PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 18, 2013

SUBJECT: Hampton Inn Planned Project Site Plan for City Council Approval

(2910 Jackson Avenue) File No. SP13-002

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hampton Inn Planned Project Site Plan and Amended Development Agreement.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed modifications to the interior landscape island bioretention requirements of Chapter 62 (Landscape and Screening Ordinance) for the Hampton Inn Planned Project Site Plan, because the standards contained in Section 5:608 (Modifications) have been met.

STAFF RECOMMENDATION

Staff recommends that the planned project site plan be **approved**, because the proposed building setback modification will result in a reduced need for infrastructure and, with the requested planned project modification, the contemplated development complies with applicable local, state and federal laws, ordinances, standards and regulations; limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and does not cause a public or private nuisance and does not have a detrimental effect on the public health, safety or welfare.

Staff recommends **approval** of the landscape modification because the proposed single large bioretention area meets the spirit and intent of the interior landscape island bioretention requirements.

LOCATION

The site is an irregularly-shaped parcel bounded by Jackson Avenue on the south and east, I-94 on the north, and the I-94 eastbound on-ramp on the east. The site is in the West Planning Area, and the Honey Creek sub-watershed.

DESCRIPTION OF PROJECT

The petitioner is proposing to complete construction of a new Hampton Inn hotel building with 51,608 usable square feet and 100 bedrooms on this 8.8 acre site. There is an existing 163 room Clarion Hotel on the same site. Estimated construction cost is \$800,000.

A planned project site plan to construct a new Hampton Inn was approved for the site in 2008, and a motel (a Super 8) and its swimming pool were removed in 2009 in anticipation of the Hampton Inn construction. A foundation was constructed for the new hotel, but the project languished. Building permits and the site plan expired, necessitating a new site plan that meets current city code.

The petitioner is requesting a planned project modification to increase the maximum front setback requirement of 50 feet to allow a 72.4 foot setback from the north property line fronting I-94. When the foundation was poured in 2008, there was no maximum front setback requirement. Under recent amendments to the Zoning Ordinance, on a site with more than one front property line, only one is required to comply with the maximum front setback requirement. Since the existing foundation does not comply on any of the three fronts, a planned project modification is being requested. The petitioner indicates there is a public benefit provided by using existing infrastructure.

Storm water management for the entire site (both hotels) is controlled through a series of three ponds. Ponds 1 and 2 drain to pond 3, which has a spillway to the Michigan Department of Transportation right-of-way along I-94.

There are nine landmark trees on the site, all of which will remain. Around 200 landscape trees exist on the site and will remain. 687 feet of right of way screening along Jackson Avenue is provided, with a 30-inch berm and 23 trees. An additional 17,713 square feet of interior landscaping is provided (which is in excess of the 15,303 square feet required), and includes 62 trees.

The application includes a request for modification of the requirements of Chapter 62 (Landscape and Screening Ordinance) which requires that at least 50% of the interior landscape area must be depressed bioretention areas and utilized for storm water management. This site plan proposes 39% bioretention in one large area also used for storm water management.

A pedestrian crossing on Jackson Avenue is proposed, from the Hampton Inn site to Hilltop Drive via the center island of the boulevard. The Ann Arbor Transportation Authority intends to relocate a bus stop on eastbound Jackson Avenue to take advantage of this crossing.

An amendment to the previously recorded development agreement has been drafted to address footing drain disconnects.

The petitioners held a citizen participation meeting on January 18, 2013. Ten people attended and nine of them signed in. Questions were answered regarding sidewalks, hotel amenities, landscaping, and the project timeline. A report is attached.

SITE HISTORY

The west portion of the site was annexed from Scio Township in 1975 and appears to have been excess highway right-of-way sold to Murray Smith and his wife. Two motels were constructed on the site around 1962. The Holiday Inn on the east side of the site was remodeled, added on to, and eventually converted into a HoliDome in the following decades. There is no site plan on file for the original construction of the Holiday Inn or Super 8; however, most other improvements and changes to the site were done by site plan approvals or administrative amendments and are on file.

As noted above, a planned project site plan was approved to construct a new Hampton Inn in 2008, with a modification approved to exceed the maximum height of the R5 district. The height limit was subsequently increased as part of the area, height and placement amendments. The site plan expired in 2011.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Transportation (I-94)	TWP (Township District)
EAST	Auto repair – Muffler Man Vacant Michigan Inn site	C3 (Fringe Commercial District) R5 (Hotel District)
SOUTH	Single-Family Residential	R1B (Single-Family Dwelling District)
WEST	Hotel – Weber's Inn	R5 (Hotel District)

ZONING COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED BY CURRENT ZONING
Zoning	R5 (Hotel District)	R5	R5
Gross Lot Area	383,328 Sq Ft	383,328 Sq Ft	20,000 Sq Ft MIN
Lot Area per Unit	2,351 Sq Ft	1,458 Sq Ft	900 Sq Ft MIN
Number of Rooms	163	263 (100 new Hampton Inn + 163 existing Clarion)	No Minimum
Maximum Building Height	Clarion: 40 ft	Hampton Inn: 43 ft 9 in	50 ft MAX
Setback – Front (South, Jackson Ave)	Clarion: 134.6 ft	Hampton Inn: 125.6 ft	15 ft MIN Does not apply: max applies to only one front
Setback – Front (North, I-94)	Clarion: 108.2 ft	Hampton Inn: 72.4 ft	15 ft MIN 50 ft None
Setback – Front (East, I-94 Ramp)	Clarion: 56.3 ft	Hampton Inn: Not Applicable	15 ft MIN Does not apply: constructed before 2011

Parking – Automobiles	169 spaces	337 spaces	337 spaces MIN
Parking – Bicycles	None	10 class A (at Hampton Inn) 8 class B (at Clarion)	9 Class A MIN 4 Class B 4 Class C

PLANNING BACKGROUND

The *Master Plan: Land Use Element* recommends commercial use for the site. Some of the applicable goals and objectives for this site from the *Land Use Element* include:

Goal B: To promote land use designs that reduce reliance on the automobile.

