

**Zoning Board of Appeals
January 25, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA16-028 1209, 1211, 1213 South University Avenue (Collegian East)

Summary:

South University-North East LLC, represented by Sean Havera, request a variance from Chapter 47 (Streets) Section 4:20 (c), a variance to permit a twenty (20) foot driveway width; twenty-four (24) is required.

Description and Discussion:

The proposed project is located in the D1, Downtown Core Zoning District, and will consist of a thirteen (13) story mixed use building containing first floor commercial and approximately forty (40) residential units. An existing 8-foot wide alley off South University is proposed to be widened, which leads to solid waste services and 12 surface parking spaces located on the north side of the site.

Standards for Approval - Chapter 47 (Streets) Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 47(Streets), Section 4:20(9). The following criteria shall apply:

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

The variance requested will be in harmony with the general purpose and intent of Chapter 47 because the reduced driveway width will allow for safer pedestrian right of way in the vicinity of the project. This site is located midblock and should be designed to benefit the urban experience. The proposed modification will accommodate delivery vehicles as well as large emergency vehicles, while minimizing potential conflicts with passenger vehicles and pedestrians.

The City's Traffic Engineer, Systems Planning Department and DDA representatives have reviewed this variance request and support the reduced drive width as it minimizes the gap in the continuous street wall, helping provide a safer and better urban experience. When possible, preserving the street wall and streetscape of downtown buildings is desired. It is also anticipated that narrower street wall gaps will slow entering and exiting traffic to this site.

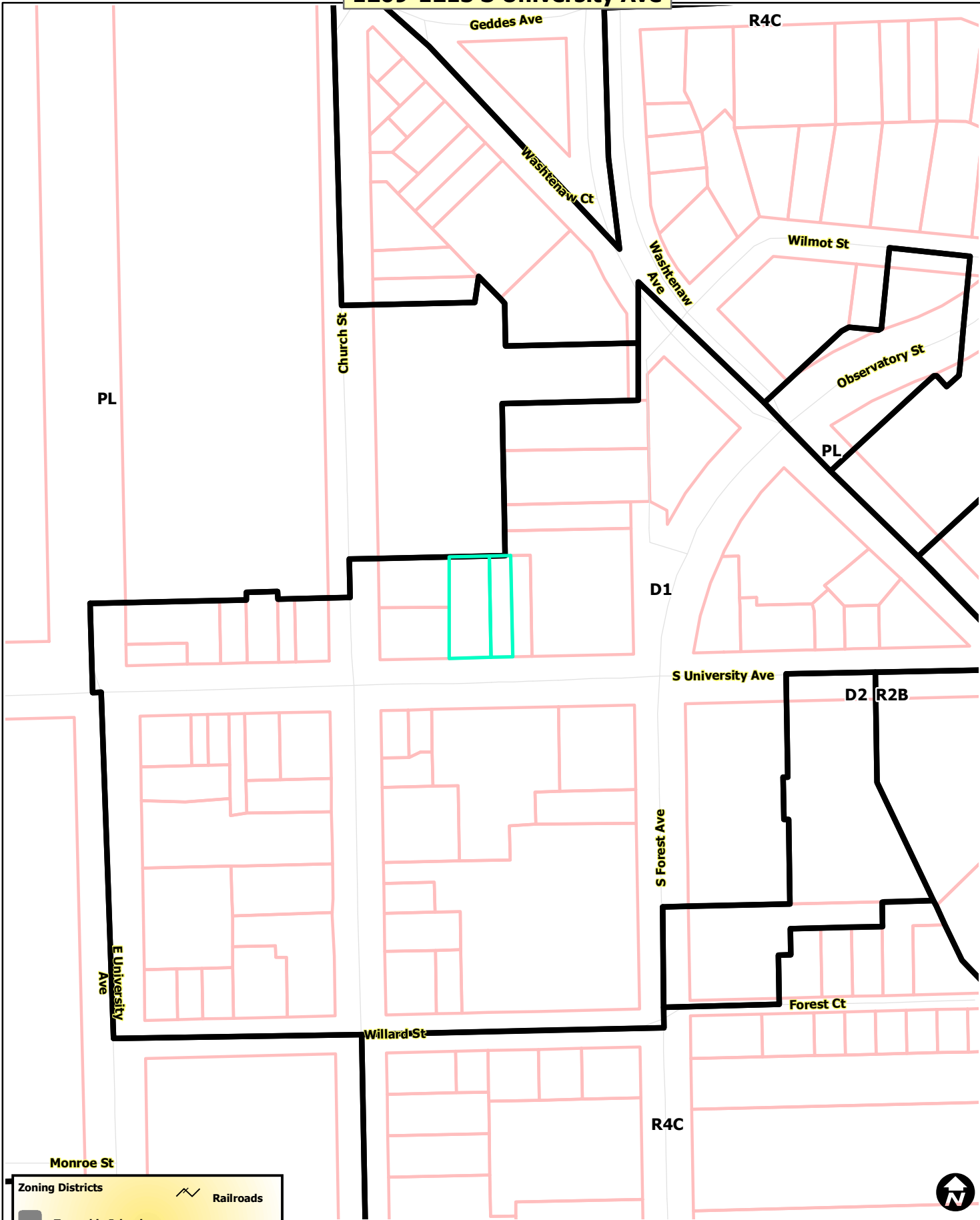
Zoning Board of Appeals
ZBA 16-028 January 25, 2017
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, rounded loops for the letters "J" and "B".

Jon Barrett
Zoning Coordinator

1209-1213 S University Ave



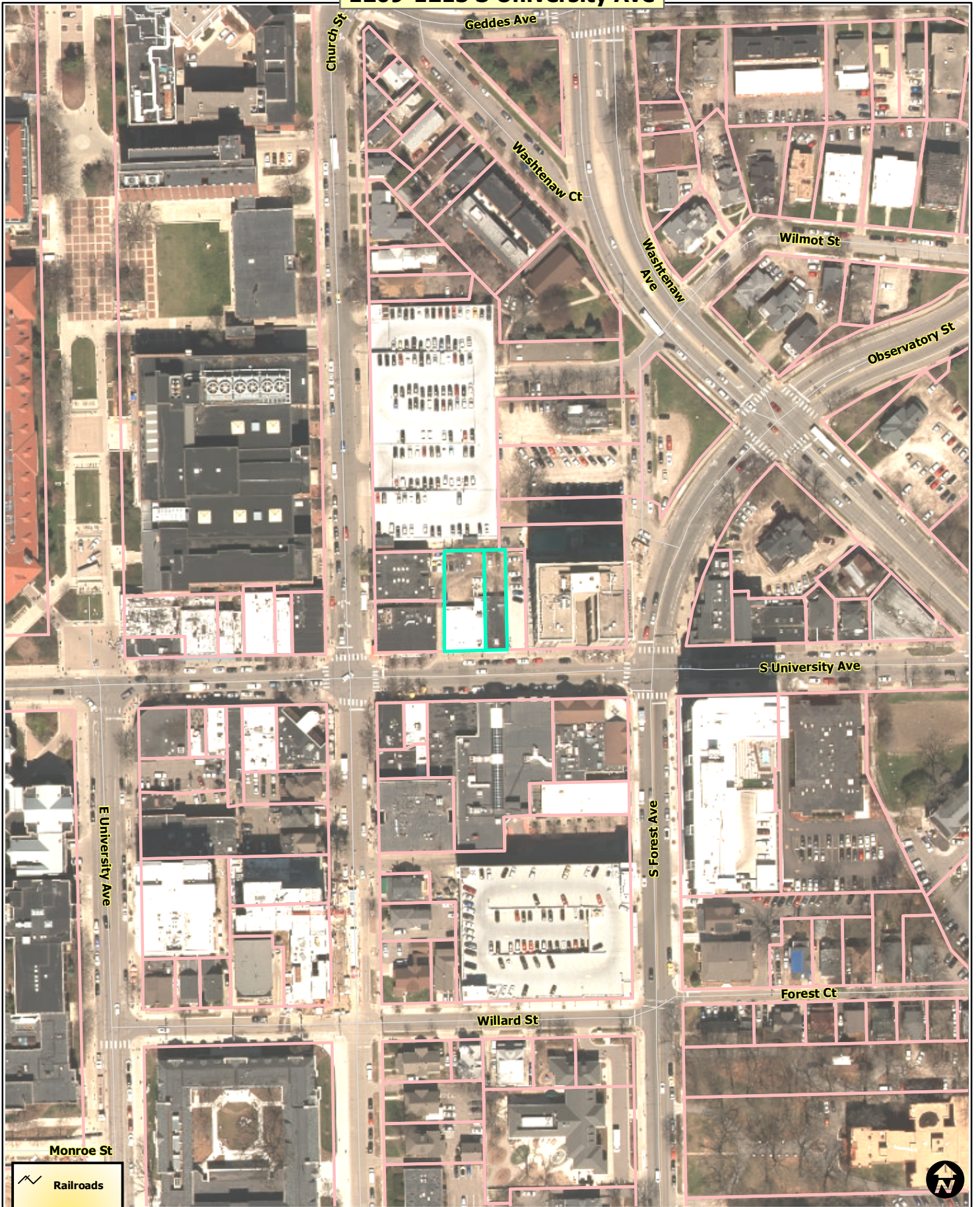
	Zoning Districts		Railroads
	Township Islands		Tax Parcels
	City Zoning Districts		Huron River






