### PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 17, 2014

SUBJECT: State Street Village Rezoning and Site Plan for City Council Approval

(2221-2223 S. State St.) File Nos. Z14-006 & SP14-017

### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Village Rezoning from M1 (Light Industrial District) to O (Office District) and Site Plan and Development Agreement, subject to combining the lots prior to issuance of building permits.

### STAFF RECOMMENDATION

Staff recommends that the zoning be **approved** because the proposed uses permitted under the O zoning district would be compatible with the City's adopted plans and policies and with the surrounding properties.

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

### **LOCATION**

This site is located at the east side of South State Street, north of Eisenhower Parkway and south of Stimpson Street (South Area). This site is in the Malletts Creek Watershed.

### **DESCRIPTION OF PETITION**

The petitioner proposes rezoning the vacant rear 4.5 acre parcel of this site from M1 (Limited Industrial District) to O (Office District) and combining this parcel with the existing 0.8 acre Office-zoned parcel fronting S. State Street that is currently used as a surface parking lot. The proposed Office zoning will allow the petitioner to develop this site for multiple-family housing, which is a permitted use in this zoning district.

The petitioner proposes construction of a 2,027 sq ft leasing office building with 2 apartments constructed above totaling 3,975 sq ft. on the western parcel fronting S. State St. and constructing two 4-story apartment buildings totaling 112,262 sq ft. consisting of 38 units each

on the rear parcel, for an overall total of 78 dwelling units. This project is to be constructed in one phase. Total construction cost for this project is approximately \$10,000,000.

The existing curb cut off S. State St. will continue to be used to access the front parcel and extend to the east to access the two multiple-family buildings. This access drive dead ends at the southeast corner of the site and is gated for Fire Department emergency access. Sidewalks and crosswalks lead from both of the apartment buildings to the public sidewalk fronting S. State St

A total of 114 parking spaces (29 small car) are proposed for the rear of the site and 13 spaces for the rental office and 2 apartments. An additional 22 spaces in this surface parking lot will be shared by the existing office building to the south.

The petitioner proposes a total of 44 covered bicycle spaces and 8 enclosed bicycle spaces near the building entrances of the apartment buildings and 2 hoop style spaces near the entrance of rental office building. The petitioner exceeded the required bicycle parking spaces (8 Class A and 9 Class C) and added two 8 feet x10 feet grilling patios with picnic tables and grills in lieu of the requested \$48,360 Parks contribution (based on 78 added dwelling units).

Interior parking lot landscaping, right-of-way landscaping, and bioswales have been added to the eastern and western ends of the site. One 20-inch landmark tree is located at the southeast corner of the site and will not be impacted from this development. No other natural features exist on site. The three recycling and trash enclosures are screened with walls and landscaping. The photometric plan shows parking lot lighting is contained on site.

100-year storm water detention is required, as this site contains more than 15,000-square feet of impervious surface, and review and approval is necessary by the Washtenaw County Water Resources Commissioner as this site proposes more than 4 residential units. Approval was granted by the WCWRC on June 4, 2014. The storm water facility is located at the southeastern corner of the site and is surrounded by fence due to the 5:1 slopes of the detention pond.

A development agreement has been drafted to address the off-site sanitary mitigation and offsite utility easements.

A post card was sent to neighbors within 1,000 feet of this site notifying them of this project. A call was received from a resident concerned about the on site amenities proposed. This concern was forwarded onto the petitioner The petitioner held the required public meeting due to the rezoning request on December 3, 2013 to address public concerns. Comments and responses at this meeting are attached.

### **SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Office/Commercial	TWP (Township District)
EAST	Railroad Right-of-Way/ Industrial	M1 (Limited Industrial District)
SOUTH	Industrial/Bus garage	M1
WEST	Recreational Facility/Vacant/Office	O (Office District)

### **COMPARISON CHART - PARCEL I**

		EXISTING – PARCEL I	EXISTING – PARCEL II	PROPOSED	PERMITTED/REQUIRED
Zo	ning	M1 (Light Industrial)	O (Office)	0	0
Gr	oss Lot Area	194,713 sq ft	34,848 sq ft	229,219 sq ft (5.27 acres)	6,000 sq ft MIN
Lo	t Width	112 ft	420 ft	112 ft	50 ft MIN
	eximum Usable Floor ea in Percentage of Lot ea	NA	NA	116,237 sq ft 50.1%	171,914 sq ft MAX 75%
S	Front	NA	NA	15.5 ft	15 ft MIN
Setbacks	Side(s)	NA	NA	14 ft – north 28 ft - south	None
Š	Rear	NA	NA	75 ft	None
Bu	ilding Height	NA	NA	55 ft	55 ft MAX
Pa	rking - Automobiles	Vacant	37 spaces	127 spaces	86 spaces MIN
Ра	rking – Bicycles	NA	NA	8 spaces - Class A 44 spaces - Class B 2 spaces - Class C	9 space MIN – Class A 9 space MIN – Class C

### **HISTORY**

The two parcels were formerly part of a larger site that contained an office building (2245 S. State St.) constructed in 1949-50. The building was expanded in 1954, the late 1960s and 1973, all in Pittsfield Township's jurisdiction. The property was annexed to the City in 1993 and zoned O and M1 to correspond to the current uses. The area plan requirement was waived at that time because no new construction was proposed. In 1997, a site plan was approved for the addition of a wireless communication tower at the rear of the site. This plan was never implemented, as the petitioner subsequently constructed the tower on the Ann Arbor Public School site to the south. In 1999, a site plan was approved for approximately 50,000 square feet of office space on the east side of the site and was also never implemented. In 2007, a land division was approved to separate the M1 zoned land at the rear of the site from the O zoned land at the front of the site with site plan approval of the M1 site for a self storage facility. This plan expired and was never constructed.

A land division and rezoning from O (Office) to C3 (Fringe Commercial) for the front portion of this site was proposed in 2007 for a 3,400 sq ft retail center with a drive-thru. This petition request was denied.

### PLANNING BACKGROUND

The <u>South State Street Corridor Plan</u> recommends office and residential uses for this site. The Plan states this area consists of 6 lots on the east side of South State Street across the street from the main entrance of the University of Michigan's South Athletic Campus. Current uses include a mixture of office uses and low-intensity businesses on land that is generally underutilized. The current zoning is M1 (Limited Industrial) and O (Office). Office, residential and a mixture of office and residential uses are recommended for parcels in this area. New buildings should be fronted along South State Street to encourage non-motorized and transit access. As parcels in this area are redeveloped, the O zoning is most appropriate zoning to support the future residential/office mix.

Phase II of the <u>Connector Feasibilty Study</u> is currently evaluating if the South State Street Corridor should be part of the high capacity transportation service connecting the south part of the city with Downtown, Central Campus and Plymouth Road activity centers. Higher density, mixed-use land uses have been shown to better support transit compared to low density, single-land uses.

The <u>Non-Motorized Plan</u> recommends bicycle lanes and sidewalks on both sides of the street for South State Street.

### **DEPARTMENT COMMENTS**

<u>Parks</u> - Adding recreational amenities to the site such as a playground, park furniture, etc, is suggested as there are no easily accessible parks near this location for families. The formula for a park contribution to offset the population being brought to this part of town for 78 units would be \$48,360.00. This amount can be reduced with additional on site amenities. The petitioner has added 2 patios and additional bike facilities to this proposal. A detail of the proposed covered bicycle parking is required as part of the Parks review. The petitioner is exploring the various types of covered parking and will submit this detail once a parking style has been chosen.

<u>Malletts Creek Coordinating Committee</u> - The Committee requested a soil boring at the proposed detention basin area to test if the soils are favorable for infiltration and to explore converting many of the interior landscape islands into bioretention areas. The petitioner provided a soil boring at the location of the proposed detention basin and determined the ground water level being above the bottom of the basin (but below the outlet elevation), therefore, infiltration facilities are not proposed. The petitioner added bio-retention in one additional location behind the existing surface parking lot. Due to the steep manmade slopes and/or narrow widths of green space in other areas on the site, this was the ideal location to add an additional bio-retention area.

<u>Systems Planning</u> – Site plan approval shall be conditioned upon the granting of the required ingress/egress easements noted on the plans, as well as an additional five feet of easement for the existing sanitary sewer along the east property line.

A private storm water easement between this parcel and the parcel at 2245 S. State Street will need to be recorded prior to issuance of any permits.

