PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 15, 2013

SUBJECT: 624 Church Street Site Plan for City Council Approval

(624 Church Street) Project No. SP12-035

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, subject to addressing Systems Planning comments prior to City Council consideration.

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 district and the Allen Creek watershed.

DESCRIPTION OF PETITION

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

The petitioner is seeking approval to demolish the building at 624 Church Street and construct a 14-story, 83,807-square foot apartment building adjacent to and over the southern half of the existing two-story restaurant building at 618 Church Street. The new building will contain 76 dwelling units and between 175 and 185 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 220% of floor area, and the petitioner is proposing a LEED Silver certification for an additional 50% floor area, resulting in a total floor area ratio of 665%. The petitioner intends to design, outfit and market the development to university students.

The site is subject to a Secondary building frontage requirement (0 feet minimum/10 feet maximum). 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. The proposed building has an 11-foot side setback (south) and a 0-foot rear setback (west). There is also a 70 by 20 foot (1,400 square

foot) outdoor plaza area at street level. The plaza will be covered by floors 2 through 14 of the new building.

A variance from the Building Board of Appeals would be necessary to place windows directly on the western (rear) property line as proposed. When utilizing residential premiums, all bedrooms must have a window directly to the outside. As an alternative floor plan, the petitioner would propose combining two bedrooms in the northwest corner of the building into one larger bedroom with two beds in order to maintain compliance with the required window placement. The total number or residents in the building would not change.

All parking will be provided off-site in a public parking structure. The project is the first in the City to utilize the City's Contribution in Lieu of Required Parking program to provide all parking off-site through an agreement with the DDA. On October 3, 2012 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.

The proposed plaza will be adjacent to a driveway and loading zone to be used for the restaurant deliveries and building services. The plaza will be separated from the loading area by curbing and will be constructed from brick pavers. There is one existing curb cut, accessing a shared driveway with the parcel to the south, that will remain to provide access to the loading zone. There will be no parking provided on the site.

The ground floor of the proposed building includes the resident lobby at the front of the building and a solid waste/recycling room and bicycle parking room at the rear. There will be a ground level hallway provided through the center of the building that will allow for access to the existing restaurant from the loading zone. There will be no new retail space provided in the building.

The second floor contains the leasing office, fitness room and study lounge at the front of the building. The third floor will have six apartments with a mechanical room located in the rear, and floors 4 through 13 will have seven apartments each. The total of 76 units will be divided into: 11 one bedroom apartments (14%); 21 two-bedroom apartments (28%); 33 three-bedroom apartments (44%); and 11 four-bedroom apartments (14%). 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, and 60 individual bike racks are proposed in the room. There are two bike hoops existing in the Right-of-way and the petitioner is proposing to add five more hoops for a total of 14 exterior bicycle parking spaces.

A rooftop plaza 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.

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 October 17, 2012. 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 plaza from encroachment of the loading zone functions was a concern of the Board as well providing adequate public bicycle parking at or near the street. The Board also encouraged the petitioner to incorporate storm water infiltration through use of vegetated roof or porous pavers and mitigate building massing using changes in volume and not just changes in materials.

The proposed development has been revised to address some of the Board's comments. The plaza area has been separated using curbing and decorative pavers. 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 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 Thursday, November 1, 2012, 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; 14 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

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	Mixed Residential	D1, South University
WEST	Mixed Residential/Commercial	D1, South University

COMPARISION CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Base Zoning	D1 (Downtown Core)	D1 (Downtown Core)	D1 (Downtown Core)
Gross Lot Area	14,999 sq ft	14,999 sq ft	No minimum
Max. Usable Floor Area in % of Lot Area	106% (15,868 sq ft)	665% (99,675, sq ft)	400% MAX normal (59,996 sq ft MAX) Up to 700% MAX with premiums (up to 104,993 sq ft MAX)
Premiums	None used	33,096 sq ft - residential 7,499 sq ft - LEED Silver	Up to 100,591 sq ft additional floor area MAX
Character Overlay District	South University	South University	South University
Streetwall Height	2 stories	2 stories	2 stories MIN 4 stories MAX
Offset at Top of Streetwall	Not applicable	5 ft	Average 5 ft MIN
Building Height	2 stories	150 feet	24 ft/2 story MIN 150 ft MAX
Side, Rear Setbacks	0 ft (north) side 18 ft (south) side 0 ft (west) rear	0 ft (north) side 5 ft (south) side 0 ft (west) rear	None
Building Frontages	Secondary Street	Secondary Street	Secondary Street
Church Street	10 ft	0 ft	0-10 ft MIN
Parking	Special Parking District	Special Parking District	Special Parking District
Parking – Automobiles	5 spaces	40 spaces (off-site)	40 spaces MIN for premium floor area
Parking – Bicycles	10 spaces	60 Class A 20 Class C	40 Class A MIN 2 Class C

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. In 1992, the original building and a house on the adjacent parcel were demolished, and the Pizza House

restaurant building was built on the combined parcels. 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 two parcels were rezoned 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.

