

(P-24) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR 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. *(or against that portion of the cost of the work)*

(P-25) 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 624 Church site plan and development agreement.

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

(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 PROPRIETOR 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 PROPRIETOR, 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:

TO BE ADDED

(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 PROPRIETOR, 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 PROPRIETOR in writing that the PROPRIETOR has satisfactorily corrected the item(s) the PROPRIETOR 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.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above written.

Witnesses:

\_\_\_\_\_  
  
\_\_\_\_\_

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

By: \_\_\_\_\_  
John Hieftje, Mayor

By: \_\_\_\_\_  
Jacqueline Beaudry, City Clerk

Approved as to Substance:

\_\_\_\_\_  
Steven D. Powers, City Administrator

Approved as to Form:

\_\_\_\_\_  
Stephen K. Postema, City Attorney

Witness:

\_\_\_\_\_

By: \_\_\_\_\_  
*Name, Title*

STATE OF MICHIGAN )  
 ) ss:  
County of Washtenaw )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation by its authority.

\_\_\_\_\_  
NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Washtenaw

STATE OF MICHIGAN )  
 ) ss:  
County of Washtenaw )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as his free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:  
Ann Arbor Planning & Development Services  
Post Office Box 8647  
Ann Arbor, Michigan 48107  
(734) 794-6265