

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 19, 2013

**SUBJECT: State Street Center Site Plan for City Council Approval
(3945 South State Street)
File No. SP12- 027**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Center Site Plan, subject to the dedication of the 50-foot South State Street right-of-way to the City prior to the issuance of any permits.

STAFF RECOMMENDATION

Staff recommends the site plan be **postponed** to give the petitioner additional time to submit a rezoning application and staff time to review the request.

LOCATION

The site is located north of Ellsworth Road east of South State Street (South Area, Malletts Creek Watershed).

DESCRIPTION OF PETITION

The petitioner proposes demolishing the vacant 840-square foot residential building on this site and constructing a one-story, 1,700-square foot restaurant with drive-thru facilities facing South State Street and a one-story, 6,790-square foot retail building behind the restaurant. Both buildings are to be built in one phase. The curb cut off S. State Street will be relocated and widened to provide ingress/egress for both buildings.

The new restaurant will include a one-lane drive-thru facility, which is permitted per the proposed C3 zoning district requirements. The drive-thru lane will be located on the north side of the restaurant. Stacking of vehicles will occur along the north and east side of the restaurant, with a maximum queue length of 9 vehicles.

A raised, colored concrete pedestrian link is proposed to connect the existing public sidewalk along South State Street to the restaurant and will continue eastward, wrapping around the perimeter of the retail building.

The restaurant use requires a minimum of 17 automobile parking spaces, and the retail space requires between 22-26 spaces. The minimum parking requirement is met with a proposed total of 39 proposed spaces. Covered bicycle parking will be provided on the south side of the site between the buildings.

All storm water management for the site will be provided by porous pavement in the parking and driveway areas and two bioretention areas. Retention and infiltration for back-to-back 100 year storm events will be provided, per the Washtenaw County Water Resources Commissioner requirements.

One landmark tree is proposed to be removed, and two landmark trees along the south property line will be impacted. Mitigation trees will be planted in the northeast and southeast corners of the site and in the landscape area between the two proposed buildings.

The petitioner mailed a notification postcard (attached) to owners and occupants within 500 feet of the parcel when the site plan was submitted. At the time this staff report was written, the petitioner had not received any comments regarding the proposed development.

Estimated cost of construction for this project is \$900,000.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Research	RE (Research District)
EAST	Research/Offices	RE
SOUTH	Auto Service/Restaurant	C3 (Fringe Commercial)
WEST	Retail Uses	TWP (Township)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	O (Office District)	C3 (Fringe Commercial District)	C3 (Fringe Commercial District)
Gross Lot Area	43,560 sq ft	43,560sq ft	6,000 sq ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	840 sq ft (9.8%)	8,490 sq ft (19.4%)	87,120 sq ft MAX (200% MAX)
Setback – Front	45 feet – South State	23 feet – South State	10 ft MIN 25 ft MAX
Setback – Side(s)	15 ft – north 22 ft - south	12 ft – north 45 ft - south	0 ft MIN
Setback – Rear	380 ft	45 ft	20 ft MIN
Height	2 story	32 ft	55 ft MAX
Parking – Automobile	2 spaces	39 spaces	39 spaces MIN 43 spaces MAX
Parking – Bicycle	N/A	Class B – 6 spaces	Class B – 3 spaces MIN Class C – 3 spaces MIN

HISTORY

The single-family home on this site was constructed in 1938 in Pittsfield Township. In 1971, the City had petitioned the State Boundary Commission and requested that certain Pittsfield Township islands, including this parcel, be placed in the City. In September 1973, the State Boundary Commission ruled that these Pittsfield Township islands be made part of the City of Ann Arbor. In January 1974, Pittsfield Township obtained a temporary restraining order from the Washtenaw County Circuit Court barring the annexation of the Township islands. On March 20, 1979, the Pittsfield Township islands were annexed to the City of Ann Arbor by order of the Circuit Court for the County of Washtenaw. This site was zoned RE on May 11, 1979, based on the General Development Plan.

In 2003, this site was rezoned from RE, Research District, to O, Office District, at the property owner's request. The petitioner contended that the site did not meet the minimum RE lot width and size requirements, and office use provided a transition from commercial uses to the south and research uses to the north. Subsequent to this rezoning, the official zoning map was erroneously changed to C3 (Fringe Commercial) zoning for this parcel instead of the approved O zoning designation. This error was discovered as part of the background research for the current site plan petition.

PLANNING BACKGROUND

The Master Plan: Land Use Element supports commercial uses for this site. The Plan recommends that retail centers be designed with pedestrian access as a primary goal to encourage mass transit and reduce the demand for parking. Surface parking should be placed at the rear of the building and should not be a dominant element along public streets.

The draft South State Corridor Plan includes this site in Area 3. The draft Plan emphasizes incorporating pedestrian and bicycle improvements into new development and cultivating the gateway image of the corridor through landscaping, signage and public art.

The Non-Motorized Plan recommends bicycle lanes and sidewalks on both sides of the street for South State Street and Ellsworth Road.

The Transportation Plan Short-term Recommendations propose intersection improvements at State and Ellsworth intersection along with a traffic corridor study on Ellsworth from State Street to Platt Road. The Mid-term Recommendations propose a traffic corridor study along South State Street between Eisenhower and Ellsworth Blvd. The Long-term Recommendations propose intersection improvements north and south of I-94.

ZONING/REZONING JUSTIFICATION

The petitioner has been notified of the incorrect zoning on this site and will submit a Rezoning Application for staff review.

STAFF COMMENTS

Systems Planning – One footing drain disconnection is required to mitigate sanitary flow as part of this development.

The South State Street right-of-way (total 50 feet) shall be dedicated to the City prior to the issuance of any permits.

Storm Water – The proposed permeable pavement is appropriate for drainage of this site, as sandy soils exist in the area. Maintenance of the parking lot must be performed twice per year for the lot to function and drain properly as porous pavement.

Chapter 63, Section 5:655(4) states that the detention facility shall be installed prior to issuance of building permits. However, it is not practical to construct the porous paving before the buildings are constructed. Therefore, the design includes a temporary sedimentation basin that will remain in service through construction, until the porous pavement is completed.

Traffic – Per the conclusions of the Traffic Impact Study for the adjacent Tim Hortons project, the intersection of State and Ellsworth currently operates at capacity and will continue to operate in a similar manner in the future with this proposal. The City, Washtenaw County, and Pittsfield Township are moving forward with plans to reconstruct the intersection of State and Ellsworth Road as a modern roundabout. The analysis of future conditions with the proposed commercial uses indicates the intersection at State and Ellsworth would continue to operate in a manner similar to background conditions, with negligible increase in peak hour volumes and vehicle delays.

Planning – During review of the proposed site plan, staff discovered this site is not zoned C3, Fringe Commercial, as shown in the City's zoning maps. This site is currently zoned Office, which does not permit the proposed retail and drive-thru uses. Because this zoning error was discovered late in the review process, the petitioner did not have sufficient time to apply for a rezoning request to C3 before being heard at the upcoming City Planning Commission meeting. Once the petitioner submits the rezoning application, staff will review this application and place it on the next possible Planning Commission agenda.

Prepared by Christopher Cheng
Reviewed by Wendy Rampson
mg/3/15/13

Attachments: Citizen Notification Postcard
Zoning/Parcel Maps
Aerial Photo
Site Plan
Landscape Plan
Elevations

c: Petitioner: Jim Cernuto
21545 Carlisle
Dearborn, MI 48124

Owner: Jack Schwarcz
26140 Raine
Oak Park, MI 48237

Systems Planning
File No. SP12-027

Proposed Development for 3945 South State Street, Ann Arbor, Michigan

A petition has been submitted to the City of Ann Arbor Planning and Development Department for 3945 South State Street

As a neighbor, City of Ann Arbor’s Citizen Participation Ordinance, affords you, an opportunity to learn about, understand and comment on this proposed development. Your comments will be documented and submitted to the Planning and Development Services Unit.