Map date 12/22/2016
 Any aerial imagery is circa 2015 unless otherwise noted
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1209-1213 S University Ave

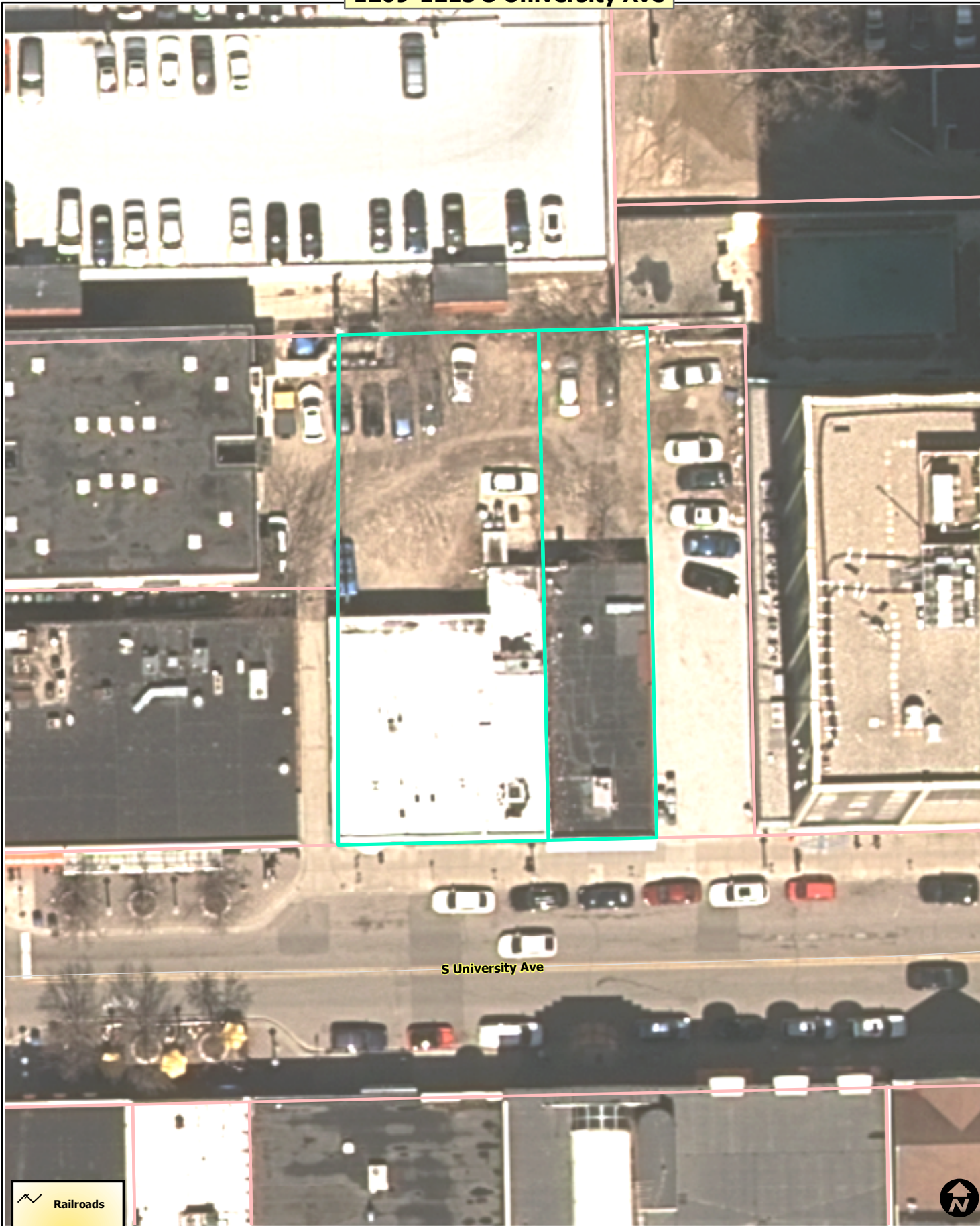





-  Railroads
-  Tax Parcels
-  Huron River



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1209-1213 S University Ave



-  Railroads
-  Tax Parcels
-  Huron River



Map date 12/22/2016
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: South University - North East, LLC
 Address of Applicant: 30100 Telegraph Rd., Suite 220 Bingham Farms, MI 48025
 Daytime Phone: 248-647-2600 X115
 Fax: 248-647-1330
 Email: shavera@hughes-properties.net - Sean Havera
 Applicant's Relationship to Property: Ground Lessee

Section 2: Property Information

Address of Property: 1209, 1211, 1213 S. University, Ann Arbor, MI 48104
 Zoning Classification: D1 / South University Character District
 Tax ID# (if known): 09-09-28-313-003, 004
 *Name of Property Owner: Beatty Hawkins, LLC & 1213 South University, LLC

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:	Required dimension:	PROPOSED dimension:
<u>Chapter 47 (Streets): 4:20.4.c - Driveway opening width</u>	<u>24 ft min. opening</u>	<u>20 ft</u>
_____	_____	_____
_____	_____	_____
<i>Example: Chapter 55, Section 5:26</i>	<i>Example: 40' front setback</i>	<i>Example: 32'</i>

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Construction of a mixed use building with shared driveway providing access to parking north of the building, solid waste/recycling pick-up, and access to adjacent properties. The shared driveway has a curb cut width of 39 feet, an opening width of 20 feet, and a driveway width of 20 feet. The existing 8-foot wide alley at the same location has an opening width of approximately 8 feet and a curb cut of 18 feet. A variance is requested for the 20 foot opening width to match the access drive width between the adjacent building and proposed building while maximizing pedestrian space within the South University right-of-way.

