

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 15, 2013

**SUBJECT: 413 East Huron Street Site Plan for City Council Approval
(413 E. Huron Street)
Project No. SP12-036**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street Site Plan and Development Agreement.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 413 East Huron Street alternative natural features mitigation for off-site planting or cash contribution equivalent to six-caliper inches of required tree replacement.

STAFF RECOMMENDATION

Staff recommends that the site plan be **postponed** to allow outstanding comments from the Michigan Department of Transportation to be received and any necessary revisions to be made, as well as allow an opportunity for the petitioner to finalize discussions with Parks staff.

LOCATION

This site is located at the northeast corner of East Huron and North Division Streets, and is in the Downtown Development Authority district and the Allen Creek watershed. The site abuts the Old Fourth Ward Historic District to the north.

DESCRIPTION OF PETITION

The subject site is comprised of three parcels and currently contains a one-story office building (originally constructed as a grocery store), a pizza shop (originally constructed as a gas station) and a two-story dwelling with several apartments. It is zoned D1 (Downtown Core District) and East Huron 1 Character Overlay District.

The petitioner is seeking approval to construct a 14-story, 271,855-square foot apartment building containing 216 dwelling units/533 bedrooms and 132 vehicle underground parking spaces. 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 380% of floor area, for a total floor area ratio of 680%. The petitioners intend 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) on both its East Huron and North Division street frontages. The proposed building has a zero setback along its street frontages, although the first floor is recessed six feet from the

property line on the south side and 19 feet at the North Division Street corner. The proposed building has a 25-foot side setback (east) and a 30-foot minimum, variable-width rear setback along the irregular rear lot line.

Two curb cuts are proposed to access the site, one on East Huron Street at the eastern edge of the site and one on North Division Street near the north edge of the site. The driveway off East Huron Street provides access to a two-level underground parking garage. The North Division Street driveway provides access to 10 surface-level covered parking spaces behind the building, as well as building deliveries and trash/recycling facilities.

The ground floor of the proposed building includes the resident's lobby at the southeast corner, building manager and utilities spaces, one studio apartment and approximately 4,000 square feet of retail space. Also provided on the ground floor is space for food kiosks and a coffee bar.

The second floor is an apartment level with 16 dwelling units. The proposed tenant amenity spaces, including a gym, yoga studio, business center and outdoor pool, are located on the third floor, along with some apartments. Floors 4 through 14 will have 17 apartments each. Over 40% of the proposed dwelling units will have two bedrooms. The remaining units are proposed to be four-bedroom apartments (28%), one bedroom apartments (19%) and three-bedroom apartments (10%). Every bedroom has at least one window directly to the outdoors.

Bicycle parking is provided outside the building near the southeast corner and the west side, and inside the building. Twenty seven individual bike lockers are proposed in the lower level of the parking garage and at least six individual lockers are proposed in the common hallways on each apartment level.

The development does not have a traditional surface parking lot and so it is not required to provide a photometric plan. Lighting for the rear of the building (north side) has not yet been selected by the petitioner but will be designed to be dark-sky friendly and will not produce glare or spillover onto adjacent properties.

Storm water management for the site will be provided in tanks underneath the parking garage. Detention for a 100-year storm volume is proposed and will outlet to a storm sewer in North Division Street, which will be extended by the petitioner.

There are no protected natural features on the site. The one landmark-sized tree on the subject site is in such poor condition that it does not qualify as a protected natural feature. There are three landmark trees on adjacent properties whose critical root zones extend onto the subject site. One of those landmark trees, a 24-inch Black Walnut at 114 North Division Street, will be impacted by the proposed development in more than half of its critical root zone and will be mitigated. Half (six caliper inches) of the required mitigation will be provided on-site and the other half will be made alternatively by providing funds for the management of natural features on public land nearby or for the street tree planting program.

A development agreement has been drafted to address a variety of issues, including: alternative natural features mitigation, amenities provided in lieu of a parkland contribution, required footing drain disconnections, off-site sanitary sewer capacity improvements, street lighting, and documentation of LEED Energy & Atmosphere points.

The project's estimated construction cost is \$45,000,000.

DESIGN REVIEW BOARD

The petitioner presented the 413 East Huron Street Site Plan project to the Design Review Board on October 17, 2012. The proposed design is “modern industrial,” and the proposed materials include several sizes, colors and textures of brick, concrete, and metal screening.

In summary, the Board discussion touched upon the street level design, noting the building was tight to the street; the landscape buffer areas and the shallowness of the planting depth; the third floor outdoor space and whether those amenities should be moved to a street level courtyard; the north elevation, noting it rose straight up; the rich palette of materials, which are impressive and important to the success of the design; and the tower massing, indicating the building seems to crowd the corner and appears blocky without a distinct top.

The petitioners identified nine specific comments made by the Board (four regarding site planning, two regarding building massing, and three regarding building elements) and responded to each in a chart provided with their petition submittal. Design changes made as a result of the DRB comments, as noted in the response chart and shown on the proposed site plan, include creating a colonnade along East Huron Street frontage and creating an inset retail plaza at the Huron/Division corner; introducing a glass corner and creating a two-story retail corner element; increasing the planting depth in the landscape buffer; introducing new and increasing existing vertical recesses and changes in the building façade plane; switching exposed concrete with tile and glazed brick; and a commitment to a high quality material palette.

The full Design Review Board report and the petitioner’s response are attached.

CITIZEN PARTICIPATION

The petitioner held a meeting for interested citizens on November 1, 2012, two 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. The full report provided by the petitioner is attached.

In general, the discussion at the meeting addressed:

- Relationship of the proposed building to the historic district to the north
- Building massing, height, footprint and setbacks, in general
- The north façade design, materials and elevation, in particular
- Additional traffic on East Huron Street
- Student housing market saturation and the need for retiree housing

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Residential	R4C Multiple-Family Dwelling
EAST	Hotel	D1, East Huron 1
SOUTH	Commercial, Residential	D1, East Huron Street 2
WEST	Commercial	D1, East Huron Street 2

COMPARISION CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Base Zoning	D1 (Downtown Core)	D1 (Downtown Core)	D1 (Downtown Core)
Gross Lot Area	39,957 sq ft	39,957 sq ft	No minimum
Max. Usable Floor Area in % of Lot Area	33% (13,150 sq ft)	680% (271,855 sq ft)	400% MAX normal (159,828 sq ft MAX) Up to 700% MAX with premiums (up to 279,699 sq ft MAX)
Premiums	None used	112,027 sq ft additional floor area	Up to 119,871 sq ft additional floor area MAX
Character Overlay District	East Huron 1	East Huron 1	East Huron 1
Streetwall Height	2 stories	2-3 stories	2 stories MIN 3 stories MAX
Offset at Top of Streetwall	Not applicable	None	None
Building Height	1 and 2 ½ stories	14 stories 150 feet	24 ft/2 story MIN 150 ft MAX
Massing Articulation	Not applicable	Not applicable	None
Side, Rear Setbacks	0 ft north side, 92 ft east side	150 ft from Huron, 30 ft from north property line	Tower shall be located not further than 150 ft from East Huron Street property line 30ft MIN setback from any residential zoning district
Building Frontages	Secondary Street	Secondary Street	Secondary Street
East Huron Street	0 ft	0 ft	0 ft MIN, 10 ft MAX
North Division Street	25 ft	0 ft	0 ft MIN, 10 ft MAX
Parking	Special Parking District	Special Parking District	Special Parking District
Parking – Automobiles	40 spaces	132 spaces	112 spaces MIN
Parking – Bicycles	None	144 (134 class A, 4 Class B, 6 Class C)	109 Class A spaces MIN

HISTORY

The site was rezoned as part of the A2D2 Zoning Initiative. Prior to the A2D2 rezoning, the three parcels were zoned C2B/R (401 E. Huron) and C2A/R (413 E. Huron and 110 N. Division). The current base and character overlay zoning districts, building frontage standards and height limits became effective in December 2009. The commercial/office building at 413 East Huron Street, originally built as a grocery store, was constructed in 1930. There has been a gas station at 401 East Huron Street since 1934. The current building was significantly rebuilt in

1984 and most recently used as a pizza shop. The house at 110 North Division Street was built in 1901.

PLANNING BACKGROUND

The Downtown Plan 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 Downtown Plan 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 plan (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).

The Downtown Plan also addresses sensitivity to context, encouraging design approaches which minimize the extent to which high-rise buildings create negative impacts in terms of scale, shading, and blocking views (page 33). The Plan notes that these qualities cannot be legislated into existence nor guarantee any “mistakes” are prevented, instead it all depends on the sensitivity, skill and creativity of individual developers and their design teams.

The Non-Motorized Transportation Plan indicates there is an opportunity for near-term pedestrian street improvements with a major mid-block crossing for East Huron Street between South Division Street and South State Street. No specific location on the block was identified. The Non-Motorized Transportation Plan explains that a major mid-block crossing will likely have features such as crossing islands. (Page 160)

SERVICE UNIT COMMENTS

Downtown Development Authority (DDA) – The DDA has reviewed the proposed site plan for consistency with the existing and planned streetscapes along North Division and East Huron Streets, including sidewalk materials, bike hoops, landscape planters and lighting. Additional comments may be issued up to the time of construction.

Fire – The proposed building lies entirely within a 250-foot radius of a fire hydrant and meets the 400-foot hose lay requirement. The Fire Marshal has noted that both East Huron and North Division Streets can be considered aerial fire apparatus access roads and both provide adequate widths for fire department operations in case of emergencies. The proposed project meets all requirements set forth in city standards as well as the International Fire Code 2003 edition with respect to access.

Forestry and Natural Resources – Staff requested the petitioner work with a Michigan-based board certified master arborist to evaluate the impacts of shading on the off-site landmark trees.

In response, the petitioner contacted several such arborists who all indicated that impact reports generally focus on grading and excavation within a critical root zone and not shading impacts. One arborist indicated that any evaluation would be an opinion and not based on science or any established research as none exists. All arborists agreed that any shading impacts would most likely be less significant than grading or excavation within the critical root zones.

Staff supports the petitioner's request for alternative mitigation for half of the required tree replacement. There is little room to successfully plant more trees on the site and increasing the planting size of proposed trees already shown on the plans may make them so large as to not be viable.

Parks – The park contribution request is calculated to be \$133,920 with no amenities provided, based on the number of units proposed. With a credit for private recreational amenities, this amount may be reduced by up to 50%. Parks staff and the petitioner have not yet determined a reduction percentage for the proposed private open space shown on the site plan.

System Planning – Adequate sanitary sewer infrastructure exists for the proposed development by connecting to the sanitary sewer main in North Division Street (as proposed). As the proposed site plan includes storm water management for a 100-year storm, it provides a significant improvement in the amount and quality of the storm water runoff coming from the site, which currently has no storm water management. The detention system is being directed to the storm sewer main in North Division Street, which will be extended south by the petitioner as part of this project. City maintenance records indicate there have been a few instances of debris clogging storm sewer inlets in the vicinity; however, the storm sewer infrastructure will function normally with the proposed development.

Traffic – City of Ann Arbor – City staff has reviewed the petitioner's traffic impact study and agree with its conclusion that the proposed development will have no significant adverse impact on the levels of service for intersections in the area. As East Huron Street is a state trunkline, Michigan Department of Transportation (MDOT) review of the traffic impact statement is required. Pending this review, MDOT may or may not indicate the need for mitigation at nearby intersections along Huron Street. MDOT may also have comments on the proposed re-establishment of one of the two existing curb cuts onto East Huron Street. Curb cut dimensions or special design configurations (such as a 'pork chop' median to restrict turning movements to 'right in right out only') will be considered as part of MDOT's review and issuance of a right-of-way permit at the construction stage.

Traffic – Michigan Department of Transportation – Comments have not yet been received.

Planning – The proposed petition meets all minimum or maximum development standards for new developments in the downtown. The petitioner has demonstrated compliance with the requirements for residential floor area premiums offered in the Zoning Ordinance, which is necessary to exceed the D1 maximum FAR of 400%. The petitioners have also complied with required site plan review procedures, including presenting to the Design Review Board and providing a written response to the Design Review Board's comments.