The Proposed development consists of a drive thru fast food restaurant and a retail building. The existing house will be removed.

If you have any questions or comments with regards to this proposal, you may contact us via e-mail or telephone @;

info@atelierarchitect.com

Atelier Architect, PC Fareed Mojaradi 248-885-8286

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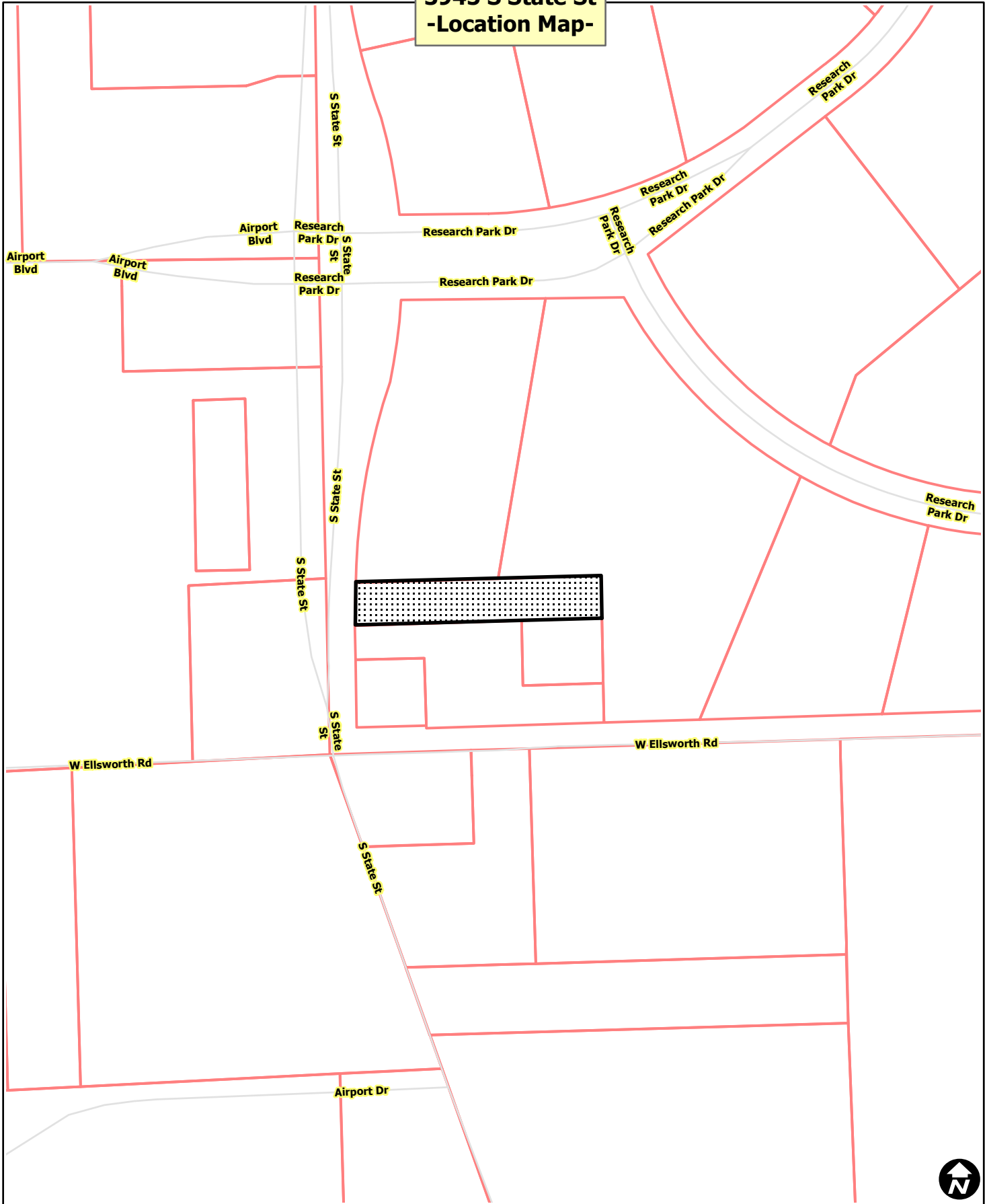
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3945 S State St -Location Map-



 Railroads
 Parcel Property



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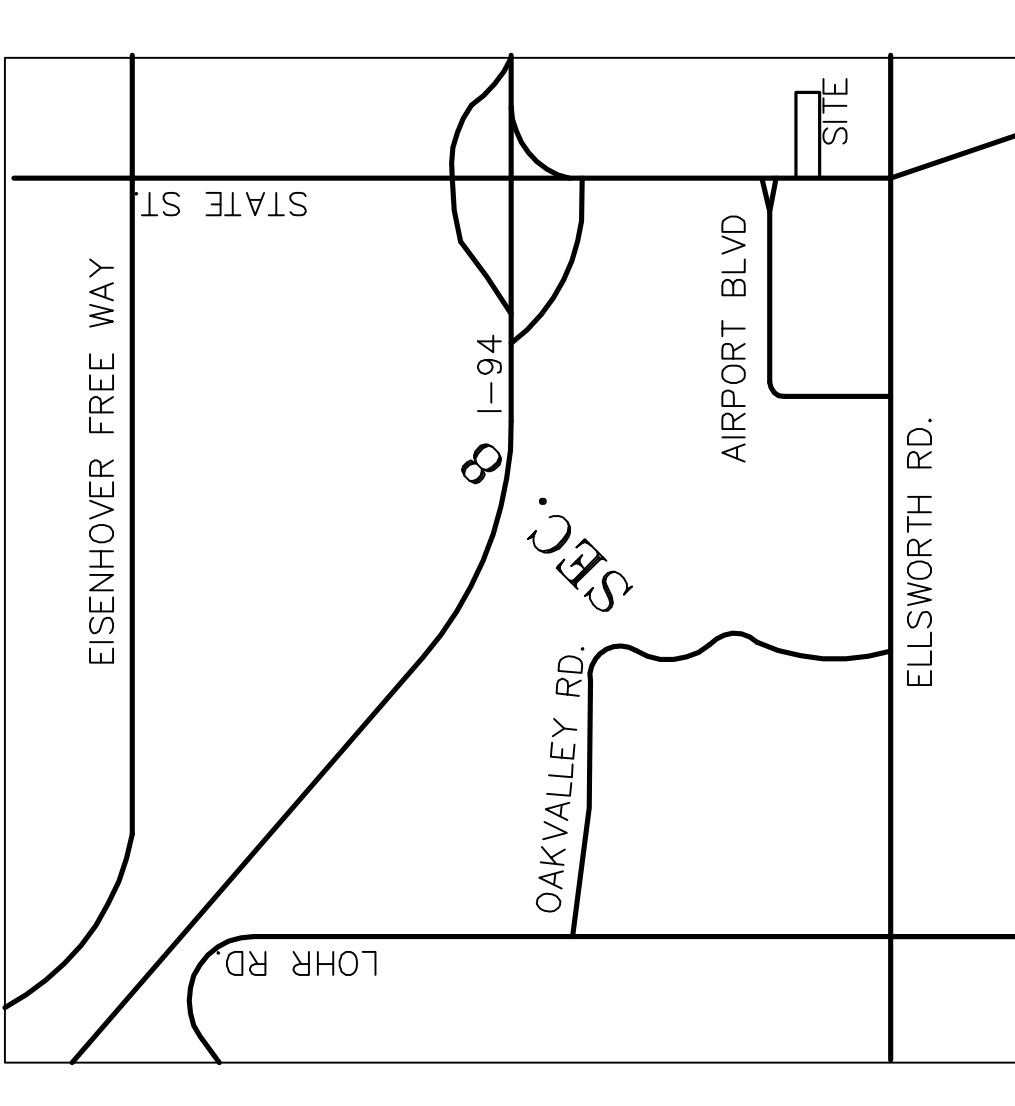
3945 S State St -Aerial Map-