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

The location of the curb cut is dictated by the existing curb cut location and the South University Streetscape Improvement plans submitted by the DDA. The existing opening is 8 feet and the proposed opening is 20 feet. Street code requires a min. opening of 24 feet and Parking code requires a min. access drive of 18 feet. Centering the required 24-foot wide opening, which is wider than the required access drive, would result in an opening that extends beyond the limits of the existing adjacent building and the proposed building by 2 feet on each side, potentially creating conflict with vehicular traffic and the building footprint. Additionally, the reduced opening width supports the pedestrian focused streetscape identified for South University in the Downtown Street Design Manual and improves the existing condition. The hardship is unique to the property because there is an existing curb cut and alleyway that is located on two parcels and the DDA Streetscape plans dictate the new location for the drive.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

The location of the driveway that is set by the existing curb cut and the DDA Streetscape improvement plans limits the location of the driveway and the proximity of the adjacent building to the property line prohibits the ability to construct the 24-foot wide required opening without extending the driveway beyond the face of the existing adjacent building. Further, the parking code allows an driveway on-site to be between 18 and 24 feet while the Street code requires an opening at the right-of-way line at 24 feet. Our goal is to best respect the pedestrian nature of the area and reduce the opening to 20 feet.

3. What effect will granting the variance have on the neighboring properties?

The proposed driveway location will not affect the amount of adjacent property that will be utilized for the access drive. The proposed driveway opening is larger than the existing driveway opening, therefore, it is assumed that the increase in width will improve visibility for vehicles entering and exiting the driveway, while the variance will support the pedestrian nature of the right-of-way.

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

The location of the driveway that is set by the existing curb cut and the DDA Streetscape improvement plans limits the location of the driveway and the proximity of the adjacent building to the property line prohibits the ability to construct the 24-foot wide required opening without extending the driveway beyond the face of the existing adjacent building.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

The location of the driveway is at the same location as the existing alley and the DDA Streetscape Improvement plans limits the location of the driveway. The adjacent building is an existing structure that limits the width of the opening at the right-of-way line.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Retail (Proposed - Mixed Use)

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

Existing Condition

Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks _____
Parking _____
Landscaping _____
Other _____

Describe the proposed alterations and state why you are requesting this approval:

Not Applicable.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

Not Applicable.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

Not Applicable.

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)

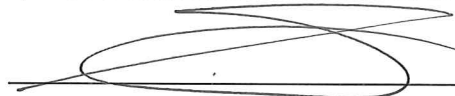
- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

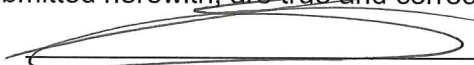
SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

248-647-2600 X115
 Phone Number
 shavera@hughes-properties.net
 Email Address


 Sean T. Havera - VP of Construction
 Signature
 Print Name

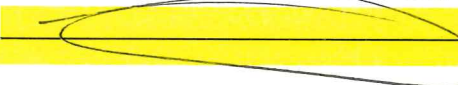
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.


 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.


 Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**


 Signature

On this 20 day of December, 2016, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.


 Notary Public Signature

6/27/19
 Notary Commission Expiration Date
Andrea Gould
 Print Name

Staff Use Only

Date Submitted: _____ Fee Paid: _____
 File No.: _____ Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

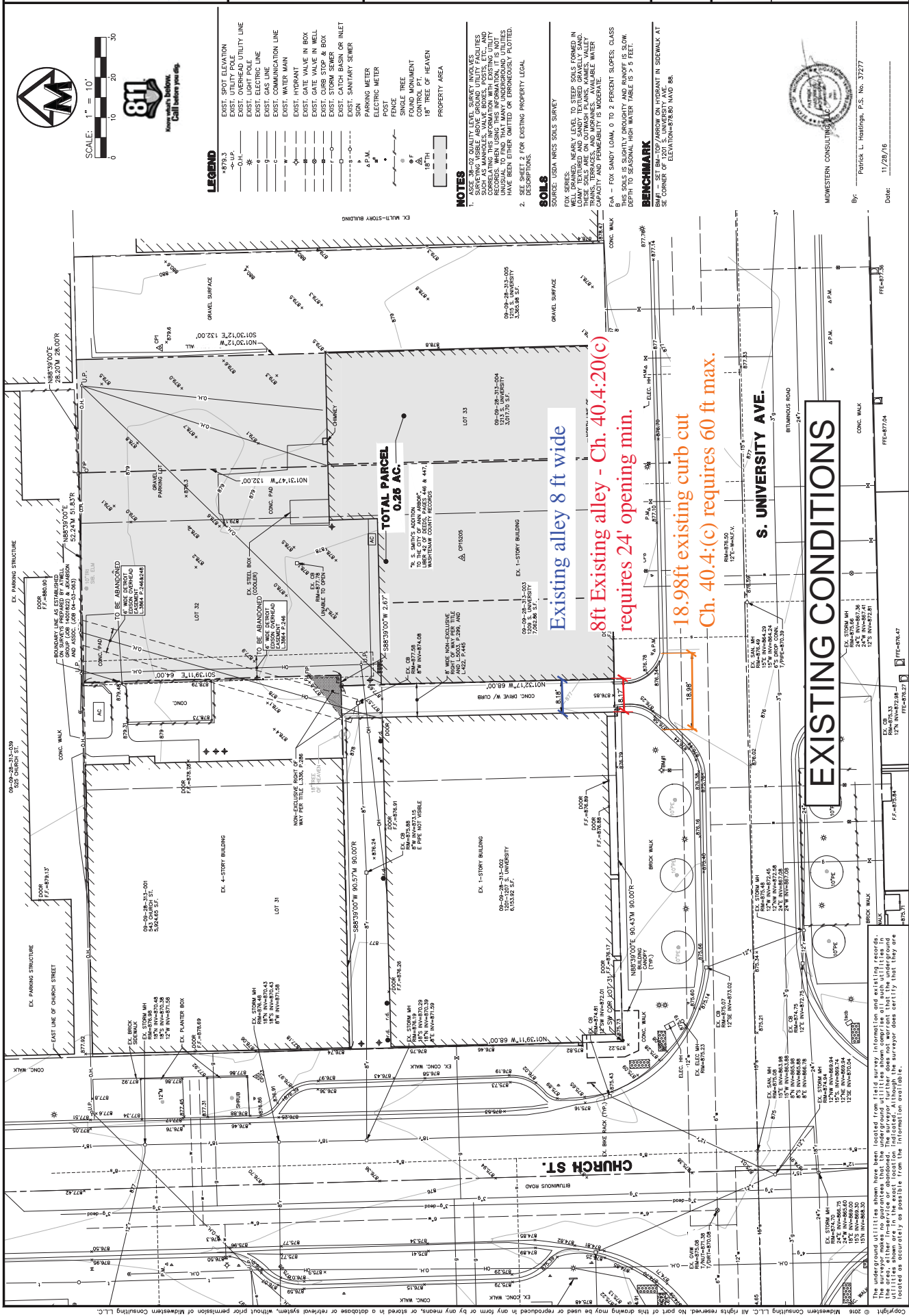


CLIENT
 SOUTH UNIVERSITY - NORTH EAST, LLC
 10100 TELEGRAPH ROAD, SUITE 220
 BIRMINGHAM, ALABAMA 35226
 256-447-2600

THE COLLEGEAN EAST
 SITE PLAN
 EXISTING CONDITIONS PLAN

4

NO. JOB	16239
DATE	11/28/16
REV. DATE	
REV. NO.	
REV. DESCRIPTION	



LEGEND

-470.3	EXIST. SPOT ELEVATION
-U.P.	EXIST. UTILITY PALE
-OH-	EXIST. OVERHEAD UTILITY LINE
-E-	EXIST. ELECTRIC LINE
-G-	EXIST. GAS LINE
-C-	EXIST. COMMUNICATION LINE
-W-	EXIST. WATER MAIN
-H-	EXIST. HYDRANT
-V-	EXIST. GATE VALVE IN BOX
-S-	EXIST. STREET STOP & BOX
-SB-	EXIST. STORM STOP & BOX
-I-	EXIST. CATCH BASIN OR INLET
-S-	EXIST. SANITARY SEWER
Δ P.M.	PARKING METER
+	ELECTRIC METER
+	POST
+	FENCE
+	TREE
+	FOUND MONUMENT
+	CONTROL PT.
+	18" TREE OF HEAVEN
+	PROPERTY AREA