Objective 2: Improve the safety, accessibility and desirability of walking, biking or using mass transit.

Objective 3: Improve transportation integration between neighborhoods.

Goal E: To encourage commercial and employment centers that promote pedestrian activity, deemphasize the use of the automobile, and provide a sense of balance with surrounding land uses.

Objective 5: Major employers should provide on-site amenities to reduce the number of vehicular trips.

PLANNED PROJECT STANDARDS

Planned project approval is requested to increase the maximum front setback requirement of 50 feet. The foundation poured in 2008 is 72.4 feet from the north property line facing I-94.

Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the Zoning Chapter in the form of a planned project site plan: (Petitioner comments are in plain type, staff comments are in *italic text*.)

- 1. The lot(s) included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located.

 The lot size of 383,328 square feet exceeds the minimum lot size of 20,000 square feet for R5 zoning.
- 2. The proposed modifications of zoning requirements must provide one or more of the following:

f) An arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.

The project utilizes the existing foundation and public and private utilities, which were constructed in 2008/2009.

3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.

Sidewalk as currently shown to increase safety of pedestrians crossing Jackson Avenue. Automobile traffic shall not exceed 50 trip/hr which will not significantly increase traffic to this medium traffic area.

4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.

Site is bound on all sides by MDOT ROW. Site matches existing hotel to the east in terms of the north building setback maintaining the uniform look of buildings at the rear of the site.

5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 (Off-Street Parking) and Chapter 62 (Landscape and Screening).

(No petitioner response.)

Staff believes that these requirements are met if the proposed landscape modification is approved.

6. The standards of density, allowable floor area and required usable open space for the zoning district in which the project is located must be met.

Standard is being met.

7. There shall be no uses within the proposed project which are not premitted uses in the zoning district in which the proposed project is to be located.

All uses proposed are allowed within this zoning district.

CHAPTER 62 LANDSCAPE AND SCREENING ORDINANCE STANDARDS FOR MODIFICATION APPROVAL

The petitioner has requested a modification of the requirement that when the total area required in interior landscape islands for all of the vehicular use areas on site exceeds 750 square feet, at least 50% of the required interior landscape area must be depressed bioretention areas and utilized for storm water management.

The Planning Commission or City Council may allow flexibility in the application of the landscaping requirements if the modifications are associated with one or more of the following site conditions [Section 5:608(2)(c)]:

- (i) The site is located in a special parking district as designated by Chapter 59.
- (ii) Strict application of this Chapter will result in a loss of existing parking spaces required by Chapter 59 where the parking does not abut residential uses.
- (iii) The topographic features of the site create conditions so that the strict application of the provisions of this Chapter will result in less effective screening and landscaping than alternative landscape designs.
- (iv) Existing buildings provide adequate screening for the purposes of Section 5:602(1).
- (v) Existing vegetation and landscaping are located or space in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions.
- (vi) The use of xeriscaping would prevent strict application of this Chapter.
- (vii) In the case of planned projects or planned unit developments, a rearrangement of the landscaping elements will achieve the spirit and intent of this Chapter.

(Petitioner's comments are in regular text, staff's responses are in *italic text*.)

1. What are the specific site conditions that necessitate this request and how do they warrant the modifications of Chapter 62 requirements?

In order to reach the required 50% depressed bioretention area within the interior landscape islands, parking spaces would have to be removed or the depressed area would have to be split between multiple small areas. These multiple areas would prove difficult and inefficient to maintain. Furthermore, the large depressed open area is much more likely to take hold and be self-sustainable.

The area of the interior landscape islands is 17,713 square feet. The triangular bioretention area near the front door is 6,950 square feet, or 39% of the islands.

2. How does the proposal meet the spirit and intent of Chapter 62?

The most recent proposal has increased the overall green space on the site which in turn has increased the amount of landscaping for the project. While short of the required 50% depressed bio retention area, the site exceeds interior landscape square footage. Also, the landmark trees have been incorporated into the original design to reserve the natural beauty and history of the site.

STAFF COMMENTS

Systems Planning – Jackson Avenue is under the jurisdiction of MDOT. These plans must be reviewed and approved by MDOT. Also, the footing drains of ten homes must be disconnected to offset the new sanitary sewer flow from the proposed development.

Prepared by Jill Thacher

Hampton Inn Planned Project Site Plan Page 7

Reviewed by Wendy Rampson 6/14/13

Attachments: Location Map

Zoning and Parcel Map

Aerial Photo

Sheet C3: Existing Conditions Plan 05/07/13 Sheet C4: Site/Geometric Plan 05/07/13 Sheet LA-1: Landscape Plan 05/07/13 Sheet A-200: Exterior Elevations