-  Railroads
-  Parcel Property



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LOCATION MAP

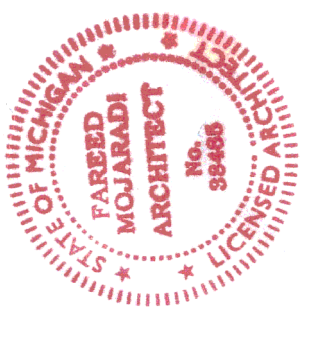
NO SCALE



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 Fax: 248-885-8287
 e-mail: info@atellerarchitect.com

Project
 SOUTH STATE CENTER
Project No.
 2011-21

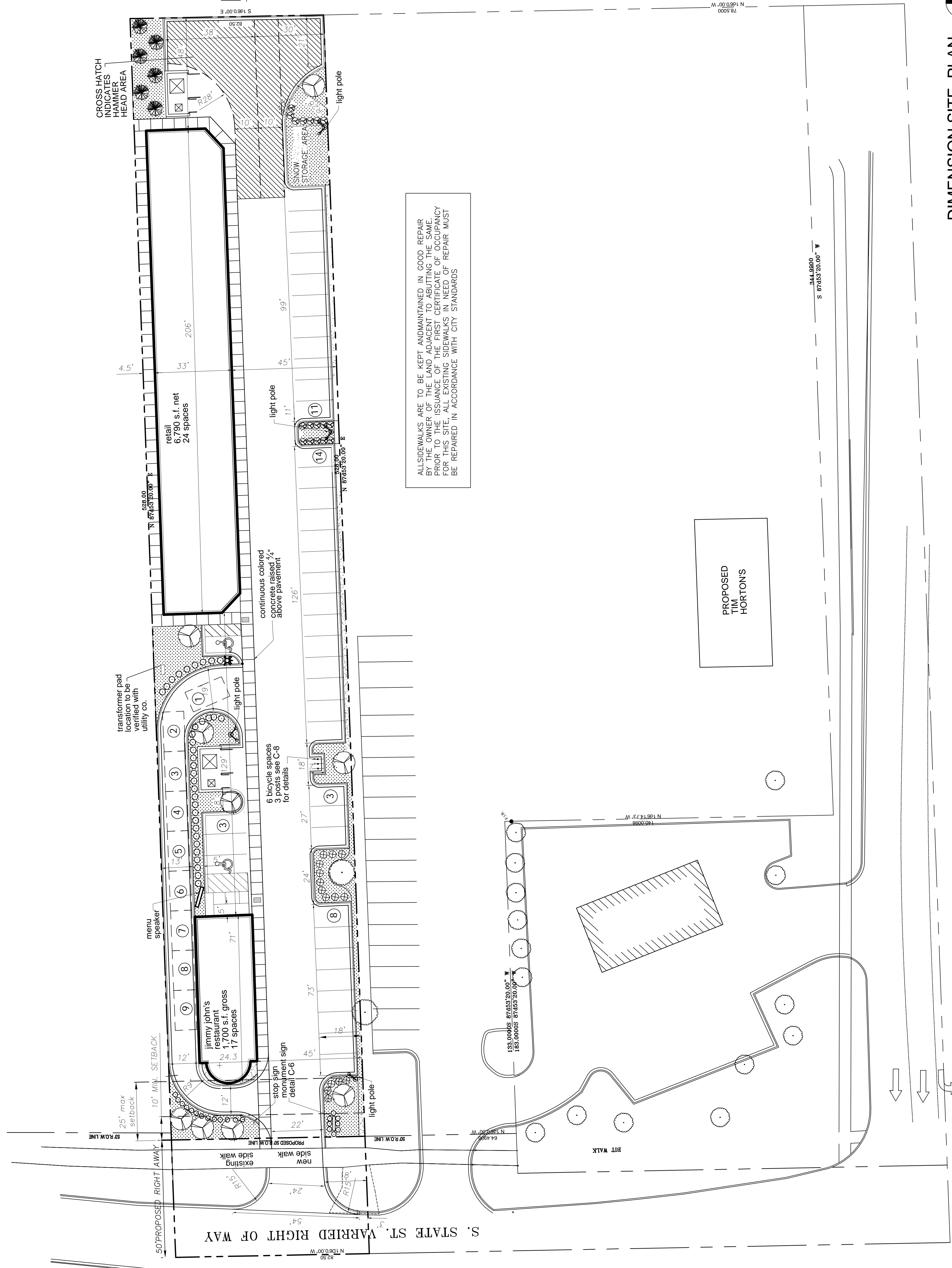
Certification
 I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.



Sheet Title
 SITE PLAN

Issued	Date
PRELIMINARY	12/12/2011
REVISION 1	2/07/2011
REVISION 2	3/29/2012
PLANNING APPROV	04/27/2012
PLANNING APPROV	11/27/2012
PLANNING APPROV	02/04/2012

Sheet No.
 SP-1



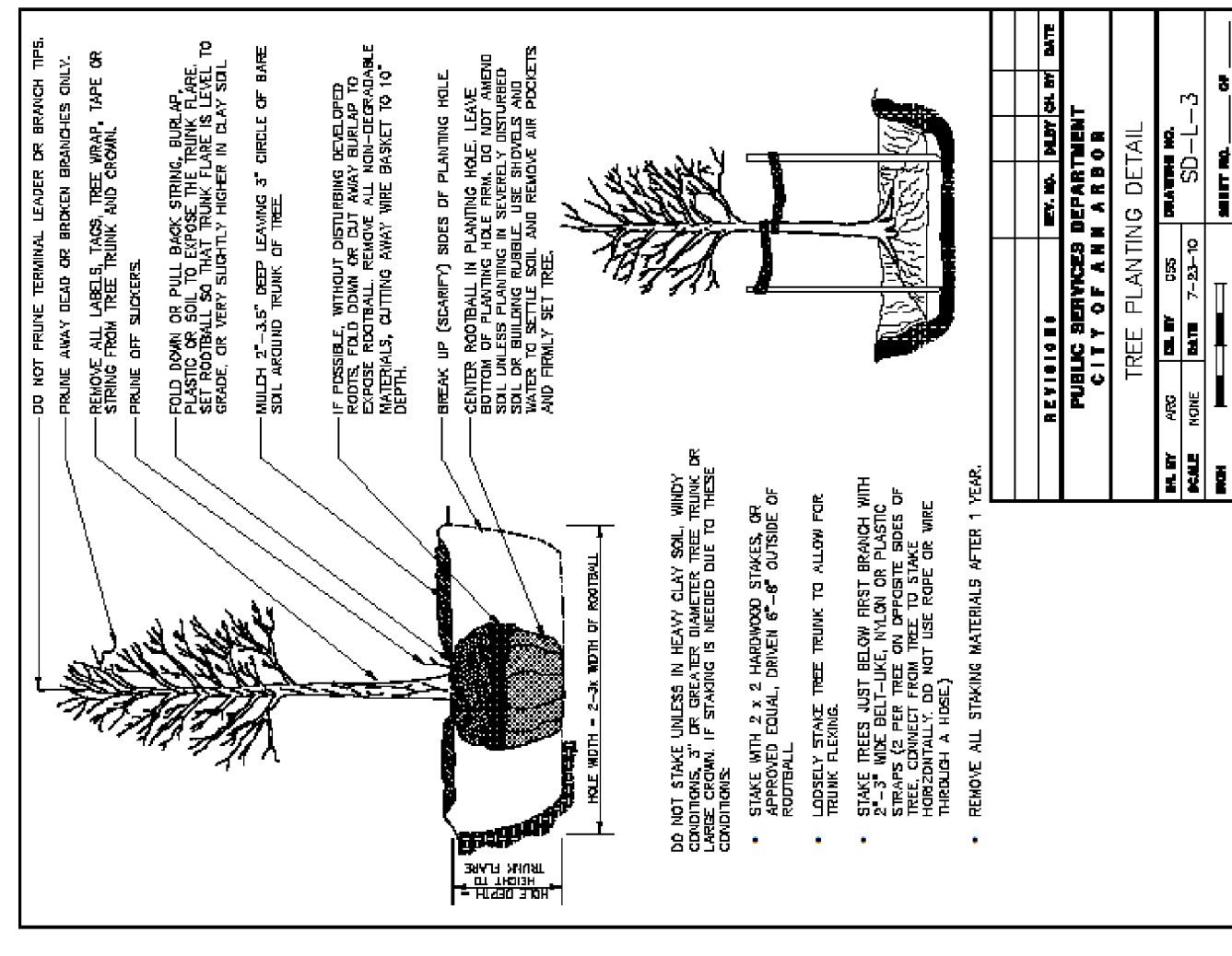
ALL SIDEWALKS ARE TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY THE OWNER OF THE LAND ADJACENT TO ABUTTING THE SAME. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THIS SITE, ALL EXISTING SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN ACCORDANCE WITH CITY STANDARDS.