NOTES

- USE 38-CO QUALITY LEVEL. SURVEY INVOLVES SUCH AS MANHOLES, VALVE BOXES, POSETS, ETC., AND RECORDS. WHEN USING THIS INFORMATION, IT IS NOT TO BE USED AS A BASIS FOR ANY DESIGN OR CONSTRUCTION. HAVE BEEN EITHER OBTAINED OR INDICATED IN THE ORIGINAL RECORDS.
- SEE SHEET 3 FOR EXISTING PROPERTY LEGAL DESCRIPTIONS.

SOILS
 SOURCE: USDA NRCS SOILS SURVEY
 FOR DETAILS, SEE SHEET 3.
 THESE SOILS ARE CLASSIFIED AS SANDY LOAM, 0 TO 2 PERCENT SLOPES. CLASS 2.
 THESE SOILS ARE SLIGHTLY DROUGHTY AND RUNOFF IS SLOW. DEPTH TO PERMANENT HIGH WATER TABLE IS 3 TO 6 FEET.

BENCHMARK
 BM#1 - SET BM-TOP/ARROW ON HYDRANT IN SIDEWALK AT SE CORNER OF ELEVATION=678.80 NAVD 88.



By: Patrick L. Hastings, P.E. No. 31277
 Date: 11/28/16
 MIDWESTERN CONSULTING

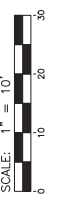
EXISTING CONDITIONS

Existing alley 8 ft wide

8ft Existing alley - Ch. 40.4:20(c) requires 24' opening min.

18.98ft existing curb cut Ch. 40.4:(c) requires 60 ft max.

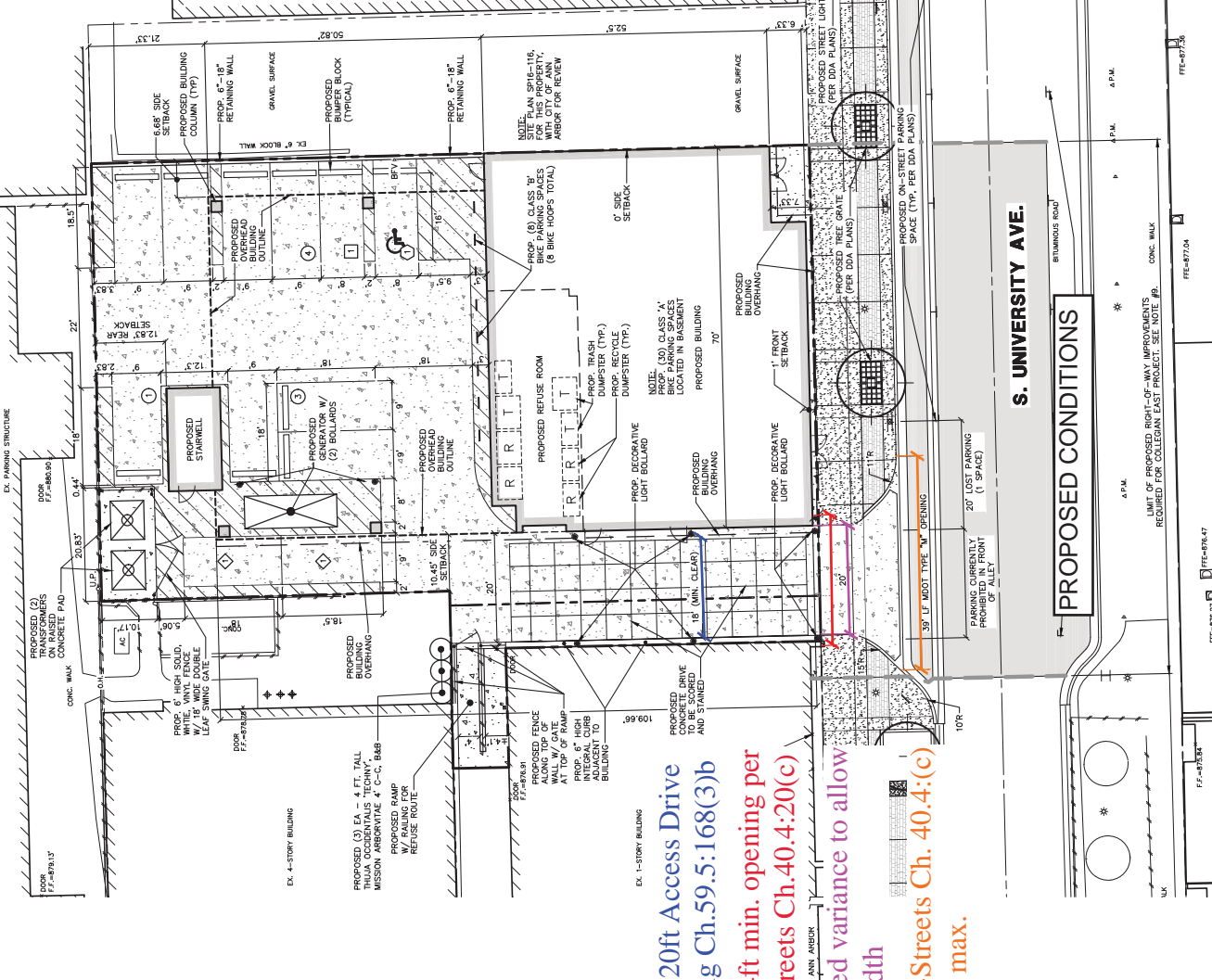
THE COLLEGEAN EAST
 SITE PLAN
 DIMENSIONAL SITE PLAN
 CLIENT
 SOUTH UNIVERSITY - NORTH EAST, LLC
 20100 TELEGRAPH ROAD, SUITE 220
 SOUTH BEND, IN 46725
 534-T. HAYNA
 248-647-2600



- LEGEND**
- SFV PROPOSED BARRIER FREE VAN SON
 - PARKING METER
 - RAMP
 - EXIST. CURB & GUTTER
 - PROP. CURB & GUTTER
 - EXIST. STREET LIGHT
 - RELOCATED/REPLACED STREET LIGHT
 - RELOCATED PROJECT BOUNDARY
 - PROP. BITUMINOUS PAVEMENT
 - PROP. CONCRETE PAVEMENT
 - PROP. DDA STREET TREE
 - EX. MULTI-5-STORY BUILDING