The drive approach on South State Street does not meet the requirements of City Code Chapter 47, Section 4:20. Since the City reconstructed this portion of South State Street, the drive approach will be allowed to remain as an existing, non-conforming approach until such time as reconstruction or repair is necessary. At that time, the approach must be brought into compliance with current codes and specifications, as noted on the plans.

The sanitary sewer mitigation calculations have been reviewed and are approved. The footing drains of 18 homes, or flow equivalent to 71.91 GPM, will need to be disconnected from the sanitary sewer system, in order to mitigate flow from this proposed development.

<u>Traffic</u> - The results of the existing conditions analysis for the intersection of State Street and the office / site driveway indicate that all approaches and movements currently operate acceptably at a LOS C or better during both morning and afternoon peak hours.

Network operations, vehicle queues, and turning movements were observed and evaluated. The simulation results indicate that the existing office / site driveway operates acceptably and significant vehicle queues were not observed.

The results of the analysis of future traffic conditions with the development indicate that the study intersection will continue to operate in a manner similar to background conditions. Approach LOS will be similar to background conditions and approach intersection delay will increase by less than 3 seconds per vehicle during both peak hours, which will not be discernable.

<u>Planning</u> – Staff supports the requested rezoning proposal from M1 to O as it meets the recently approved <u>South State Corridor Plan</u> recommendation for office and residential uses for this site and is consistent with surrounding zoning.

To meet the pedestrian and non-motorized circulation recommendations of the <u>Corridor Plan</u>, the petitioner has agreed to extend a sidewalk leading from the front of each of the proposed buildings to S. State Street in close proximity to AATA bus stops. The petitioner has also exceeded required bicycle parking and added two patios for the future residents as on-site amenities.

Staff requested the petitioner use different exterior siding materials and double hung windows than were proposed on the submitted elevations to convey a more residential feel. The petitioner considered this request and has not made changes to the proposed elevations. Staff alerted the petitioner the Planning Commissoin may have questions regarding the elevations and to be prepared to respond to elevation concerns.

The required parking for this site is one space per dwelling located in any nonresidential zoning district. The petitioner used a 1.5 spaces per dwelling unit parking calculation as required in

multiple-family zoning districts due to the mixture of dwelling unit sizes and density. Staff supports this increase of parking on site to accommodate the proposed 78 units. There is a variety of unit sizes proposed and the 1.5 spaces per dwelling unit is consistent with multiple-family uses.

Staff inquired if this proposal includes affordable housing. The petitioner is assessing the financial feasibility between two financing mechanisms. In deciding which alternative is most suitable for the proposed development, the factors include timing of tax credit allocation and the competitiveness of the proposed development within the construct of the Low-Income Housing Tax Credit scoring system. The petitioner further states this development will be pursued regardless of the allocation of the tax credits versus conventional financing.

Prepared by Christopher Cheng Reviewed by Wendy Rampson mg/06/13/14

Attachments: Neighborhood Meeting Minutes

Zoning Map Aerial Photo Site Plan

Landscape Plan Elevations

**Draft Development Agreement** 

**Rezoning Application** 

c: Owner: McKinley XXI, LLC & McKinley XXII, LLC

P.O. Box 3125 Ann Arbor, MI 48106

Petitioner's Representative: Eric Tourney

McKinley Inc.

320 N. Main Street Ann Arbor, MI 48103

Project Management Systems Planning

File Nos. Z14-017 & SP14-017

# Citizen Participation Report



Proposed State Street Development

### <u>Citizen Notification Meeting General Information</u>

Date of Meeting: Tuesday, December 3, 2013, 6:00pm

Location of Meeting: Ann Arbor District Library, Mallet's Creek Branch

3090 East Eisenhower Parkway, Ann Arbor, MI 48108

Written Material Provided: (refer to attached notification postcard information)

Number of Citizens Notified By Mail: 393

Number of Citizens in Attendance: 11

Sign-in Sheet: (see attached)

Summary of Comments, Concerns, etc.: (refer to attached Meeting Report)

This Report is a Record of the Community Participation Meeting for the proposed State Street Development:

Date: 12/3/2013 Time: 6:00pm - 7:45pm

Location: Ann Arbor District Library, Mallets Creek Branch

### Presentation – McKinley Representatives:

Name:	Representing:	Phone:	Email:
Eric Tuomey	McKinley, Inc.	734-769-8520	eric.tuomey@mckinley.com
Jeffrey Holman	McKinley, Inc.	734-769-8520	Jholman@mckinley.com
Robert Wagner	PEA (Engineering)	517-546-8583	rwagner@peainc.com

#### Citizen Participants/Attendees:

Name:	Address:	Email:
Paula Saunders Ramesh Ganatra Lizzy Alfs Al Vegter	1394 Judd Rd., Saline, MI 48176 2891 Ticknor Ct., Ann Arbor, MI 48104 301 E. Liberty, Ann Arbor, MI 48104 2080 S. State St., Ann Arbor, MI 48104	msaunde1@comcast.net rganatra@mateco.com lizzyalfs@mlive.com avegter@danielsandzermach.com
Doug Aikenagad David Diephais	2151 S. State St., Ann Arbor, MI 48104 2096 S. State St., Ann Arbor, MI 48104	gallupfuels@gmail.com
Jack Eaton Calisa Reid Dorothea Hollis Kathy Homan Carole McCabe	1606 Decker Dr., Ann Arbor, MI 48103 12805 Whittaker Rd., Whittaker, MI 48190 8551 Glendale, Ypsilanti, MI 48197 9234 Yorkshire Dr., Saline, MI 48176 3635 E. Delhi Rd. Ann Arbor, MI 48103	jeaton@a2gov.org mislisajobnow@yahoo.com williemayt@yahoo.com khoman@washtenawaca.org

### **MEETING MINUTES**

### **Project Presentation:**

Eric Tuomey, McKinley Project Manager, opened the meeting and welcomed the group. Eric provided an overarching description and history of McKinley, goals of the proposed development, and an overview of the proposed development. Below is a summary of Eric's address:

### McKinley Background:

- 1. McKinley is a highly respected and concerned corporate citizen, spearheading numerous capital campaign projects, which include:
  - The NEW Centre
  - The Neutral Zone
  - The Michigan Theater
  - The American Red Cross Washtenaw County facility.
  - Most recently, McKinley made a \$500,000 gift to Ann Arbor SPARK
  - The University of Michigan
- A locally owned business started in Ann Arbor in 1968. Today, McKinley is the largest local owner-operator
  of apartments, office and retail properties in Ann Arbor/Washtenaw County.
- 3. Not only is McKinley locally recognized, but is also national in scale, with apartments, office and retail properties both owned and operated in 34 states, totaling 36,000 apartment units, 21 million square feet of office and retail space, and employing 1,600 team members.

4. McKinley received national recognition from the United States Department of Housing and Urban Development for its working in affordable housing.

### Development Goals:

- 1. Social Purpose/Benefit
- 2. Private Capital
- 3. Achieves community-wide objectives

### Overview of the Project:

- 1. 68 Units
- 2. Three buildings
- 3. LIHTC Development:
- 4. Current zoning and proposed re-zoning.
- 5. 2-units are fully ADA accessible
- 6. Material Selection
- 7. Setback dimensions

### Formal presentation was concluded, and Eric invited questions from the audience:

### Citizen Discussion:

1. <u>Doug Aikenagad</u>: Subject property is below street level – it could be difficult for police and fire officials to monitor the site.

**Eric Tuomey from McKinley responded**: McKinley will be meeting with the Fire Marshal to assess, determine, and comply with all code and city planning issues.

2. Calisa Reid: Where will the ADA compliant apartment units be located?

*Eric Tuomey from McKinley responded:* The ADA units will be located on the ground floor of the leasing office.

3. Al Vegter: A sidewalk connection from the lowest point to the highest point on the site would be good.

*Eric Tuomey from McKinley responded:* Sidewalk connections throughout the development are still being determined and will meet all city code requirements.

4. <u>Dorothea Hollis</u>: How far are the parking lots from the entrance to the buildings?

*Eric Tuomey from McKinley responded*: The parking lots are located within 20 feet of the buildings.

5. Calisa Reid: Will two-bedroom units be ADA accessible?

Eric Tuomey from McKinley responded: Yes, there will be a two-bedroom accessible unit.

6. <u>Calisa Reid</u>: What materials will the entryway ramps to the accessible units be made of?

Robert Wagner from PEA responded: The ramps will be made of concrete.

7. <u>Doug Aikenagad</u>: What was the prior use of the vacant land?