PLANNING BACKGROUND

The <u>Downtown Plan</u> 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 <u>Downtown Plan</u> 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 <u>Plan</u> (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

<u>Downtown Development Authority</u> – As noted above, the DDA approved a resolution of support to enter into a contract to provide required parking within the Forest Street Structure. Details and requirements will be outlined in 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.

<u>Parks</u> – Parks staff has requested a parks contribution of \$47,120. The petitioner has offered to contribute \$35,000 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.

<u>System Planning</u> – The proposed sanitary flows were modeled by the City, and adequate sanitary sewer infrastructure exists for the proposed development. The equivalent of 20 footing drain disconnects will be required.

Revised plans will need to be submitted that show curb cut dimensions and all walkable portions of the sidewalk constructed of concrete, not decorative pavers.

As the drive for the loading zone is shared with an adjacent parcel, this will require a recorded easement to guarantee future access. The placement of bicycle hoops in the public right of way may require an additional agreement.

Revisions are needed to the grading plan to ensure proper site drainage and clarifications to the storm water management system calculations before site plan approval by City Council.

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

During the review process, staff received comments from an adjacent property owner concerned about trespass during construction, negative building impacts along the rear of the site, and approval of the variance from the Building Board of Appeals. As noted above, if the variance is denied by the BBA, the affected rooms will be redesigned to one large room with an exterior window in order to comply with City Code. Concerns with trespass issues do not pertain to approval of the site plan and will be dealt with during the construction process.

Prepared by Matt Kowalski Reviewed by Wendy Rampson 1/11/13

Attachments: Draft Development Agreement

Design Review Board Report

Petitioner's Response to DRB Report

Citizen Participation Report Parcel and Zoning Map

Aerial Photo Site Plan Floor Plans Elevations

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. SP12-035

624 CHURCH DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this	s day of	, 20	_, by and between the
City of Ann Arbor, a Michigan Municipa	al Corporation,	with principal add	ress at 301 East Huron
Street, Ann Arbor, Michigan 48107, he	ereinafter called	I the CITY; and Op	ous Development
Corporation, an Illinois Corporation, wi	ith principal add	dress at 9700 Higg	ins Road, Suite 900,
Rosemont, IL 60018, hereinafter called	d the PROPRIE	TOR, witnesses t	nat:

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 \$35,000 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, onsite 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 20 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:

PARCEL I

Beginning at a point on the East line of Lot 3, 4 feet South of the Northeast corner; thence West parallel to the North line of the Lot, 132.00 feet (recorded as 132.30 feet);

thence South parallel to the East line of Lot, 35 feet; thence East parallel t othe North line of the Lot, 56.0 feet (recorded as 56.30 feet); thence South parallel with the East line of the Lot, 15 feet; thence east parallel with the North line of Lot, 76 feet to the East line of the Lot; thence North 50 feet to the Point of Beginning; part of Lot 3, Block 1, Ransom S. Smith's 2nd Addition, as recorded in Liber 48 of Deeds, page 40, Washtenaw County Records, City of Ann Arbor, Washtenaw County, Michigan.

PARCEL II-Certain air space extending above the following property:

Beginning at a point in the East line of Lot 2, Block 1, R.S. Smith's 2nd Addition, 20 feet and 4 inches North of the Southeast corner thereof; thence West parallel with the South line of the Lot; 56 feet; thence northwesterly 18 feet to a point 26 feet and 4 inches North of the South line of the Lot; thence West parallel to the South line of the lot to a point 132 feet West of the East line thereof and 39.54 feet South from the North line thereof; thence North parallel to the East line of the Lot, 39.54 feet to a point in the North line of the lot, now marked by an iron pipe monument; thence East 132 feet to the Northeast corner of said lot marked by an iron pipe monument; thence South 45.62 feet to the Place of Beginning, reserving a right of way over a strip of land 4 feet in width bounded on South by 1st 3 lines herein described and granting a right of way over a strip of land 4 feet in width bounded on North by 1st 3 lines herein described, the rights of way to be used as a right of way in common and to extend to a point 112 feet West from the East line of Lot 2 and to remaining open and unobstructed, all being a part of Lot 2, Block 1, R.S. Smith's 2nd addition to the City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records.