During the review process, staff received comments from nearby residents concerned about the massing and setbacks for this proposal, citing inconsistency with the Downtown Design Guidelines. These guidelines are not binding on the petitioner, but are important statements of community values for new development in the downtown. Planning staff and residents provided suggestions to the petitioner about alternative configurations, including shifting the building

mass into a taller tower at the southwest corner of the site or filling in the proposed inset at the front of the building to reduce the height. The petitioner's design team considered these options and determined the changes would not fit their development program.

Staff also received citizen comments about several issues that are not addressed by code requirements. These include the impact of a tall building on solar access for properties to the north and the potential to create wind shear problems in the area. Concerns expressed about noise pollution from mechanical equipment will be addressed at the construction plan stage when equipment is reviewed for compliance with state building code requirements.

Prepared by Alexis DiLeo
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
- Elevations

c: Petitioner: Ann Arbor Green Property Owner, LLC
50 North Water Street
Norwalk, CT 06854

Petitioner's Agent: Midwestern Consulting, LLC
Attn: Earl Ophoff
3815 Plaza Drive
Ann Arbor, MI 48108

City Attorney's Office
DDA
Project Management
Systems Planning
Project No. SP12-036

413 EAST HURON STREET DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 20__, 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 Ann Arbor Green Property Owner, LLC, a Delaware Limited Liability Corporation, with principal address at c/o Greenfield Partners, LLC, 50 North Water Street, South Norwalk, CT 06854, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as 413 East Huron Street, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as 413 East Huron Street, 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 sanitary sewer mains, public and 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.

(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. 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 be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to East Huron Street and/or North Division Street such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along those street frontages when such improvements are determined by the CITY to be necessary.

(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 and street 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 and street 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) For the benefit of the residents of the PROPRIETOR'S development, to make a park contribution of \$133,920 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to _____.

(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 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-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 62 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. The PROPRIETOR, however, 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) 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 two 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-18) Prior to application for the first building permit, to submit a request to the City Assessor to combine the three tax parcels that comprise the site.

(P-19) 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-20) 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-21) 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

(P-2) 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 413 East Huron Street Site Plan.

(C-2) To use the park contribution described above for improvements to parkland within one-quarter mile of the site.

(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 1: (AS SURVEYED)

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF HURON STREET AND THE EAST LINE OF DIVISION STREET AND RUNNING THENCE NORTH 04 DEGREES 10 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF DIVISION STREET, 124 FEET; THENCE SOUTH 85 DEGREES 47 MINUTES 20 SECONDS EAST 68 FEET; THENCE SOUTH 04 DEGREES 10 MINUTES 40 SECONDS WEST 28 FEET; THENCE NORTH 85 DEGREES 47 MINUTES 20 SECONDS WEST 4 FEET; THENCE SOUTH 04 DEGREES 10 MINUTES 40 SECONDS WEST 96 FEET TO THE NORTH LINE OF HURON STREET; THENCE NORTH 85 DEGREES 47 MINUTES 20 SECONDS WEST 64 FEET TO THE PLACE OF BEGINNING, BEING PART OF ASSESSOR'S PLAT No. 8 IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN. EXCEPTING THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT A POINT WHERE THE EAST LINE OF DIVISION STREET INTERSECTS THE NORTH LINE OF HURON STREET; RUNNING THENCE NORTH 04 DEGREES 10 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF DIVISION STREET, 88.5 FEET; THENCE SOUTH 85 DEGREES 47 MINUTES 20 SECONDS EAST PARALLEL TO THE NORTH LINE OF HURON STREET, 64 FEET; THENCE SOUTH 04 DEGREES 10 MINUTES 40 SECONDS WEST PARALLEL TO THE EAST LINE OF DIVISION STREET, 88.5 FEET; THENCE NORTH 85 DEGREES 47 MINUTES 20 SECONDS WEST 64 FEET ON THE NORTH LINE OF HURON STREET TO THE POINT OF BEGINNING.

PARCEL 2: (AS SURVEYED)

COMMENCING AT A POINT WHERE THE EAST LINE OF DIVISION STREET INTERSECTS WITH THE NORTH LINE OF HURON STREET; THENCE RUNNING NORTH 04 DEGREES 10 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF DIVISION STREET 78.5 FEET; THENCE EAST 85 DEGREES 47 MINUTES 20 SECONDS EAST PARALLEL TO THE NORTH LINE OF HURON STREET 64 FEET; THENCE SOUTH 04 DEGREES 10 MINUTES 40 SECONDS WEST PARALLEL TO THE EAST LINE OF DIVISION STREET 78.5 FEET; THENCE NORTH 85 DEGREES 47 MINUTES 20 WEST ON THE NORTH LINE OF HURON STREET 64 FEET TO THE PLACE OF BEGINNING. ALSO A NON-EXCLUSIVE RIGHT OF WAY OVER A STRIP OF LAND 10 FEET IN WIDTH ADJOINING AND CONTIGUOUS TO THE ABOVE DESCRIBED PARCEL ON THE NORTH TO BE USED AS A COMMON

DRIVEWAY, BEING A PART OF LOT 23 OF ASSESSOR'S PLAT No. 8 IN THE CITY OF ANN ARBOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 4 OF PLATS, PAGE 38, WASHTENAW COUNTY RECORDS.

PARCEL 3: (AS SURVEYED)

LOT 22 AND PART OF LOTS 21 AND 23, ASSESSOR'S PLAT No. 8, AS RECORDED IN LIBER 4 OF PLATS, PAGE 38, WASHTENAW COUNTY RECORDS, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF HURON STREET, SOUTH 85°47'20" EAST 64.00 FEET EAST OF INTERSECTION OF SAID NORTH LINE OF HURON STREET WITH EAST LINE OF DIVISION STREET; THENCE RUNNING SOUTH 85°47'20" EAST ALONG THE NORTH LINE OF HURON STREET, 185.50 FEET, AND TO SOUTHWEST CORNER OF LAND NOW OWNED BY SLOAN PLAZA CONDO (AND ONCE OWNED BY BAPTIST CONVENTION OF THE STATE OF MICHIGAN); THENCE NORTH 04°10'40" EAST ALONG WEST LINE OF LAND OF SAID SLOAN PLAZA CONDO, 200.83 FEET; THENCE SOUTH 85°47'20" EAST PARALLEL WITH NORTH LINE OF HURON STREET, 84.40 FEET; THENCE SOUTH 04°10'40" WEST PARALLEL WITH WEST LINE OF DIVISION STREET, 50.00 FEET; THENCE SOUTH 85°47'20" EAST PARALLEL WITH THE NORTH LINE OF HURON STREET, 32.00 FEET; THENCE NORTH 04°10'40" EAST PARALLEL WITH THE WEST LINE OF DIVISION STREET, 74.20 FEET; THENCE NORTH 85°47'20" WEST PARALLEL WITH NORTH LINE OF HURON STREET, 152.03 FEET; THENCE SOUTH 04°10'40" WEST ALONG EAST LINE OF LAND NOW OWNED BY TYLER NORMAN TRUST (ONCE OWNED BY WAHR), 24.20 FEET AND TO SOUTHEAST CORNER OF SAID TYLER NORMAN TRUST'S LAND; THENCE NORTH 85°47'20" WEST ALONG SOUTH LINE OF TYLER NORMAN TRUST'S LAND, 59.48 FEET; THENCE SOUTH 04°10'40" WEST PARALLEL WITH THE WEST LINE OF DIVISION STREET, 40.00 FEET; THENCE NORTH 85°47'20" WEST PARALLEL WITH THE NORTH LINE OF HURON STREET, 22.39 FEET; THENCE SOUTH 04°10'40" WEST PARALLEL WITH THE WEST LINE OF DIVISION STREET, 36.83 FEET; THENCE NORTH 85°47'20" WEST PARALLEL WITH THE NORTH LINE OF HURON STREET, 64.00 FEET; THENCE SOUTH 04°10'40" WEST PARALLEL WITH THE WEST LINE OF DIVISION STREET, 28.00 FEET; THENCE NORTH 85°47'20" WEST PARALLEL WITH THE NORTH LINE OF HURON STREET, 4.00 FEET; THENCE SOUTH 04°10'40" WEST 96.00 FEET TO THE PLACE OF BEGINNING, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 29, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, EXCEPTING THEREFROM LAND CONVEYED TO ERVIN ACCEPTANCE COMPANY, A MICHIGAN, CORPORATION, RECORDED IN LIBER 392, PAGE 444, WASHTENAW COUNTY RECORDS.

PARCEL 4: (AS SURVEYED)

THE NORTH 10 FEET IN WIDTH, NORTH AND SOUTH OF THE FOLLOWING PARCEL OF LAND, TO WIT: COMMENCING AT A POINT WHERE THE EAST LINE OF DIVISION STREET INTERSECTS THE NORTH LINE OF HURON STREET; THENCE RUNNING NORTH 04°10'40" EAST ALONG THE EAST LINE OF DIVISION STREET 88.50 FEET; THENCE SOUTH 85°47'20" EAST

PARALLEL TO THE NORTH LINE OF HURON STREET, 64.00 FEET; THENCE SOUTH 04°10'40" WEST PARALLEL TO THE EAST LINE OF DIVISION STREET, 88.50 FEET; THENCE NORTH 85°47'20" WEST ON THE NORTH LINE OF HURON STREET, 64.00 FEET TO THE PLACE OF BEGINNING, BEING THE NORTH 10 FEET OF THE SOUTH 88.5 FEET OF LOT 23, ASSESSOR'S PLAT NO. 8, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

(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:

County of Washtenaw) ss:
)

On this _____ day of _____, 20__, before me personally appeared _____, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as his free 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 Design Review Board

413 E. Huron Street Summary Report

October 17, 2012

The Design Review Board met on October 17, 2012 to review the **413 East Huron** 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 East Huron Character Area guidelines also apply.

Site Planning

1. Provide additional width and porosity at the street level along Huron and Division to create a comfortable pedestrian experience. Suggestions for improving the character of the street level include further setting back the southwest corner of the building, providing a colonnade along both the Huron and Division frontages, or setting the building back from both streets without decreasing the setbacks to the north and east, which will result in narrowing the building. Since there is parking in excess of the requirement, some of the surface spaces behind the building could be removed to shift the first floor back (see Guidelines A.1.1, A.1.2 and A.4.2).
2. Take advantage of the opportunity for a signature building at this prominent corner. Provide attention to the corner experience by differentiating it from the rest of the building, either through height or materials (see Guidelines A.1.3 and B.1.1b).
3. The driveway at the rear could double as a shaded urban plaza, like the Dutch woonerf, to provide a nice amenity for the neighborhood (see A.4.1 and A.4.2).
4. Confirm the feasibility of placing landscaping over the parking structure on the north side. Two feet of soil is not sufficient to support the proposed trees between the parking and the adjacent residences. Consider decreasing the size of the below grade parking to allow for trees (see Guideline A.4.2).

Building Massing

1. Consider changes in color, materials or pattern of materials to differentiate the tower from the base (see Guidelines B.1.1c and B.1.2).

2. Consider providing variation in the north façade by pulling the center section of the “U” toward Huron Street, creating more articulation of the north facade, and lessening the shading impact on the neighborhood to the north (See Guidelines A2.2 and B.1.1a).

Building Elements

1. To balance the starker look of the concrete columns at street level, add richer and more detailed materials to supplement the wood storefront windows (see Guideline C.1.1c).
2. Since the proposed design showcases an impressive material palette, consider offering materials proposed (standard sized iron spot brick, stand sized glazed brick (two colors), architectural concrete, stained wood full height grade level doors, full-height TDL metal windows, expressed relief angles at each floor level, and stained wood ceiling at pedestrian colonnade) as a component of the development agreement with the City of Ann Arbor (see Guidelines C.1.1b, C.1.1c and C.5,1).
3. Consider relocating the resident entry closer to the intersection to activate the corner and encourage pedestrian crossings to cross in crosswalks (see Guideline C.2.1).

In conclusion, the design as presented does not meet the intent of the design guidelines in responding to the context of the site, responding to a unique corner opportunity, respecting adjacent properties or enhancing the pedestrian experience.

Referenced Sections of the City of Ann Arbor Downtown Design Guidelines

Design Guidelines for Context and Site Planning

- A.1.1 Identify and then reinforce the positive characteristics of adjacent sites.
- A.1.2 Design sidewalk level features and facilities to provide enrichment of the pedestrian experience
- A.1.3 Corner sites are an opportunity to express an architectural gateway or focal point and a dominant architectural feature.
- 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.4.2 Provide a pedestrian-friendly street edge at street level adjacent to surface parking areas and enclosed parking structures. Provide a landscape buffer appropriate to urban conditions at the edges of surface parking lots.

