

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 17, 2014

**SUBJECT: State Street Village Rezoning and Site Plan for City Council Approval
(2221-2223 S. State St.)
File Nos. Z14-006 & SP14-017**

PROPOSED CITY PLANNING COMMISSION MOTION

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

STAFF RECOMMENDATION

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

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

LOCATION

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

DESCRIPTION OF PETITION

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

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

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

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

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

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

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

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

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

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

SURROUNDING LAND USES AND ZONING

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

COMPARISON CHART – PARCEL I

	EXISTING – PARCEL I	EXISTING – PARCEL II	PROPOSED	PERMITTED/REQUIRED
Zoning	M1 (Light Industrial)	O (Office)	O	O
Gross Lot Area	194,713 sq ft	34,848 sq ft	229,219 sq ft (5.27 acres)	6,000 sq ft MIN
Lot Width	112 ft	420 ft	112 ft	50 ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	NA	NA	116,237 sq ft 50.1%	171,914 sq ft MAX 75%
Setbacks	Front	NA	15.5 ft	15 ft MIN
	Side(s)	NA	14 ft – north 28 ft - south	None
	Rear	NA	75 ft	None
Building Height	NA	NA	55 ft	55 ft MAX
Parking - Automobiles	Vacant	37 spaces	127 spaces	86 spaces MIN
Parking – Bicycles	NA	NA	8 spaces – Class A 44 spaces – Class B 2 spaces - Class C	9 space MIN – Class A 9 space MIN – Class C

HISTORY

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

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

PLANNING BACKGROUND

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

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

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

DEPARTMENT COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments: Neighborhood Meeting Minutes
Zoning Map
Aerial Photo
Site Plan
Landscape Plan
Elevations
Draft Development Agreement
Rezoning Application

c: Owner: McKinley XXI, LLC & McKinley XXII, LLC
P.O. Box 3125
Ann Arbor, MI 48106

Petitioner's Representative: Eric Toumey
McKinley Inc.
320 N. Main Street
Ann Arbor, MI 48103

Project Management
Systems Planning
File Nos. Z14-017 & SP14-017

Citizen Participation Report



Proposed State Street Development

Citizen Notification Meeting General Information

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

Location of Meeting: Ann Arbor District Library, Mallet's Creek Branch
3090 East Eisenhower Parkway, Ann Arbor, MI 48108

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

Number of Citizens Notified By Mail: 393

Number of Citizens in Attendance: 11

Sign-in Sheet: (see attached)

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

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

Date: 12/3/2013 Time: 6:00pm – 7:45pm

Location: Ann Arbor District Library, Mallets Creek Branch

Presentation – McKinley Representatives:

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

Citizen Participants/Attendees:

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

MEETING MINUTES

Project Presentation:

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

McKinley Background:

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

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

Development Goals:

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

Overview of the Project:

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

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

Citizen Discussion:

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

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

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

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

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

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

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

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

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

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

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

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

7. Doug Aikenagad: What was the prior use of the vacant land?

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

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

Eric Tuomey from McKinley responded: Yes.

9. Ramesh Ganatra: When will McKinley start construction?

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

10. Dorothea Hollis: Will bathrooms be accessible?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Robert Wagner from PEA responded: 40 feet.

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

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

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

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

Eric Tuomey closed the meeting.

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

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

Exhibit List

Exhibit A: Community Participation Meeting Attendance List

Exhibit B: Notice of Community Participation Meeting

Mckinley, Inc. - Citizen Participation Meeting - Tuesday, December 3, 2013 - Ann Arbor District Library - Mallets Creek Branch

Attendee Name	Attendee Postal Address	Attendee E-Mail Address
1 Paula Saunders	1394 Judd Rd Saline, MI 48176	Msaunder1@comcast.net
2 RAMBHA GANAPPA	2891 T. CUMOR CT, APT 48104	rganatra@mateco.com
3 LIZZY ALFS	301 E Liberty A N	LIZZY ALFS@culture.com
4 AL VESTER	2080 S. STATE ST	avester@danielsandzerwach.com
5 DONS AIKENHEAD	2151 S. STATE ST.	gallupfunds@gmail.com
6 David Diphwair	2096 S. State	
7 Jack Eaton	1606 Deekin Dr 48103	jeaton@azgas.org
8 Calisa Reid	12805 Whitaker Rd P.O. Box 44 White Haller MI 48196	wislisa@broadband.com
9 DOROTEA HOLLIS	8551 Glendale York 48119	idill.enay.T@yahoo
10 Kathy Homan	9234 Yorkshire Dr Saline MI 48176	kthoman@washingtonva.org
11 Choke McCabe	3635 E. Deekin Rd. Ann Arbor MI 48103	
12		
13		
14		