PARCEL III-Certain air space extending above the following property:

Beginning at a point in the East line of Lot 2, Block 1 of R.S. Smith's 2nd Addition to the City of Ann Arbor, 20 feet and 4 inches North from the Southeast corner of the Lot; thence West parallel to the South line of the Lot, 56 feet; thence Northwesterly 18 feet to a point 26 feet and 4 inches North from the South line of the Lot; thence West parallel to the South line to a point 132 feet from the East line thereof; thence South parallel to the East line of said Lot, 30 feet and 4 inches; thence East parallel to the South line of the Lot, 132 feet to the East line of Lot 3 in said Block; thence North 24 feet and 4 inches to the Place of Beginning. Reserving a Right of Way over a strip of land 4 feet wide bounded on the Northerly side by the first three courses herein described and granting a Right of Way over a strip of land 4 feet wide bounded on its Southerly side by the first three courses herein described, said Rights of Way to be used as a driveway in common to extend from the East line of Lot 2 to a Point 112 feet Westerly from the East line thereof and to remain open and unobstructed, all being a part of Lots 2 and 3 in Block 1 of R.S. Smith's 2nd Addition to the City of Ann Arbor, as recorded in Liber 48 of Deeds, page 40, Washtenaw County Records.

(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.

IN WITNESS WHEREOF, the parties I written.	nereto have set their hands and seals the day first above
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:	Bv:
	By: Name, Title
STATE OF MICHIGAN)	

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

County of Washtenaw) ss:)		
and Jacqueline Beaudry, to be the persons who exe	Clerk of the City of Ann A ecuted this foregoing ins cknowledged that they e	before me personally appeared John Hieftje, Mayor, Arbor, a Michigan Municipal Corporation, to me know trument, and to me known to be such Mayor and Clerexecuted the foregoing instrument as such officers as athority.	k
		NOTARY PUBLIC County of Washtenaw, State of Michigan My Commission Expires: Acting in the County of Washtenaw	
STATE OF MICHIGAN County of Washtenaw)) ss:)		
On this day of me known to be the perso the foregoing instrument a	n who executed the fore	egoing instrument, and acknowledged that he execute	to d
		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



City of Ann Arbor Design Review Board

624 Church Street Summary Report

October 17, 2012

The Design Review Board met on October 17, 2012 to review the **624 Church Street** proposal. The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal. In addition, a summary of the meeting discussion is provided for background.

Summary of Priority Issues

Examples of applicable guidelines are noted in parentheses; 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. Consider incorporating infiltration into the storm water elements, such as a vegetated roof and pervious pavers in the plaza/loading zone area. Adding playful storm water elements in the plaza would enhance its use as a pedestrian gathering area (see Guidelines A.2.6 and A.2.7).
- 2. The existing restaurant on the site has established a strong pedestrian presence on the street, and the new residential entrance plaza should build on that character. Care should be taken in designing the entry plaza to ensure it is not taken over by loading zone functions (see Guidelines A.3.1, A.3.2, A.3.7, A.4.1).
- 3. Consider creating through-block connections to the west (see Guideline A.5.1).
- 4. Because there is such a high demand for street level bicycle parking in this area, it will be important to provide adequate parking in areas that do not interfere with pedestrian movement. Connecting the resident bicycle parking room with the lobby area is also recommended (see Guideline A.6.2).
- 5. Renderings of the street elevations should incorporate the existing street trees.

Building Massing

1. Use changes in building volumes rather than simply changing building materials that exist in the same plane to express massing and height of building modules. The use of brick is encouraged at locations where scaffolding would be possible. (See Guideline B.1.2)

2. If the heating and air conditioning design is changed and the grilles are removed from the southeast building face, the articulated panel/grill areas should be kept; flat panels in this location will detract from the design (see Guideline B.1.2)

Building Elements

1. Incorporate human-scale elements into the residential entrance plaza (See Guideline C.2.1)

In conclusion, the Board agreed that the design meets the intent of the design guidelines, although it does not seem unique to the buildings that have recently been built in the downtown.