PROPOSED
 TIM
 HORTONS

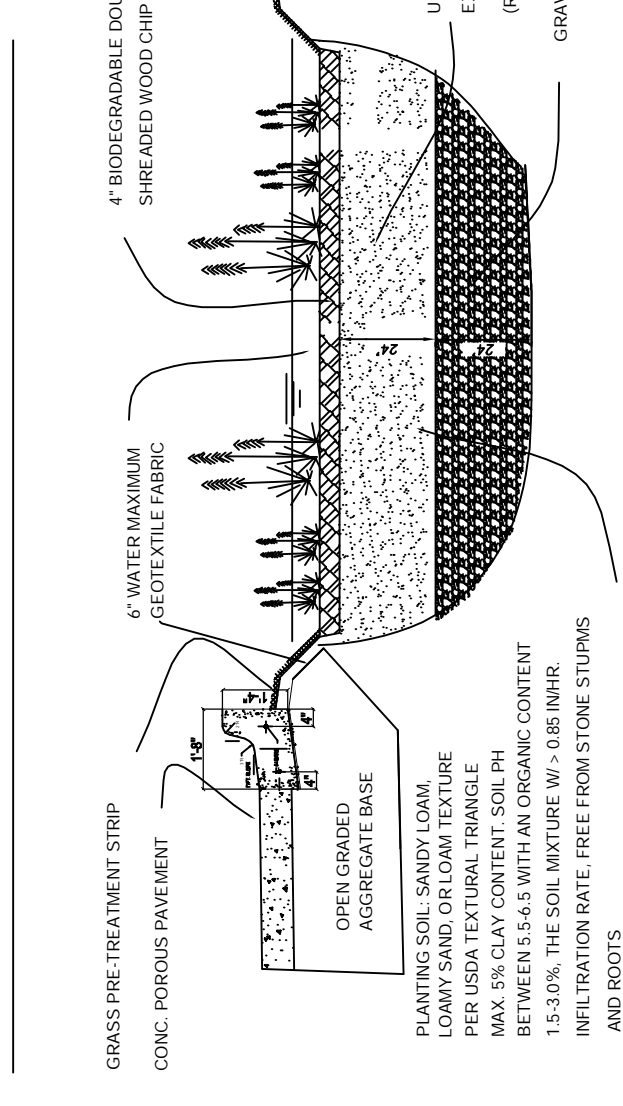
DIMENSION SITE PLAN

SCALE: 1"=20.00'

W ELLSWORTH ROAD



TREE PLANTING DETAIL

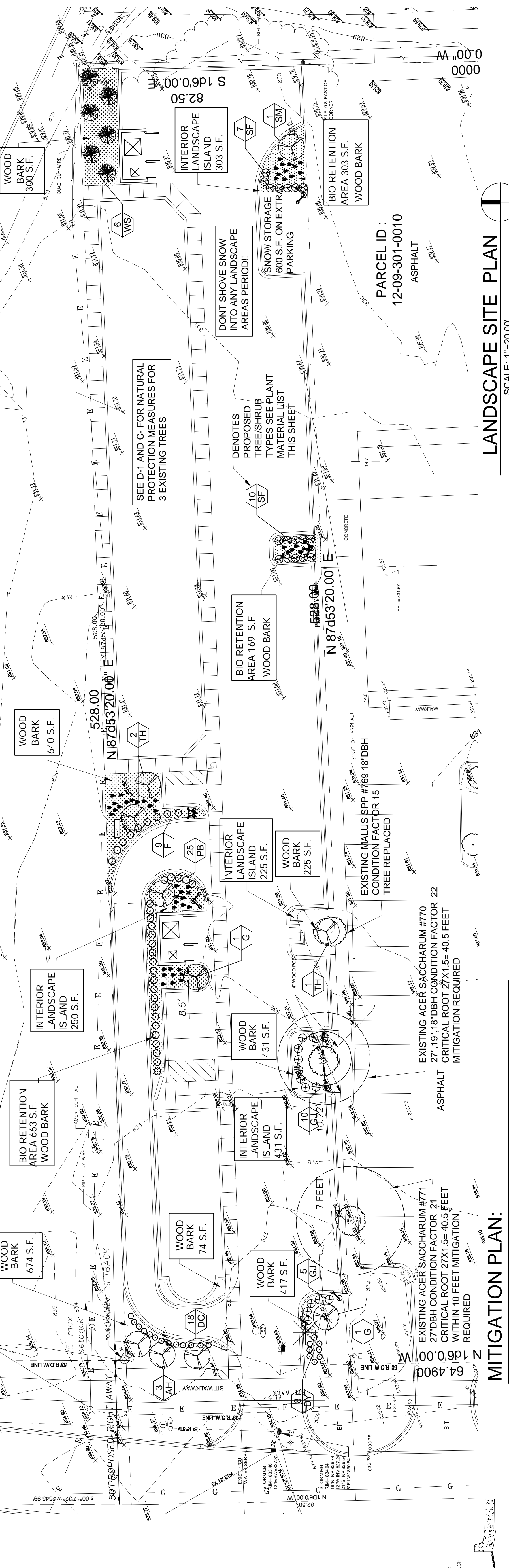


INFILTRATION BIORETENTION CROSS SECTION

SCALE: 3/4"=1'-0"

COMPACTION SPECIFICATION:

- 3.16 **COMPACTION**
 - A. Place basefill in layers not more than 8 inches in loose depth for each lift. Compact granular fill to required cross sections and thickness.
 - B. Place basefill and fill materials evenly on all sides of structure to required elevations. Place basefill and fill uniformly along the full length of each structure.
 - C. Percentage of Maximum Dry Density Requirements. Compact soil to not less than the following percentages of maximum dry density according to ASTM D 1557:
 - 3.21 **FIELD QUALITY CONTROL**
 - A. Testing Agency Services: Allow testing agency to inspect and test each subgrade and each fill or basefill layer. Do not proceed until test results for previously completed work verify compliance with requirements.
 - B. Perform field in-place density tests according to ASTM D 1556 (sand cone method), ASTM D 2922 (nuclear density method), or ASTM D 2922 (drive cylinder method) for aggregate.
 - C. Calibration curves for all tests shall be prepared by the testing agency according to ASTM D 2922. Provide that calibration curves are periodically checked and adjusted to correlate to tests performed by the testing agency.
 - D. Furnish with the moisture gauges according to ASTM D 3017.
- 3.17 **GRADING**
 - A. Under structures, building slabs, steps, and pavements, compact the top 12 inches of subgrade to 95 percent maximum dry density.
 - B. Under walkways, compact the top 6 inches below subgrade and each layer of basefill or fill material at 95 percent maximum dry density.
 - C. Under lawns or ungraded areas, compact the top 8 inches below subgrade and each layer of basefill or fill material at 90 percent maximum dry density.
- 3.18 **BASE COURSES**
 - A. Under pavements and walks, place base course material on prepared subgrades to bottom of pavements.
 - 1. Compact base courses of optimum moisture content to required depths.
 - 2. Shape base courses to required crown elevations and cross-slope grades.
 - 3. When thickness of required base course is 6 inches or less, place material in a single layer.
 - B. Under pavements and walks, place base course material on prepared subgrades to bottom of pavements.
 - 1. Compact base courses of optimum moisture content to required depths.
 - 2. Shape base courses to required crown elevations and cross-slope grades.
 - 3. When thickness of required base course is 6 inches or less, place material in a single layer.
 - C. Grading inside Building Lines: Finish subgrade to a tolerance of 1/2 inch when tested with a 1-foot straightedge.
- 3.19 **BASE COURSES**
 - A. Under pavements and walks, place base course material on prepared subgrades to bottom of pavements.
 - 1. Compact base courses of optimum moisture content to required depths.
 - 2. Shape base courses to required crown elevations and cross-slope grades.
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 - B. Under pavements and walks, place base course material on prepared subgrades to bottom of pavements.
 - 1. Compact base courses of optimum moisture content to required depths.
 - 2. Shape base courses to required crown elevations and cross-slope grades.
 - 3. When thickness of required base course is 6 inches or less, place material in a single layer.
 - C. Grading inside Building Lines: Finish subgrade to a tolerance of 1/2 inch when tested with a 1-foot straightedge.
- 3.20 **PROTECTION**
 - A. Protecting Graded Areas: Protect newly graded areas from traffic, freezing, and erosion. Keep free of trash and debris.
 - 1. Repair and re-stabilize grades to specified tolerances where compacted or partially compacted surfaces become eroded, rutted, settled, or loose completion due to subsequent site construction operations or weathering.
 - 2. Repair and re-stabilize grades to specified tolerances where compacted or partially compacted surfaces become eroded, rutted, settled, or loose completion due to subsequent site construction operations or weathering.
 - B. When holes, ruts, or other depressions are formed, they shall be filled with compacted material to match existing grade. Holes, ruts, or other depressions shall be filled with compacted material to match existing grade.
 - C. Settling: Where settling occurs during the Project correction period, remove finished surfacing, backfill with additional approved material, compact, and reconstruct as required.
- 3.21 **REPAIRS AND WASTE MATERIALS**
 - A. General: Place vapor retarder/barrier sheathing over compacted subgrade, in position with longest dimension parallel with direction of concrete pour.
 - B. Lap joints 6 inches and seal with manufacturer's recommended mastic or pressure-sensitive tape.
 - C. Place granular fill cover vapor retarder/barrier.



LANDSCAPE SITE PLAN

SCALE: 1"=20.00'



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Project
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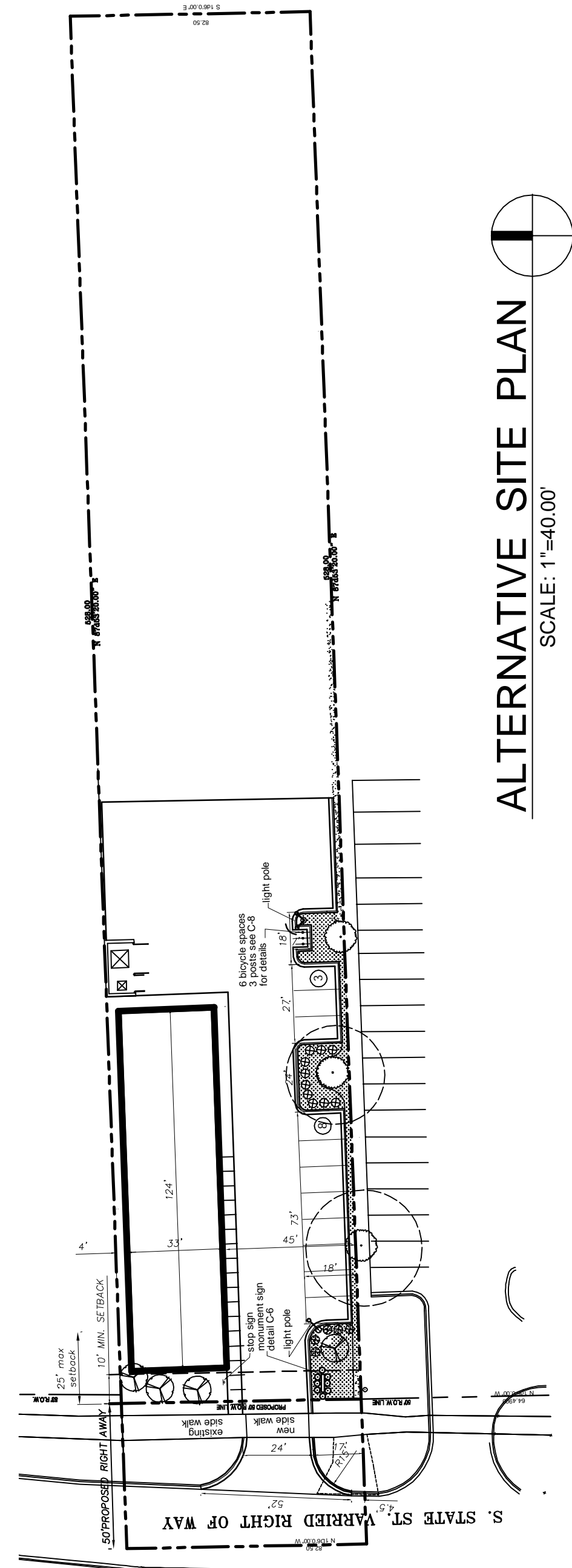
Certification
I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.



Sheet Title
LANDSCAPE PLAN

Issued	Date
PLANNING APPROV	04/27/2012
PLANNING APPROV	11/27/2012
PLANNING APPROVAL	01/29/2013
REVISION 1	02/26/2013
REVISION 2	03/06/2013

Sheet No.
L-1



ALTERNATIVE SITE PLAN

SCALE: 1"=40.00'

ALTERNATIVE PLAN ANALYSIS :

- Although the site is steep, Zoning Ordinance requires a maximum of twenty feet set back for structures. Therefore the position of any building is dictated and must be at this location to be approved by the Planning Department.
- The site is extremely narrow, and any economically viable and acceptable building requires proximal parking. Building designed for practical retail or restaurant use would require parking and a drive thru with a 12 feet drive requires all of its parking near its entrance. There for an island around the first maple tree would not be acceptable to restaurant use.
- The greatest challenge to the development of this site is its extremely narrow width.
- The first tree to the east which is located in the neighboring property has had asphalt pavement in its critical root zone for many years.

JUSTIFICATION FOR THE SELECTED PLAN:

- The proposed site plan and its drive thru is required by the prospective tenant, and is the only viable and practical way to place a drive thru restaurant, for lack of any realistic alternative to accomplish this design and meet the zoning ordinance requirements of :
The Sanitation Department
The Fire Department
The Engineering Department's requirement for a water main loop to connect to the rear of the site

GENERAL NOTES :