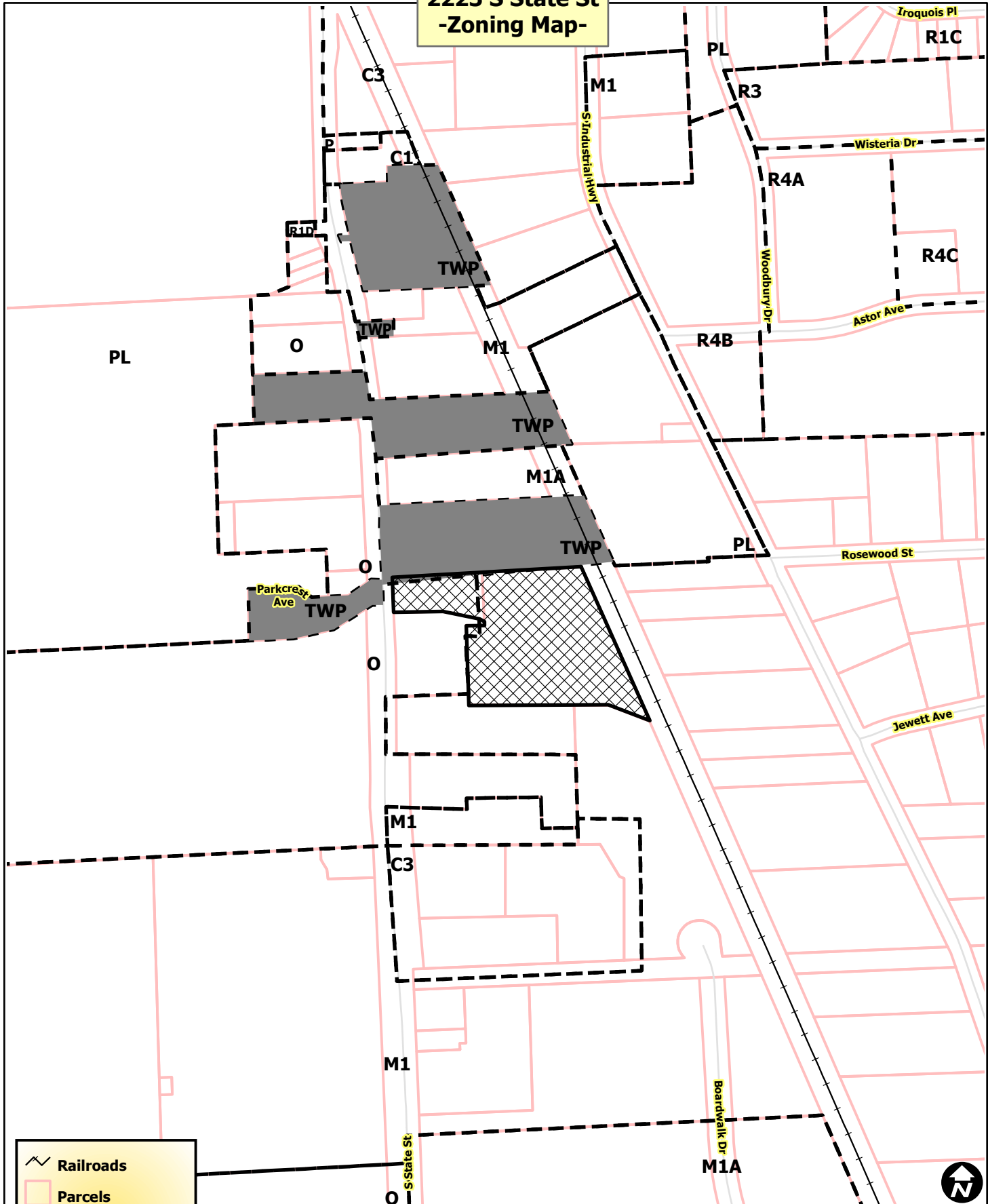
NOTICE

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



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

2223 S State St -Zoning Map-



Railroads
 Railroads

Parcels
 Parcels

Zoning

Township Islands
 Township Islands

Zoning Districts
 Zoning Districts



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Map Created: 5/28/2014

**2223 S State St
-Aerial Map-**



 **Railroads**
 **Parcels**



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Map Created: 5/28/2014

2223 S State St -Aerial Map-



 Railroads

 Parcels



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Map Created: 5/28/2014

OWNER: GALLUP PROPERTIES
P.O. BOX 1325
ANN ARBOR, MI 48106-1325

P.O.B. PARCEL
09-12-04-200-045

P.O.B. PARCEL
09-12-04-200-046

PARCEL ID
09-12-04-200-040

PROPOSED INGRESS/EGRESS EASEMENT
RECIPROCAL PARKING EASEMENT FOR MCKINLEY EXECUTIVE CENTER

PROPOSED APARTMENT BUILDING #1
4-STORY
38 UNITS
56,131 SF

PROPOSED LEASING OFFICE & APARTMENTS
2-STORY
2 UNITS
3,975 SF

PROPOSED INGRESS/EGRESS EASEMENT

PARCEL ID
09-12-04-200-047

EXISTING MCKINLEY EXECUTIVE CENTER
2-STORY
2 UNITS
27,080 SF

PARCEL ID
09-12-04-200-045

INDICATES NUMBER OF PARKING STALLS PER PARKING BAY (TYP.)

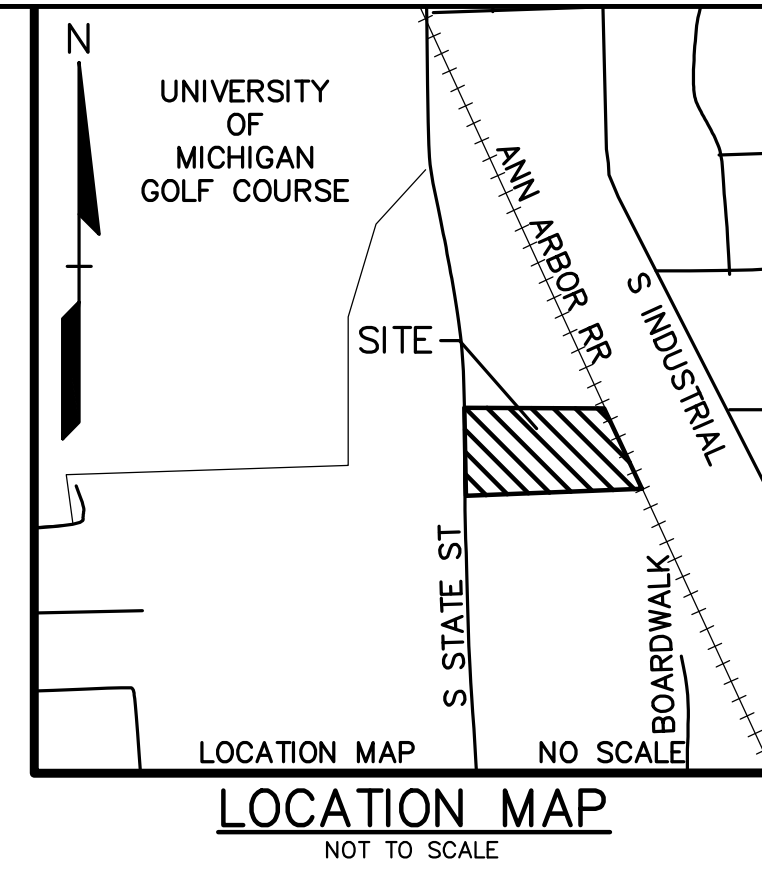
PROPOSED APARTMENT BUILDING #2
4-STORY
38 UNITS
56,131 SF

PARCEL ID
09-12-04-200-045

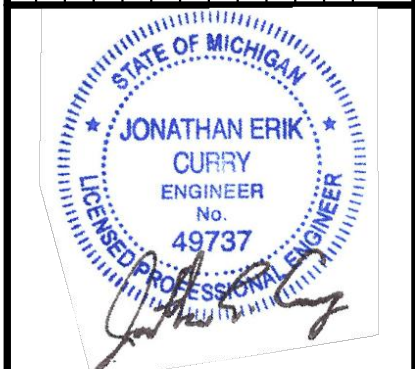
OWNER: CAPITAL INVESTMENT COMPANY, LLC
3800 PACARD RD., SUITE 250
ANN ARBOR, MI 48108

09-12-04-200-036
2.413± ACRES

OWNER: ANN ARBOR PUBLIC SCHOOLS
2555 S. STATE STREET
ANN ARBOR, MI 48104-6145



NO.	BY	CHK	DESCRIPTION	DATE
1	JAK	JC	REVISED PER CITY PLAN REVIEWS	5-21-14
2	JAK	JC	REVISED PER CITY SITE PLAN REVIEWS	5-21-14
3	JAK	JC	REVISED PER CITY SITE PLAN REVIEW LETTER DATED 4-14-2014	5-21-14
4	JAK	JC	REVISED PER WORKING REVIEW LETTER DATED 4-14-2014	5-21-14
5	JAK	JC	REVISED FOR BUILDING CHANGES	3-31-14



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

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CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR SHALL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO BE RESPONSIBLE AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

3 FULL WORKING DAYS BEFORE YOU DIG CALL 811
Know what's below
Call before you dig
MISS Dig System, Inc.
1-800-482-7171 www.missdig.net

PEA
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
Phone: (248) 689-9090
Fax: (248) 689-1044
website: www.peainc.com