Referenced Sections of the City of Ann Arbor Downtown Design Guidelines

Design Guidelines for Context and Site Planning

- A.2.6 Where location and site size allow, consider use of a rain garden or vegetated roof to retain rainwater and serve as a site amenity, and employ rainwater harvesting methods for use in landscape irrigation systems
- A.2.7 Use porous materials in drainage of detention areas to promote rainwater percolation into the parent soil.
- 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.3.7 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.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
- A.6.2 Consider use of convenient bicycle racks, including proximity to building entries, weather protection and security when selecting a location for bicycle parking and storage

Design Guidelines for Buildings

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

Design Guidelines for Building Elements

Clearly define a primary entrance and orient it toward the street C.2.1

Meeting Discussion Summary

Members Present: Tamara Burns (Chair), Chet Hill, Mary Jukuri, William Kinley, Richard Mitchell, Geoff

Perkins

Members: Absent: Paul Fontaine

Design Team Representative: J. Bradley Moore

Developer Representatives: Dennis Tice, Mark Bell, Tom Lund

Chair Burns reviewed the goals of the design review process and announced that the developers had scheduled a citizen participation meeting for November 1, 6:30 pm at the Pizza House Restaurant.

Brad Moore presented the project, which is being proposed by the Tice Family, owners of the property and the Pizza House restaurant, and Opus Development. He explained that when the addition to Pizza House was built several years ago, it was designed with a foundation under the southern portion of restaurant anticipating a future taller building. He said the two-story frame house to the south of the restaurant, currently used as a commissary, will be demolished. With the three lots combined, the tower will be located over the southern and middle lot. There will be a first floor entry at the southeast corner for residents, accessed from a covered multiple- purpose plaza that would double as a loading zone for restaurant. This loading zone includes a joint driveway with the residential property to the south. Outdoor dining would remain. No additional retail is proposed; the second floor of the new section will be used for resident common area and amenities.

Regarding the design approach, Moore explained that the tower has been configured to break up its mass. There is a two-story pedestal for the new building that respects the two-story restaurant. The offset at the top of the second story will provide a balcony for the residential units. The proposed material at the base is brick to match the Pizza House. The canopy for the resident entrance will be distinct. The tower surface will be articulated with a variety of material, including precast concrete and curtain wall. The roof level will be designed as an amenity for residents, with passive recreation uses and a sun screen for shading of the rooftop garden. The original design included HVAC with wall venting, but they are now looking at a central heat pump possibility for LEED credits.

The Board raised possibilities for incorporating sustainability into the site. The project already proposes the use of locally pre-cast panels. The Board recommended incorporating infiltration into the storm water elements, such as a vegetated roof and pervious pavers in the plaza/loading zone area. Adding playful storm water elements in the plaza would enhance its use as a pedestrian gathering area. Moore noted that the soils are granular, which could help with infiltration, although the space is tight.

The Board raised questions about how the tower façade would be redesigned if the HVAC grillwork was no longer needed as a result of a change to heat pump. Moore said that they would fill in the openings, but keep the change in surface. The Board encouraged the articulated panel/grill areas to be kept, since flat panels in this location will detract from the design.

The Board discussed the street elements, including street trees, bicycle parking and six-foot wide sidewalk dimension. Moore explained that the original design had four piers in front; the current design now has three. Because there is such a high demand for street level bicycle parking in this area, the Board felt it was important to provide adequate parking in areas that do not interfere with pedestrian movement. The Board also encouraged that the resident bicycle parking room contain a connection to the interior lobby.

The Board discussed the west face of the tower, which will be located at the rear property line and has no transparency due to building code requirements. Moore said he has talked to the Building Official about the possibility of a variance that would allow them to use special suppression to provide openings in western wall. The setback from the building to the south is 11-12 feet, face-to-face.

The Board asked if there is an opportunity for through-block connections to the west and suggested the design team work with the adjacent property owner to connect the sites. Moore said there currently is an informal connection along the north of the site. A grade change of 5-6 feet down from the front of the site is a constraint.