**Jeff Holman from McKinley responded**: The vacant land had storage buildings that housed equipment for the previous owner. McKinley personnel demolished the buildings in 2005.

8. Calisa Reid: Will the apartment units be pet-friendly?

Eric Tuomey from McKinley responded: Yes.

9. Ramesh Ganatra: When will McKinley start construction?

**Eric Tuomey from McKinley responded**: McKinley intends to submit the site plan to Ann Arbor in December. In addition, McKinley will submit their QAP application to MSHDA for tax credit allocation. McKinley will plan to start construction immediately after receiving MSHDA approval.

10. <u>Dorothea Hollis</u>: Will bathrooms be accessible?

Eric Tuomey from McKinley responded: Yes, all bathrooms in the accessible units will be code compliant.

11. Dorothea Hollis: Is there a website for this development?

**Eric Tuomey from McKinley responded**: Currently, there is no website for the development, but McKinley will look into creating one. Ramesh Ganatra, an audience participant, responded that the site plan will be available to view on the City of Ann Arbor website.

12. Doug Aikenagad: How will storm-water detention be handled?

**Robert Wagner from PEA responded**: McKinley will provide a storm-water detention system for, which undergoes rigorous review and approval from Washtenaw County

13. Calisa Reid: Will there be a community room in the Leasing Office?

Eric Tuomey from McKinley responded: The final layout of the Leasing Office has not been determined.

14. Kathy Homan: How is this considered low income housing?

*Eric Tuomey from McKinley responded:* This project is not designed to provide low income housing, rather affordable housing. It is designed to address the State Street Plan of diversifying housing in an attempt to meet the provision of affordable housing throughout Ann Arbor and the Washtenaw County region. The development is not aimed at the lowest income demographic; it will serve households that earn 60% of the area median income (AMI).

15. Kathy Homan: Will McKinley be asking for any tax breaks or using a PILOT program?

Eric Tuomey from McKinley responded: No, McKinley will not be seeking any tax abatements.

16. Kathy Homan: Will McKinley market to University of Michigan students?

Eric Tuomey from McKinley responded: No, they are not the market that this housing will address.

17. Calisa Reid: I don't think people with disabilities can afford this.

**Eric Tuomey from McKinley responded**: McKinley is committed to providing affordable housing that meets all ADA code requirements.

18. Doug Aikenagad: What is setback to northern property line?

Robert Wagner from PEA responded: 40 feet.

19. <u>Calisa Reid</u>: I don't think the project is all-inclusive; that is that everyone with a disability can get everywhere throughout all of the units.

Eric Tuomey from McKinley responded: The project will meet all necessary city and ADA codes.

20. Jack Eaton: Has the noise factor with the train tracks being close to the project been addressed?

**Eric Tuomey from McKinley responded**: McKinley is completing a noise study and will meet all MSHDA standards. This may necessitate landscaped berms, trees, sound mitigating windows in the buildings, or all of the above.

Eric Tuomey closed the meeting.

Should any questions arise after review of this report, please contact either McKinley representative:

Eric Tuomey: Jeffrey Holman: eric.tuomey@mcKinley.com Jholman@mcKinley.com

## **Exhibit List**

Exhibit A: Community Participation Meeting Attendance List

Exhibit B: Notice of Community Participation Meeting

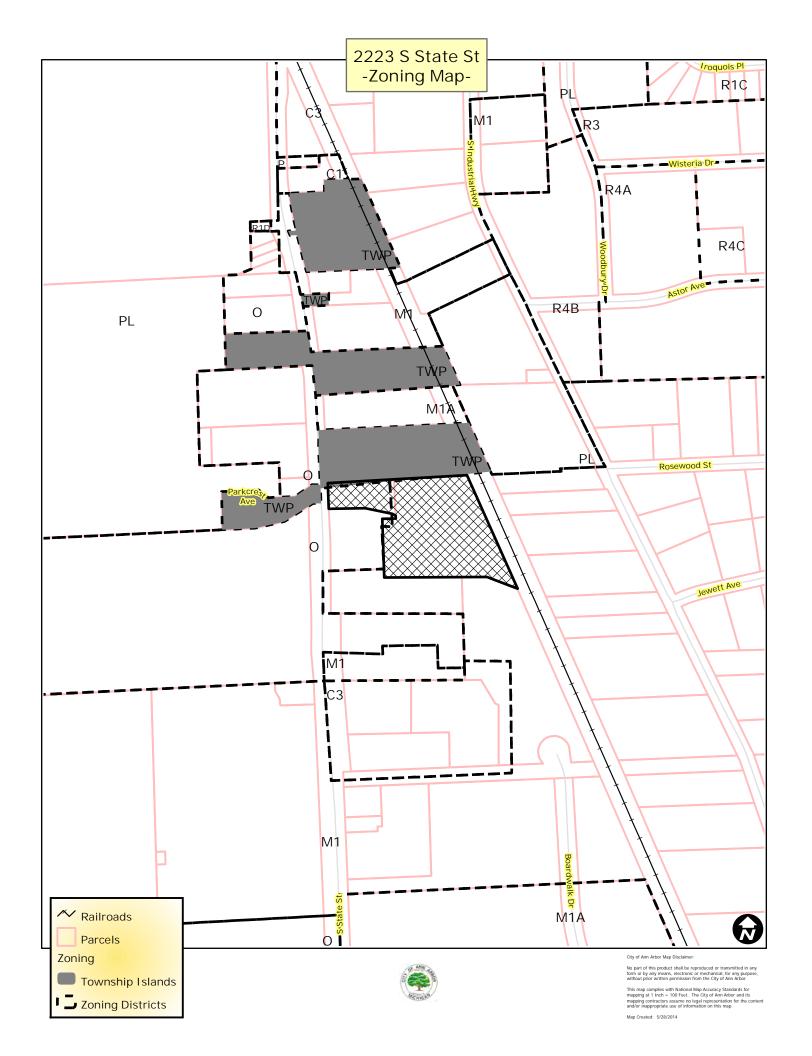
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kinley, Inc Citizen Participation Meeting - Luesday, December 3, 2013 - Ann Arbor District Library - Mailets Creek Branch	Attendee E-Mail Address	Attendee Postal Address	Attendee Name
	rbor District Library - Mallets Creek Branch	- Tuesday, December 3, 2013 - Ann Ai	McKinley, Inc Citizen Participation Meeting

#### NOTICE

In accordance with the City of Ann Arbor's Citizen Participation Ordinance (CPO) you are hereby given notice that McKinley, Inc. intends to submit a site plan for an apartment community at 2221 and 2233 S. State St. to the City of Ann Arbor's Planning Department. The proposed development project will involve the construction of two three-story residential apartment buildings and one two-story sales office and apartments building, for a total of 68 units at 2221 and 2233 South State Street. The proposed development will be constructed on 2.4 acres. Interested persons are invited to attend a meeting to review the proposed plans and learn more about the proposed project. This meeting will be held at the Ann Arbor District Library, Mallets Creek Branch, located at 3090 East Eisenhower Parkway in Ann Arbor, MI 48108 on Tuesday, December 3<sup>rd</sup> at 6:00p.m., or contact Eric Tuomey (McKinley, Inc) at 734-769-8520x179 or e-mail at eric.tuomey@mckinley.com during normal business hours. A concept of the proposed development is below.



The purpose of the CPO is intended to promote effective citizen participation in the development process, to mitigate potential impacts (whether real or perceived) and to facilitate ongoing communication between the petitioner and citizenry.