Design Guidelines for Buildings

- B.1.1 Design a building to minimize its impact on adjacent lower-scale areas
 - a) Step taller building elements away from adjacent lower-scale buildings and/or neighborhoods
 - b) Locate taller building elements at the intersection of streets
 - c) Provide variation in building massing to reflect the underlying pattern of established lot widths

- 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.1.1 Use building elements to create a street edge that invites pedestrian activity. Suggested street edge elements include:
 - b) Architectural details that provide a sense of scale
 - c) Wall surfaces with visually interesting detailing, textures and colors
- C.2.1 Clearly define a primary entrance and orient it toward the street
- C.5.1 Apply materials to provide a sense of scale in proportion to the scale and mass of the building

Meeting Discussion Summary

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

Members: Absent: Paul Fontaine

Design Team Representatives: Walter Hughes (Humphrey & Partners), Alex Caldewood (Ace Hotel), Eric Choeng (Ace Hotel)

Developer Representative: Conor McNally (Carter)

Chair Burns reviewed the goals of the Design Review Board's review, which are to clarify and interpret the design guidelines. She explained that modifications are voluntary, but the community expectation is that the building will reflect the goals of the city and the context of the site. She noted that the developers had scheduled a citizen participation meeting for November 1 at the same time as the meeting for 624 Church Street proposal. She said the developer's representative is checking to see if the meeting can be moved to another date.

Conor McNally introduced the project. He said that he works for Carter, the development team lead. It is important for the team that the building stands the test of time and appeals to a diverse tenant base.

Their demographic for this project is upperclassman, graduate students and young professionals. Humphreys and Partners is the lead architect and Ace Hotel has been retained for interior and exterior design.

Walter Hughes, Humphrey & Partners Architects, provided an overview of the project. There will be two levels of parking below grade, a fourteen-story apartment building with a FAR of 6.7 and open space at the rear. He said they reviewed the guidelines as they were developing the design. As a result of early feedback they received, they decided to pull the tower toward the corner to provide setbacks to the north and the east. There will be ground floor retail along Huron Street, with the apartment entrance, common areas and a lobby at the southeast corner of the building. The design team focused on activating Huron Street with permeable frontage containing several uses.

Alex Caldewood introduced himself and said his firm, Ace Hotel, is an independent hospitality business from Portland. Their intent is to create something enduring and substantive and they have been working to provide the point of view that informs project. They are looking to become a thread in the fabric of the community.

Eric Choeng, Ace Hotel, reviewed the site plan. The design team sought to create something that would draw in pedestrians and serve the community, in addition to residents. One of the big decisions was to pull the security boundary back to create a lobby at the southeast corner. Next to the parking garage ramp is an alley to the surface parking area and the open space at the rear of site. He said there would be a coffee shop and a rotating food kiosk area in the lobby. They pulled the lobby façade back five feet to invite pedestrians, and at the corner, they also pulled in the entry. He said the design team is open to how to use the green buffer area at the rear of the site, and they want to make it useful.

Hughes and Choeng discussed the building massing. He said they developed a strong two-story streetwall, with a U-shaped tower bounding an amenity area on the third floor. The outdoor area on the third floor creates a step back on the south side. There is a different brick color and finish from the third floor up. There was a conscious decision to choose brick, but use it in a contemporary way. The focus is on sustainable sources and an organic approach. The lower level has wood storefront windows. This treatment changes to a metal window system moving up the tower. There will be exposed concrete columns as the street level, which can provide an opportunity for art.

The Board asked about the design team's assessment of site context. Hughes responded that this site has an eclectic context that is hard to pin down. There are hotels, the hospital, and an interesting dialogue with the Municipal Center. Choeng said they wanted to be brave with this building to show that there can be something different.

The Board discussed the street-level design. The building seems very tight to the street, resulting in a narrow pedestrian zone. This applies to both the Division and Huron frontages, although the Huron frontage is the most important. This narrowness will affect the pedestrian experience due to the proximity of heavy traffic on Huron, and therefore will have an impact on the success of the retail uses.

Suggestions for improving the character of the street level include setting back the corner at the street level, providing a colonnade along both the Huron and Division frontages or setting the building back from both streets without decreasing the setbacks to the north and east which will result in narrowing the building. Since there is parking in excess of the requirement, some of the surface spaces behind the building could be removed to shift the first floor back.

It was noted that the below grade parking extends to the property line on the north, yet there are trees shown in the landscape buffer. Hughes said there would be two feet of cover in which to plant landscaping, such as a hedge and grasses. The Board suggested that the landscape buffer should have verticality to provide privacy for the adjacent neighbors to the north, and that they would need at least four feet of soil to support trees. One suggestion was to decrease the size of the below grade parking to allow for trees. Another suggestion was the use of green screens, but it was noted that this might not be consistent with the historic neighborhood.

The Board asked about the purpose of the driveway. Hughes said the driveway provides access to the surface parking lot and trash area, and deliveries would be made at the rear of the building. The Board suggested that the driveway could double as a shaded urban plaza, like the Dutch woonerf, to provide a nice amenity for the neighborhood.

The Board asked about the third floor outdoor space. The design team explained it will be an outdoor activity area for tenants, like an outdoor room. It will be a green space, potentially with a small pool. They have a similar theme at a building in Cincinnati, which also has colder winters, but the residents still enjoy looking out over the pool. In response to a question about whether the courtyard could be brought down to ground level, the design team indicated that it is important to have a public lobby at street level. If the upper courtyard was moved down, it would take more room than they can provide. The Board noted that the pool at the nearby Campus Inn was recently removed.

The Board observed that looking at the north elevation, the building has an imposing width and there should be some relief other than a wall of windows. They suggested the courtyard may be larger than it needs to be and asked the design team to explore shifting the north segment of the "U" to the south, resulting in an "H" design with a smaller plaza and more variation on the north façade.

A question was raised about the location of bicycle parking. The design team explained that there are parking facilities on each floor and covered spaces near the building entrance.

The Board observed that one strength of the project is the rich palette of materials proposed, and this causes some concern about the potential for value-engineering at the construction stage. Since the proposed design showcases an impressive material palette, the Board suggested the developer consider offering the proposed materials (standard sized iron spot brick, standard sized glazed brick in two colors, architectural concrete, stained wood full height grade level doors, full-height TDL metal windows, expressed relief angles at each floor level, and stained wood ceiling at pedestrian colonnade) as a component of the development agreement with the City of Ann Arbor. The design team responded that

they want to spend money where it is important, but they are not far enough along in the entitlement process to make a commitment on materials without a full accounting of costs. It is possible they may have this information before the site plan is finalized by City Council. They are planning for an early spring construction start.

The Board raised several issues about the massing of the tower. One concern was about how it fit into the context of the area. All of the buildings along Huron and Division are currently set back, so this building would be pulled forward of the buildings on both street frontages. In addition, it is a prominent corner because of the change in street width to the west, but the massing does not respond to this opportunity to do something special. The Board observed that the building feels like it is crowding the corner and suggested that the building be pushed back at the corner.

In addition, the Board commented that the straight-up nature of the tower can be elegant, but the building appears heavy and massive because it is unarticulated and dark. Without a "top", the tower appears blocky. The Board suggested changes in color or materials to differentiate the tower from the base.

The design team explained that the project was envisioned as a building of angles. They noted that the glazing provides a checkerboard surface to the tower. There is a potential to do something with the materials on the corner without losing the consistent aesthetic. From a cost perspective, they would like to avoid lots of different materials. They also would like to maintain the setbacks on the north and east.

The Board discussed the location of the residential entry and whether or not it would encourage pedestrians to cross Huron mid-block. One suggestion was that the pedestrian lobby be moved closer to the corner to encourage crossings at the intersection. The Board acknowledged, however, that it is difficult to anticipate the pedestrian patterns in advance, other than they will always be seeking the shortest route.

The Board observed that the design focuses the richer materials above street level where the pedestrian does not experience it and that there is a lot of concrete at street level. To balance the starker look of the concrete, the Board suggested adding richer and more detailed materials at street level to supplement the wood storefronts. The board encouraged the designers to use the materials in a more playful manner such as shown in the photograph on the materials board of the windows and brick panels shifted out of a vertical rhythm.

SITE PLANNING

DRB Comment	Design Changes
<p>1. Provide additional width and porosity at the street level along Huron and Division to create a comfortable pedestrian experience. Suggestions for improving the character of the street level include further setting back the southwest corner of the building, providing a colonnade along both the Huron and Division frontages, or setting the building back from both streets without decreasing the setbacks to the north and east, which will result in narrowing the building. Since there is parking in excess of the requirement, some of the surface spaces behind the building could be removed to shift the first floor back (see Guidelines A.1.1, A.1.2 and A.4.2).</p>	<ul style="list-style-type: none"> • Have set the retail back an additional 5 feet from the curb for a total of 20 feet • Created a retail colonnade along Huron • Created a sizeable inset retail plaza at the corner of Huron and Division to enhance the corner experience and provide space for outdoor dining • Moved loading dock into the rear of the building to allow retail to wrap all along Division
<p>2. Take advantage of the opportunity for a signature building at this prominent corner. Provide attention to the corner experience by differentiating it from the rest of the building, either through height or materials (see Guidelines A.1.3 and B.1.1b).</p>	<ul style="list-style-type: none"> • Introduced a glass corner to the building, which involved a redesign of the corner unit • Created signature 2-story retail corner element by eliminating a corner unit • Separated the corner by creating vertical insets midway along the "tower" and introducing a change in façade colors • Added a 5 foot high parapet to the corner to further differentiate it from the rest of the building
<p>3. The driveway at the rear could double as a shaded urban plaza, like the Dutch woonerf, to provide a nice amenity for the neighborhood (see A.4.1 and A.4.2).</p>	<ul style="list-style-type: none"> • Have decided that it is better to move the loading to the rear of the building, which creates a service drive and does not allow for a plaza at the rear of the property. • Ultimately our team feels it is better to create a great street retail experience on Division
<p>4. Confirm the feasibility of placing landscaping over the parking structure on the north side. Two feet of soil is not sufficient to support the proposed trees between the parking and the adjacent residences. Consider decreasing the size of the below grade parking to allow for trees (see Guideline A.4.2).</p>	<ul style="list-style-type: none"> • Have confirmed that we will have at least 4 feet of soil in the landscape buffer to the north (by building up the planter bed) • This will ensure we can successfully grow trees in this buffer

BUILDING MASSING

DRB Comment	Design Changes
<p>1. Consider changes in color, materials or pattern of materials to differentiate the tower from the base (see Guidelines B.1.1c and B.1.2). Design Review Board 413 East Huron Street Project October 17, 2012 Page 2</p>	<ul style="list-style-type: none">• Have introduced new colors of brick, vertical recesses and changes in the plane of the building façade to differentiate not only the tower from the base, but also to break up the various sections of the tower
<p>2. Consider providing variation in the north façade by pulling the center section of the “U” toward Huron Street, creating more articulation of the north facade, and lessening the shading impact on the neighborhood to the north (See Guidelines A2.2 and B.1.1a).</p>	<ul style="list-style-type: none">• Have introduced significant variation and articulation in the north façade• Varied the plane of the façade by ~4 feet to create articulation• Varied the color of brick for each vertical component

BUILDING ELEMENTS

DRB Comment	Design Changes
1. To balance the starker look of the concrete columns at street level, add richer and more detailed materials to supplement the wood storefront windows (see Guideline C.1.1c).	<ul style="list-style-type: none">• Will be replacing the exposed concrete at the street level with either tile or glazed brick
2. Since the proposed design showcases an impressive material palette, consider offering materials proposed (standard sized iron spot brick, standard sized glazed brick (two colors), architectural concrete, stained wood full height grade level doors, full-height TDL metal windows, expressed relief angles at each floor level, and stained wood ceiling at pedestrian colonnade) as a component of the development agreement with the City of Ann Arbor (see Guidelines C.1.1b, C.1.1c and C.5,1).	<ul style="list-style-type: none">• We absolutely intend to follow through with the high quality material palette that the DRB recognized in our submission
3. Consider relocating the resident entry closer to the intersection to activate the corner and encourage pedestrian crossings to cross in crosswalks (see Guideline C.2.1).	<ul style="list-style-type: none">• Our team believes most pedestrian traffic will head towards the corner at State and Huron, so the relocation of the entry is unnecessary• Keeping the entry away from the corner allows for the creation of a more signature retail corner, and supports the ultimate success of the retail space

City of Ann Arbor - Citizens Participation Meeting
413 E. Huron Street Summary Report
November 1, 2012

Carter hosted a Citizens Participation meeting on November 1, 2012 to review the proposed development for 413 East Huron. The following report contains a summary of the issues the participants discussed with the development team to consider in finalizing the design proposal. One comment was received via e-mail. The team mailed 1,625 postcards and 171 were returned to sender.