The Board discussed the tower materials and articulation. There was concern expressed about using solely pre-cast concrete and a suggestion to include brick in some areas. Moore explained the constraint of doing construction over an active restaurant. Applying brick would require the set up of scaffolding, which would not be supported by the roof of the restaurant, and would disturb the ongoing functioning of the restaurant. He noted the changes in materials at the southeast corner and the setback above the second floor on the north side as elements that will break up the mass of the building. He noted that the precast windows would be set in about 4 inches with a sill that would simulate limestone. He said the design is meant to look like interlocking pieces. The Board encouraged the design team to use changes in building volumes rather than changes in building materials that exist in the same plane to highlight variances in the massing and height of building modules. The Board also encouraged the use of brick at locations where scaffolding would be possible. Moore indicated they would look into the possibility of using the shared drive area for scaffolding.

The Board observed that existing restaurant on the site has established a strong pedestrian presence on the street, and the new residential entrance plaza will be able to build on that character. One possibility is making the new entry taller or providing variation in the low cornice. The canopy is a strong element. In particular, care should be taken in designing the entry plaza to ensure it is not taken over by loading zone functions and incorporates human scale elements by using techniques such as changing paving materials at the entry point. In addition, attention should be paid to scale and texture on street edge. Moore confirmed that the windows will be clear, not tinted.

The Board noted that rooftop equipment is not shown in the current elevations and recommended that penthouse screening be added to the drawings.

The Board discussed the observation of several that the proposed design is similar to the other recently built towers in the downtown even when there is a wide range of designs that might be appropriate, and whether this is an unintended result of the design guidelines. They asked Moore how much he believed the design guidelines influenced this design. Moore responded that this was difficult to say, since he sat on the citizen advisory committee for the guidelines and it would be hard to determine what he would have done differently. He noted that this is a small constrained site, which limits what can be done. The Board agreed that the proposal did respond positively to the design guidelines.

Prepared by: Wendy Rampson, Planning Manager



To: City of Ann Arbor Planning Department Date: November 26, 2012 301 E. Huron Ann Arbor, MI 48103

Re: 624 Church Street – 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..

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The Design Review Board met on October 17, 2012 to review the 624 Church Street proposal. The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal. In addition, a summary of the meeting discussion is provided for background.

Summary of Priority Issues

Examples of applicable guidelines are noted in parentheses; 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. Consider incorporating infiltration into the storm water elements, such as a vegetated roof and pervious payers in the plaza/loading zone area. Adding playful storm water elements in the plaza would enhance its use as a pedestrian gathering area (see Guidelines A.2.6 and A.2.7). *There will be a below grade vault for storm water infiltration.*

- 2. The existing restaurant on the site has established a strong pedestrian presence on the street, and the new residential entrance plaza should build on that character. Care should be taken in designing the entry plaza to ensure it is not taken over by loading zone functions (see Guidelines A.3.1, A.3.2, A.3.7, A.4.1). Care will be taken to help insure that the loading zone functions of the plaza to don't overtake its other functions.
- 3. Consider creating through-block connections to the West (see Guideline A.5.1). We believe this is not an appropriate location for a through-block connection. This property is too close to the corner of the block to be appropriate for a through-block connection. A more appropriate location for such a through-block connection would be north of the subject property at mid-block.
- 4. Because there is such a high demand for street level bicycle parking in this area, it will be important to provide adequate parking in areas that do not interfere with pedestrian movement. Connecting the resident bicycle parking room with the lobby area is also recommended (see Guideline A.6.2). Additional guest and resident bike parking has been added to the proposal. The project Owners do not want the access to the internal bike storage room to go thru the lobby for maintenance and security reasons.
- 5. Renderings of the street elevations should incorporate the existing street trees. Building Massing. A revised rendering that includes street trees will be completed prior to the project Planning Commission meeting.

Building Massing

- 1. Use changes in building volumes rather than simply changing building materials that exist in the same plane to express massing and height of building modules. The use of brick is encouraged at locations where scaffolding would be possible. (See Guideline B.1.2) Offsets in the building walls are coordinated with material and color changes to break up building massing. Texturing will be incorporated in the precast panels above the second floor which may include some brick or incorporating brick form liners in the precast panels. Brick will be used on the second and first floor.
- 2. If the heating and air conditioning design is changed and the grilles are removed from the southeast building face, the articulated panel/grill areas should be kept; flat panels in this location will detract from the design (see Guideline B.1.2). *Panel configuration has been redesigned to account for removal of individual exterior grilles at each dwelling unit.*

Building Elements

1. Incorporate human-scale elements into the residential entrance plaza (See Guideline C.2.1)

In conclusion, the Board agreed that the design meets the intent of the design guidelines, although it does not seem unique to the buildings that have recently been built in the downtown. We agree that the building design meets the intent of the design guidelines.