Citizen Participation Report Amended Development Agreement

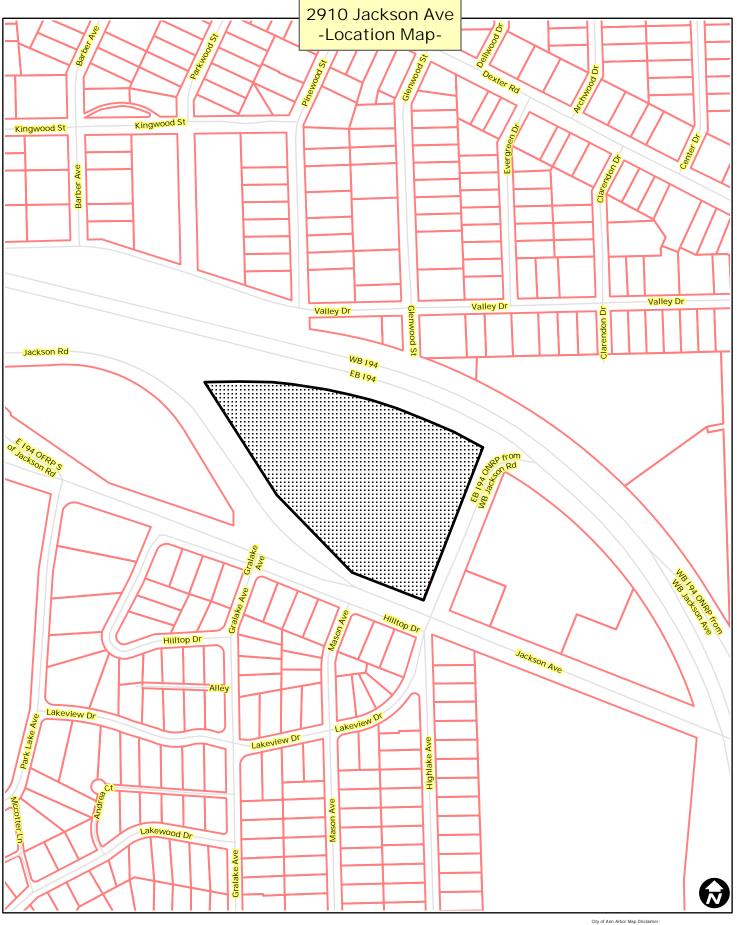
c: Owner: Executive Hospitality

2900 Jackson Avenue Ann Arbor, MI 48103

Petitioner: Giffels Webster/Andy Wakeland

6303 26 Mile Rd, Suite 100 Washington, MI 48094

City Attorney Systems Planning

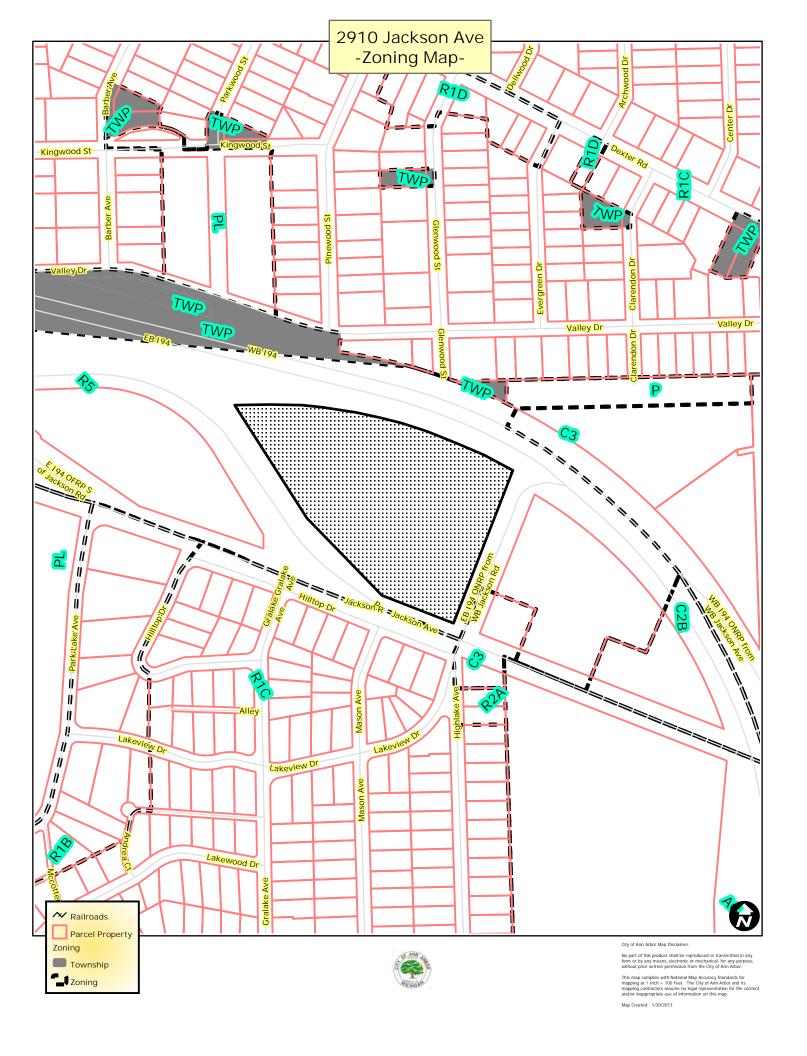


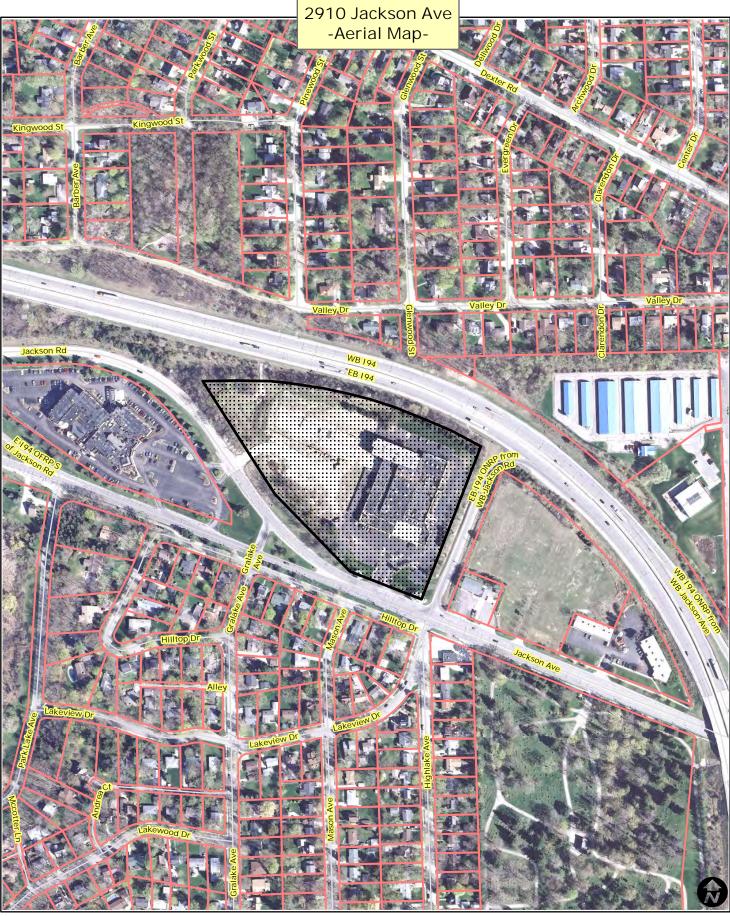




No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose without prior written permission from the City of Ann Arbor.