Meeting Discussion Summary

Conor McNally introduced the project and reviewed progress in addressing comments from the Design Review Board. Adjustments included changing the look and feel of the building and the site. These changes include variation in the facade of the building to break up the mass, variation in the brick color to further break up the building, pulling back the retail facade along both Huron and Division, movement of the loading dock to the rear of the property and treatment of the Huron Division corner with more glass and higher building cap. He also addressed what the project team would like to do as far as allowing retail to feel local and non-industrial.

One of the men in the audience addressed the light coverage of the building after Conor explained the different exterior brick materials. It turns out though that the citizen is really more concerned with the amount of land that the building is going to cover on the lot.

Norm Tyler said that Conor and company are reluctant to show what the view will look like from Division Street and brought his own hand sketches to show his point of view. He also says that while an attempt has been made to address the historic look of Huron Street no effort has been made to adapt the building to the historic 4th Ward on the North side. He wants a total overhaul of the project because he thinks it's going to get in the way of his sun and that the building is too large for the area.

Next the president of the 4th Ward association said she was frustrated that no one ever tried to contact her personally. She acknowledged that the project team set up time to meet with the surrounding neighbors, but said that they never took time to meet with anyone from Ann Arbor.

A man suggested a way to reposition the elevators so that more light might make its way around the building. By lowering the "U" between the buildings more sun would be available during the day. He also suggested using lighter brick so that the building wouldn't be so imposing to the neighboring community.

A woman said that the back side of the building is not being taken into consideration. She said that putting a driveway or parking to the back of it is not appropriate, and suggested the building be smaller.

A man stated that the emphasis of retail on Huron is inappropriate. He said there is no parking along the street and that traffic is constant and retail will be unsuccessful in that location. He thought the location was inappropriate for student focused housing. If the project fails due to the 3,000 beds currently being added to Ann Arbor they will be left with an unconvertible building.

Another man stated that he feels the building doesn't seem compatible enough with the buildings of the university and looks too industrial.

Another man is worried about the amount of traffic that is going to be added to E. Huron.

A woman followed up on this idea saying that the amount of noise is going to be harmful to her psychiatry practice and the elderly people living in Sloane Plaza.

A man running for board of regents at UM says that the incoming group of regents is going to try to curtail out of state enrollment and that the out of state enrollment is driving the new development.

A woman says that Carter should try to get into the elderly retiree demographic.

Another man points out that the road changes at the lot so that it makes a building there very conspicuous.

The final citizen comment came from an architect who said the building should be viewed in the round. She suggested looking at the spaces and traffic first before designing the building.

The final comment below was received via e-mail in response to the public notice post card.

October 31, 2012
Earl Ophoff
Midwestern Consulting

Re: Proposed Development at 413 E. Huron Street

Dear Mr. Ophoff, Developers and City of Ann Arbor:

I would like for this development to succeed. But your current business plan aims at an already saturated student market and misses a strong a growing market of the baby-boomer generation looking to downsize and move to a vibrant and exciting downtown. One of the worst results of this project -- for you and for the neighbors -- is for it to fail.

Last December my wife and I moved to Sloan Plaza, having sold our "big house" of over 35 years when we no longer needed the space and became interested in downsizing. We moved about

one mile, so the distances were not great. But the change in life style was considerable. We were in search of the vibrant, "green" convenience of downtown living and we feel we have achieved that. We really enjoy the restaurants and cultural events within walking distance of this location. I can walk to work.

Many of our friends have expressed interest in a similar move. They say, "our youngest is about to go to college, we should do what you and Kathy have done." I am convinced that there is a considerable market among the baby boomer generation for housing downtown with the amenities that this location offers. Many would want equity (condos) but some would want the flexibility of renting.

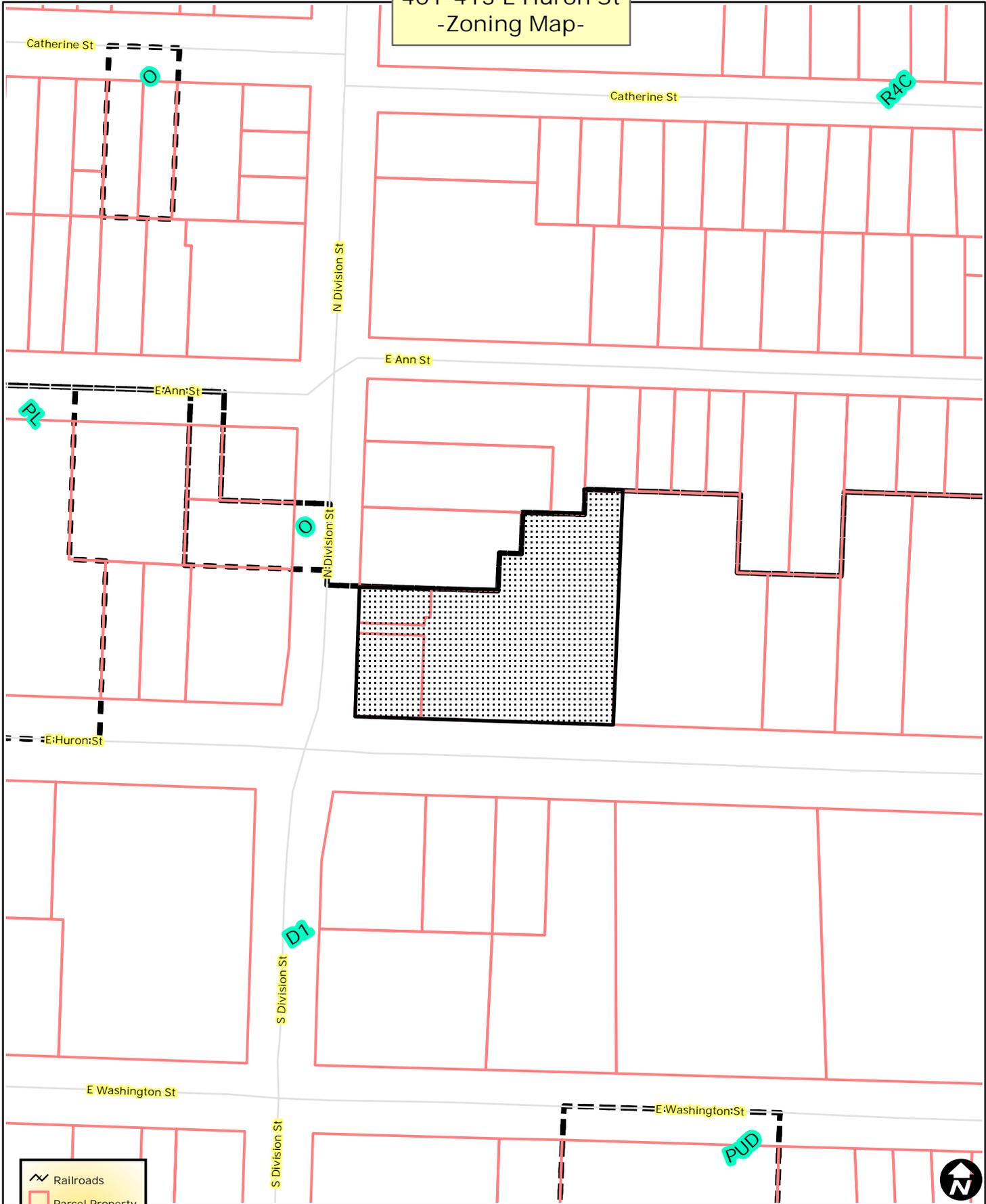
Aiming at this market has implications for your design – and your chances of success. A design with boomers in mind would not preclude the graduate student, young professional you have in mind but might cause a different floor plan and overall feel for a more intergenerational audience. You might build units that are spacious with two bedrooms, but not 4 or more bedrooms suited for student life. Ann Arbor has a long tradition of intergenerational living and I personally find that one of the most attractive aspects to living downtown.

Once you shifted your sights to an intergenerational market, I think some of the other decisions about design will be positively affected. You'll want a positive pedestrian experience, quality retail, and a welcoming visage to the rest of the community. I do not offer specific architectural suggestions, which are beyond my expertise, but I do offer this suggestion which furthers the vision of many neighbors, the city government and the developers.