Referenced Sections of the City of Ann Arbor Downtown Design Guidelines Design Guidelines for Context and Site Planning

- A.2.6 Where location and site size allow, consider use of a rain garden or vegetated roof to retain rainwater and serve as a site amenity, and employ rainwater harvesting methods for use in landscape irrigation systems
- A.2J Use porous materials in drainage of detention areas to promote rainwater percolation into the parent soil.
- 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
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- 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
- A.6.2 Consider use of convenient bicycle racks, including proximity to building entries, weather protection and security when selecting a location for bicycle parking and storage

Design Guidelines for Buildings

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

Design Guidelines for Building Elements

C.2.1 Clearly define a primary entrance and orient it toward the street

If you have any questions relating to the proposed Project please feel free to contact me.

Sincerely,

J Bradley Moore, AIA

J Bradley Moore & Associates Architects, Inc.

Citizens' Participation Meeting Report

Project: 624 Church Street

Meeting Date: November 1, 2012 Location: Pizza House restaurant, 618 Church St.

Time: 6pm-8pm

At approximately 6:00pm project presentation boards were set up and a sign-in sheet started for meeting participants. At approximately 6:30pm the project architect, J. Bradley Moore, made a presentation of the proposed residential addition to the Pizza House property called 624 Church Street. After the presentation, Mr. Moore opened the meeting up to participants for their questions and comments.

The following comments and questions were proffered by participants and answered (*answers or team responses in italics*) by Mr. Moore and/or other project team members:

Will this be a student- focused residential project and what will the unit mix be? Yes, the residential project will be targeted to students. Each residential floor of the residential tower portion of the building will have one, two, three, and four bedroom apartments. Each floor will have (1) four-bedroom apartment, (1) one-bedroom apartment, and the rest of the apartments will be two- and three-bedroom apartments.

How close could someone build to the southern face of the proposed residential tower? The eastern portion of the tower has an approximate setback from the southern property line of twelve feet, while the western portion of the proposed residential tower has a setback from the southern property line of approximately six feet. While it is possible for a neighboring property owner to the south to build up to the property line practical considerations such as building code issues with respect to fire ratings and window location would tend to drive their set-backs to between 5 and 10 feet at a minimum.

Will the west face of the proposed residential tower have windows or just be a solid wall? We plan to propose windows in the western wall, but that will ultimately depend upon the city and Building Board of Appeals, as the western wall of the proposed tower sits on the property line and would not be permitted windows without approval from the city.

What will the "pergola" on the top of the building be made of? It will be metal of some sort, possibly Aluminum or coated steel.

What will the building be constructed of, will it be poured in place reinforced concrete? The structural system of the building will not be poured in place reinforced concrete but rather structural steel columns and beams with precast concrete plank floors.

Will there be a change of paving materials at the building entry as suggested by the Design Review Board. Yes, we anticipate using a decorative paving material at the building entry.

Will there be a green roof on the building? We are going to have some level of greenery around the roof-top plaza and may have other "green-roof" areas. The partners are still discussing and evaluating just how much.

How will tenant parking be handled? Parking spaces required by city code for the residential tower will be purchased/leased from the DDA and provided off-site in the city parking structure system. The DDA will determine where those parking spaces will be assigned.

Will there still be pizza delivery vehicles exiting the joint drive on the southwestern corner of the site? The number of pizza delivery vehicles that can park on the site will be reduced due to the construction of the new residential tower, but some pizza delivery vehicles may still temporarily park in and exit from the existing joint drive that will be maintained. The Tice family is pursuing other off-site parking options for the balance of the pizza delivery vehicles.

How many apartments will there be? There will be between 75 and 80 apartments.

The Design Review Board had suggested considering using other materials such as brick in lieu of or in addition to precast concrete panels on the building exterior. It is very complicated to try to build over an existing structure like the existing Pizza House restaurant and the selection of exterior building materials reflects this. The project team is looking into incorporating brick, brick form liners or other surface texturing for the precast panels. The precast panels will not be flat slabs but rather have decorative patterns incorporated into them.