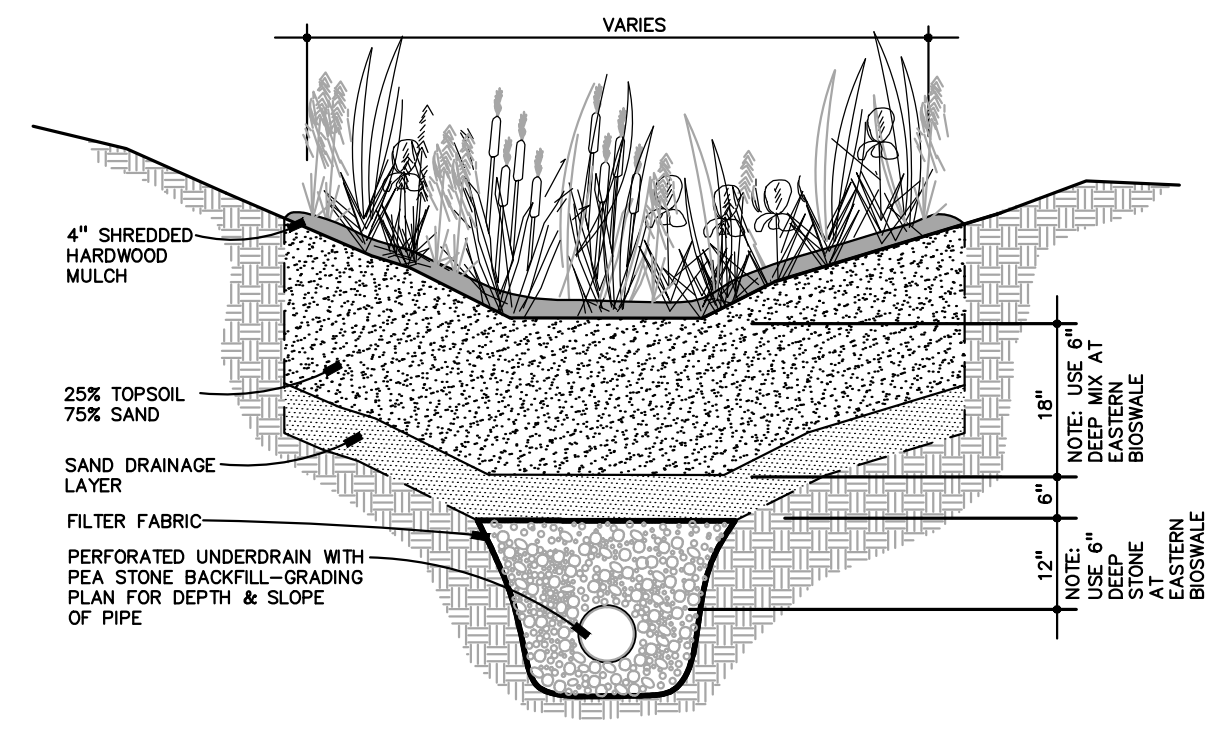
PARKING INFORMATION & KEY		
ITEM	REQUIREMENTS	PROVIDED
APARTMENTS - 76 UNITS (PARCEL 09-12-04-200-045)	76x 1.0/UNIT = 76 SPACES (PER ZONING ORDINANCE) COMPACT PARKING 30% MAX. 5 B.F. SPACES INCLUDING 1 VAN ACCESSIBLE BIKE PARKING 1/5 UNITS = 76/5 = 16 50% CLASS A = 8 SPACES 50% CLASS C = 8 SPACES	114 SPACES 29 COMPACT SPACES (25%) 5 B.F. SPACES TOTAL 2 VAN ACCESSIBLE INCLUDED BIKE PARKING 8 CLASS A SPACES PROVIDED 44 CLASS B SPACES PROVIDED
APARTMENTS - 2 UNITS AND 1 LEASING OFFICE (PARCEL 09-12-04-200-046)	OFFICE: 2,027/333 SF = 7 RES: 2x 1.5/UNIT = 3 10 SPACES TOTAL 1 B.F. SPACES BIKE PARKING 2027/3000 SF = 1 SPACE	13 SPACES (22 SPACES ALSO PROVIDED FOR EX. OFFICE BUILDING) 1 B.F. SPACES TOTAL 1 VAN ACCESSIBLE INCLUDED 2 CLASS C SPACES PROVIDED
MCKINLEY EXECUTIVE CENTER (EXISTING) (PARCEL 09-12-04-200-047)	OFFICE: 27,080/333=82 4 B.F. SPACES INCLUDING 1 VAN ACCESSIBLE BIKE PARKING 27,080/3000=9 SPACES	63 EX. +22 PR.=85 6 BF SPACES EXISTING 1 VAN ACCESSIBLE INCLUDED 10 SPACES EXISTING

SITE PLANS - NOT FOR CONSTRUCTION

MCKINLEY, INC
320 N. MAIN ST., SUITE 200
ANN ARBOR, MICHIGAN 48104
PARKING COMPLIANCE PLAN
STATE STREET VILLAGE
SOUTH STATE STREET
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

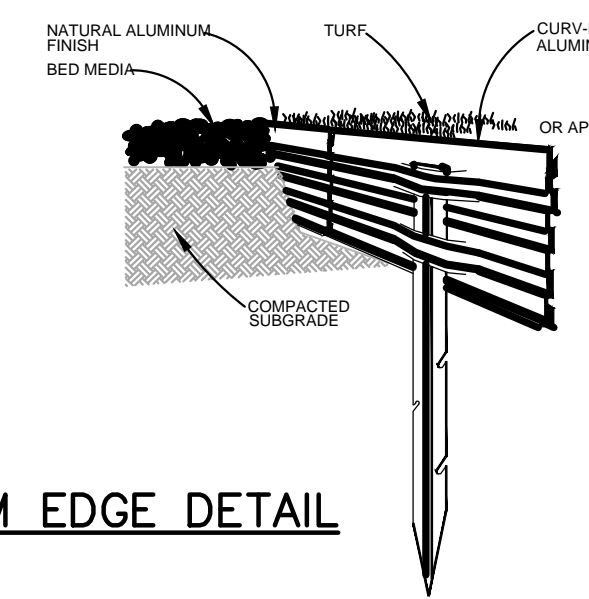
DES. JC DN. RMSIB SUR. OTHERS P.M. RCW
ORIGINAL ISSUE DATE: 12-20-13
PEA JOB NO. 2013-211
SCALE: 1" = 30'
DRAWING NUMBER:
P-3.1