- A TREE PERMIT MUST BE OBTAINED FROM THE PLANNING DEPARTMENT PRIOR TO ALL TREE REMOVAL ACTIVITY INVOLVING TREES SIX INCHES (6") OR MORE DBH IN ACCORDANCE WITH THE ZONING ORDINANCE.
- TREES MUST BE PLANTED NO CLOSER THAN SIX FEET (6') TO PUBLIC UTILITIES.
- ALL REQUIRED LANDSCAPE MATERIAL INDICATED ON APPROVED PLANS WILL BE REQUIRED THROUGH THE LIFE OF THE PROJECT AND MUST BE REPLACED IF REMOVED OR DEAD.
- FOUR FOOT (4') HIGH WOOD SNOW FENCING OR OTHER RIGID MATERIAL IS TO BE SAVED IN ACCORDANCE WITH THE ORDINANCE. LANDSCAPE MATERIAL SHALL SATISFY THE MASSING, WATERED AND MULCHED PER CITY ORDINANCE DETAILS AND SPECIFICATIONS.
- ALL OFF SITE AREAS THAT ARE DISTURBED AS PART OF CONSTRUCTION ARE TO BE SO COVERED TO PREVENT EROSION. ALL LANDSCAPE AREAS TO BE GRADED 6" ABOVE TOP OF CURB TO ACHIEVE POSITIVE DRAINAGE.
- FOR ALL TREES STAKING IS TO BE DONE ONLY ON WINDY CLAY SOILS FOR ALL TREES GREATER THAN 2" IN DIAMETER. IF THE SITE / TREE SIZE DO NOT MEET THIS REQUIREMENTS, DO NOT STAKE TREES.
- TREE WRAP SHOULD NOT BE USED.
- APPLICATION OF FERTILIZER BEYOND THE INITIAL TOP SOIL AND SEEDING MAY NOT CONTAIN PHOSPHOROUS
- ALL LANDSCAPE ISLANDS SHALL BE COVERED WITH 2" BIODEGRADABLE WOOD BARK MULCH
- EVERGREEN TREES SHALL BE A MINIMUM OF 1' HIGH AND A MINIMUM SORE OF 3" FT AND A BULB SIZE OF 10 TIMES THE CALIPER SIZE. AND MEET ANSI STANDARDS FOR NURSERY STOCK.

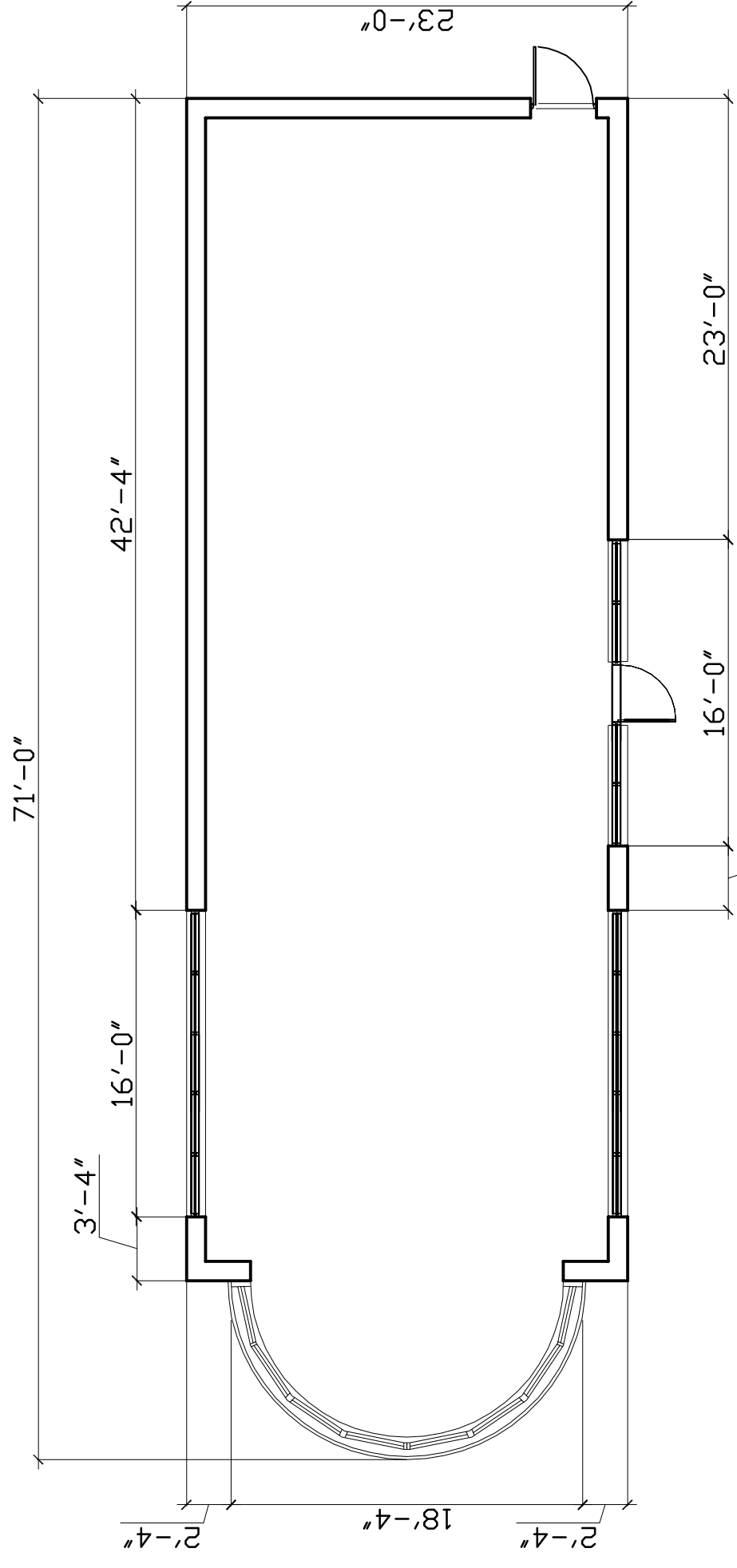
MITIGATION PLAN:

- Tree #771 and Tree #770 54" DBH trunk require 27" DBH trunk new trees
Proposed:
New evergreen trees:
6 white spruce @ 2.5" DBH trunk = 15" DBH
New Shade trees
2- Gleditsia Triacanthos Inermis @ 3"
2- Ginkgo Biloba @ 2.5" DBH
1- Acer Saccharum @ 3" TOTAL

PLANT MATERIAL LIST

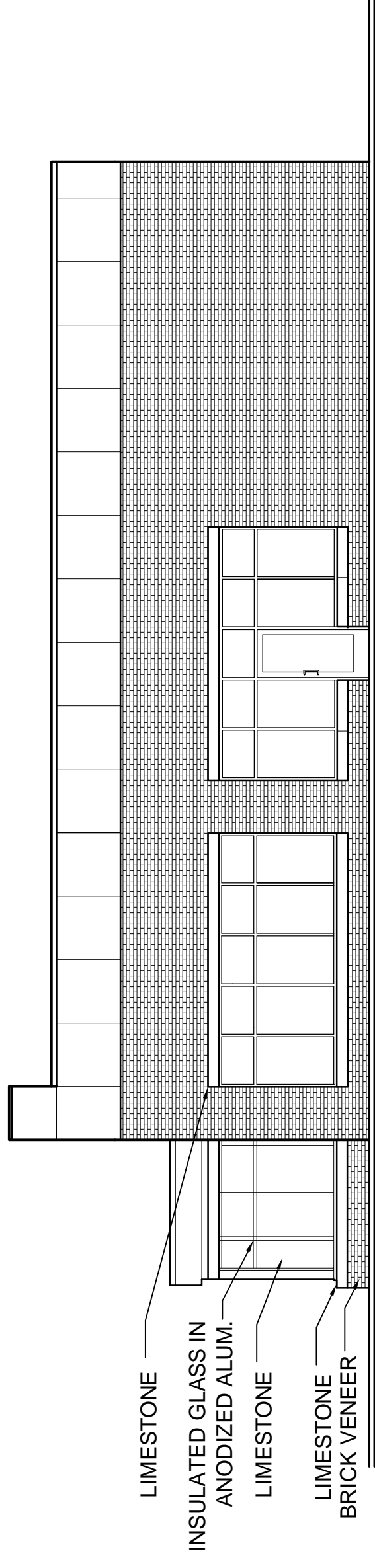
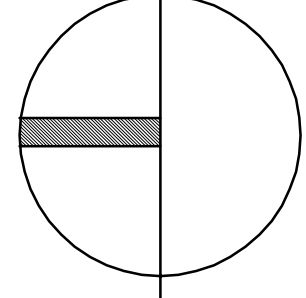
CODE	QTY.	COMMON NAME	BOTANICAL NAME	ROOT TYPE	CULTIVAR
Canopy Trees					
G	2	Ginkgo	Ginkgo biloba	2.5" B & B	'Jade Beauty'
SM	1	Sugar Maple	Acer Saccharum	3" B & B	'Bonfire'
Trees					
WS	3	White Spruce	Picea glauca	6" B & B	Comstar
TH	3	Thornless Honeylocust	Gleditsia triacanthos inermis	3" B & B	'Orbit'
AH	3	American Hornbeam	Carpinus caroliniana	6" B & B	Palisade
Shrubs					
F	9	Forsythia	Forsythia intermedia	3 GAL	
CC	27	Cornstarch Cornstealer	Cornostachys alba	3 GAL	
DC	18	Dwarf Cypress	Chamaecyparis obtusa	3 GAL	
DY	8	DENSE YEW	Taxus media 'Densiformis'	3 GAL	
GJ	15	GOLD CONST JUNIPER	Juniperus chinensis	3 GAL	
SF	17	ACORNUS AMERICANUS	Sweet Flag	2 GAL	
BP	25	BRONXUS WALNUT	Prunella borealis	2 GAL	
IW	52	VERNONIA MISSOURICA	Ironweed		