Is the building massing only being broken up by changes in materials and color? No, the actual volume or building mass is broken up into different portions by off-setting walls along the north, east, west, and south sides of the building. This technique of breaking up the building massing is enhanced by the change in materials and color.

Are the corners of the building glass? The upper portions of the tower have glass curtain wall at some of the corners. The first two stories will be brick.

How many beds will be in the tower? We are still working out details of the internal arrangement of units but it will be less than 200 beds.

Will the project be a "Planned Project"? It may be or we may be able to configure the internal space in such a way as it will be a "by right" project.

Will every apartment have its own laundry or will there be a common laundry room? *Each apartment will have its own laundry.*

Will each unit have a dining room? Some units will have a dedicated space for an eating/dining table, others will have islands or peninsula counter areas with stools. All units will have a full kitchen as well as a common living room.

What will the size be of the apartments? The largest will be the 4 bedroom units at about eleven hundred square feet; the smallest will be the one bedroom at about 490 square feet.

What will the average bedroom size be? They will range from 100 to about 130 square feet.

Where else has Opus built student focused housing? *In Minneapolis, and Ohio – they are focused in the Midwest.*

When will the Project come before the City Council? *Early next year, probably in February.*

What are the next steps? To file a formal application with the city Planning Department.

When would construction start? *If City Council grants site plan approval early next year then hopefully construction would start early next summer.*

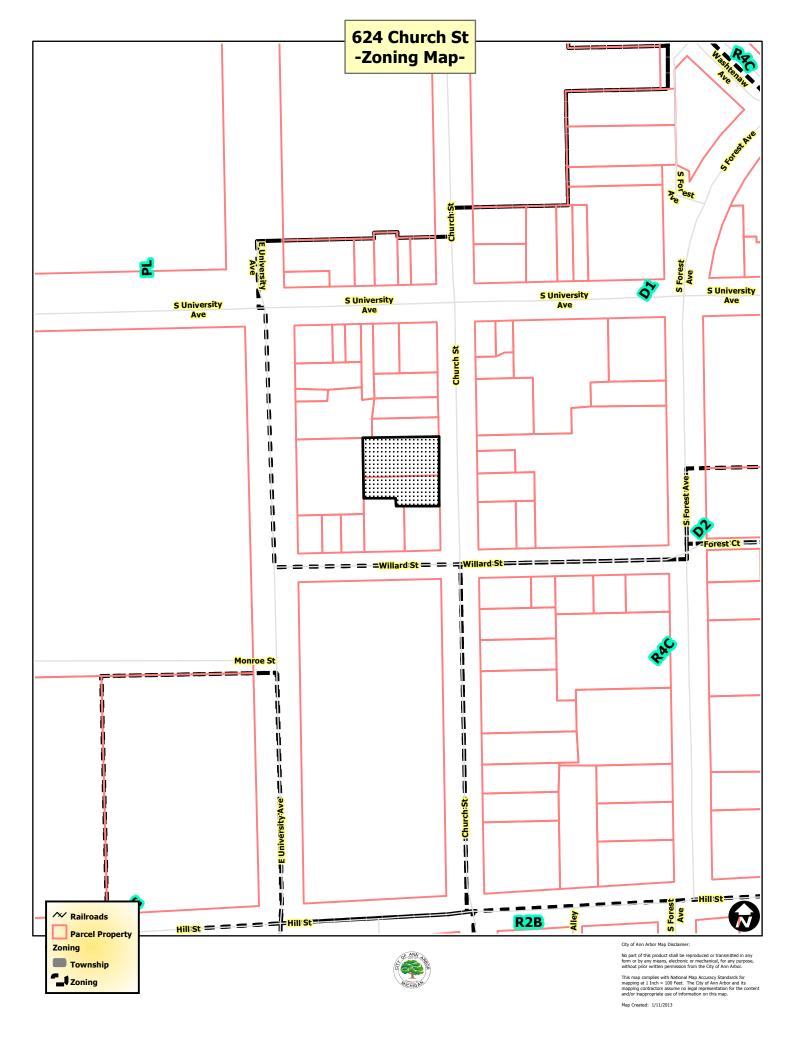
How long would construction take? *Twelve to Fourteen months, as part of the building structure is already in place.*