REFERENCE IS MADE TO THE CITY OF ANN ARBOR ZONING ORDINANCE

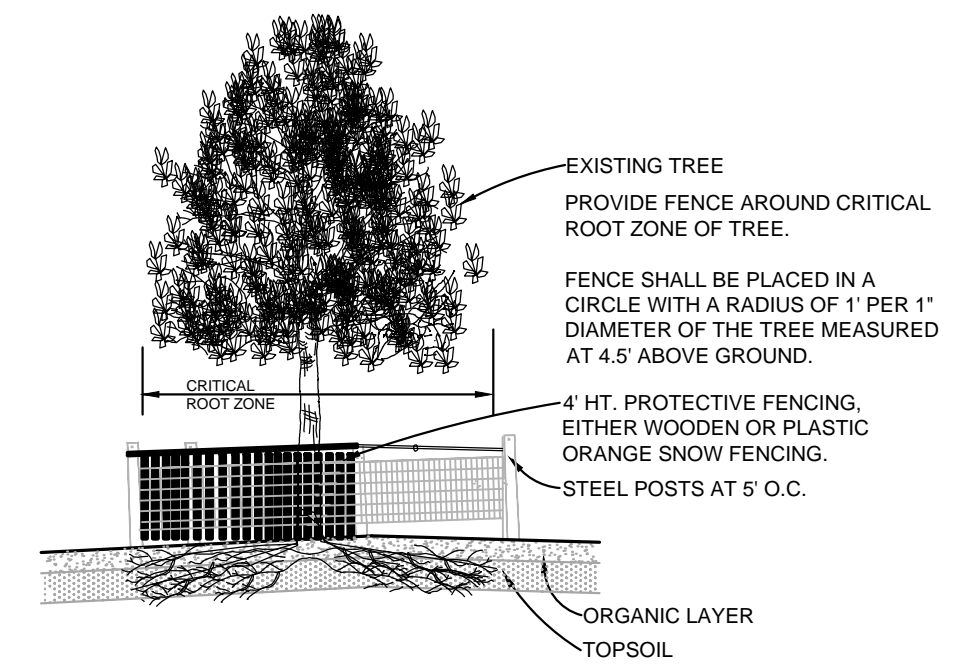


BIOSWALE – TYPICAL CROSS SECTION
NOT TO SCALE

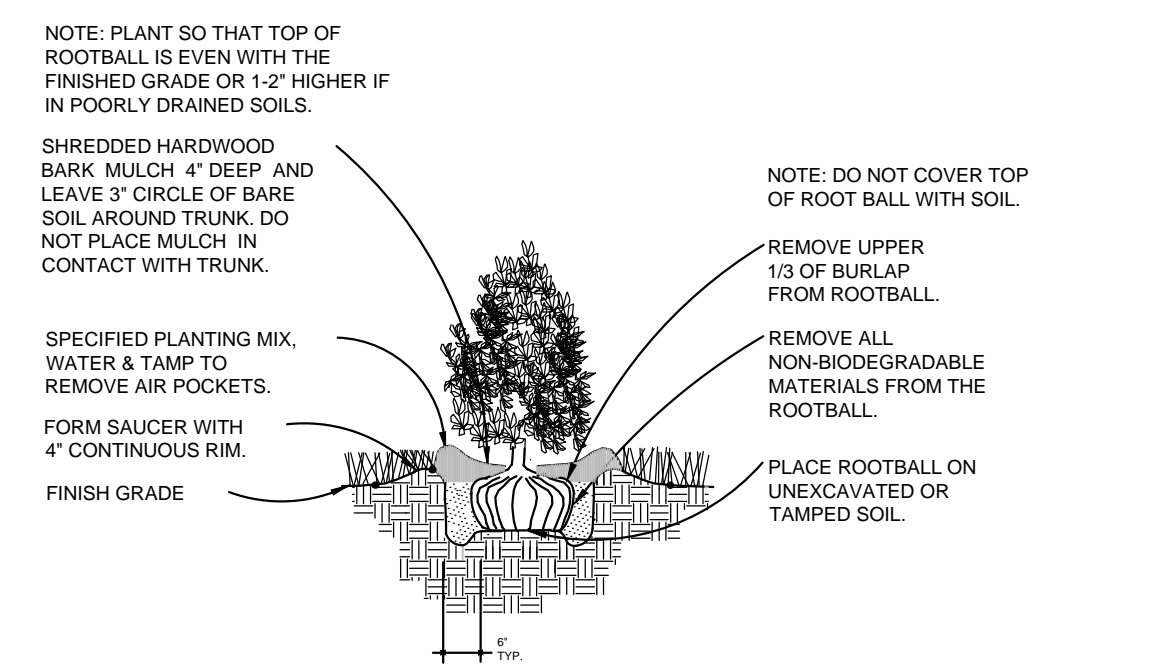
SPECIFICATION FOR LANDSCAPE BED EDGING
LANDSCAPE BED EDGING SHALL BE CURV-RITE DESIGN 2 (CRD2) AS MANUFACTURED BY CURV-RITE INC. WAYLAND, MICHIGAN 1-800-366-2878.
EIGHT (8) OR SIXTEEN (16) FOOT SECTIONS SHALL BE USED WITH ONE STAKE PER (38) INCHES OF EDGING. EDGING SHALL BE ALUMINUM ALLOY 6063-T6 WITH STAKES BEING 6061-T6.
STAKE SHALL SECURELY ENGAGE EDGING AND SHALL BE ENTIRELY BELOW TOP SURFACE OF EDGING. EDGING SHALL HAVE A MINIMUM OF (2) INCHES OF INTERLOCKING OVERLAP BETWEEN SECTIONS.
INSTALL AS PER MANUFACTURER'S SPECIFICATIONS WITH TOP OF EDGING 1/4" TO 1/2" ABOVE COMPACTED FINISH GRADE. FINISH GRADE TO BE COMPACTED ON EITHER SIDE OF EDGING TO MAINTAIN STABILITY.