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





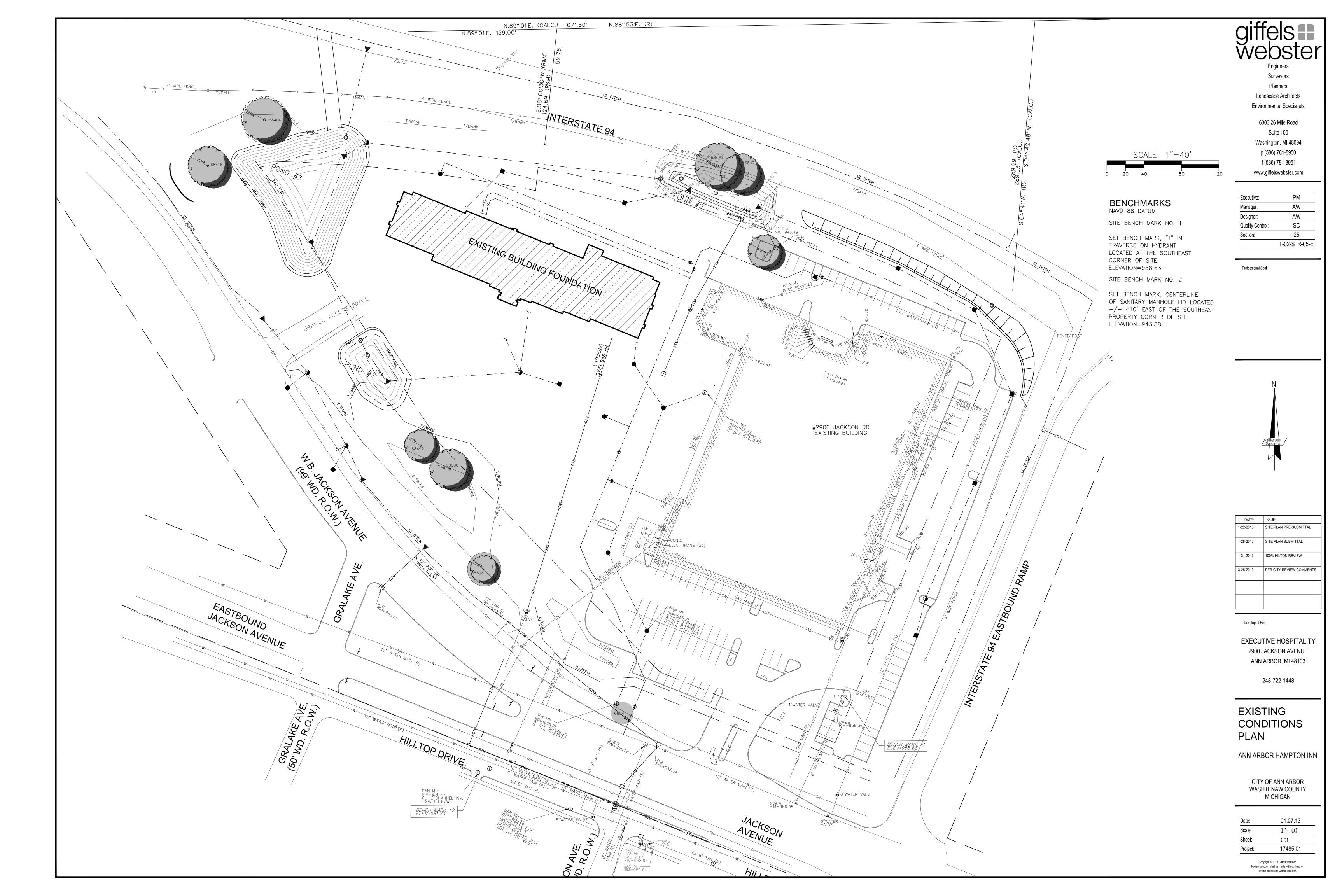


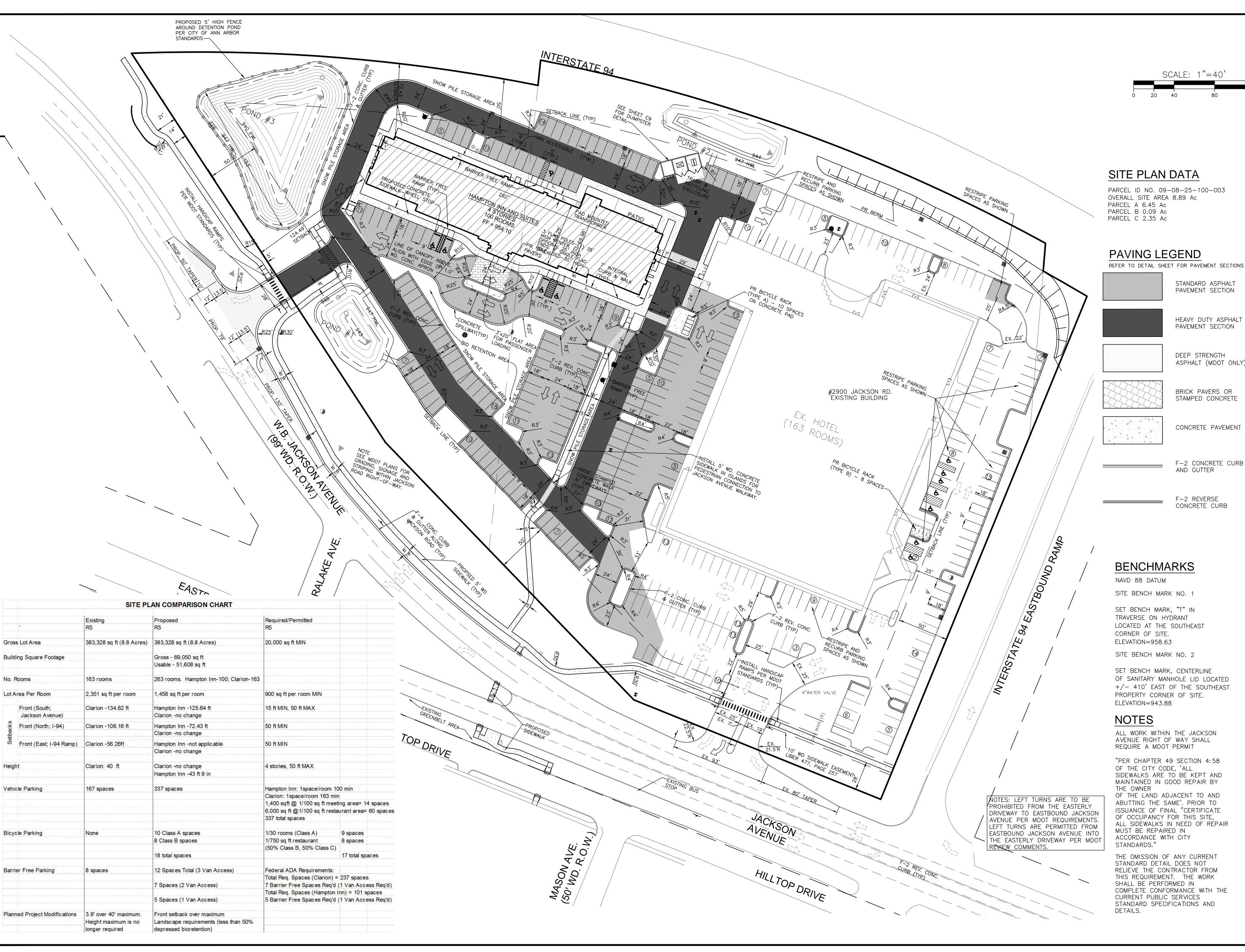


City of Ann Arbor Map Disclaime

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

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





Surveyors Planners

Landscape Architects

Environmental Specialists

6303 26 Mile Road

Suite 100

Washington, MI 48094 p (586) 781-8950

f (586) 781-8951 www.giffelswebster.com

PM Executive: ΑW Manager: ΑW SC **Quality Control:**

25 T-02-S R-05-E Professional Seal:

DEAN A. WAKELAND ENGINEER No. 58868

ASPHALT (MDOT ONLY) BRICK PAVERS OR

STANDARD ASPHALT

PAVEMENT SECTION

HEAVY DUTY ASPHALT PAVEMENT SECTION

DEEP STRENGTH

CONCRETE PAVEMENT

STAMPED CONCRETE

F-2 CONCRETE CURB AND GUTTER

CONCRETE CURB



NAVD 88 DATUM

SITE BENCH MARK NO. 1

SET BENCH MARK, "T" IN TRAVERSE ON HYDRANT LOCATED AT THE SOUTHEAST CORNER OF SITE.