- PARKING LEGEND**
- NUMBER OF STANDARD CAR PARKING SPACES IN ROW
 - ⊙ NUMBER OF COMPACT CAR PARKING SPACES IN ROW
 - ◊ NUMBER OF BARRIER FREE PARKING SPACES IN ROW
 - ⊖ NUMBER OF EMPLOYEE PARKING SPACES IN ROW
- PARKS CONTRIBUTION**
- THE CITY OF ANN ARBOR DEVELOPER CONTRIBUTIONS FOR PARKS AND OPEN SPACE GUIDANCE: THE DEVELOPMENT WILL PROVIDE OPEN SPACE AT A RATIO OF 1% OF THE GROSS SQUARE FOOTAGE OF THE DEVELOPMENT, BUT NOT LESS THAN 0.024 ACRES PER RESIDENTIAL UNIT.
- 34 UNITS X 0.0124 ACRES = 0.4216 X \$50,000 = \$21,080.00

- LANDSCAPE REQUIREMENTS**
1. STREET TREES: LOSS OF TREE PER ROW - STREET LANDSCAPE IMPROVEMENT PROJECT. ANY NECESSARY STREET TREE REMOVALS WILL BE REPLACED IN KIND.
 2. STREET TREE FRONTAGE = 83 LF
 3. STREET TREE SPACING: 83 LF X \$1.30 = \$107.90 WILL BE PROVIDED TO AVOID A LOSS OF \$107.90.
 4. STREET TREE: THE STREET TREE INSPECTION SHOWS LONG TERM SURVIVAL OF THE PROPOSED STREET TREES.
 5. LANDMARK TREE REPLACEMENT: NONE REQUIRED
 6. 5-602 VEHICULAR USE AREA LANDSCAPING AND RIGHT-OF-WAY SCREENING: NOT APPLICABLE
 7. INTERIOR LANDSCAPE ISLANDS: NOT APPLICABLE
 8. 5-603 CONFLICTING LAND USE BUFFERS: NOT APPLICABLE



NOTES

1. CURB SIDEWALK REPAIR AND MAINTENANCE NOT PER CHAPTER 48, SECTION 4-25 OF THE CITY OF ANN ARBOR CODE. ALL SIDEWALKS ARE TO BE REPT AND MAINTAINED BY THE OWNER OF THE LAND ADJACENT TO AND ABUTTING THE SAME. CURB REPAIR BEYOND THE OWNER OF THE LAND ADJACENT TO AND ABUTTING THE SAME. ALL EXISTING SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN ACCORDANCE WITH CITY STANDARDS.
2. ALL SIDEWALKS SHALL MEET REQUIREMENTS AND GUIDELINES AS SET FORTH IN THE ADA STANDARDS FOR ACCESSIBLE DESIGN.
3. STREET LIGHTS: THE ANNUAL INSPECTION REPORTS INDICATES A CONCRETE SIDEWALK, CURBED SIDEWALK AND STREET TREES, TREE TRUNKS, BIKES RACKS, AND PROPOSED PEDESTRIAN LIGHTS, THE ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY (DDA) IS REQUESTING A VARIANCE TO THE DDA'S DESIGN REEKS TO PLANS PREPARED BY SMITHGROUP JJR FOR ALL DIMENSIONS AND DETAILS OF PROPOSED STREETSCAPE IMPROVEMENTS, EXCEPTION COMPARED TO THE DDA PLANS.
4. THERE ARE NO PROPOSED FREWALS IN THE BUILDING.
5. THE PROPOSED BUILDING OVERHANG IS A MINIMUM OF 12'-0" ABOVE THE PROPOSED GRADE ALONG S. UNIVERSITY.
6. THE FOUNDATION SYSTEM WILL BE FULLY DESCRIBED DURING PREPARATION OF THE CONSTRUCTION PLANS. IF TEMPORARY TIE-BACKS ARE REQUIRED IN THE RIGHT-OF-WAY ADJACENT TO THE PROPOSED BUILDING, THE TIE-BACKS SHALL BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY OR OUTSIDE OF THE PROPERTY LINES.
7. TRASH MANAGEMENT SYSTEMS: THE PROPOSED BUILDING OVERHANG IS TO BE LOCATED ON TRASH DAY TO THE DRAINFRASEY FOR HOOPS.
8. PROPOSED GENERATOR IS TO BE LOCATED INSIDE THE SECOND STORY BUILDING OVERHANG WITH OUTSIDE ACCESS FROM ALL SIDES. TWO PROPOSED TRANSFORMERS ARE TO BE LOCATED IN THE NORTHWEST CORNER AND EAST CORNER OF THE BUILDING. TRANSFORMERS SHALL BE MOUNTED ON 10'-0" TALL MISSION ARBORVITAE 4" C-C, E488 INCLUDING REGULAR TESTING OF SUCH EQUIPMENT, IS SUBJECT TO CHAPTER 119 NOISE CONTROL.
9. PROPOSED DECORATIVE LIGHT BOLLARDS AND BUILDING MOUNTED LIGHT FIXTURES ARE TO BE SHIELDED AND DARK SKY COMPLIANT.
10. THE PROPOSED PROJECT IS TO BE CONSTRUCTED FROM THE START OF CONSTRUCTION OF THE COLLEGEAN EAST. DDA IMPROVEMENTS THAT NEED TO BE MATCHED TO THE PROJECT IMPROVEMENT PLANS AS APPROVED BY THE CITY OF ANN ARBOR EXCEPT FOR THE PROPOSED DRIVEWAY WHICH IS TO BE WIDENED.
11. IF A GRANE SHALL BE LOCATED IN THE PUBLIC RIGHT-OF-WAY DURING CONSTRUCTION, THE GRANE SHALL BE LOCATED IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PEDESTRIAN ACCESS DURING CONSTRUCTION.

PROPOSED LEGAL DESCRIPTION

LEGAL DESCRIPTION OF AN 0.247 ACRE PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 10 NORTH, RANGE 16 WEST, WASHINGTON COUNTY, MICHIGAN

Connecting at the SW corner of Lot 31 of R. S. Smith's Addition to the City of Ann Arbor recorded in Liber 42 of Deeds, Page 446-447, Washington County Records, thence N 88°30'00" E 30.43 feet (recovered 30.00 feet) along the north line of South University Avenue to an iron pin in the line of Lots 31 and 32 of said R. S. Smith's Addition to the City of Ann Arbor, thence N 01°32'17" W 68.00 feet; thence N 88°30'00" E 2.67 feet; thence S 88°30'00" W 68.00 feet; thence N 88°30'00" E 132.00 feet along the north line of said Lots 31 and 32 of said R. S. Smith's Addition to the City of Ann Arbor, thence S 01°30'12" E 132.00 feet to the north line of South University Avenue; thence N 88°30'00" W 82.69 feet; thence S 55°58'00" E 102.50 feet along the north line of South University Avenue and the south line of Lots 32 & 33 of said Lots 31 and 32 of said R. S. Smith's Addition to the City of Ann Arbor, thence N 88°30'00" E 33.00 feet to the City of Ann Arbor, thence S 88°30'00" E 102.50 feet to the City of Ann Arbor, thence N 01°32'17" W 68.00 feet, or more or less. Being subject to easements and restrictions of record if any.