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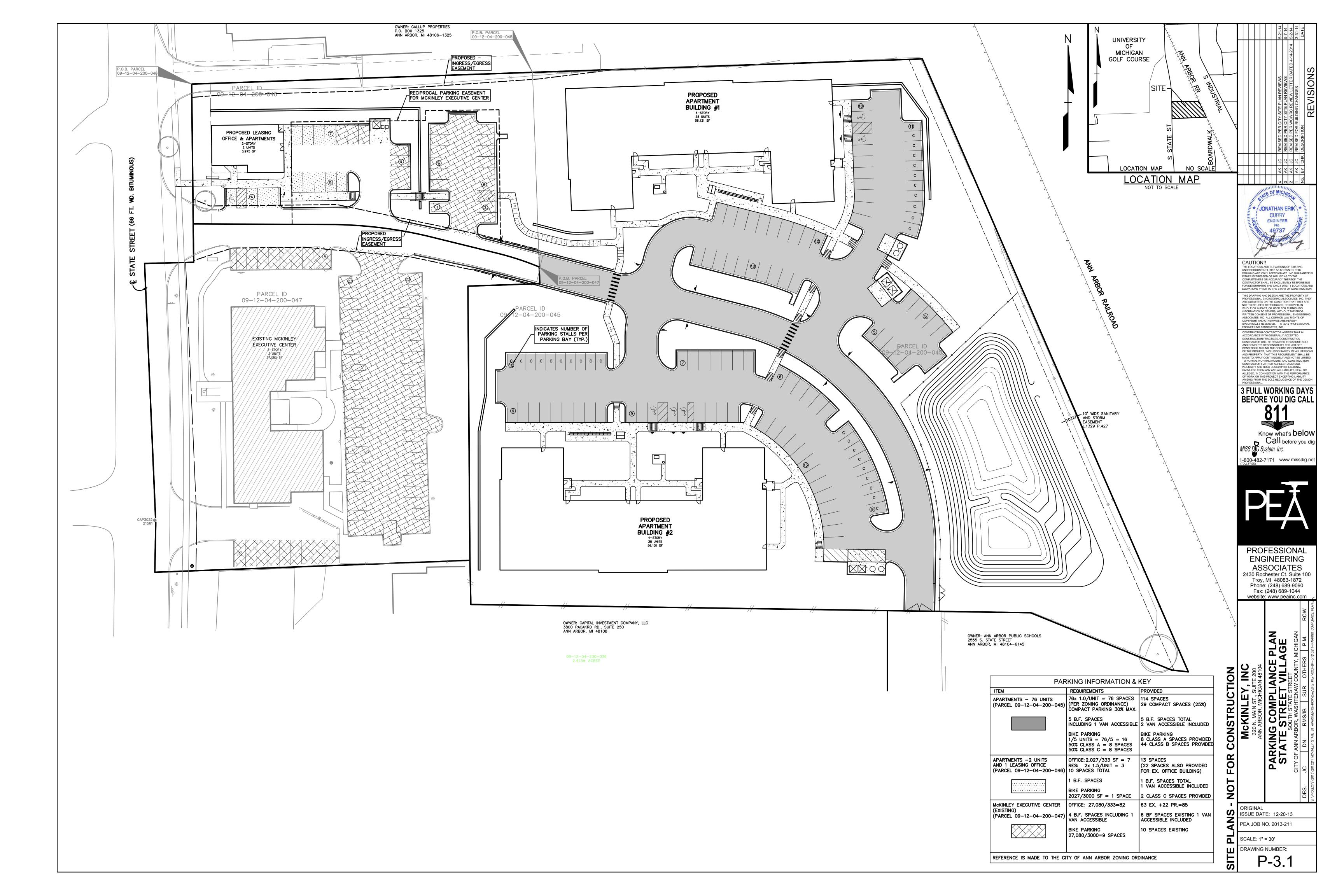


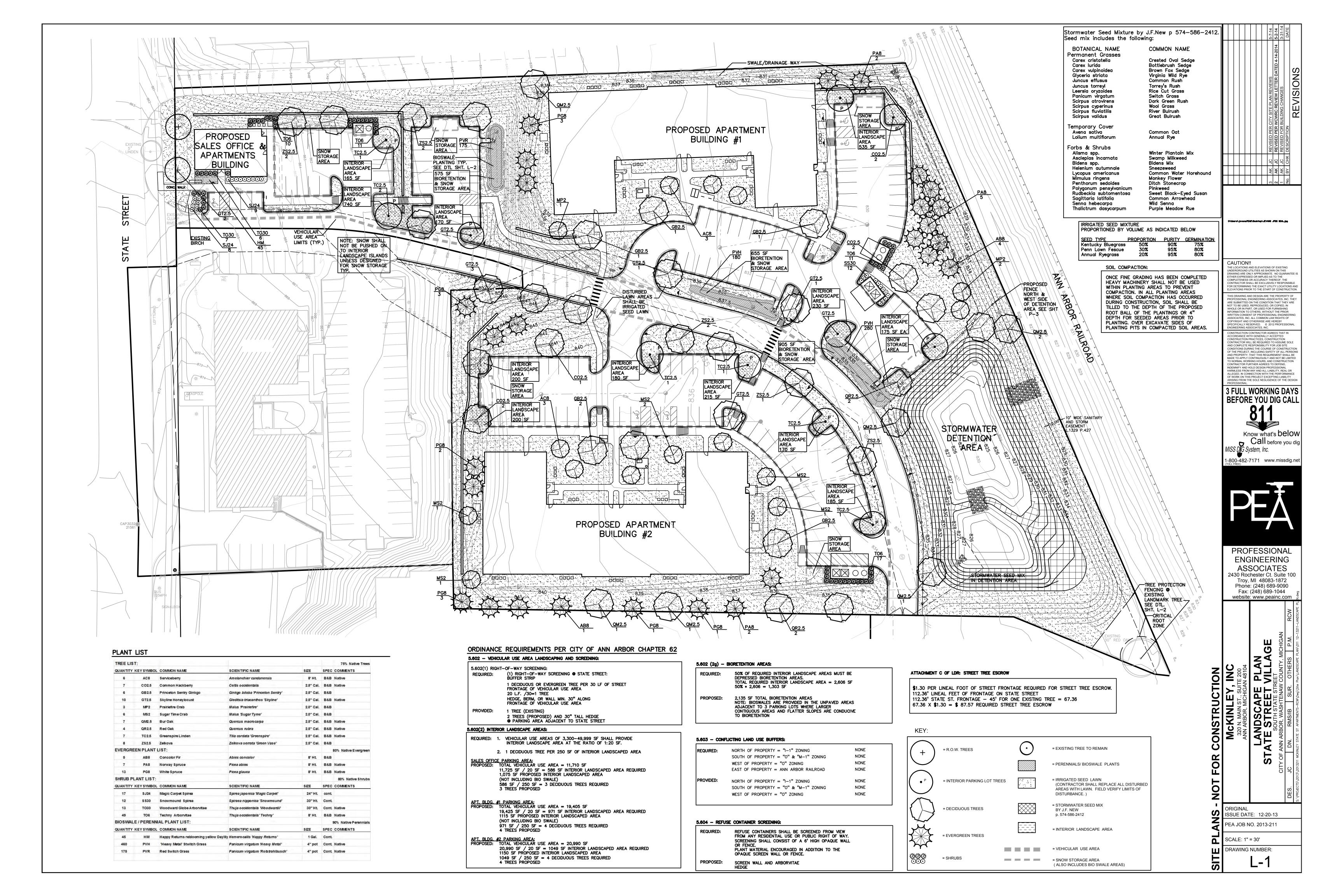
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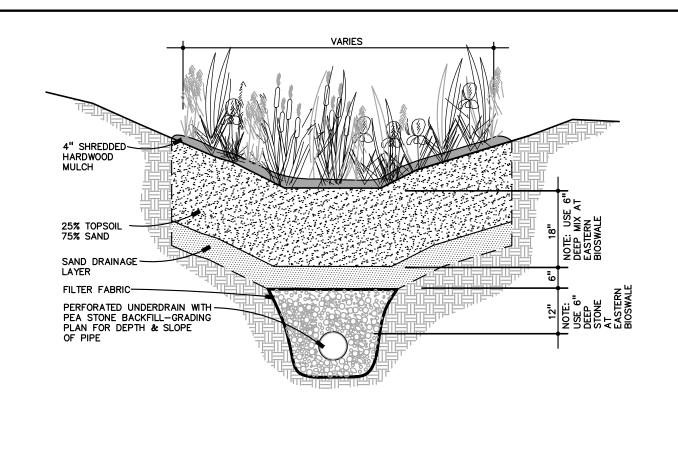
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Map Created: 5/28/201







NOTE: DO NOT COVER TOP

OF ROOT BALL WITH SOIL.

REMOVE UPPER

1/3 OF BURLAP

REMOVE ALL

ROOTBALL.

Planting mixture Type B for perennial flowers, groundcover beds, and ericaceous plants: planting

manufacturer's requirements. Follow planting details. Planting mixture Type C for annual flower beds: same as Type "B". Submit a sample to the Landscape Architect for approval prior to installation.

backfill shall be a mixture of 1/3 screened topsoil, 1/3 sand and 1/3 peat. Al existing soil

shall be excavated and removed. Adding fertilizer types "A" and "B" to mixture per

FROM ROOTBALL

NON-BIODEGRADABLE

MATERIALS FROM THE

UNEXCAVATED OR

BIOSWALE - TYPICAL CROSS SECTION

NOTE: PLANT SO THAT TOP OF

ROOTBALL IS EVEN WITH THE

IN POORLY DRAINED SOILS.