- PLANT MATERIAL REQUIREMENT:**
TEN FOOT FRONTAGE LANDSCAPE BUFFER:
ONE DECIDUOUS TREE EVERY 10 FEET, 3 TREES REQUIRED
FRONT FRONTAGE SCREENING SHRUBS
ONE 30 INCH SHRUB EVERY 4 FEET, 21 SHRUBS REQUIRED
LANDSCAPE ISLANDS SHALL BE COVERED WITH 2" BIODEGRADABLE WOOD BARK MULCH
BIO RETENTION AREAS REQUIRED 1,163 S.F. 20'-20'-1,163 S.F. REQUIRED
BIO RETENTION AREAS REQUIRED 1,163 S.F. 2'-2'-591 S.F.
- PROVIDED 1,163 S.F. SEE SITE PLAN
TREE PER 250 S.F. OF REQUIRED ISLAND 1163/250 = 5 ISLAND TREES REQUIRED
TOTAL 8 TREES REQUIRED WITH CREDIT FOR 2 EXISTING TREES
6 NEW TREES REQUIRED
PROVIDE 9 NEW SHADE TREES AND 6 EVERGREEN TREES. SEE MITIGATION NOTES



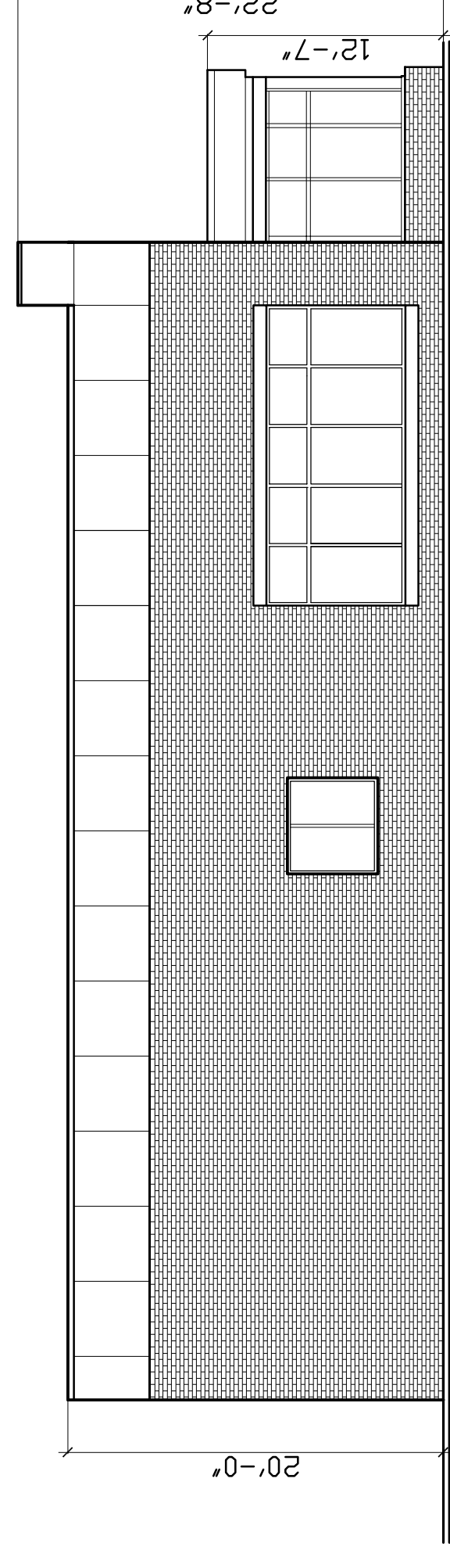
RESTAURANT FLOOR PLAN

SCALE: $\frac{1}{8}'' = 1'-0''$



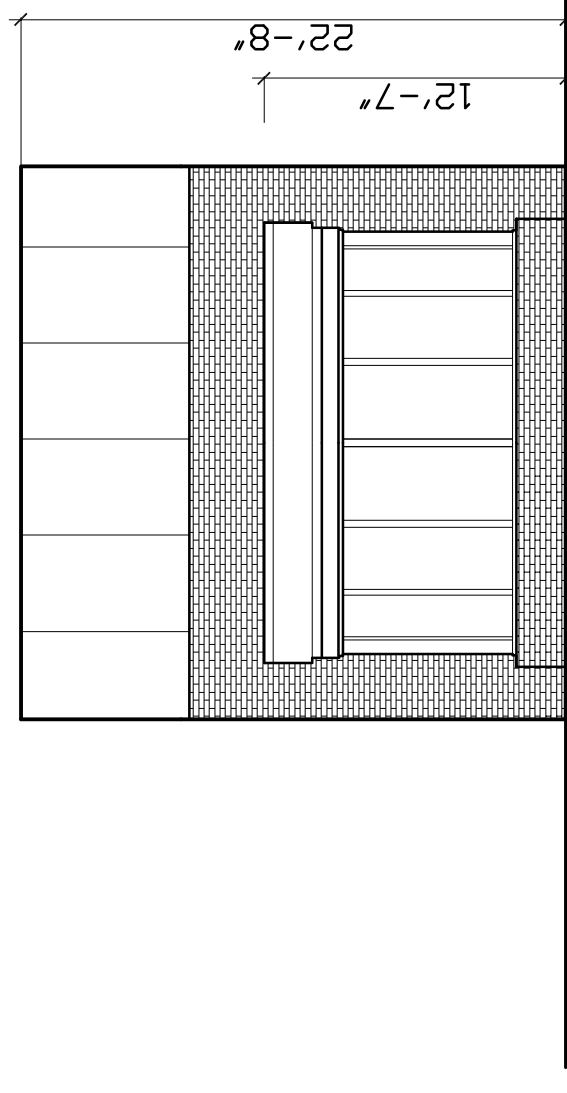
SOUTH ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$



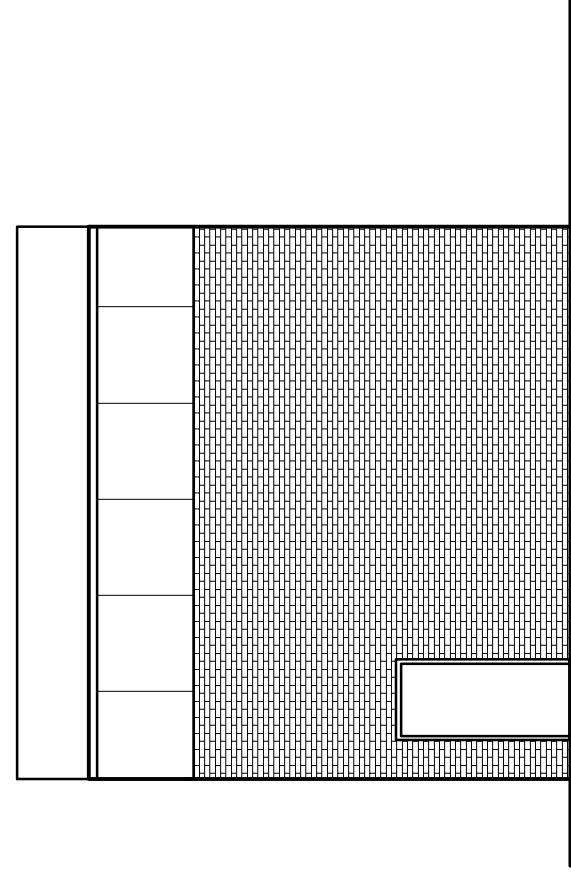
NORTH ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$