PROPOSED TRUCK TURNING DETAIL

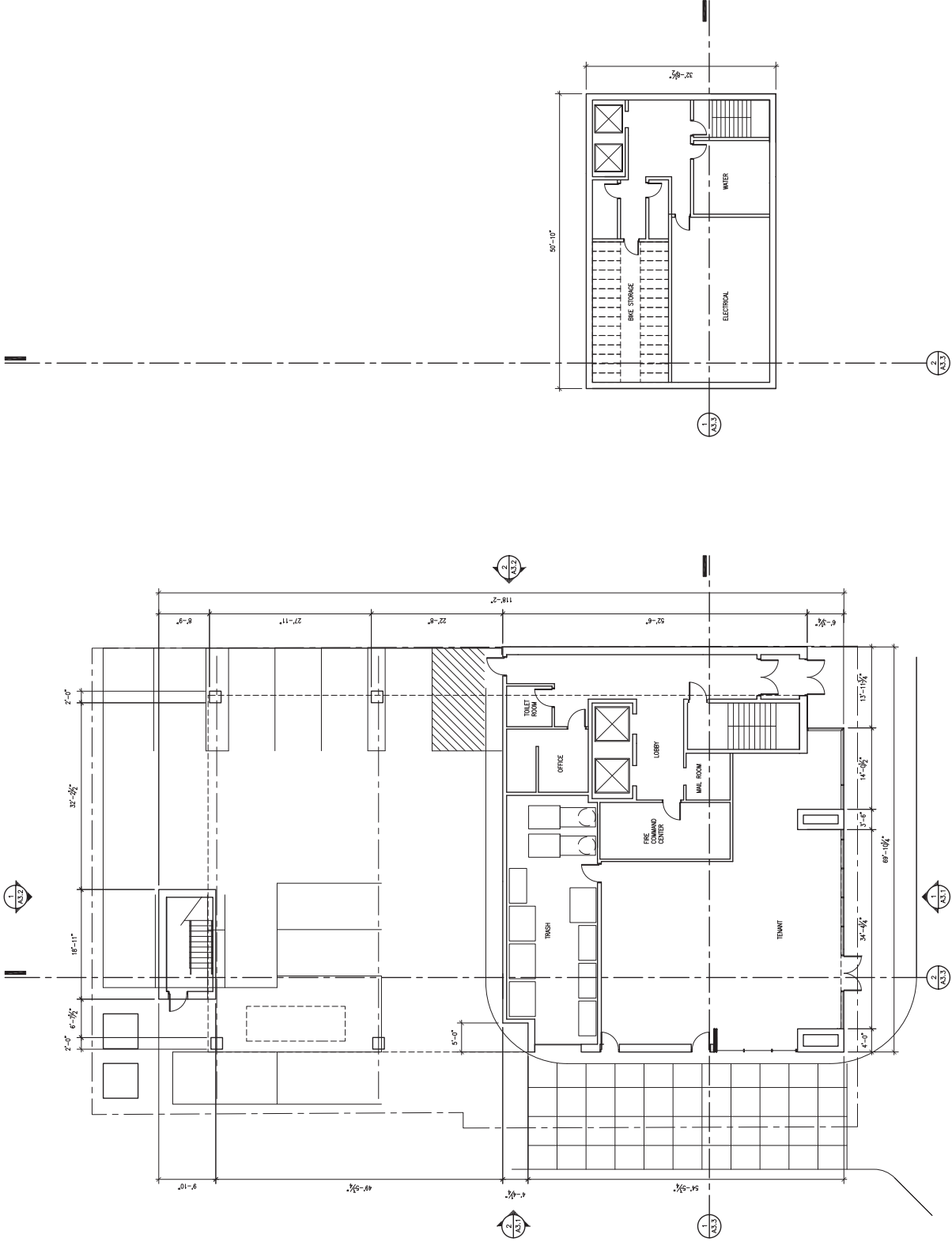
SCALE: 1" = 20'

Proposed 20ft Access Drive
Per Zoning Ch.59.5:168(3)b
24ft min. opening per
Streets Ch.40.4:20(c)
Proposed variance to allow
20ft width
39ft curb cut-Streets Ch. 40.4:(c)
requires 60 ft max.

HamiltonAnderson
 architecture landscape architecture urban design
 Hamilton Anderson Associates, Inc.
 1435 Randolph Suite 200
 Minneapolis, MN 55404
 P 612.336.4270 F 612.336.4170
 www.hamilton-anderson.com

STRUCTURAL
 ROBERT JARVAS ASSOCIATES
 440 S. Main St. 4th Fl.
 P 763.781.8733
 www.jarvas.com
CIVIL ENGINEER
 JEFFREY J. JENSEN CONSULTING
 3810 Pillsbury Ave.
 P 763.781.8188
 www.jensen-engineers.com
MEP & FIRE PROTECTION
 STRATEGIC ENERGY SOLUTIONS
 8449A, MN 55127
 P 763.358.1830

Client
SOUTH UNIVERSITY -
NORTH EAST, LLC
 3000 TELEGRAPH RD
 BRIGHAM FARMS, MN 55002
 Key Plan



2 FIRST LEVEL PLAN
 SCALE: 1/8"=1'-0"

1 LOWER LEVEL PLAN
 SCALE: 1/8"=1'-0"

Project
THE COLLEGEAN EAST
1209 S. UNIVERSITY
 address
 Owner: TNA
LOWER LEVEL AND
FIRST LEVEL FLOOR PLAN

Project Number: 201515L00
 Drawn By: SJL Approved By: RD
 Scale: 1/8" = 1'-0"
 Date:

NOT FOR CONSTRUCTION
PRELIMINARY

Signature:
 Drawing No:

A1.0

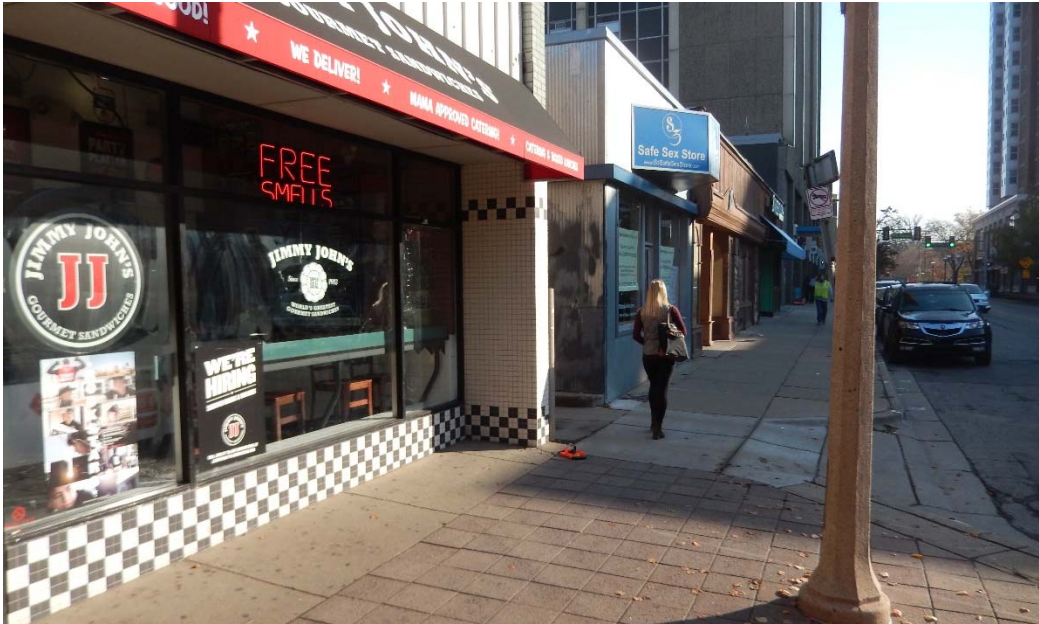
THE COLLEGAN
EAST
1209 S University



HAMILTON ANDERSON ASSOCIATES
NOVEMBER 7, 2016



Land Development • Land Surveying • Municipal • Wireless Communications • Institutional • Transportation • Landfill Services