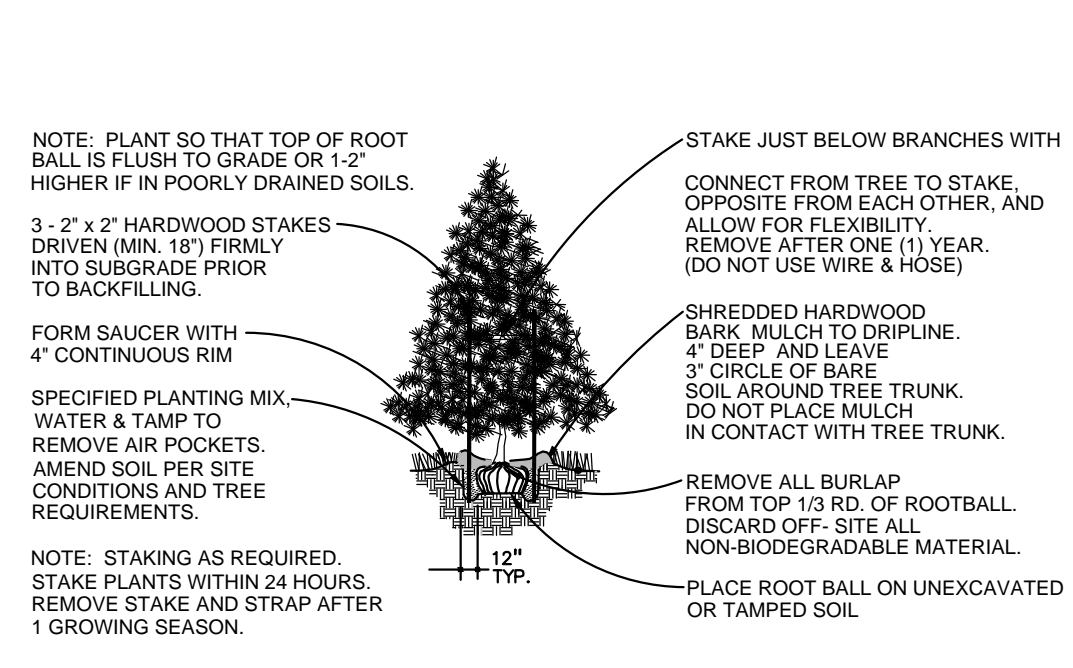
ALUMINUM EDGE DETAIL
NOT TO SCALE



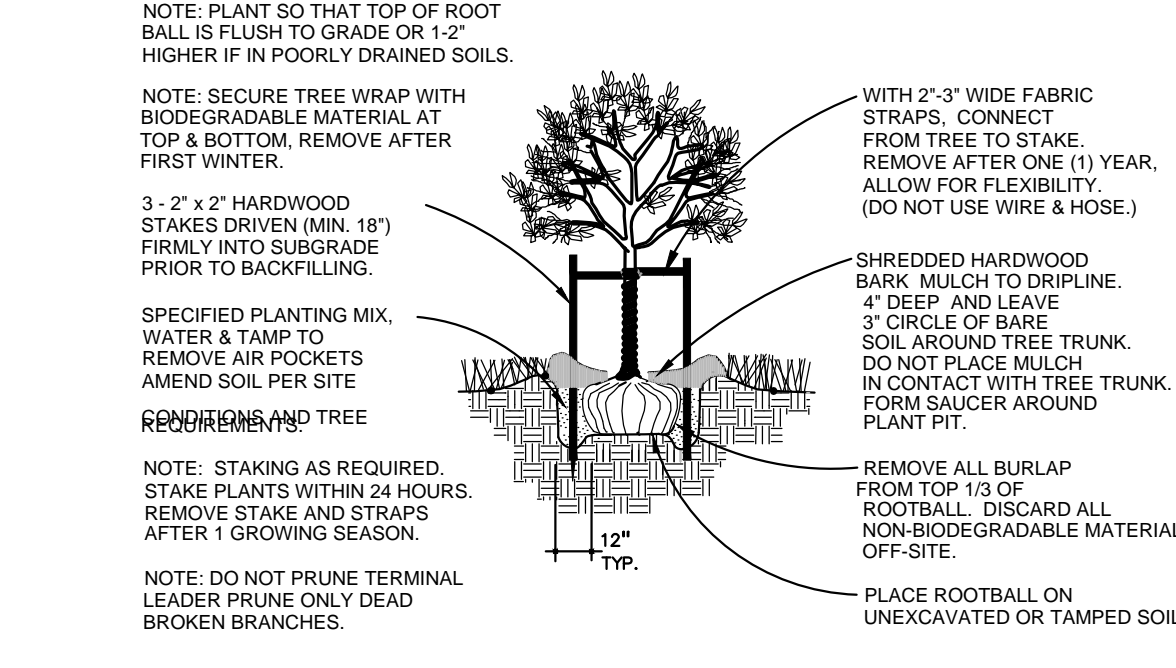
TREE PROTECTION DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE



EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE



DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

Planting mixture Type B for perennial flowers, groundcover beds, and ericaceous plants: planting backfill shall be a mixture of 1/3 screened topsoil, 1/3 sand and 1/3 peat. All existing soil shall be excavated and removed. Adding fertilizer types "A" and "B" to mixture per manufacturer's requirements. Follow planting details. Planting mixture Type C for annual flower beds: same as Type "B". Submit a sample to the Landscape Architect for approval prior to installation.

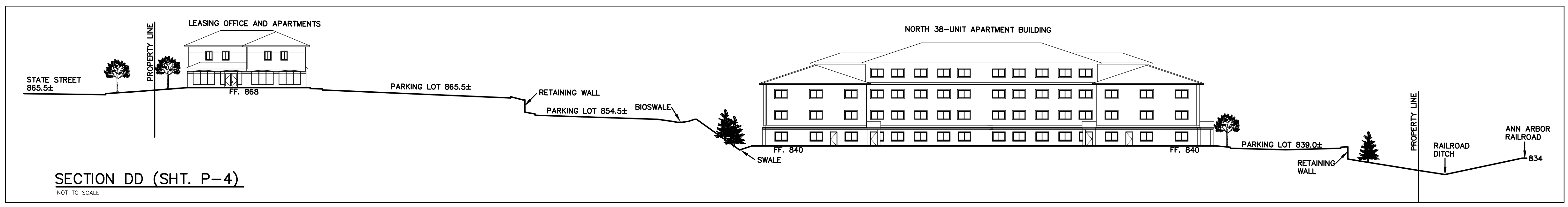
Planting mixture Type A – trees: standard planting backfill shall be a mixture of 1/2 native soil (excavated from plant pits), 1/4 topsoil, and 1/4 sand. Add fertilizer Type "A" and "B" to planting mixture per manufacturer's requirements. Follow planting details.

TREE PROTECTION NOTES:

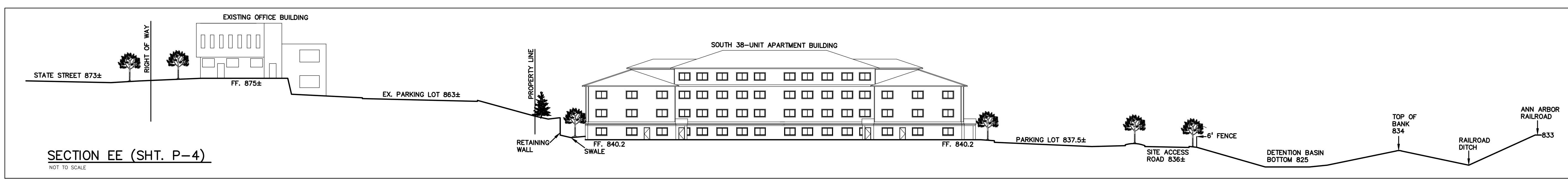
- TREE PROTECTION WILL BE ERECTED PRIOR TO START OF CONSTRUCTION ACTIVITIES AND SHALL REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE.
- NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN, INCLUDING, BUT NOT LIMITED TO PLACING SOLVENTS, BUILDING MATERIAL, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN DRIP LINES.
- GRADE CHANGES MAY NOT OCCUR WITHIN THE DRIP LINE OF PROTECTED TREES.
- DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY REMAINING TREES.
- ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR OUTSIDE OF THE PROTECTIVE FENCING.
- TREES LOCATED ON ADJACENT PROPERTY THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.
- TREES TO BE PRESERVED SHALL BE IDENTIFIED WITH FLAGGING PRIOR TO THE TREE CLEARING OPERATIONS.