WEST ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$



EAST ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$



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 Phone: 248-885-8286
 Fax: 248-885-8287
 e-mail: info@atelierarchitect.com

Project
 SOUTH STATE CENTER

Project No.
 2011.21

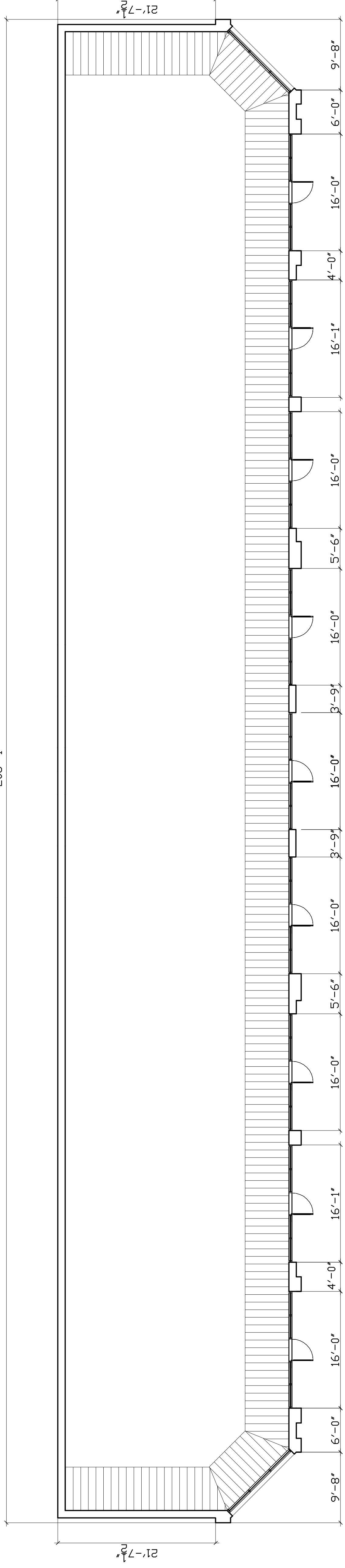
Certification

I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.

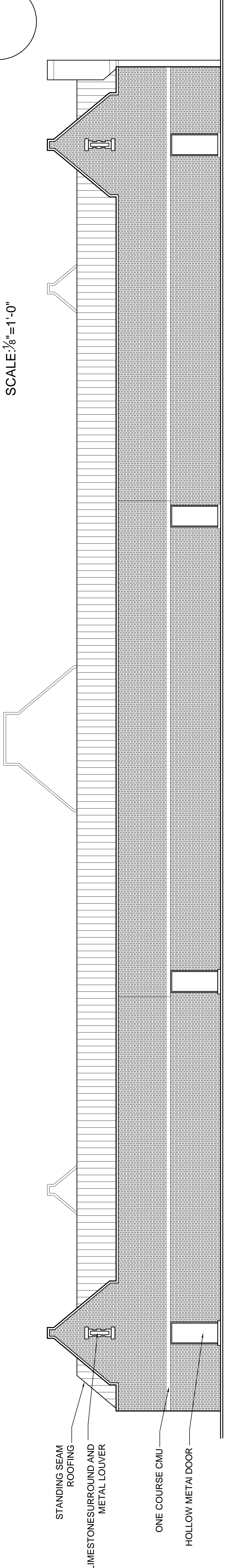


Sheet Title
 RESTAURANT PLAN, ELEVATIONS

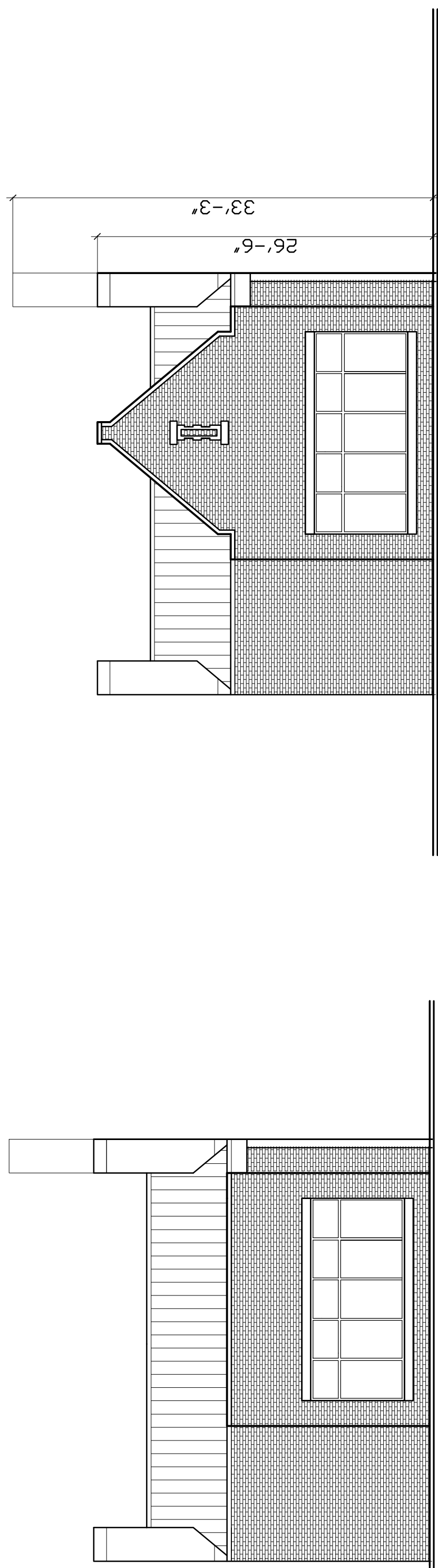
Issued **Date**
 PLANNING APPROV 04/27/2012



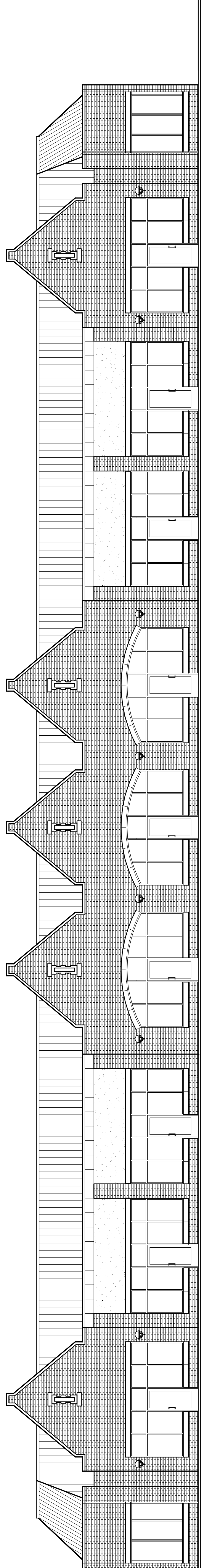
RETAIL BUILDING FLOOR PLAN
SCALE: 1/8" = 1'-0"



NORTH ELEVATION RETAIL BUILDING
SCALE: 1/8" = 1'-0"



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



SOUTH ELEVATION RETAIL BUILDING
SCALE: 1/8" = 1'-0"



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Project
SOUTH STATE CENTER
Project No.
201121

Certification
I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.



Sheet Title
RETAIL BLDG PLAN, ELEVATIONS
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