All the best,

Don Duquette
505 E. Huron, #603

401-413 E Huron St -Zoning Map-



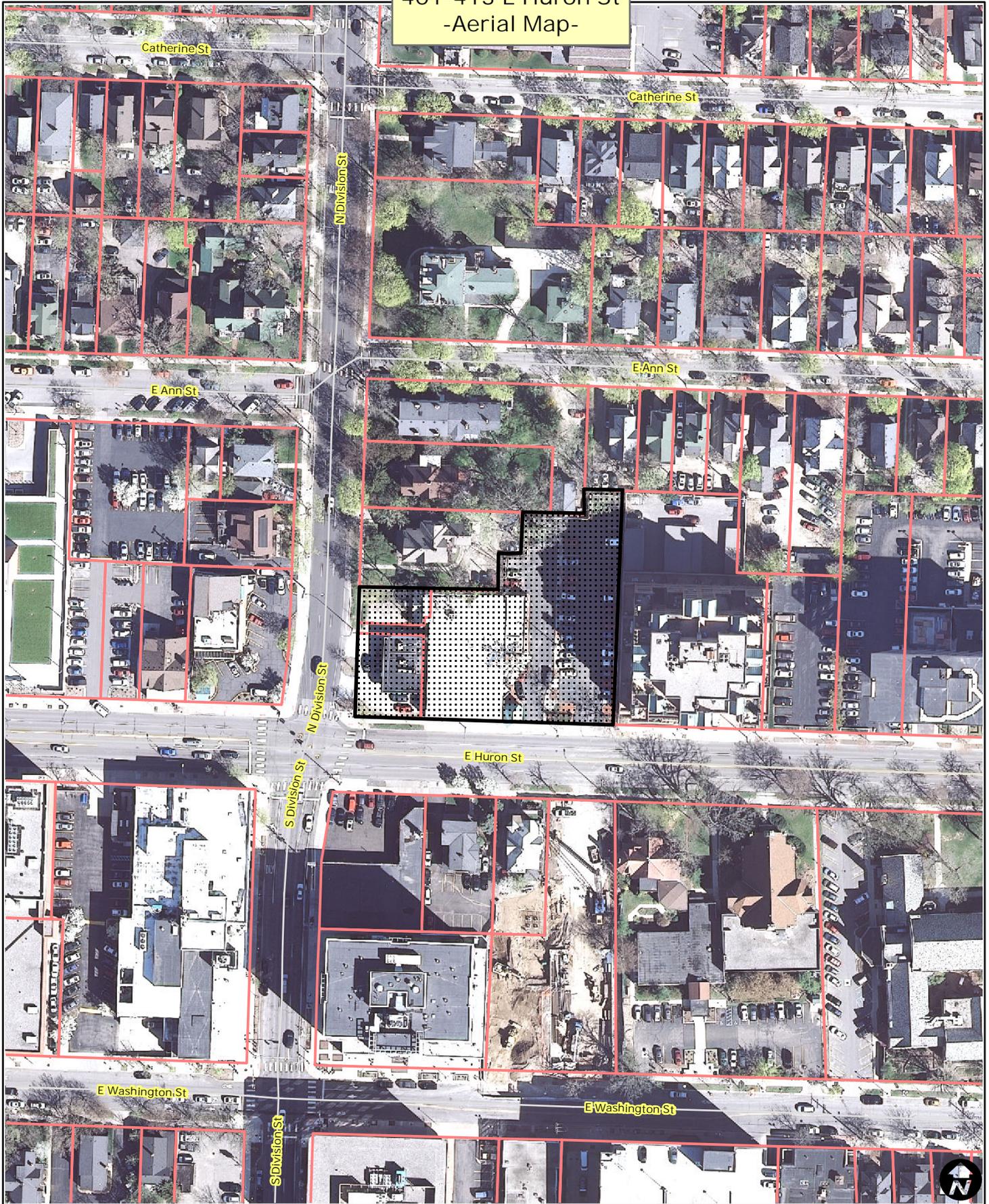
Legend

- Railroads
- Parcel Property
- Zoning**
- Township
- Zoning



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 Map Created: 1/11/2013

401-413 E Huron St
-Aerial Map-



-  Railroads
-  Parcel Property



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 Map Created: 1/11/2013

LANDSCAPE NOTES

- Water outlets will be provided within 150 feet of all required plantings.
- Plant materials shall be selected and installed in accordance with standards established by the City Parks and Recreation Department.
- All diseased, damaged or dead material shown on the site plan as proposed plantings shall be replaced by the end of the following growing season as a continuing obligation for the duration of the site plan.
- Rebare disturbed areas with a minimum of three (3) inches of topsoil and then seed/fertilizer/mulch. Fertilizer for the initial installation of lawns shall provide not less than one (1) pound of actual nitrogen per 1000 sq ft of lawn area and shall contain not less than two percent (2%) potassium and four percent (4%) phosphoric acid. After the first growing season, only fertilizers that contain no phosphorus shall be used on the site. Lawn seed mix shall consist as follows:
 15% Rugby Kentucky Bluegrass
 10% Park Kentucky Bluegrass
 40% Ruby Creeping Red Fescue
 15% Parnell's Perennial Ryegrass
 20% Zoicids Hard Fescue
- Seed shall be applied at a rate of five pounds (5 lbs) per 1000 sq ft. Mulch within 24 hours with two (2) tons of straw per acre, or 71 bales of excelsior mulch per acre. Anchor straw mulch with spray coating of adhesive material applied at the rate of 150 gals/acre.
- Deciduous plants shall be planted between March 1 and May 15 and from October 1 until the prepared soil becomes frozen. Evergreen plants shall be planted between March 1 and June 1 and from August 15 and September 15.
- All plants except ground cover are to receive four (4) inches of shredded bark mulch. Ground cover to receive two (2) inches of Canadian peat mulch. All mulch beds to have landscape fabric between mulch and planting soil.
- All trees to be located a minimum of 10 feet from public utilities.
- All single trunk, deciduous trees shall have a straight and a symmetrical crown with a central leader. One sided trees or those with thin or open crowns shall not be accepted. All evergreen trees shall be branched fully to the ground, symmetrical in shape and have not been sheared in the last three (3) growing seasons.
- Shade trees are to be a minimum of 15 feet on center. Evergreen trees are to be a minimum of 12 feet on center. Shade trees in the conflicting land use buffer are to be 15 feet on center.
- All compacted subgrade soils in proposed landscape areas shall be tilled to a minimum 12-inch depth prior to placement of topsoil, geotextile fabric, or other planting media as specified.
- Planting Soil: Existing, in-place or stockpiled topsoil. Supplement with imported topsoil as needed. Verify suitability of existing surface soil to produce viable planting soil. Remove stones, roots, plants, sod, clods, clay lumps, pockets of coarse sand, concrete slurry, concrete layers or chunks, cement, plaster, building debris, and other extraneous materials harmful to plant growth. Mix surface soil with the following soil amendments to produce planting soil:
 - Ratio of Loose Compost to Topsoil by Volume: 1:4.
 - Ratio of Loose Compost to Topsoil by Volume: 1:4.
 - Ratio of Loose Compost to Topsoil by Volume: 1:4.
 - Ratio of Loose Compost to Topsoil by Volume: 1:4.
 - Weight of Lime per 1000 Sq. Ft.: Amend with lime only on recommendation of soil test to adjust soil pH.
 - Weight of Sulfur or Aluminum Sulfate per 1000 Sq. Ft.: Amend with sulfur or aluminum sulfate only on recommendation of soil test to adjust soil pH.
 - Volume of Sand: Amend with sand only on recommendation of Landscape Architect to adjust soil texture.
 - Weight of Slow-Release Fertilizer per 1000 Sq. Ft.: Amend with fertilizer only on recommendation of soil test to adjust soil fertility.
- Structural soil ("CU-Soil or equal) is to be provided between the building foundation and the back of curb at N. Division Street and E. Huron Street per the detail on this sheet.



SCALE: 1" = 20'
 0 20 40 60

LEGEND

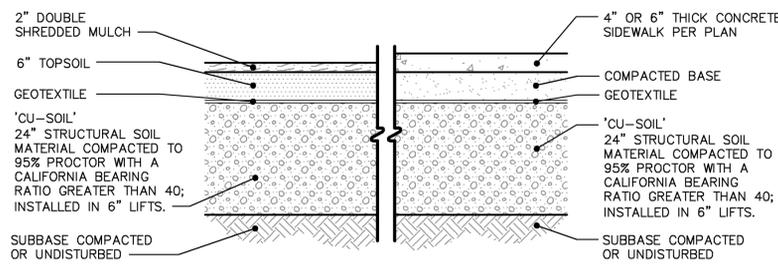
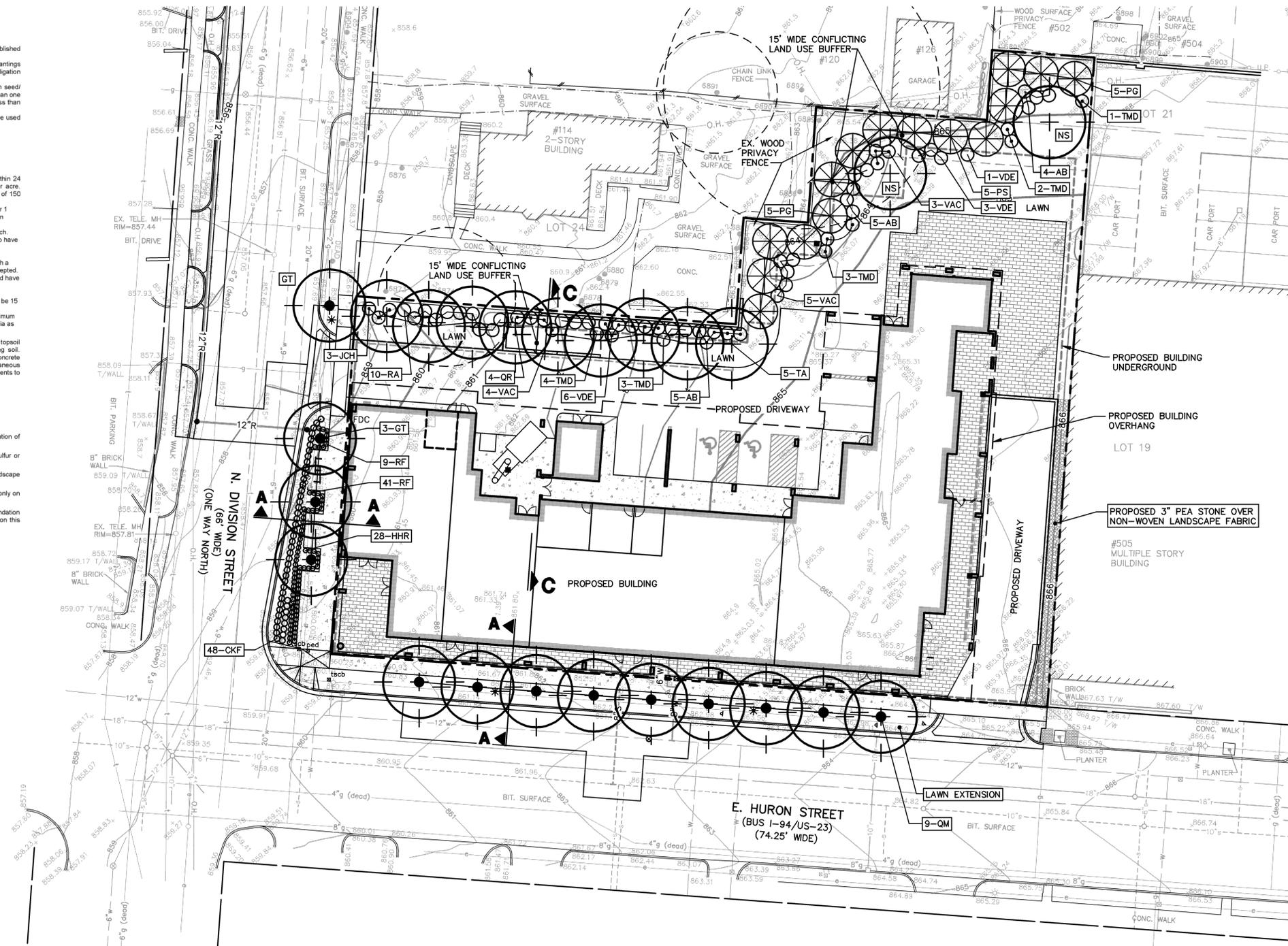
- 838 EXIST. CONTOUR
- 838 PROP. CONTOUR
- U.P. EXIST. UTILITY POLE
- GUY WIRE
- OH ELEC. TRANSFORMER
- OH EXIST. OVERHEAD UTILITY LINE
- t EXIST. LIGHT POLE
- e EXIST. TELEPHONE LINE
- g EXIST. ELECTRIC LINE
- w EXIST. GAS LINE
- W PROP. WATER MAIN
- W PROP. SANITARY SEWER
- EXIST. HYDRANT
- PROP. HYDRANT
- EXIST. GATE VALVE IN BOX
- PROP. GATE VALVE IN BOX
- EXIST. GATE VALVE IN WELL
- PROP. GATE VALVE IN WELL
- EXIST. CURB STOP & BOX
- PROP. CURB STOP & BOX
- EXIST. STORM SEWER
- PROP. STORM SEWER
- EXIST. CATCH BASIN OR INLET
- PROP. CATCH BASIN OR INLET
- END SECTION
- HEAD WALL
- EXIST. SANITARY SEWER
- PROP. SANITARY SEWER
- ENCLOSED TRASH AREA
- SIGN
- MAILBOX
- TELEPHONE RISER
- CABLE TELEVISION RISER
- ELECTRIC METER
- WATER METER
- GAS METER
- POST
- SINGLE TREE
- FENCE
- TREE OR BRUSH LIMIT
- LANDMARK TREE
- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- CONTROL PT.

LANDSCAPE LEGEND

- ⊕ PROPOSED CANOPY TREE
- ⊕ PROPOSED FLOWERING TREE
- ⊕ PROPOSED EVERGREEN TREE
- ⊕ PROPOSED DECIDUOUS SHRUBS
- ⊕ PROPOSED EVERGREEN SHRUBS
- ⊕ STREET TREE CANOPY LOSS (MITIGATION PLANTING)
- ▨ PROPOSED GRAVEL
- ▨ PROPOSED BRICK PAVERS (SEE ARCHITECTURAL PLANS)

NOTES:

- SEE SHEET 12 FOR LANDSCAPE PLANTING DETAILS
- SEE SHEET A-602 FOR CROSS SECTION C-C.