BARK MULCH 4" DEEP AND

LEAVE 3" CIRCLE OF BARE

SOIL AROUND TRUNK. DO

SPECIFIED PLANTING MIX,

SHRUB PLANTING DETAIL

WATER & TAMP TO

REMOVE AIR POCKETS

FORM SAUCER WITH

4" CONTINUOUS RIM.

FINISH GRADE

SECTION DD (SHT. P-4)

NOT PLACE MULCH IN

CONTACT WITH TRUNK.

SHREDDED HARDWOOD

FINISHED GRADE OR 1-2" HIGHER IF

SPECIFICATION FOR LANDSCAPE BED EDGING

NOTE: PLANT SO THAT TOP OF ROOT BALL IS FLUSH TO GRADE OR 1-2"

HIGHER IF IN POORLY DRAINED SOILS.

3 - 2" x 2" HARDWOOD STAKES

DRIVEN (MIN. 18") FIRMLY

INTO SUBGRADE PRIOR

FORM SAUCER WITH -

SPECIFIED PLANTING MIX,

REMOVE AIR POCKETS.

CONDITIONS AND TREE

NOTE: STAKING AS REQUIRED.

STAKE PLANTS WITHIN 24 HOURS.

REMOVE STAKE AND STRAP AFTER

AMEND SOIL PER SITE

4" CONTINUOUS RIM

WATER & TAMP TO

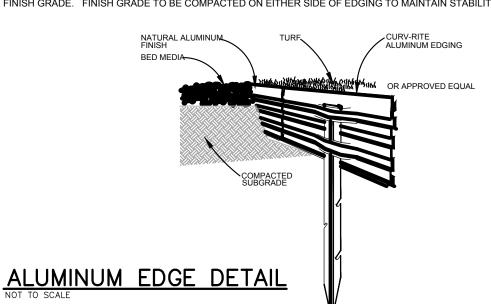
REQUIREMENTS.

TO BACKFILLING.

WAYLAND, MICHIGAN 1 - 800 366 - 2878. EIGHT (8) OR SIXTEEN (16) FOOT SECTIONS SHALL BE USED WITH ONE STAKE PER (38) INCHES OF EDGING EDGING SHALL BE ALUMINUM ALLOY 6063 - T6 WITH STAKES BEING 6061 - T6

LANDSCAPE BED EDGING SHALL BE CURV-RITE DESIGN 2 (CRD2) AS MANUFACTURED BY CURV-RITE INC.

STAKE SHALL SECURELY ENGAGE EDGING AND SHALL BE ENTIRELY BELOW TOP SURFACE OF EDGING. EDGING SHALL HAVE A MINIMUM OF (2) INCHES OF INTERLOCKING OVERLAP BETWEEN SECTIONS. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS WITH TOP OF EDGING 1/4" TO 1/2" ABOVE COMPACTED FINISH GRADE. FINISH GRADE TO BE COMPACTED ON EITHER SIDE OF EDGING TO MAINTAIN STABILITY.



STAKE JUST BELOW BRANCHES WITH

POSITE FROM EACH OTHER, AND

CONNECT FROM TREE TO STAKE,

ALLOW FOR FLEXIBILITY.
REMOVE AFTER ONE (1) YEAR.

(DO NOT USE WIRE & HOSE)

BARK MULCH TO DRIPLINE. 4" DEEP AND LEAVE

4 DEEP AND LEAVE 3" CIRCLE OF BARE SOIL AROUND TREE TRUNK.

IN CONTACT WITH TREE TRUNK.

FROM TOP 1/3 RD. OF ROOTBALL

DISCARD OFF- SITE ALL NON-BIODEGRADABLE MATERIAL

-PLACE ROOT BALL ON UNEXCAVATED

HREDDED HARDWOOL

O NOT PLACE MULCH

REMOVE ALL BURLAP

PROVIDE FENCE AROUND CRITICAL ROOT ZONE OF TREE. FENCE SHALL BE PLACED IN A

EVERGREEN TREE PLANTING DETAIL NOT TO SCALE

> Planting mixture Type A - trees: standard planting backfill shall be a mixture of 1/2 native soil (excavated from plant pits), ½topsoil, and ½sand. Add fertilizer Type "A" and B" to planting mixture per manufacturer's requirements. Follow planting details.

crowns. One sided trees or those with thin or open crowns shall not be

All evergreen trees shall be heavily branched and full to the ground,

10. All trees to have clay or clay loam balls, trees with sand balls Will Be Rejected.

11. No machinery is to be used within the drip line of existing trees;

12. All tree locations shall be staked by Landscape Contractor and are subject to the approval of the landscape Architect prior to installation

4. All planting beds shall receive 4" shredded hardwood bark mulch, see

|15. All landscaped areas shall receive 3" compacted topsoil.

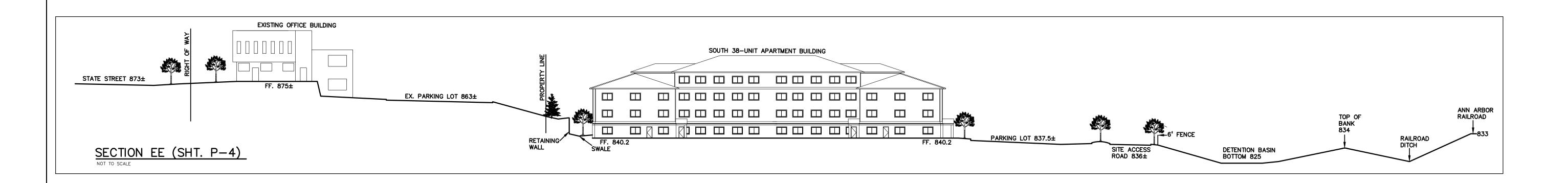
mowing, watering, mulch, etc., so as to present a healthy neat and orderly appearance free from refuse and debris. All diseased, damaged or dead material shown on the site plan shall be replaced by the end of the following growing season Per City of Ann Arbor Chapter 62 stds., as a continuing obligation for the duration of the

### CIRCLE WITH A RADIUS OF 1' PER 1" DIAMETER OF THE TREE MEASURED AT 4.5' ABOVE GROUND. -4' HT. PROTECTIVE FENCING EITHER WOODEN OR PLASTIC ORANGE SNOW FENCING. STEEL POSTS AT 5' O.C. ORGANIC LAYER TREE PROTECTION DETAIL NOTE: PLANT SO THAT TOP OF ROOT BALL IS FLUSH TO GRADE OR 1-2" HIGHER IF IN POORLY DRAINED SOILS. NOTE: SECURE TREE WRAP WITH

WITH 2"-3" WIDE FARRIC BIODEGRADABLE MATERIAL AT STRAPS, CONNECT TOP & BOTTOM, REMOVE AFTER FROM TREE TO STAKE. REMOVE AFTER ONE (1) YEAR, ALLOW FOR FLEXIBILITY. 3 - 2" x 2" HARDWOOD (DO NOT USE WIRE & HOSE.) STAKES DRIVEN (MIN. 18") FIRMLY INTO SUBGRADE PRIOR TO BACKFILLING. BARK MULCH TO DRIPLINE. 4" DEEP AND LEAVE SPECIFIED PLANTING MIX, 3" CIRCLE OF BARE SOIL AROUND TREE TRUNK. WATER & TAMP TO REMOVE AIR POCKETS OO NOT PLACE MULCH AMEND SOIL PER SITE IN CONTACT WITH TREE TRUNK. FORM SAUCER AROUND PLANT PIT. RENDITIONS AND TREE NOTE: STAKING AS REQUIRED. REMOVE ALL BURLAP FROM TOP 1/3 OF ROOTBALL. DISCARD ALL STAKE PLANTS WITHIN 24 HOURS. REMOVE STAKE AND STRAPS AFTER 1 GROWING SEASON. NOTE: DO NOT PRUNE TERMINAL - PLACE ROOTBALL ON LEADER PRUNE ONLY DEAD BROKEN BRANCHES. UNEXCAVATED OR TAMPED SOIL.

DECIDUOUS TREE PLANTING DETAIL

LEASING OFFICE AND APARTMENTS NORTH 38-UNIT APARTMENT BUILDING STATE STREET PARKING LOT 865.5± RETAINING WALL PARKING LOT 854.5± BIOSWALE RAILROAD



TREE PROTECTION NOTES:

• TREE PROTECTION WILL BE ERECTED PRIOR TO START OF CONSTRUCTION ACTIVITIES AND SHALL REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE.

• NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN; INCLUDING, BUT NOT LIMITED TO PLACING SOLVENTS, BUILDING MATERIAL, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN DRIP LINES.

• GRADE CHANGES MAY NOT OCCUR WITHIN THE DRIP LINE OF PROTECTED TREES. DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY

REMAINING TREES. • ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR

OUTSIDE OF THE PROTECTIVE FENCING. \* TREES LOCATED ON ADJACENT PROPERTY THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.

\* TREES TO BE PRESERVED SHALL BE IDENTIFIED WITH FLAGGING PRIOR TO THE TREE CLEARING OPERATIONS.

### **GENERAL PLANTING NOTES:**

Landscape contractor shall visit site, inspect existing site conditions and review proposed planting and related work. In case of discrepancy between plan and plant list, plan shall govern quantities. Contact Landscape Architect with any concerns.

Contractor shall verify locations of all on site utilities prior to beginning construction on his/her phase of work. Electric, gas, telephone, cable television may be located by calling MISS DIG 1-800-482-7171. Any damage or interruption of services shall be the responsibility of Contractor. Contractor shall coordinate all related activities with other trades on the job and shall report any unacceptable job conditions to Owner's Representative prior to commencing.

All plant material to be premium grade nursery stock and shall satisfy American Association of Nurserymen standard for Nursery Stock. All landscape material shall be Northern Grown, No. 1. Grade.

Contractor is responsible for verifying all quantities shown on landscape plan prior to pricing the work.

The owner's representative reserves the right to reject any plant material not meeting specifications.

All single stem shade trees to have straight trunks and symmetrical

All single trunk shade trees to have a central leader; trees with forked or irregular trunks will not be accepted.

All multi stem trees shall be heavily branched and have symmetrical

symmetrical in shape and not sheared for the last five growing seasons.

Hand grade all lawn areas within the drip line of existing trees.

of the plant material.

13. It is mandatory that positive drainage is provided away from all buildings.

specifications. Shredded palette and died mulch will not be accepted.

16. Applications of fertilizer beyond the initial topsoil and seeding shall be a fertilizer with NO phosphorus.

. Maintenance: All plant material shall be maintained in good condition by

C\Users\jevensPEA2\Besktop\JEVANS JPEG SEAL.jpg

CAUTION!! CAUTION::

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE I EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AN ELEVATIONS PRIOR TO THE START OF CONSTRUCTION

HIS DRAWING AND DESIGN ARE THE PROPERTY OF ROFESSIONAL ENGINEERING ASSOCIATES, INC. THE PROFESSIONAL ENGINEERING ASSOCIATES, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED, REPRODUCED, OR COPIED, IN WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2012 PROFESSIONAL ENGINEERING ASSOCIATES, INC. DNSTRUCTION CONTRACTOR AGREES THAT IN CCORDANCE WITH GENERALLY ACCEPTED

ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PROTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSON. AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLEGREE OF THE DESIGN ARISING FROM THE SOLE NEGLIGENCE OF THE DESIG 3 FULL WORKING DAYS

**BEFORE YOU DIG CALL** Know what's below Call before you dig

1-800-482-7171 www.missdig.net

MISS D**I**G System, Inc.



**PROFESSIONAL ENGINEERING ASSOCIATES** 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 Phone: (248) 689-9090 Fax: (248) 689-1044

website: www.peainc.com

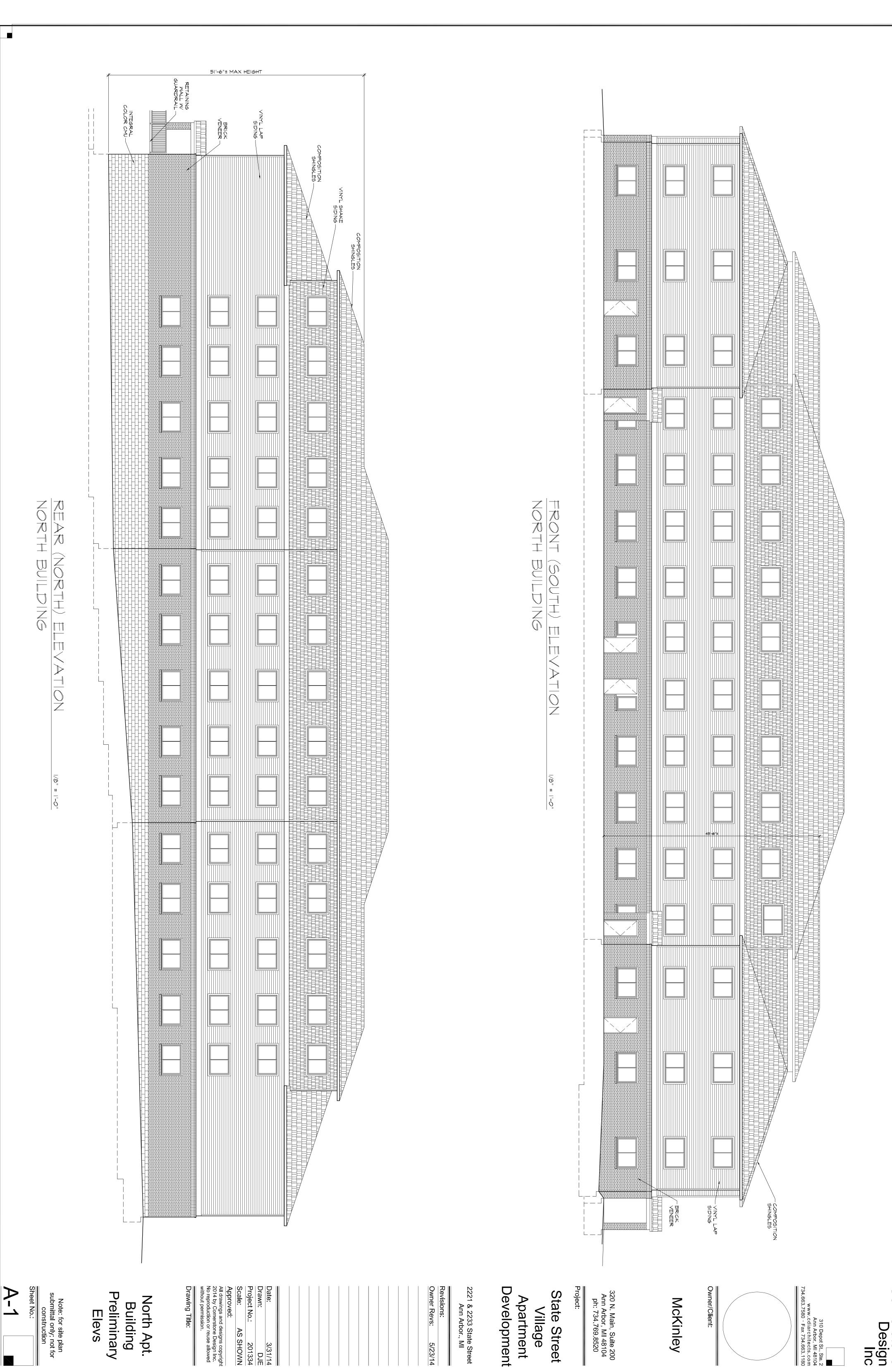
DETAILS T VILLAGE

LANDSCAF ATE STRE

ISSUE DATE: 12-20-13 PEA JOB NO. 2013-211

SCALE: 1" = 30'

RAWING NUMBER:



Cornerstone Design Inc

SOUTH BUILDING - VINYL SHAKE SIDING SHINGLES SIDING 43'-6"± 310 Depot St., Ste. 2
Ann Arbor, MI 48104
www.cdiarchitects.com
734.663.7580 · Fax 734.663.1180 Approved:
All drawings and designs copyright 2014 by Cornerstone Design Inc.
No reproduction or reuse allowed without permission. Revisions:
Owner Revs: Date:
Drawn:
Project No.: Project 320 N. Main, Suite 200 Ann Arbor, MI 48104 ph: 734.769.8520 Drawing Title: Scale 2221 & 2233 State Street Ann Arbor., MI Development Owner/Client: State Street Preliminary McKinley South Apt. **Apartment** Building Village Elevs