SITE BENCH MARK NO. 2

SET BENCH MARK, CENTERLINE OF SANITARY MANHOLE LID LOCATED +/- 410' EAST OF THE SOUTHEAST PROPERTY CORNER OF SITE.

ALL WORK WITHIN THE JACKSON AVENUE RIGHT OF WAY SHALL REQUIRE A MDOT PERMIT

OF THE CITY CODE, 'ALL SIDEWALKS ARE TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY OF THE LAND ADJACENT TO AND ABUTTING THE SAME'. PRIOR TO ISSUANCE OF FINAL "CERTIFICATE OF OCCUPANCY FOR THIS SITE, ALL SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN

THE OMISSION OF ANY CURRENT STANDARD DETAIL DOES NOT RELIEVE THE CONTRACTOR FROM THIS REQUIREMENT. THE WORK SHALL BE PERFORMED IN COMPLETE CONFORMANCE WITH THE CURRENT PUBLIC SERVICES STANDARD SPECIFICATIONS AND

DATE:	ISSUE:
1-22-2013	SITE PLAN PRE-SUBMITTAL
1-28-2013	SITE PLAN SUBMITTAL
1-31-2013	100% HILTON REVIEW
3-25-2013	PER CITY REVIEW COMMENTS
5-7-2013	CITY REVIEW COMMENTS # 2

Developed For:

EXECUTIVE HOSPITALITY 2900 JACKSON AVENUE ANN ARBOR, MI 48103

248-722-1448

SITE / GEOMETRIC **PLAN**

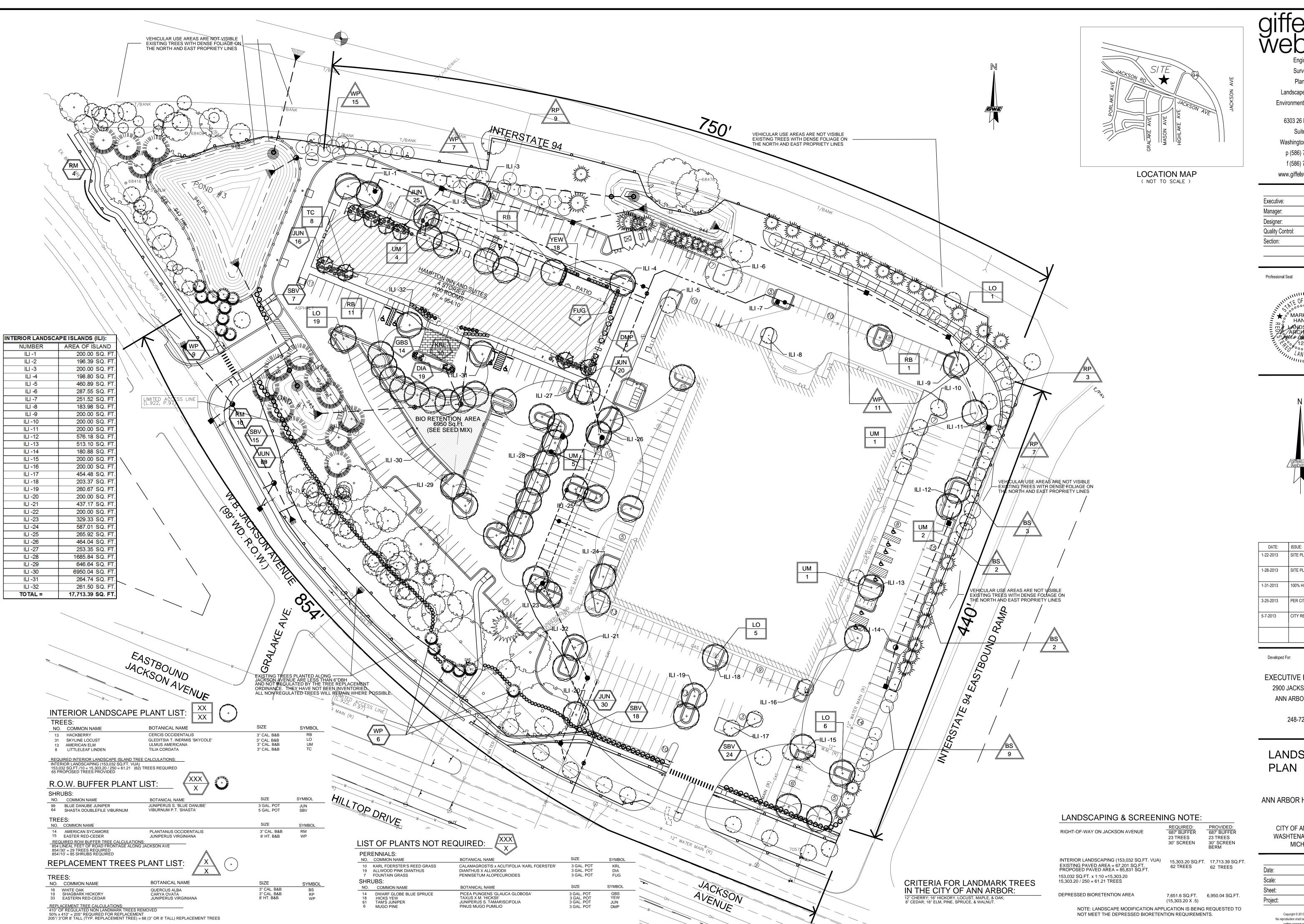
ANN ARBOR HAMPTON INN

CITY OF ANN ARBOR WASHTENAW COUNTY MICHIGAN

Date:	01.07.13	
Scale:	1''= 40'	
Sheet:	C4	
Project:	17485.01	

Copyright © 2013 Giffels Webster. No reproduction shall be made without the prior

written consent of Giffels Webster.



Surveyors Planners

Landscape Architects **Environmental Specialists**

6303 26 Mile Road Suite 100 Washington, MI 48094

f (586) 781-8951 www.giffelswebster.com

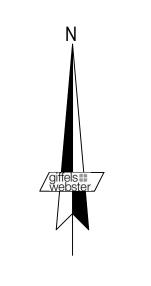
p (586) 781-8950

Executive:	PM
Manager:	AW
Designer:	AW
Quality Control:	SC
Section:	25

T-02-S R-05-E

Professional Seal:





1-22-2013	SITE PLAN PRE-SUBMITTAL
1-28-2013	SITE PLAN SUBMITTAL
1-31-2013	100% HILTON REVIEW
3-25-2013	PER CITY REVIEW COMMENTS
5-7-2013	CITY REVIEW COMMENTS # 2

Developed For:

EXECUTIVE HOSPITALITY 2900 JACKSON AVENUE ANN ARBOR, MI 48103

248-722-1448

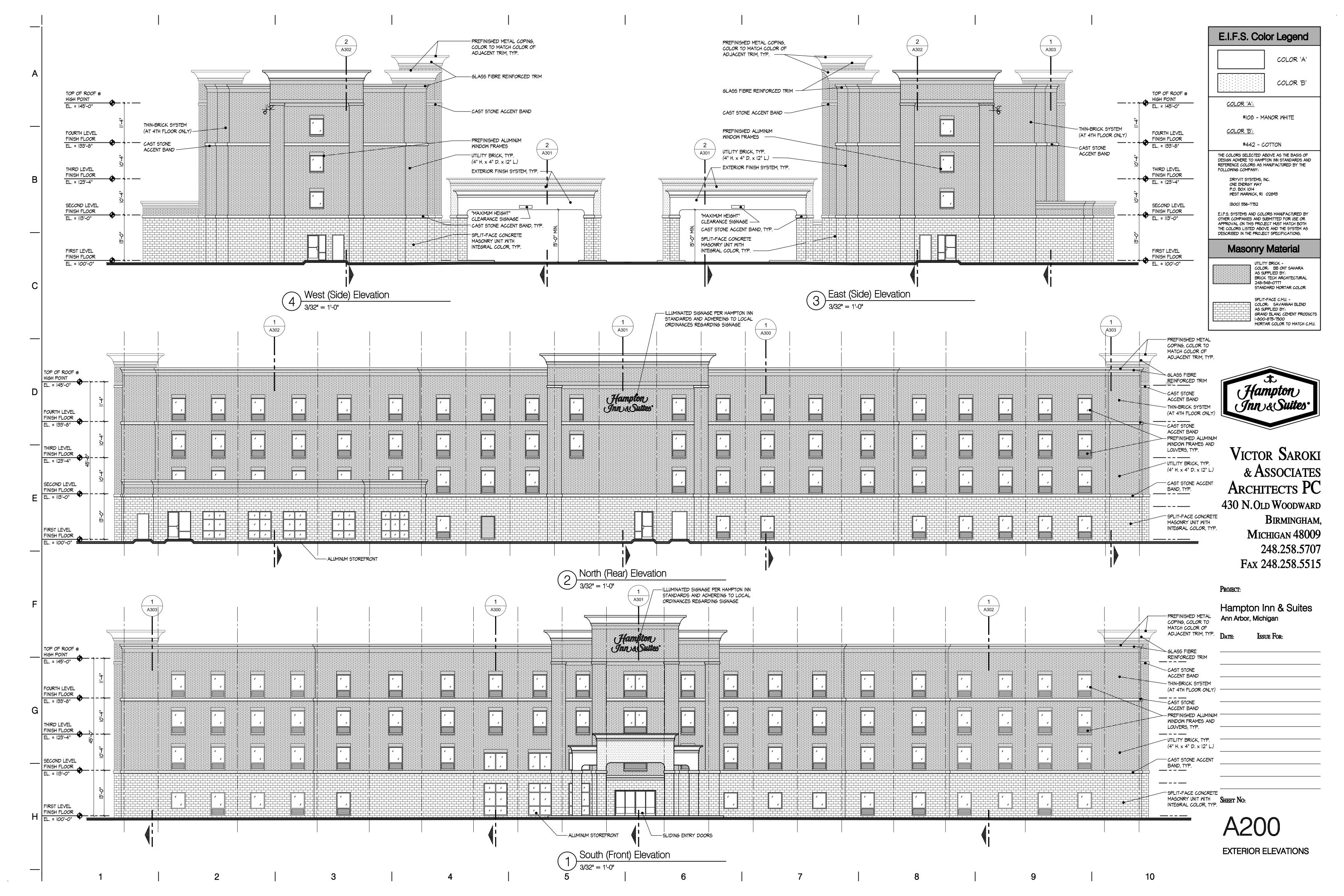
LANDSCAPE PLAN

ANN ARBOR HAMPTON INN

CITY OF ANN ARBOR WASHTENAW COUNTY MICHIGAN

01.07.13 1''= 40' LA-1 17485.01

Copyright © 2013 Giffels Webster. No reproduction shall be made without the prior written consent of Giffels Webster.





January 18, 2013

RE: Citizen Participation Report

Project:

Ann Arbor Hampton Inn

Project Number:

17485.01

Dear Attendee,

The Citizen Participation meeting was held at the Clarion Hotel and Convention Center on Thursday January 17th, 2013 at 7:00PM.

250 property owners were sent notices of the meeting via the USPS. A multitude of others were notified via the City of Ann Arbor's efforts and several news stories from local e-newspapers. There were 10 people in attendance including the development team and citizens, however only 9 signed in. Provided at the meeting were additional copies of the mailed letter, a conceptual site plan, and three 24" x 36" mounted plans (color site plan, color front building elevation, and black and white first floor plan) for the publics' viewing as well as a sample board of the proposed hotels exterior building materials.

The development team opened the public meeting at 7:08 PM with a brief summary of the proposed site development; this was a synopsis of the original letter sent to all of the property owners. It was explained that this was a previously approved and partially constructed site started in 2008, but due to financing difficulties at that time the project was placed on hold. The discussion was then opened to the citizens to ask questions and voice their comments and concerns about the project.

Please find below the summary of comments, concerns and issues brought up during the January 17th Citizen Participation meeting and *the development teams response*.

The comment was made that an increase in green space would be appreciated due to the City of Ann Arbor's environmental friendliness. Also a comment was made later concerning whether the ground covering would be grass or native plantings.

Due to the cities updated landscaping ordinance relating to depressed bioswale areas, the center parking configuration may need to be rearranged in order to achieve the amount of green space required. Also, this configuration and amount of green space will need to be reviewed and approved by the Hampton Inn Brand for compliance with their standards. This site is currently one of the greenest sites that this design team has built in the Metro-Detroit area. The development team also noted that the parking provided for this development is the minimum allowed by the Hampton Inn brand and that they are not over parking this site. This allows for the greenest space possible.

The question was asked about meeting rooms within the proposed Hampton Inn.

The development includes one smaller conference room aside from the normal breakfast area. All other large gatherings would need to be booked at the Clarion Hotel and Convention Center next door.

The question was asked about whether the pool would be indoor or outdoor. *The pool is an indoor pool.*

The question was asked about a subterranean tunnel connecting the two hotels.

There is currently no plan for a tunnel and if such a tunnel or enclosure would connect the two hotels it would be a lengthy process in order to get the two corporate brands to agree to such an agreement and would not be likely.

The comment was made that this will be a "cookie cutter" hotel and if there is a way to reflect the local sense of place within this development.

The design staff reiterated that this is something that they took into consideration in making this development one of the greenest spaces that they have developed in the area. As a part of the landscaping there will be a large bioswale that will have numerous amounts of native plantings within it, to keep the local narrative alive. Also, the developer has lobbied with the Hampton Inn brand to forego the usual Wal-Mart style synthetic stucco walls and use colored brick instead in order to get a more appropriate look for the area. The plans are yet to be reviewed again by the Hampton Inn brand, but other adjustments will be considered to give this location a unique look. The development team also noted that the Hampton Inn brand of hotels has to adhere closely to the corporate image so that patrons know what to expect when they enter these hotels. Whether it is in Ann Arbor or Texas the Hampton Inn patron knows that they will have a similar experience in both locations. This comes from a certain amount of familiarity amongst the hotels. So, there is a positive reason to the cookie cutter aspect in this case.

The comment was made that color rendering of the front of the building along with all of the landscape showing up on this rendering would have been helpful.

At this point in the design we are still awaiting any changes that need to be implemented from this meeting as well as any city staff comments before the development team can go in front of the planning commission. This will be discussed with the city planning staff; it may already be a requirement when going before the Planning Commission. Doing a full rendering at each phase of this process would be extremely cost prohibitive.

The question was asked about where the sidewalks at both the North side and East side of the development would connect to and also their proximity to the road.

The Northern end of the sidewalk is the extent of the developer's property and would need to be extended by MDOT who is in control of that land. The walkway at the East end of the development also ends at the development property line which would then cross an MDOT ramp to get on East I-94 and would again be MDOT's responsibility to connect this walk across this area. However, upon further review, there does not appear to be a walk on the other side of the ramp either. The sidewalk is shown closer to Jackson Road in the center of the development, the reasoning behind this is a significant grade change between the road and development in this area, changing the grade would mean the loss of many mature trees.

The question was then asked about the sidewalk leading across Jackson Avenue and if a light was investigated for this area. The comment was made that many people park in the neighborhood south of the hotel for large events and walk across Jackson Avenue.