GENERAL PLANTING NOTES:

1. Landscape contractor shall visit site, inspect existing site conditions and review proposed planting and related work. In case of discrepancy between plan and plant list, plan shall govern quantities. Contact Landscape Architect with any concerns.
2. Contractor shall verify locations of all on site utilities prior to beginning construction on his/her phase of work. Electric, gas, telephone, cable television may be located by calling MISS DIG 1-800-482-7171. Any damage or interruption of services shall be the responsibility of Contractor. Contractor shall coordinate all related activities with other trades on the job and shall report any unacceptable job conditions to Owner's Representative prior to commencing.
3. All plant material to be premium grade nursery stock and shall satisfy American Association of Nurserymen standard for Nursery Stock. All landscape material shall be Northern Grown, No. 1. Grade.
4. Contractor is responsible for verifying all quantities shown on landscape plan prior to pricing the work.
5. The owner's representative reserves the right to reject any plant material not meeting specifications.
6. All single stem shade trees to have straight trunks and symmetrical crowns.
7. All single trunk shade trees to have a central leader; trees with forked or irregular trunks will not be accepted.
8. All multi stem trees shall be heavily branched and have symmetrical crowns. One sided trees or those with thin or open crowns shall not be accepted.
9. All evergreen trees shall be heavily branched and full to the ground, symmetrical in shape and not sheared for the last five growing seasons.
10. All trees to have clay or clay loam balls, trees with sand balls will be rejected.
11. No machinery is to be used within the drip line of existing trees; Hand grade all lawn areas within the drip line of existing trees.
12. All tree locations shall be staked by Landscape Contractor and are subject to the approval of the landscape Architect prior to installation of the plant material.
13. It is mandatory that positive drainage is provided away from all buildings.
14. All planting beds shall receive 4" shredded hardwood bark mulch, see specifications. Shredded palette and died mulch will not be accepted.
15. All landscaped areas shall receive 3" compacted topsoil.
16. Applications of fertilizer beyond the initial topsoil and seeding shall be a fertilizer with NO phosphorus.
17. Maintenance: All plant material shall be maintained in good condition by mowing, watering, mulch, etc., so as to present a healthy neat and orderly appearance free from refuse and debris. All diseased, damaged or dead material shown on the site plan shall be replaced by the end of the following growing season Per City of Ann Arbor Chapter 62 stds., as a continuing obligation for the duration of the site plan.



SECTION DD (SHT. P-4)
NOT TO SCALE



SECTION EE (SHT. P-4)
NOT TO SCALE

NO.	BY	CHK	DESCRIPTION	DATE
1	JC	JC	REVISED PER CITY SITE PLAN REVISIONS	6/7/14
2	JC	JC	REVISED PER WORKING REVIEW LETTER DATED 4-14-2014	5/2/14
3	JC	JC	REVISED PER BUILDING CHANGES	3/31/14

CAUTION!
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND DEPTHS.

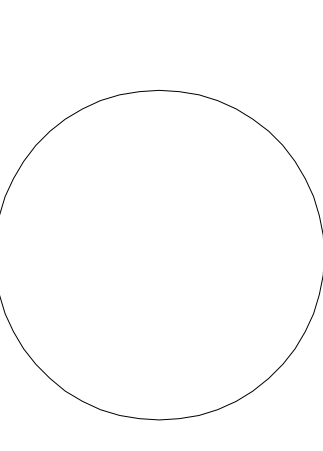
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PEA
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
Phone: (248) 689-9090
Fax: (248) 689-1044
website: www.peainc.com

SITE PLANS - NOT FOR CONSTRUCTION
McKINLEY, INC
320 N. MAIN ST., SUITE 200
ANN ARBOR, MICHIGAN 48104
LANDSCAPE DETAILS
STATE STREET VILLAGE
SOUTH STATE STREET
CITY OF ANN ARBOR, WASHINGTON COUNTY, MICHIGAN
DES. JC DN RMS/B SUR OTHERS P.M. RCW
S:\PROJECTS\2013\201301\201301.MCKINLEY-RCW\DWG\1001.LANDSCAPE.PLAN.DWG

ORIGINAL ISSUE DATE: 12-20-13
PEA JOB NO. 2013-211
SCALE: 1" = 30'
DRAWING NUMBER:
L-2



Owner/Client:

McKinley

320 N. Main, Suite 200
Ann Arbor, MI 48104
ph: 734.769.8820

Project:

**State Street
Village
Apartment
Development**

2221 & 2233 State Street
Ann Arbor, MI

Revisions:
Owner Revs.: 5/23/14

Date:	3/31/14
Drawn:	DJE
Project No.:	201334
Scale:	AS SHOWN
Approved:	AS SHOWN

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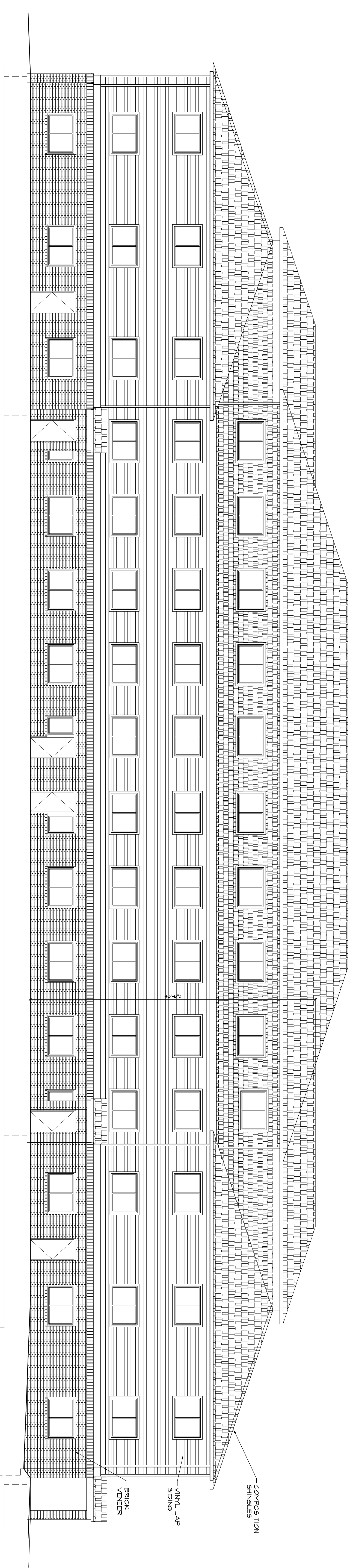
Drawing Title:

**North Apt.
Building
Preliminary
Elevs**

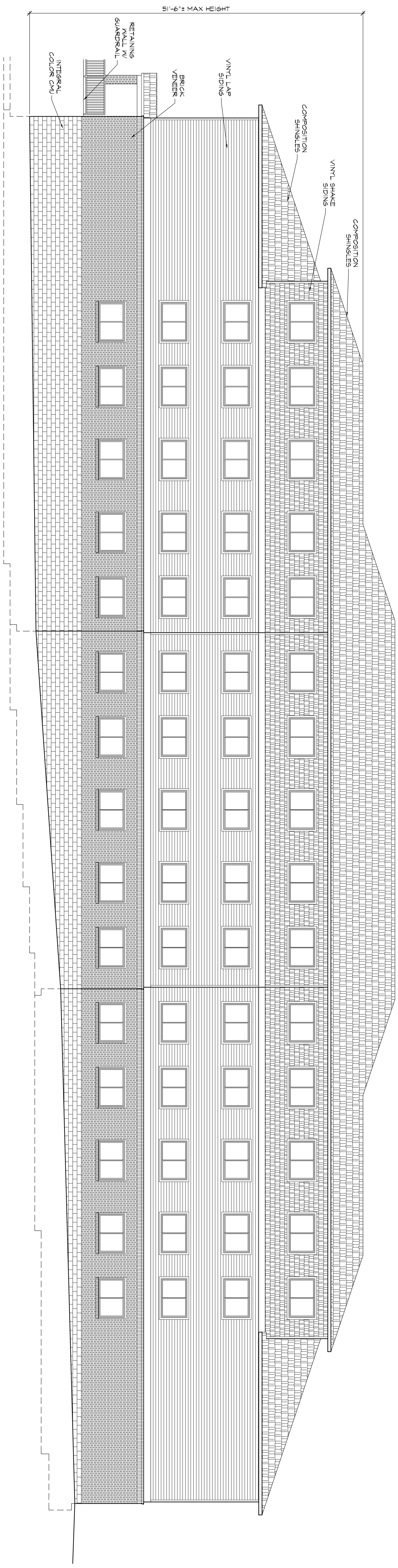
Note: for site plan
submittal only; not for
construction