5/23/14

Cornerstone Design Inc

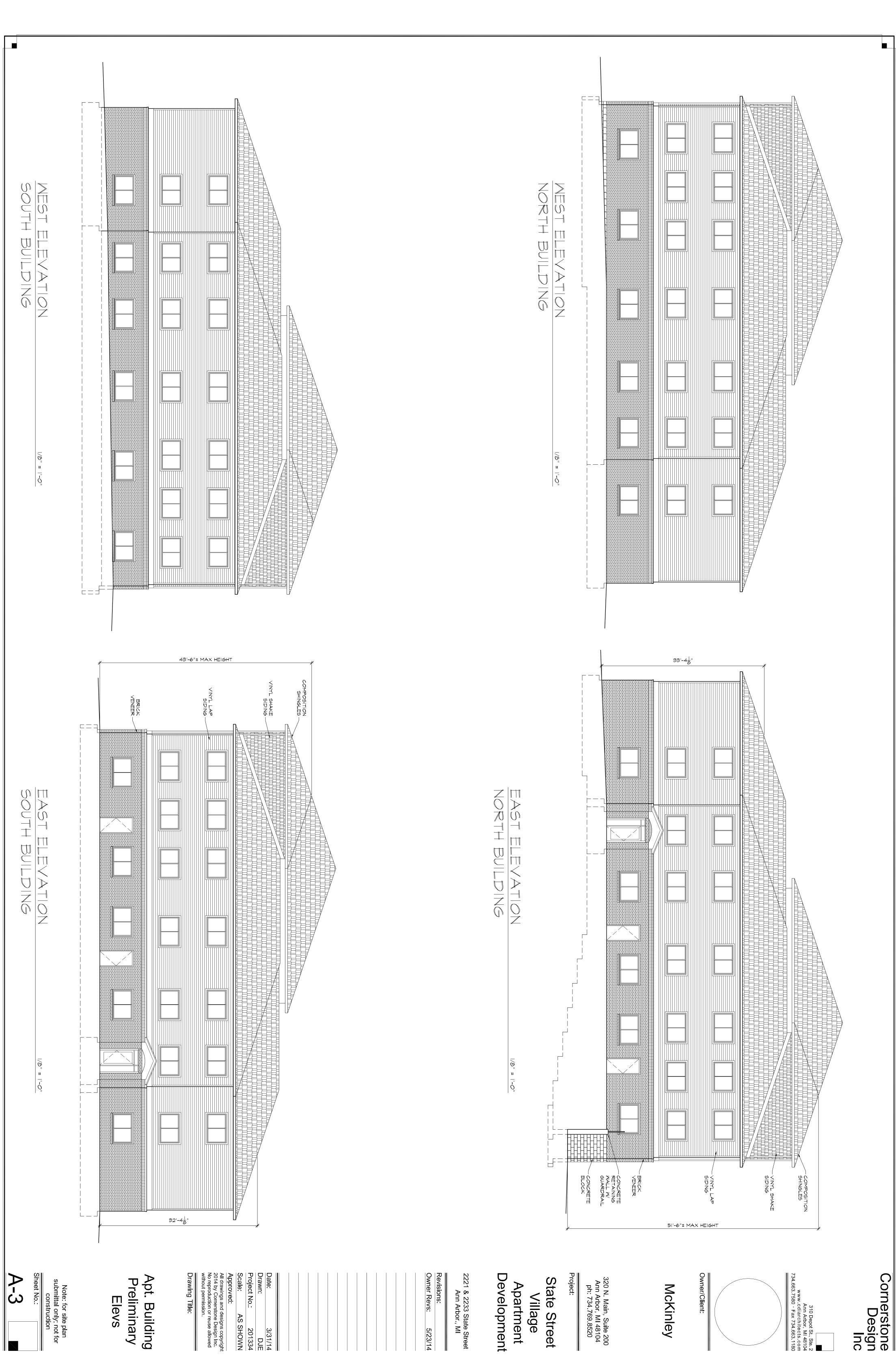
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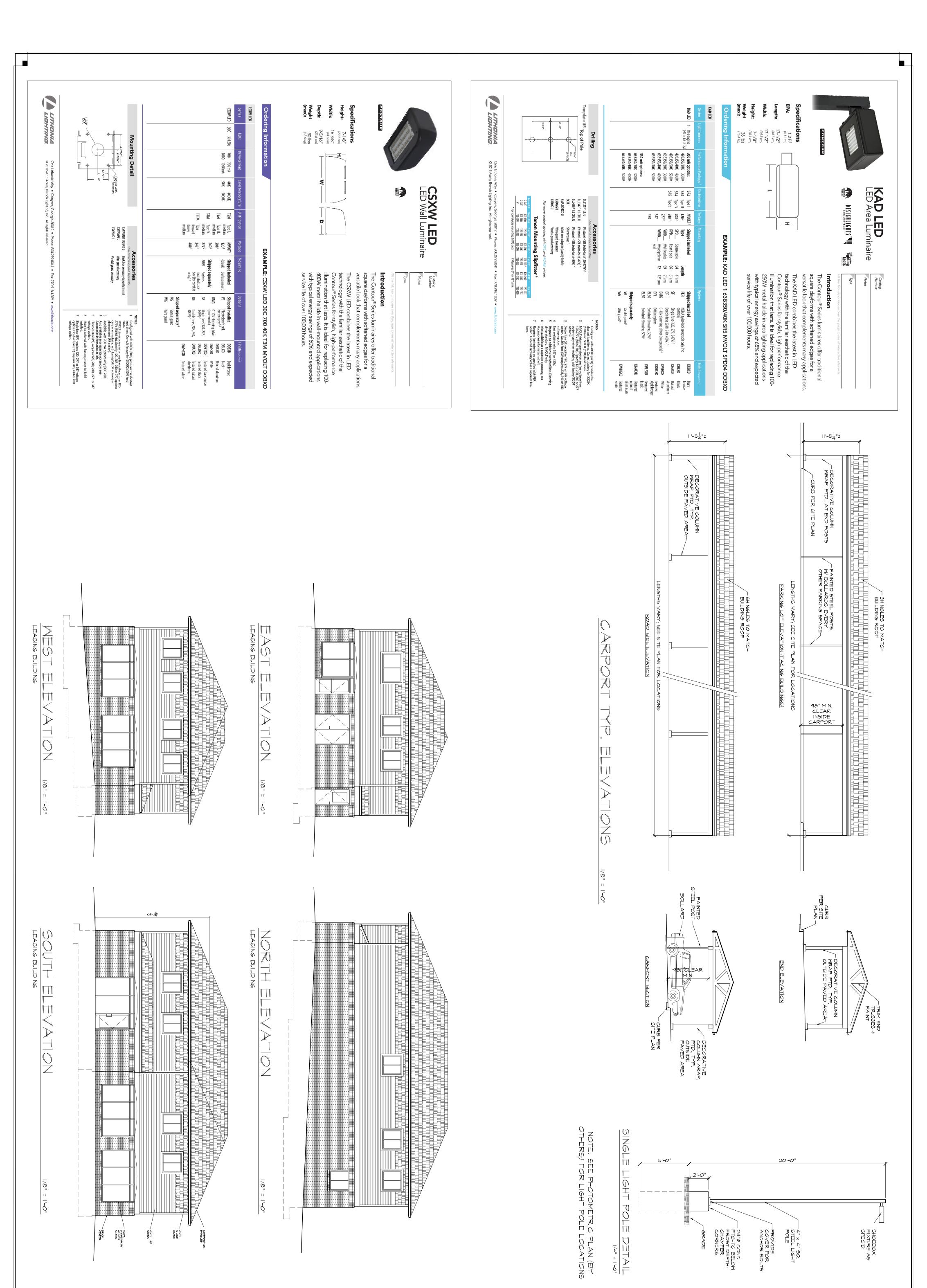
3/31/14 DJE 201334

Note: for site plan submittal only; not for construction

Sheet No.:

A-2





Revisions:
Owner Revs:

5/23/14

2221 & 2233 State Street Ann Arbor., MI

Development

**Apartment** 

Project:

State Street

Village

320 N. Main, Suite 200 Ann Arbor, MI 48104 ph: 734.769.8520

Cornerstone Design Inc

310 Depot St., Ste. 2 Ann Arbor, MI 48104 www.cdiarchitects.com 734.663.7580 Fax 734.663.1180

Owner/Client:

McKinley

A-4

Sheet No.: Note: for site plan submittal only; not for construction Approved:
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AS SHOWN

201334

3/31/14 DJE

Date:
Drawn:
Project No.:

Drawing Title:

Preliminary

Elevs

Carport

Building &

Leasing

### Draft 6/11/14

### STATE STREET VILLAGE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this <u>leave blank</u> day of <u>leave blank</u>, 20<u>14</u>, by and between the City of Ann Arbor, a Michigan Municipal Corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY; and <u>McKinley, Inc.</u>, a <u>fill in name of entity</u>, with principal address at <u>320 N. Main St., Ann Arbor, MI 48103</u>, (Add second, third owner/developer as appropriate, along with necessary entity and address information), hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as *fill in full name of development*, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as *insert title as above*, and desires *insert type of approval as needed* 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 public water and sanitary sewer mains, public and private storm water management systems, public streets, 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.