Existing Curb Cut, Alley Opening, and Adjacent Building (Jimmy John's)



Existing alley – view toward South University

This Indenture, Made this 7th day of June

in the year of our Lord one thousand nine hundred and forty-six

BETWEEN State Savings Bank of Ann Arbor

of the city of Ann Arbor County of Washtenaw

State of Michigan, a corporation organized and existing under and by virtue of the laws of the State of Michigan, party of the first part, and Florence N. Groves of 1520 Baldwin Avenue, Ann Arbor, Michigan

part Y of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration

to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said part Y of the second part, and her heirs and assigns, FOREVER, All

that certain piece or parcel of land, situate and being in the city of Ann Arbor County of Washtenaw and State of Michigan,

known and described as follows, to-wit: Commencing at a point formed by the intersection of the east line of Church Street with the north line of South University Avenue, it being the southwest corner of Lot thirty-one (31) R. S. Smith's Addition to the city of Ann Arbor; running thence north along the east line of Church Street, sixty-eight (68) feet to the southwest corner of land owned by Mary P. Martin; thence east along said Martin's line ninety (90) feet; thence south parallel with the east line of Church Street to the north line of South University Avenue, sixty-eight (68) feet; thence west along the north line of South University Avenue, ninety (90) feet to the place of beginning; with the right of way for the owner of the next adjoining lots eight (8) feet wide on the east end of the above described premises, to pass or repass on foot or with teams, but with no right to obstruct same.



Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said premises, as herein described, with the appurtenances unto the said part Y of the second part, and to her heirs and assigns, FOREVER.

And the said party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said part Y of the second part her heirs and assigns, that at the time of the ensembling and delivery of these presents it is well seized of the above granted premises in FEE SIMPLE; that they are free from all encumbrances whatever, excepting any which may have accrued subsequent to August 1, 1930.

and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever except as hereinbefore mentioned.

In Witness Whereof the said State Savings Bank of Ann Arbor

has caused these presents to be signed in its name by its President and its Cashier and sealed with its corporate seal, the day and year first above written.

Signed, Sealed and Delivered in Presence of

Leone W. Sherrill
Leone W. Sherrill

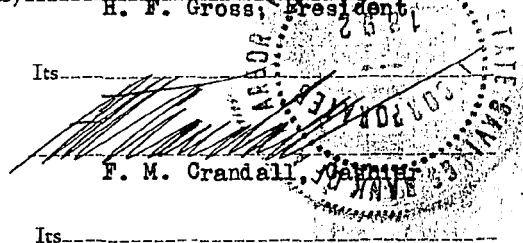


Betty J. Christopherson
Betty J. Christopherson

STATE SAVINGS BANK OF ANN ARBOR

By *H. F. Gross*
H. F. Gross, President

Its



F. M. Crandall

Its

STATE OF MICHIGAN,

County of Washtenaw

ss.

On this 7th day of June

in the year of our Lord one thousand nine hundred and forty-six

before me, a Notary Public

in and for said County,

appeared H. F. Gross and F. M. Crandall

to me personally known, who, being by me duly sworn, did each for himself say that

he is the President and the Cashier, respectively

of

State Savings Bank of Ann Arbor

the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation; and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said H. F. Gross and F. M. Crandall

acknowledged said instrument to be the

free act and deed of said corporation.

Leone W. Sherrill
Leone W. Sherrill

Notary Public, Washtenaw County, Michigan.

My commission expires January 15 19 47

NOTE

1 and 2. If more than one officer acknowledges insert at 1 "each for himself" and at 2 "they are respectively."
3. Where conveyance is made to corporation or partnership, the following may be inserted, "its successors," and draw a line through the word "heirs."

1934 or 1912

WARRANTY DEED

BY CORPORATION

State Savings Bank of Ann Arbor

TO

Florence N. Groves

REGISTRAR'S OFFICE,

County of Washtenaw

ss.

This instrument was presented and

received for record this 8th

day of June A. D. 19 46

at 11:05 o'clock A. M., and

recorded in Liber 422 of ~~RECORDS~~

on page 445, as a proper certificate

was furnished in compliance with Section

3531, Compiled laws of 1929, as amended

by Act 261, P. A. of 1931.

Allan A. Seymour

Register of Deeds.

THE RIEGLE PRESS, FLINT, MICHIGAN

6/8 1105 113



November 22, 2016

City of Ann Arbor
Planning and Development Department
301 E. Huron St.
Ann Arbor, MI 48104

Re: Designation of Agent – Site Plan Approval

Dear Planning Department:


Bank of Ann Arbor is pleased to serve as Manager of Groves South U, LLC, a Michigan limited liability company (the "Groves South U"), the owner of 1201-1207 S. University (the "Property"). We hereby appoint Sean T. Havera or South University – North East, LLC (the "Agent") as our agent to represent us in any request for Site Plan Approval involving improvements to the alley on the east and the alley at the rear of the Property. We note that the buildings on the Property are not currently under development, and are not part of the project being submitted for Site Plan Approval.

By signing below, we understand that the Site Plan Approval application process consists of several forms, and our Agent may represent us in all phases of the Site Plan approval process and any ancillary procedures required thereby which may include submission to agencies of government that may have jurisdiction. We certify that the below information is correct:

Property Address:	1201 -1207 S. University
Parcel No.:	09-29-28-313-002
Legal Ownership Name:	Groves South U, LLC
Owner Mailing Address:	125 S. Fifth Ave, Ann Arbor, MI 48104
Daytime Phone No.:	734-327-0138
Email:	ldahlberg@boaa.com

Groves South U, LLC, a Michigan limited liability company

By: Bank of Ann Arbor, Manager

By: 

Lyle Dahlberg
First Vice President and Senior Trust Officer

September 12, 2016

City of Ann Arbor
Planning and Development Department
301 E. Huron St.
Ann Arbor, MI 48104

Re: Designation of Agent – Site Plan Approval

To Whom it May Concern,

I (we) hereby appoint Sean T. Havera or South University – North East, LLC (the “Agent”) as my (our) agent to represent me (us) in any request for Site Plan approval on of for the subject property enumerated below. By signing below, I (we) understand that the Site Plan Approval application process consists of several forms and my (our) agent may represent me (us) in all phases of the Site Plan approval process and any ancillary procedures required thereby which may include submission to other agencies of government that may have jurisdiction. I (we) certify that all information below is correct.

Property Address:	1209 & 1211 S. University
Parcel #:	09-09-28-313- 003– See Exhibit A
Legal Ownership Name:	Beatty Hawkins Limited Liability Company
Approximate Property Square Feet:	7,063
Current Zoning District:	D1
Owner Name:	Beatty Hawkins Limited Liability Company
Owner Mailing Address:	1717 S. State St. Ann Arbor, MI 48104
Daytime Phone #:	734-761-3100 x11
Email:	sales@westhawkpromo.com

Beatty Hawkins Limited Liability Company



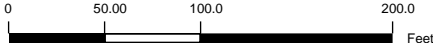
By: Harry Hawkins
Its: Member



EXHIBIT "A"

**R.S.
Smith's
Add.
1209**

**R.S. Smith's
2Nd Add.
616**



1: 1,200

9/16/2016

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.