The sidewalk across Jackson Avenue was meant to relieve the pedestrian journey across this major road with many short trips and safe harbors between the multiple lanes of traffic. A traffic light is extremely expensive to be placed in and this site was at one time approved by MDOT to be built, however we will be resubmitting to MDOT and at that time they will be evaluating the design. It will be their decision as to whether a light in this location is necessary or allowable.

The question was raised concerning the need for a hotel in this area.

The design team responded that this hotel was at one time approved by the Hampton Inn brand, and they exhaustively review this information to make sure that the occupancy rate they require will be available. The owner has also done a study of the area to make sure that his investment will be able to be sustained with customers.

The question was then raised about what the acceptable hotel occupancy rate would be for the Hampton Inn brand.

The development staff said that this information may be available under the franchisee portion of their website but that they were not sure that the Hampton Inn brand freely gives out this number.

The question was asked about the timespan of the project.

The development is still in the early phases and will not be before the planning commission until March, then once approved will need to undergo engineering approval and permits for the construction. The development team anticipates around one year to complete the permitting and construction of this development.

With no more comments or questions the request was made for everyone to sign in if they had not already. The Citizen Participation Meeting was concluded at approximately 7:35 PM.

We feel that although there was a low turnout at this meeting, it was expected since a large majority of the public probably remembers this development going through the process several years ago and had been rather thoroughly vetted at that time. This development also being within the confines of a major freeway and large arterial road was probably seen as a good fit for the area and may have alleviated many issues that would have brought the citizens out to the meeting for clarification. The design team will work to incorporate many of these changes as possible within the Hampton Inn brand and budgetary allowances.

Respectfully

Giffels Webster

Andy Wakeland, P.E. Project Manager

Ann Arbor - Hampton Inn - Citizen Participation Meeting Sign-In Sheet GW #17485.01 Thursday January 17th, 2013 - 7:00 PM

No.	No. Name	Address	Phone	Email	
-	Andy Wakeland	6303 26 Mile Rd, Suite 100 Washington, MI 48094	586-781-8950	awakeland@giffelswebster.com	
7	RAMESH G ANATRA		(734)320-7001	19anatva@mateco, com	
က	YOU HARTMAN	2514 WYLLE RD, DESTER, MI, 48130	(734-426-2458)		
4	Transleinslei	4985 St Arues Cd Az 48103	6623020		
2	Spet RIVEZ	430 N. Oys WOODWARD BIRMINGTON	rus 848 520	orthographic	3
ဖ	glaga strow	LERNF1615	184010V		
7	SAM ABDAl	2900 Tackson Ave Any Arbay	218 939 K32	Samshold (1) and - Com	1
∞		2987 Laterliew Dr. AA	734-929-46.89	Carron of	63
တ		5495 lat Il 1914	234-741-986	mife anolim 07	3 23
9	0			9 44 31	1.000
7					7
12					
13					
4	•				
15					
16					
17					
9				5	
19					
20					
7				387	
22					
23					
24					

FIRST AMENDMENT TO HAMPTON INN (2900 JACKSON ROAD) DEVELOPMENT AGREEMENT

The City of Ann Arbor, a Michigar	n municipal corporation, with offices at 100 N. Fifth Avenue,
Ann Arbor, Michigan 48107 ("City	") and Executive Hospitality, Inc, a Michigan corporation,
having its offices at	, ("Proprietor") agree to amend the Hampton
Inn (2900 Jackson Road) Develo	pment Agreement ("Agreement") executed by the CITY and
PROPRIETOR, recorded in Liber	4839, Page 766, Washtenaw County Records, regarding the
land currently known as Hamptor	n Inn, as described in the attached Exhibit A, as follows:
1. The Agreement is amenoriginal Whereas clauses:	ded to add the following Whereas clauses following the
WHEREAS, on	City Council approved a new Hampton Inn Planned

Project Site Plan, which supercedes the previous Hampton Inn Planned Project Site Plan

2. Paragraph (P-15) is amended to read as follows:

approved by City Council on September 8, 2008.

Prior to application for and issuance of certificates of occupancy, to disconnect ten footing drains from the sanitary sewer system im accordance with the ' *Guidelines for Completion of Footing Drain Disconnections, City of Ann Arbor – Development Offset-Mitigation Program* November 2005 edition, as amended). The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the developement prior to the completion of all of the required footing drain disconnects on a proprated basis, at the discretion of the CITY Public Services Area. CITY agrees to provide PROPRIETOR with a certificate of completion upon PROPRIETOR's submittal of approved and final closed-out permits to the CITY Public Services Area.

3. Exhibit A is incorporated herein by reference.

Proprietor hereby agrees to assume all obligations of the PROPRIETOR in the Agreement.

All terms, conditions, and provisions of the Agreement between the parties executed September 30, 2010, unless specifically amended above, are to apply to this amendment and are made a part of this amendment as though expressly rewritten, incorporated, and included herein.

This amendment to the Agreement between the parties shall be binding on the heirs, successors and assigns of the parties.

Dated this	, 2013.	
		For City of Ann Arbor
		By John Hieftje, Mayor
		By Jacqueline Beaudry, City Clerk
Approved as to form	n and content	Approved as to substance
Stephen K. Postema,	City Attorney	Steven D. Powers, City Administrator
		For Proprietor
STATE OF MICHIGA		By
County of Washtenav) SS: v)	
Clerk of the City of Ar persons who execute of said Corporation, a	nn Arbor, a Michiga d this foregoing ins and acknowledged t	, 2013, before me personally appearedJohn Hieftje, Mayor, and Jacqueline Beaudry, n Municipal Corporation, to me known to be the trument, and to me known to be such Mayor and Clerk hat they executed the foregoing instrument as such Corporation by its authority.
		NOTARY PUBLIC County of Washtenaw, State of Michigan My Commission Expires: Acting in the County of Washtenaw

STATE OF MICHIGAN)	
)ss: County of Washtenaw)	
appeared	, 2013, before me personally, to me known to be the person who
executed the foregoing instrument, a instrument as his free act and deed.	and acknowledged that he executed the foregoing
	NOTARY PUBLIC
	County of Washtenaw, State of Michigan My Commission Expires:
	Acting in the County of Washtenaw