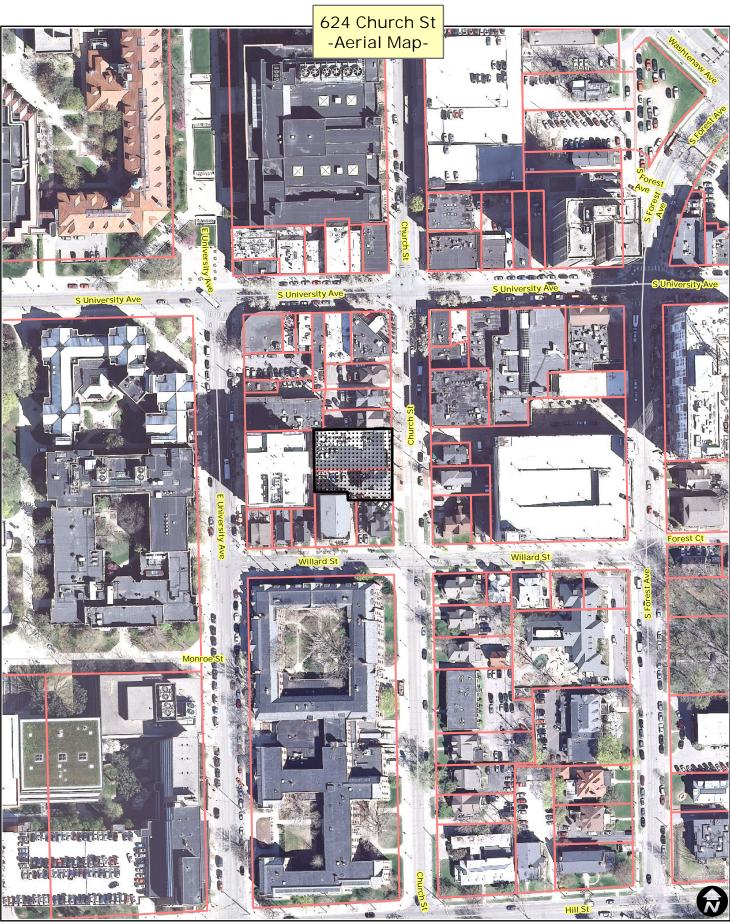
Has a city planner been assigned to the project? Not yet

The meeting adjourned at approximately 7:48pm as there were no additional questions.

624 Church St. CPM 		
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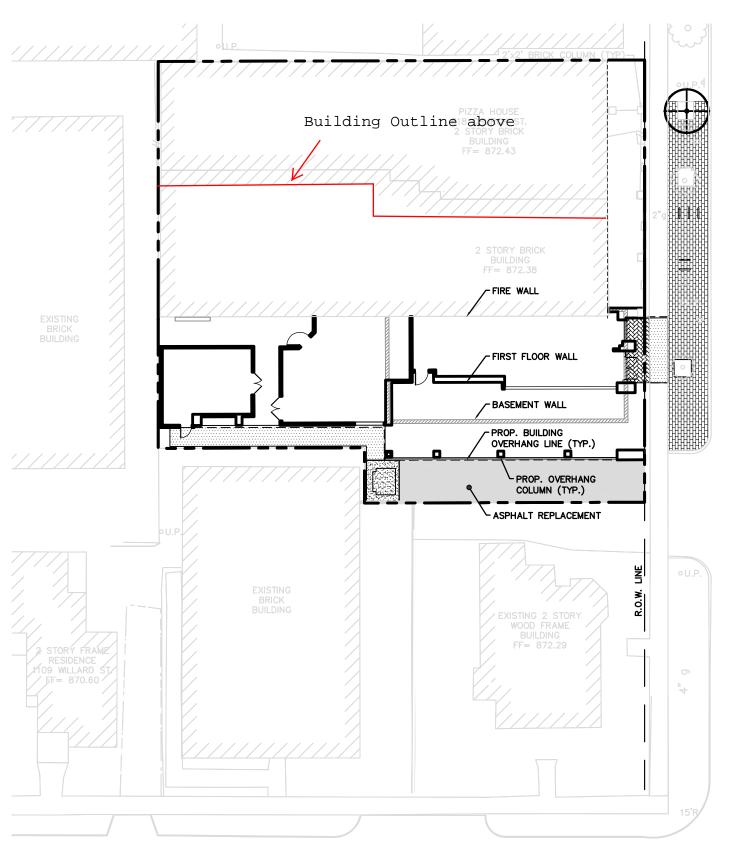




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WILLARD STREET
(66' WDE) (ASPHALT SURFACE)