STRUCTURAL SOIL SECTION (A-A)
 (FROM FACE OF BUILDING TO BACK OF CURB IN RIGHTS-OF-WAY)
 NOT TO SCALE

STRUCTURAL SOIL MIX BY WEIGHT:
 - CRUSHED STONE: 100
 - CLAY LOAM: 40
 - HYDROGEL: 0.03
 CRUSHED STONE: GRANITE OR LIMESTONE
 - NARROWLY GRADED 3/4" TO 1 1/2"
 - ANGULAR WITH NO FINES
 CLAY LOAM: PER USDA CLASSIFICATION SYSTEM
 - GRAVEL: LESS THAN 5%
 - SAND: 25-30%
 - SILT: 20-40%
 - CLAY: 25-40%
 - ORGANIC MATTER: 2-5%
 HYDROGEL: POTASSIUM PROPENOATE-PROPENAMIDE COPOLYMER

LANDSCAPE REQUIREMENTS

5:602 VEHICULAR USE AREA LANDSCAPING AND SCREENING: none required.
 5:603 CONFLICTING LAND USE BUFFERS: Average 15 ft required / 8 ft min. required, minimum 15 ft provided. 1 tree per 15 ft required. 350 lf / 15 = 24 trees required / 24 trees provided. Minimum 50% (12) evergreen trees required / 52.5% (15) provided. 4' ht screen wall, berm, hedge, or fence required / 4' hedge provided.
 STREET TREE CANOPY LOSS N. Division Street:
 #870 2-inch Bradford pear is to be removed
 #871 8-inch Norway maple (invasive) is to be removed
 #872 1-inch honeylocust is to be removed
 #873 9-inch honeylocust is to be removed
 #874 17-inch Norway maple (invasive) is to be removed
 #875 16-inch Norway maple (invasive) is to be removed
 E. Huron Street:
 #868 2-inch ginkgo is to be removed
 Subtotal: 55 cal. inches removed
 Mitigation required = 55 cal. inches
 Mitigation plantings provided = 13 @ 3-inch caliper = 39 cal. inches
 Additional payment = 16 caliper inches x \$186 = \$2,976
 LANDMARK TREE REPLACEMENT: none required.
 STREET TREE ESCROW N. Division Street frontage = 124 lf E. Huron Street frontage = 249.5 lf 375 lf @ \$1.30 = \$485.55 or equivalent 4 trees @ 3-inch cal. x \$186 = \$1,488 provided. Street tree escrow of \$485.55 will be provided prior to issuing building permits and will be refunded after city staff inspection shows long term survival of the proposed street trees.

PLANT MATERIALS LIST

Quantity	Symbol	Botanical Name	Common Name	Size	Root	Remarks
2	NS	Nyssa sylvatica	Blackgum	2" cal.	BB	
4	GT	Gleditsia li. 'Skycole'	Skyline honeylocust	3" cal.	BB	6' branch ht.
10	PG	Picea glauca	White spruce	7' ht.	BB	
5	PS	Pinus strobus	White pine	7' ht.	BB	
9	QM	Quercus x wareu 'Long'	Regal Prince columnar oak	3" cal.	BB	6' branch ht.
4	QR	Quercus rubra	Red oak	2" cal.	BB	6' branch ht.
5	TA	Tilia Americana	American Basswood	2" cal.	BB	6' branch ht.

14	AB	Aronia a. 'Brilliantissima'	Brilliant red chokeberry	3" ht	BB/Cont	4' o.c.
3	JCH	Juniperus c. 'Sea Green'	Sea Green Juniper	30" ht	BB/Cont	4' o.c.
10	RA	Rhus aromatica	Fragrant sumac	30" ht	BB/Cont	4' o.c.
12	VAC	Viburnum acerifolium	Mapleleaf Viburnum	30" ht	BB/Cont	4' o.c.
10	VDE	Viburnum dentatum	Arrowwood Viburnum	30" ht	BB/Cont	4' o.c.
13	TMD	Taxus x. media 'Tautoni'	Tauton Yew	30" ht	BB/Cont	4' o.c.

48	CKF	Calamagrostis 'Carl Foerster'	Karl Foerster leather reed grass	#2	cont.	
28	HHR	Hemerocallis 'Happy Returns'	Happy Returns daylily	#2	cont.	
50	RF	Rudbeckia fulgida 'Early Bird Gold'	Early Bird Gold blackeyed susan	#2	cont.	



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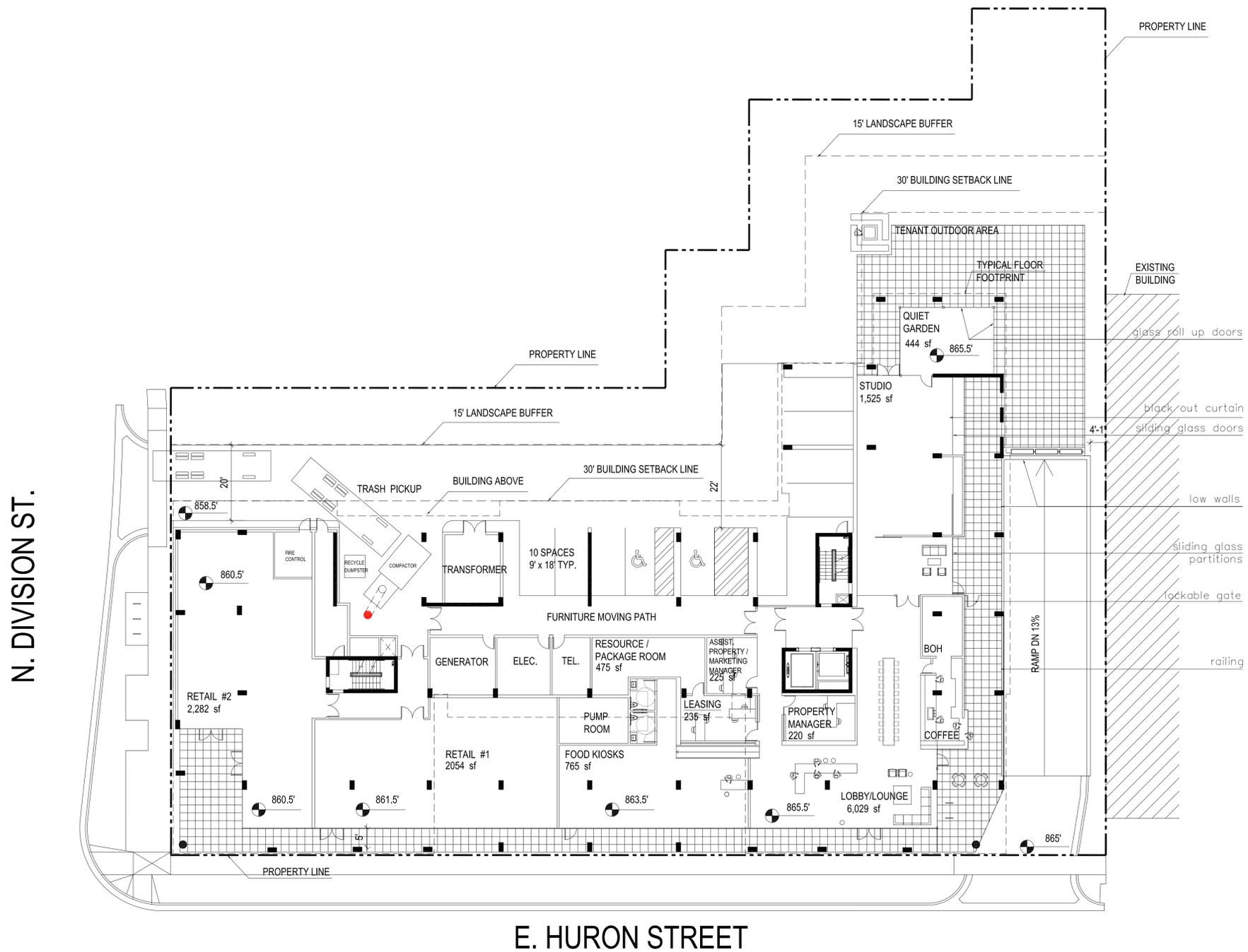
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 171 17TH STREET, SUITE 1200
 ATLANTA, GA 30363
 ATTN: CONOR McNALLY
 PHONE: (404) 788-2902

413 E. HURON
 SITE PLAN
 LANDSCAPE PLAN

10

JOB No.:	12156
DATE:	11-26-12
SHEET:	10 OF 30
REV. DATE:	
REV. PER CITY:	12-19-12
REV. PER CIVIL:	1-04-13
REV. PER ETO:	
REV. PER LFP:	
REV. PER SITE:	



GROUND FLOOR PLAN

A-403

SCALE: 1:16 (24"x36" SHEET)



413 E. HURON ST.

ANN ARBOR GREEN PROPERTY OWNER LLC / CARTER

12-18-2012

ANN ARBOR, MI

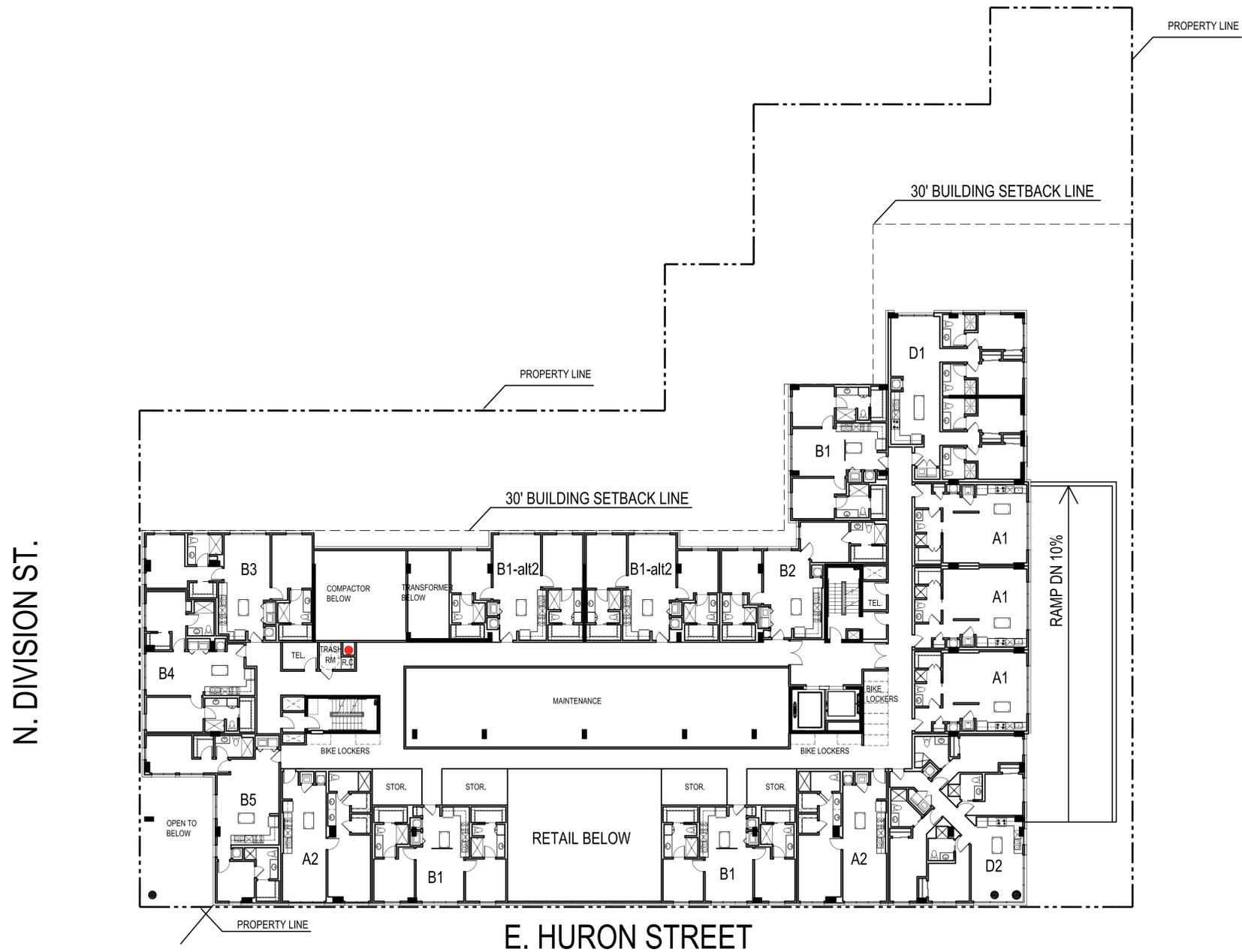
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N. DIVISION ST.