September 12, 2016

City of Ann Arbor
Planning and Development Department
301 E. Huron St.
Ann Arbor, MI 48104

Re: Designation of Agent – Site Plan Approval

To Whom it May Concern,

I (we) hereby appoint Sean T. Havera or South University – North East, LLC (the “Agent”) as my (our) agent to represent me (us) in any request for Site Plan approval on of for the subject property enumerated below. By signing below, I (we) understand that the Site Plan Approval application process consists of several forms and my (our) agent may represent me (us) in all phases of the Site Plan approval process and any ancillary procedures required thereby which may include submission to other agencies of government that may have jurisdiction. I (we) certify that all information below is correct.

Property Address:	1213 S. University
Parcel #:	09-09-28-313- 004– See Exhibit A
Legal Ownership Name:	1213 South University, LLC
Approximate Property Square Feet:	3,718
Current Zoning District:	D1
Owner Name:	1213 South University, LLC
Owner Mailing Address:	125 S. Fifth Ave., Ann Arbor, MI 48104
Daytime Phone #:	734-327-0138
Email:	ldahlberg@boaa.com

1213 South University, LLC
By: Bank of Ann Arbor, Trustee
Its: Manager

By: Lyle F. Dahlberg, First Vice President and Senior Trust Officer

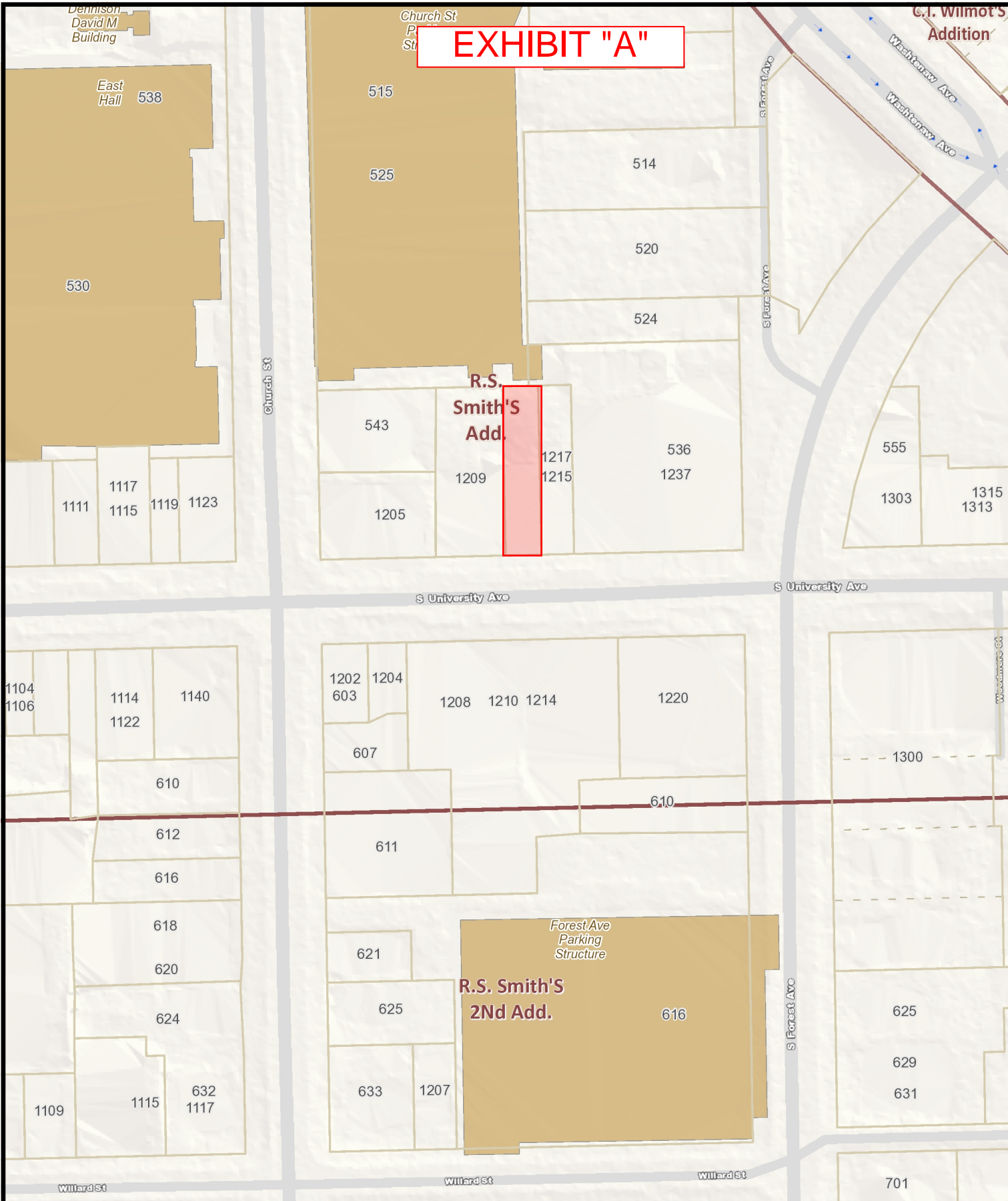
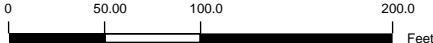
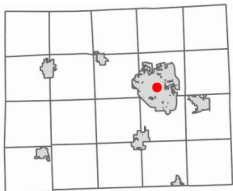


EXHIBIT "A"

R.S. Smith's Add.

R.S. Smith's 2Nd Add.



1: 1,200

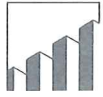
9/16/2016



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HUGHES PROPERTIES

30100 TELEGRAPH ROAD
SUITE 220
BINGHAM FARMS, MICHIGAN 48025
248/647-2600 248/647-1330 FAX

September 20, 2016

City of Ann Arbor
Planning and Development Department
301 E. Huron St.
Ann Arbor, MI 48104

Re: The Collegian North East

To Whom It May Concern,

South University – North East, LLC (SUNE) has a long-term ground lease with the owners of 1209 S. University, 1211 S. University, and 1213 S. University. SUNE, as developer, is proposing to develop an iconic mixed use building on these properties. SUNE has retained and is represented in regards to the project by Hamilton Anderson Associates and Midwestern Consulting, LLC and authorize them, jointly or severally, to make application for any and all approvals required to secure Site Plan Approvals to the City of Ann Arbor and any other agencies of government that may have jurisdiction.

Sincerely,

Sean T. Havera
VP of Construction
South University – North East, LLC

MEMORANDUM

To: Members of the Zoning Board of Appeals
From: Amber Miller, Ann Arbor DDA Planner
Regarding: Collegian East drive opening variance
Date: 12.20.2016

After reviewing the Collegian East plans and discussing the project with planning and engineering staff we support the developer's variance request for the reasons outlined below.

South University is a special commercial district within downtown Ann Arbor. As with many downtown streets, its success depends on vibrant ground floor retail and a walkable, safe environment. Driveway openings interrupt this enjoyable experience and should be limited; pre-existing drives should be as narrow as practical.

The Collegian East seeks to limit the width of its existing driveway opening to 20 feet to coordinate with the 20-foot driveway needed for service access. Current code requires a 24-foot opening for projects of this nature. Meeting this requirement would cause the project to take up an additional four feet of sidewalk and curb space for an over-sized opening for the driveway.

It is our understanding that this 24-foot requirement will soon be removed from zoning code to accommodate new best practices and encourage narrower openings. In the interim, we support the request from The Collegian East team to seek a variance to install a 20-foot drive opening.