- (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) Prior to the issuance of building permits, to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities and public streets. The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public Improvement to be conveyed by the easement.
- (P-5) To install all water mains, storm sewers, sanitary sewers and public streets, through the first course of asphalt, 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-6) To convey to the CITY, prior to the issuance of any permits and subject to acceptance by the Ann Arbor City Council, granting of the required ingress/egress easements with the adjacent property located north as shown on the site plan (sheet P-3) and an additional five feet of easement for the existing sanitary sewer along the east property line (Sheet P-6).
- (P-7) 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-8) 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-9) Existing landmark trees shown on the site plan as trees to be saved shall be maintained by the PROPRIETOR in good condition for a minimum of three years after acceptance of the public improvements by the CITY or granting of Certificate of Occupancy. Existing landmark trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public improvements or granting of Certificate of Occupancy, shall be replaced by the PROPRIETOR as provided by Chapter 57 of the Ann Arbor City Code.
- (P-10) 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

2

expense of the PROPRIETOR if the PROPRIETOR does not complete the work within the time set forth in the notice.

- (P-11) 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-12) Prior to building permits being issued,

to restrict, but not prohibit, by covenants and restrictions recorded with the Washtenaw County Register of Deeds, the use of lawn care chemicals and fertilizers in order to minimize the impacts on Malletts Creek Watershed.

- (P-13) 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-14) 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-15) 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-16) Prior to application for and issuance of certificates of occupancy, to disconnect 18 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"), or to provide an alternative method of mitigation that results in an equivalent amount of sanitary flow removal, in accordance with 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, or the amount of alternative mitigation to be provided, in accordance with the Guidelines. PROPRIETOR may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis at the Discretion of the CITY Public Services Area.
- (P-17) 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-18) 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-19) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

### THE CITY HEREBY AGREES:

- (C-1) In consideration of the above undertakings, to approve the State Street Village project.
- (C-2) To provide timely and reasonable CITY inspections as may be required during construction.
  - (C-3) 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:

legal description(s) to be inserted here

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the PROPRIETOR, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits

unless and until the CITY has notified the PROPRIETOR in writing that the PROPRIETOR has satisfactorily corrected the item(s) the PROPRIETOR has failed to perform.

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

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

Witnesses:	CITY OF ANN ARBOR, MICHIGAN 301 East Huron Street Ann Arbor, Michigan 48107
	By: John Hieftje, Mayor
	By: Jacqueline Beaudry, City Clerk
Approved as to Substance:	
Steven D. Powers, City Administrator	
Approved as to Form:	
Stephen K. Postema, City Attorney	
Witness:	
	By:

STATE OF MICHIGAN )	
) ss: County of Washtenaw )	
and Jacqueline Beaudry, Clerk of the be the persons who executed this	, 20, before me personally appeared John Hieftje, Mayor, e City of Ann Arbor, a Michigan Municipal Corporation, to me known is foregoing instrument, and to me known to be such Mayor and Clerk ged that they executed the foregoing instrument as such officers as ration by its authority.
	NOTARY PUBLIC County of Washtenaw, State of Michigan My Commission Expires: Acting in the County of Washtenaw
STATE OF MICHIGAN ) ) ss: County of Washtenaw )	
	, 20, before me personally appeared, to ecuted the foregoing instrument, and acknowledged that he executed act and deed.
	NOTARY PUBLIC County of Washtenaw, State of Michigan My Commission Expires: Acting in the County of Washtenaw

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

### CITY OF ANN ARBOR

# APPLICATION FOR CHANGES IN OR ADDITIONS TO THE ZONING CHAPTER RE-ZONING FOR STATE STREET VILLAGES PROPOSED DEVELOPMENT

### MCKINLEY, INC.

We, the undersigned, respectfully petition the Honorable Council of the City of Ann Arbor to amend the Zoning Map as it relates to the property hereinafter described.

Commencing at the Northwest corner of Section 4, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, thence S 00°37′30″ E 915.09 feet along the West line of said Section 4; thence N 88°01′30″ E 274.05 feet for a PLACE OF BEGINNING; thence continuing N 88°01′30″ E 313.34 feet; thence S 23°28′00″ E 536.94 feet; thence N 83°53′00″ W 13.52 feet; thence N 67°53′00″ W 122.32 feet; thence N 89°09′00″ W 449.82 feet thence N 01°15′23″ W 35.44 feet; thence N 00°25′00″ W 220.35 feet; thence 88°01′23 E 57.83 feet; thence N 01°58′30″ W 169.90 feet to the PLACE OF BEGINNING. Containing 4.47 acres more or less, and being subject to easements of record, if any. Split on 2/19/2008 from 09-12-04-200-039.

### The petitioner(s) requesting the zoning/rezoning are:

McKinley, Inc.
320 N. Main Street
Ann Arbor, MI 48103
(734) 769-8520
Interest in the Land = Owner

### Also interested in the petition are:

None

The applicant requests that the Official City Zoning Map be amended to reclassify this property from M-1 to O to permit the following use(s): Multi-Family Residential

### JUSTIFICATION:

1. The extent to which the zoning/rezoning requested is necessary:

Rezoning is necessary for the proposed State Street Village development. The current M-1 zoning (Light Industrial) does not permit multi-family dwellings, which is the proposed use for the new development. As proposed by the City of Ann Arbor, the Office zoning district permits R4B uses, including multi-family dwellings. Furthermore, the height restrictions within the Office zoning district enables the proposed building height to exceed what is permitted in R4B district. Therefore, the proposed four story structure is permitted by-right.

2. The zoning/rezoning will affect the public welfare and property right of persons located in the vicinity in the following ways:

The proposed rezoning will positively affect the public welfare and the property rights of persons and owners located in the vicinity of the project. First, the development provides new housing options for a corridor of the City that has insufficient housing to serve the nearby employment. Located within a mile of the proposed development are major employment and retail centers, including the 777 building, the South State Street Commons, Briarwood Mall, and several hotels, which will be served by additional housing. In addition, the site is located adjacent to an Ann Arbor Transit Authority bus stop, facilitating access to alternative modes of transportation; thereby, reducing greenhouse gas emissions and contributing to improved air quality. Second, the proposed development design incorporates storm water management techniques that mitigates and detains stormwater both improving public welfare and adjacent property. Lastly, the proposed development is transforming an underutilized, vacant piece of land into a productive, residential use. As such, the new use could potentially increase adjacent and nearby property values.

### 3. This zoning/rezoning will be advantageous to the City of Ann Arbor in the following ways:

From conception to development, one of the primary drivers was to incorporate the vision outlined in the South State Street Corridor Plan. For instance, a cornerstone of the plan is the diversity of and mixture of land uses. Our proposed development integrates residential and office, by building residential behind an existing office building. Comprehensively, the introduction of a residential use, not just behind the existing office building, but throughout the entire corridor enables a diversity of land uses. In addition, the development promotes policies and development that assures a mix of housing options. The proposed floor plan of the development incorporates 1-, 2-, 3-, and 4-bedroom units. Not only are there a mixture of units, the 3- and 4-bedroom units consist of a mixture of types, including townhomes and flats. Noted above, the proposed development also incorporates innovative storm water management techniques, including bio swales and complying with the City's impervious surface requirements, which are called out in the South State Street Corridor Plan.

# 4. The particular location will meet the convenience and service requirements of potential users or occupants in the following ways:

The particular location meets the convenience and service requirements through proximity to retail, collegiate sports entertainment, and employment centers. The site is located within walking distance to several employment and retail centers (noted in Question 2), and the University of Michigan's sports facilities and campus.

# 5. Any changed or changing conditions in any particular area, or in the municipality generally which may have bearing on the proposed zoning/re-zoning are:

None

### 6. Other circumstances and factors which will further justify the requested zoning/rezoning are:

In addition to the above justifications, the current zoning does not apply, as the previous light industrial use does not exist and the proposed development is residential. Furthermore, the adjacent

zoning classification of Office makes the re-zoning of the vacant site a complimentary use. Thus, a rezoning is appropriate and necessary.