E. HURON STREET



2ND FLOOR PLAN

A-404

SCALE: 1:16 (24"x36" SHEET)



413 E. HURON ST.

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01-09-2013

ANN ARBOR, MI

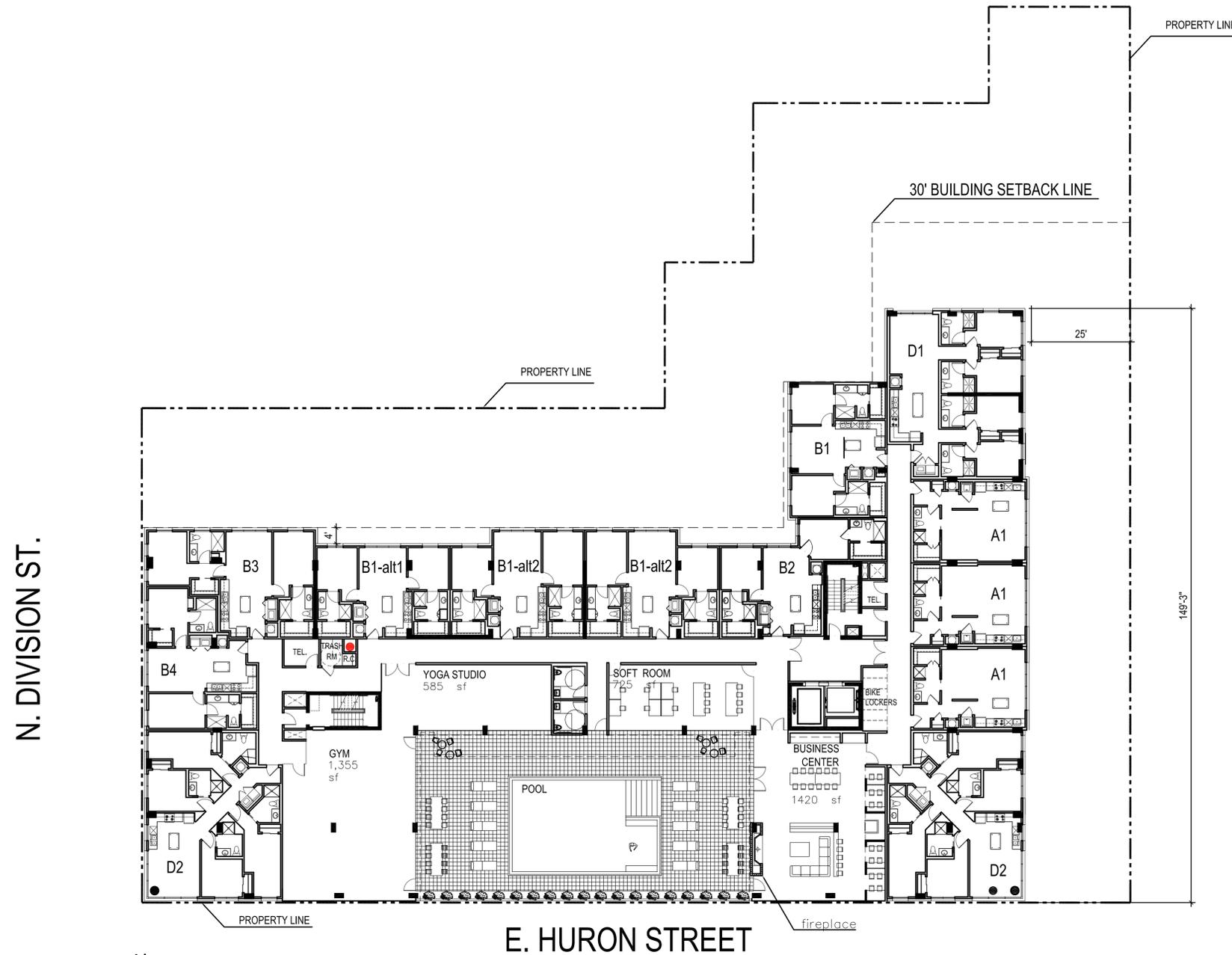
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N. DIVISION ST.

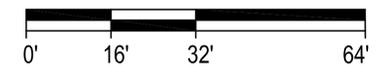
E. HURON STREET



3RD FLOOR PLAN

A-405

SCALE: 1:16 (24"x36" SHEET)



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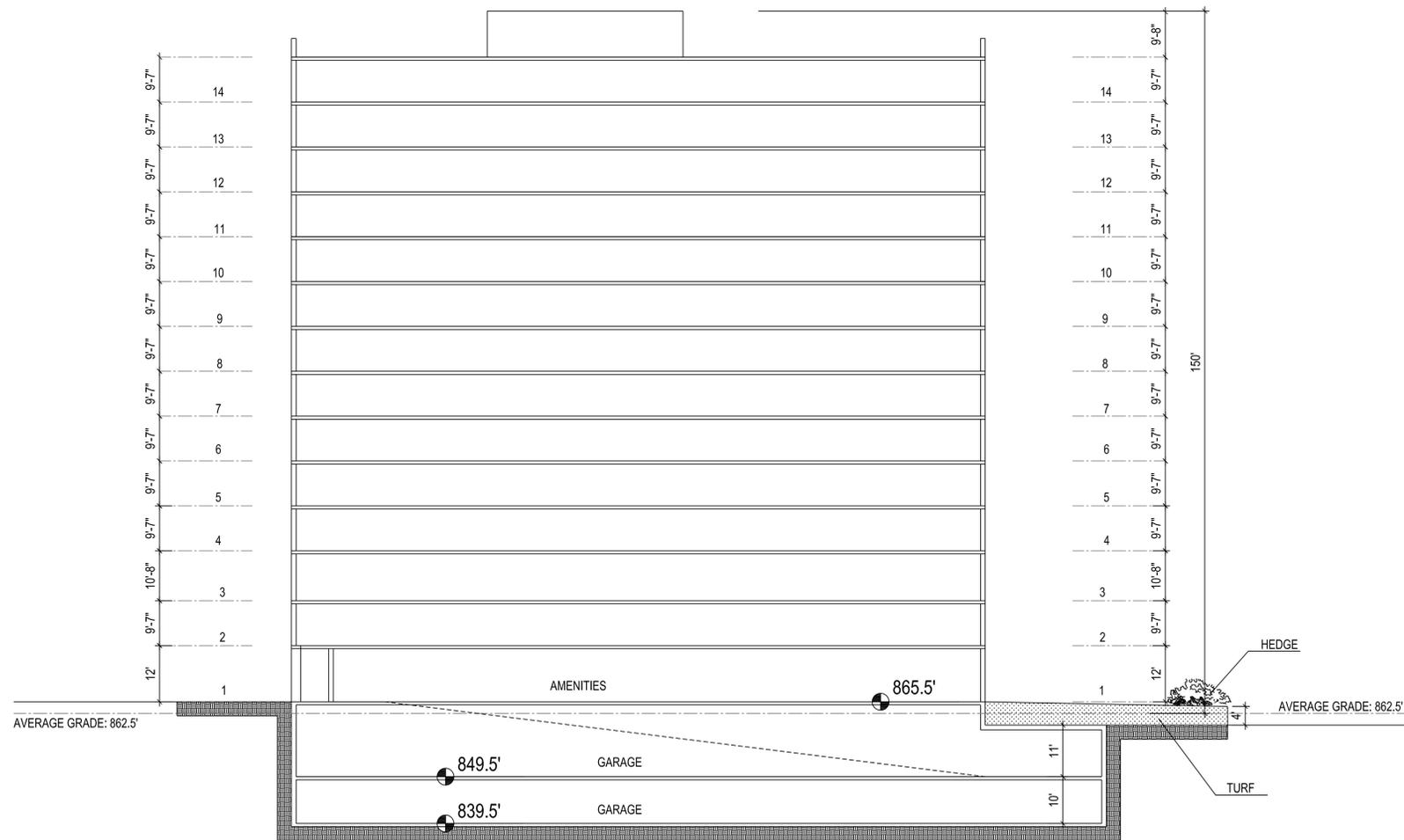
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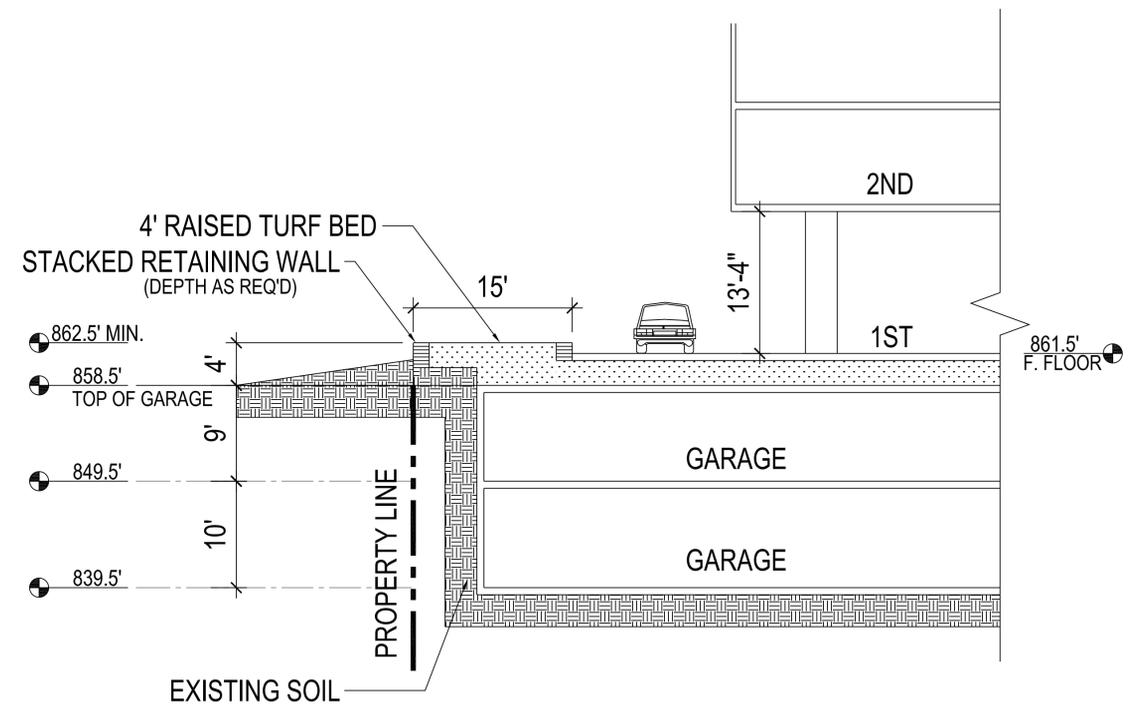
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SECTION B-B



SECTION C-C REVISED

(LANDSCAPE BUFFER ABOVE GARAGE)

1-4-2013

A-602

SCALE: 1:16 (24"x36" SHEET)



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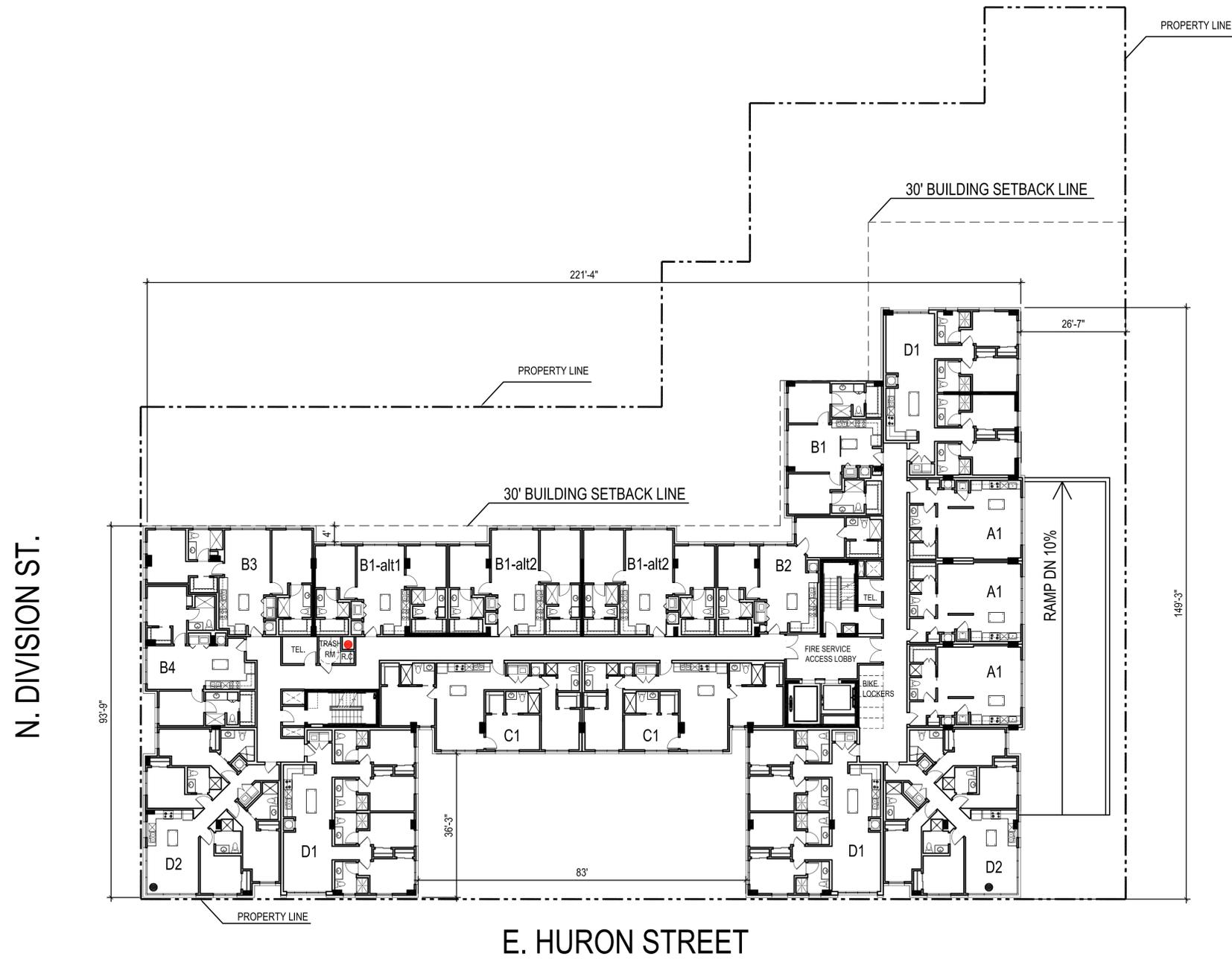
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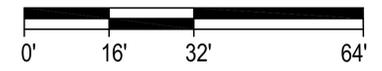


4TH-14TH FLOOR PLAN

19,786 S.F. PER FLOOR
 2868 S.F. CIRCULATION AREA
 TYPICAL FLOOR EFFICIENCY: 85.5%

A-406

SCALE: 1:16 (24"x36" SHEET)



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MATERIAL LEGEND	
BRICK TYPE #1: GLAZED BLACK BRICK	SLAB CHANNEL: 12" BLACKENED METAL SLAB CHANNEL
BRICK TYPE #2: DARK IRON SPOT BRICK	GROUND FLOOR COLUMNS: WHITE GLAZED THIN BRICK
BRICK TYPE #3: UNGLAZED BLACK BRICK	STOREFRONT TYPE 1: NATURAL WOOD FRAME STOREFRONT SYSTEM
BRICK TYPE #4: LIGHT GRAY IRON SPOT BRICK	STOREFRONT TYPE 2: NATURAL WOOD FRAME OPERABLE STOREFRONT SYSTEM
BRICK TYPE #5: LIGHT TAN BRICK	STOREFRONT TYPE 3: ALUMINUM OPERABLE STOREFRONT SYSTEM

E. HURON STREET ELEVATION

A-501

SCALE: 1:10 (24"x36" SHEET)



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MATERIAL LEGEND

- BRICK TYPE #1: GLAZED BLACK BRICK
- BRICK TYPE #2: DARK IRON SPOT BRICK
- BRICK TYPE #3: UNGLAZED BLACK BRICK
- BRICK TYPE #4: LIGHT GRAY IRON SPOT BRICK
- BRICK TYPE #5: LIGHT TAN BRICK
- SLAB CHANNEL: 12' BLACKENED METAL SLAB CHANNEL
- GROUND FLOOR COLUMNS: WHITE GLAZED THIN BRICK
- STOREFRONT TYPE 1: NATURAL WOOD FRAME STOREFRONT SYSTEM
- STOREFRONT TYPE 2: NATURAL WOOD FRAME OPERABLE STOREFRONT SYSTEM
- STOREFRONT TYPE 3: ALUMINUM OPERABLE STOREFRONT SYSTEM

DIVISION STREET ELEVATION

A-502

SCALE: 1:10 (24"x36" SHEET)



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EAST ELEVATION

MATERIAL LEGEND

- BRICK TYPE #1: GLAZED BLACK BRICK
- BRICK TYPE #2: DARK IRON SPOT BRICK
- BRICK TYPE #3: UNGLAZED BLACK BRICK
- BRICK TYPE #4: LIGHT GRAY IRON SPOT BRICK
- BRICK TYPE #5: LIGHT TAN BRICK
- SLAB CHANNEL: 12" BLACKENED METAL SLAB CHANNEL
- GROUND FLOOR COLUMNS: WHITE GLAZED THIN BRICK
- STOREFRONT TYPE 1: NATURAL WOOD FRAME STOREFRONT SYSTEM
- STOREFRONT TYPE 2: NATURAL WOOD FRAME OPERABLE STOREFRONT SYSTEM
- STOREFRONT TYPE 3: ALUMINUM OPERABLE STOREFRONT SYSTEM

A-503

SCALE: 1:10 (24"x36" SHEET)



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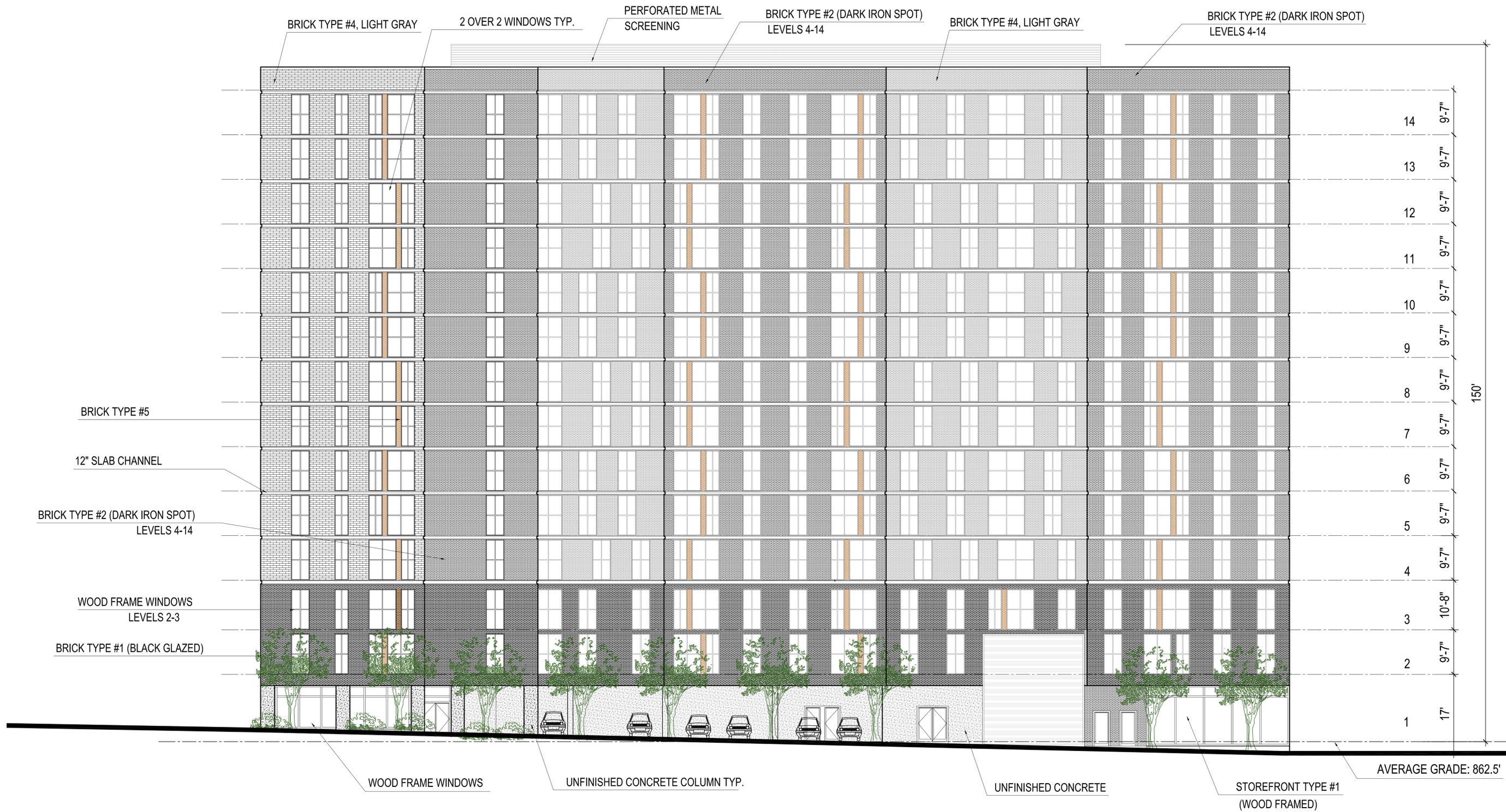
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NORTH ELEVATION

MATERIAL LEGEND

- BRICK TYPE #1: GLAZED BLACK BRICK
- BRICK TYPE #2: DARK IRON SPOT BRICK
- BRICK TYPE #3: UNGLAZED BLACK BRICK
- BRICK TYPE #4: LIGHT GRAY IRON SPOT BRICK
- BRICK TYPE #5: LIGHT TAN BRICK
- SLAB CHANNEL: 12' BLACKENED METAL SLAB CHANNEL
- GROUND FLOOR COLUMNS: WHITE GLAZED THIN BRICK
- STOREFRONT TYPE 1: NATURAL WOOD FRAME STOREFRONT SYSTEM
- STOREFRONT TYPE 2: NATURAL WOOD FRAME OPERABLE STOREFRONT SYSTEM
- STOREFRONT TYPE 3: ALUMINUM OPERABLE STOREFRONT SYSTEM

A-504

SCALE: 1:10 (24"x36" SHEET)



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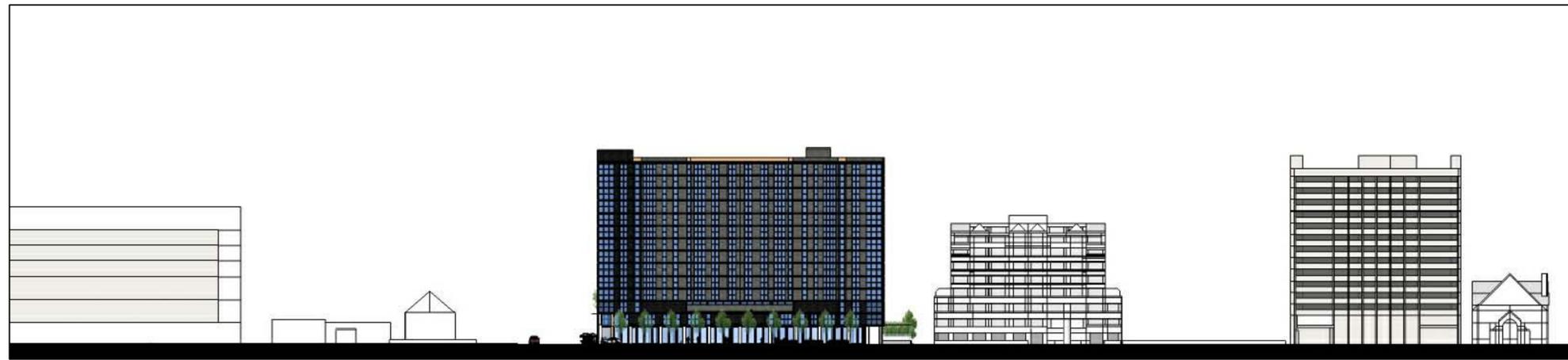
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HURON STREET



DIVISION STREET



REAR ELEVATION



EAST ELEVATION

A-505
ELEVATION CONTEXT

413 E. HURON ST.

ANN ARBOR GREEN PROPERTY OWNER LLC / CARTER

12-18-2012

ANN ARBOR, MI

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NORTH PERSPECTIVE



413 E. HURON ST.

ANN ARBOR GREEN PROPERTY OWNER LLC / CARTER

12-18-2012

ANN ARBOR, MI

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SOUTHWEST PERSPECTIVE



413 E. HURON ST.

ANN ARBOR GREEN PROPERTY OWNER LLC / CARTER

12-18-2012

ANN ARBOR, MI

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