Sheet No.:

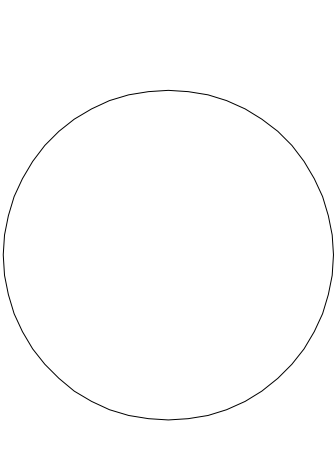
A-1



FRONT (SOUTH) ELEVATION
NORTH BUILDING



REAR (NORTH) ELEVATION
NORTH BUILDING



Owner/Client:

McKinley

320 N. Main, Suite 200
Ann Arbor, MI 48104
ph: 734.769.8820

Project:

**State Street
Village
Apartment
Development**

2221 & 2233 State Street
Ann Arbor, MI

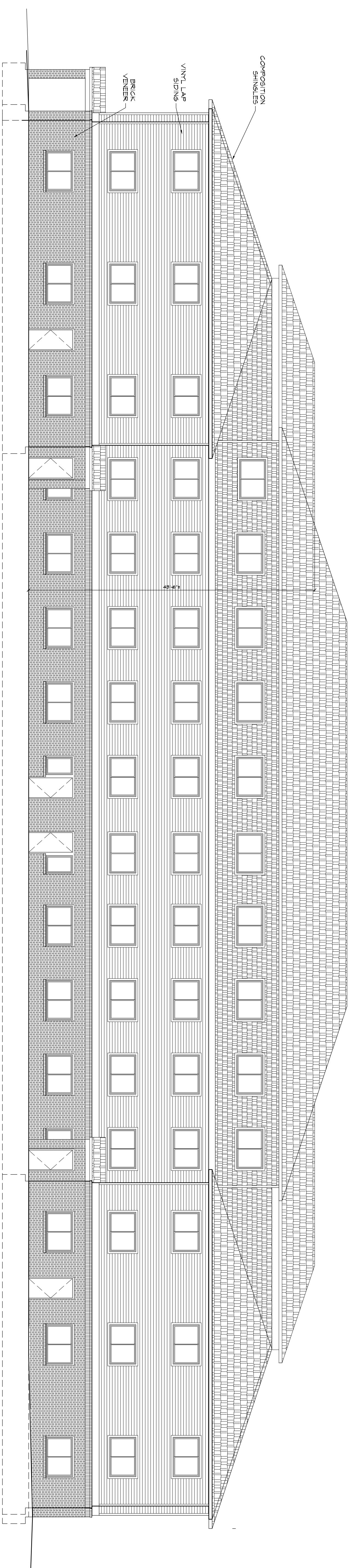
Revisions:
Owner Revs.: 5/23/14

Date:	3/31/14
Drawn:	DJE
Project No.:	201334
Scale:	AS SHOWN
Approved:	
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Drawing Title:	

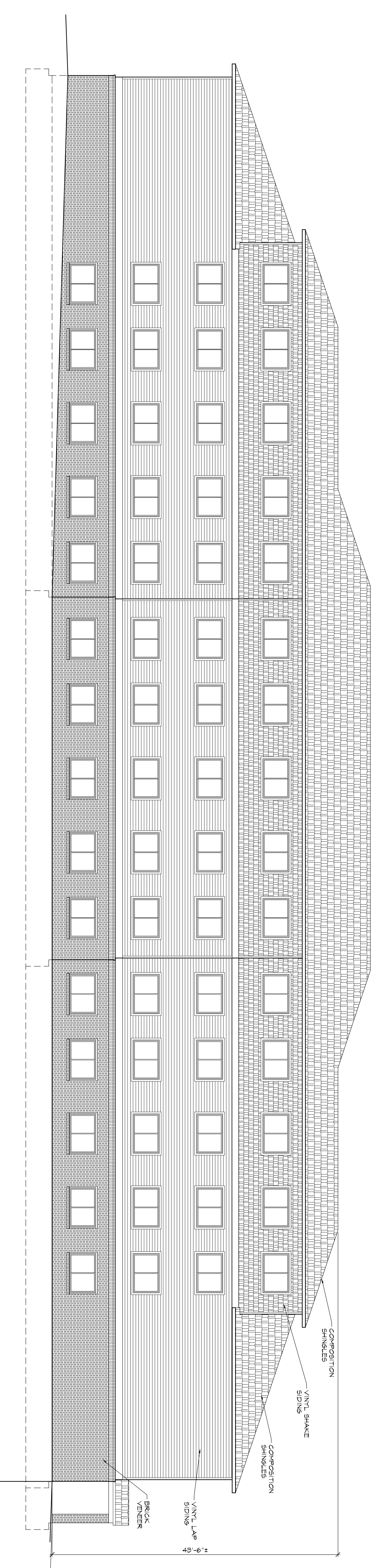
**South Apt.
Building
Preliminary
Elevs**

Note: for site plan
submittal only, not for
construction

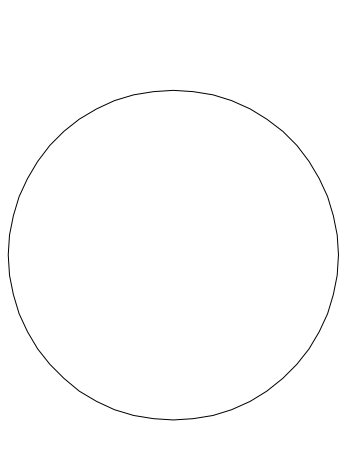
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FRONT (NORTH) ELEVATION
SOUTH BUILDING
1/8" = 1'-0"



REAR (SOUTH) ELEVATION
SOUTH BUILDING
1/8" = 1'-0"



Owner/Client:

McKinley

320 N. Main, Suite 200
Ann Arbor, MI 48104
ph: 734.769.8820

Project:

**State Street
Village
Apartment
Development**

2221 & 2233 State Street
Ann Arbor, MI

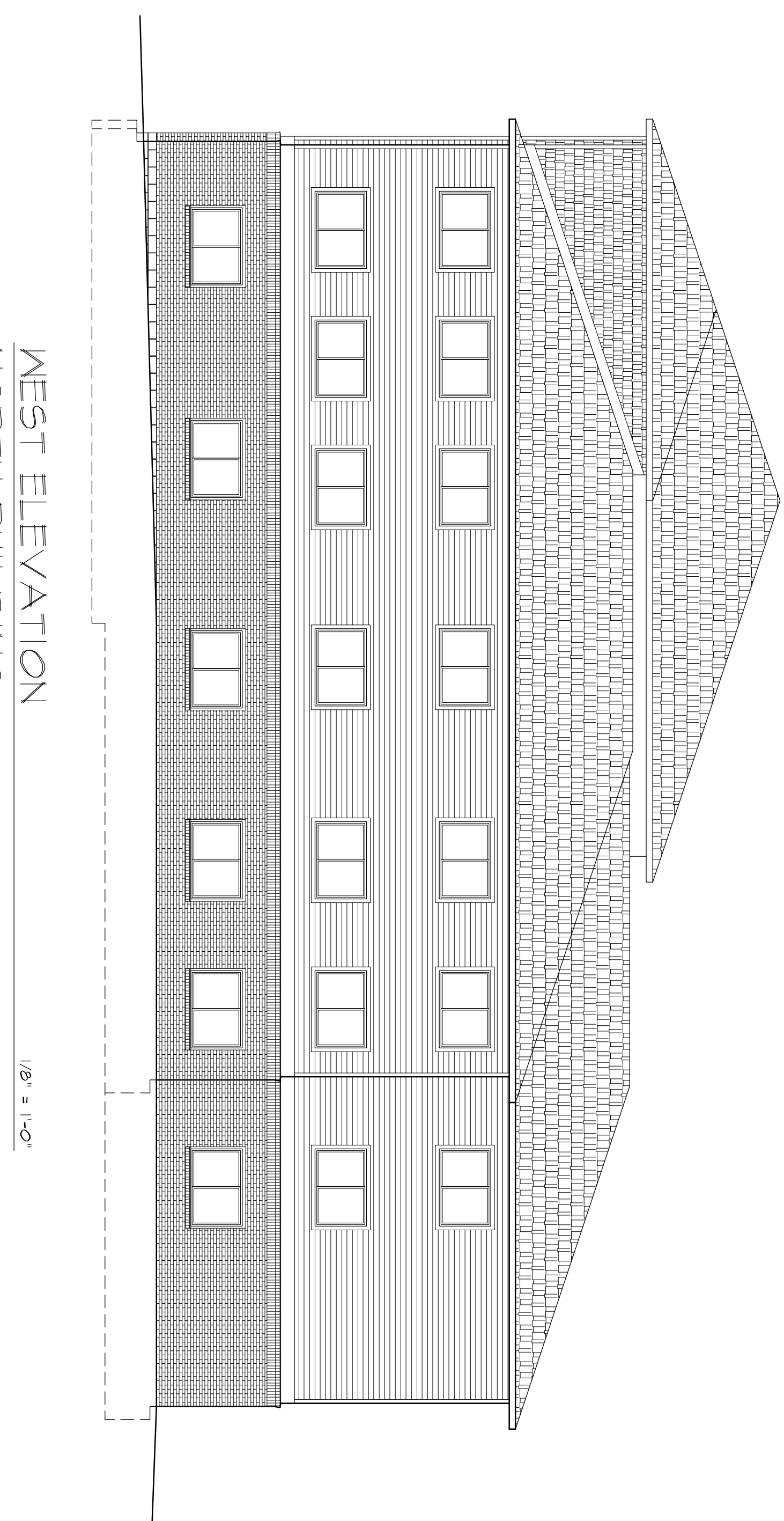
Revisions:
Owner Revs.: 5/23/14

Date:	3/31/14
Drawn:	DJE
Project No.:	201334
Scale:	AS SHOWN
Approved:	AS SHOWN
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Drawing Title:	

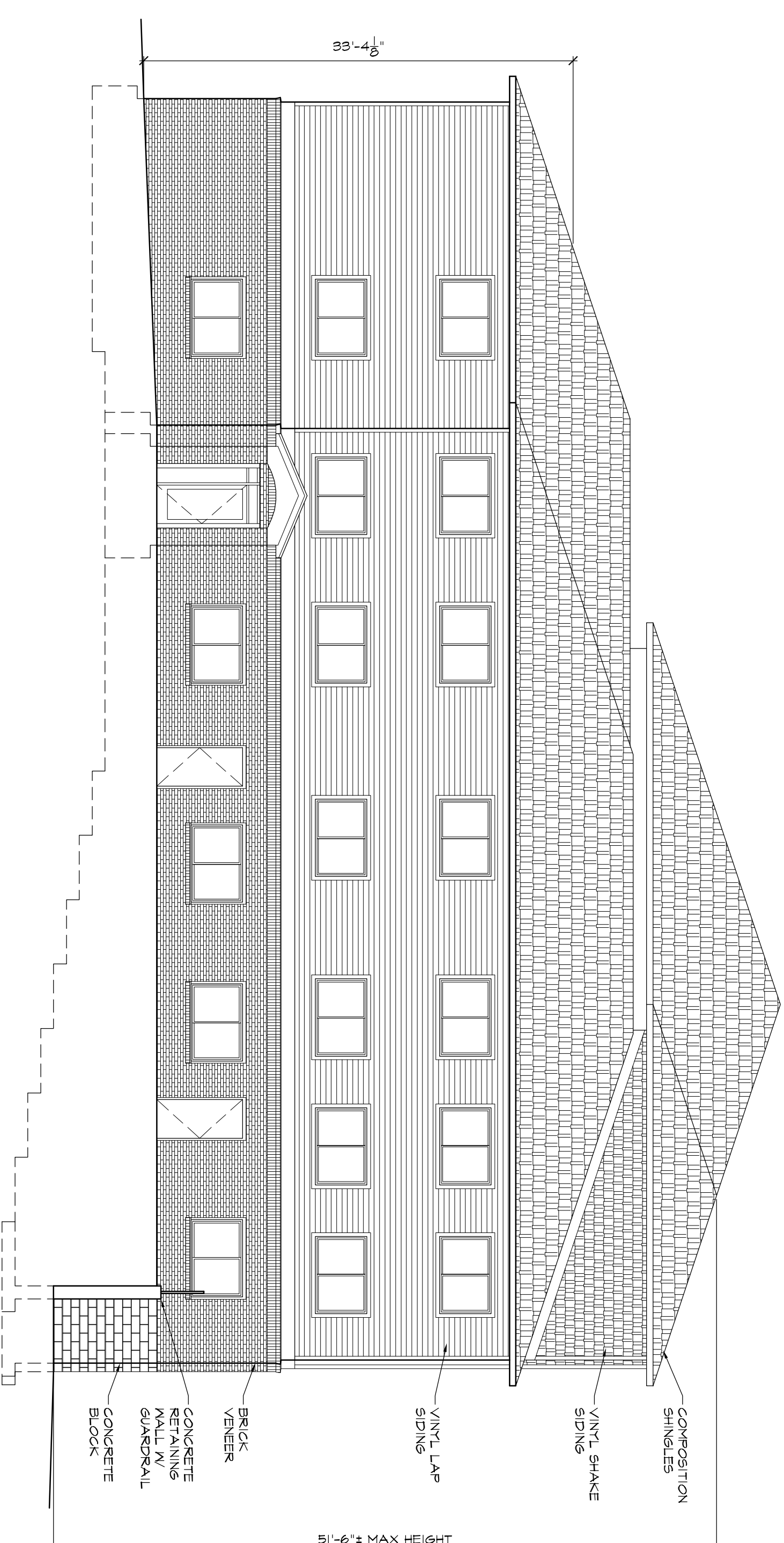
**Apt. Building
Preliminary
Elevs**

Note: for site plan
submittal only; not for
construction

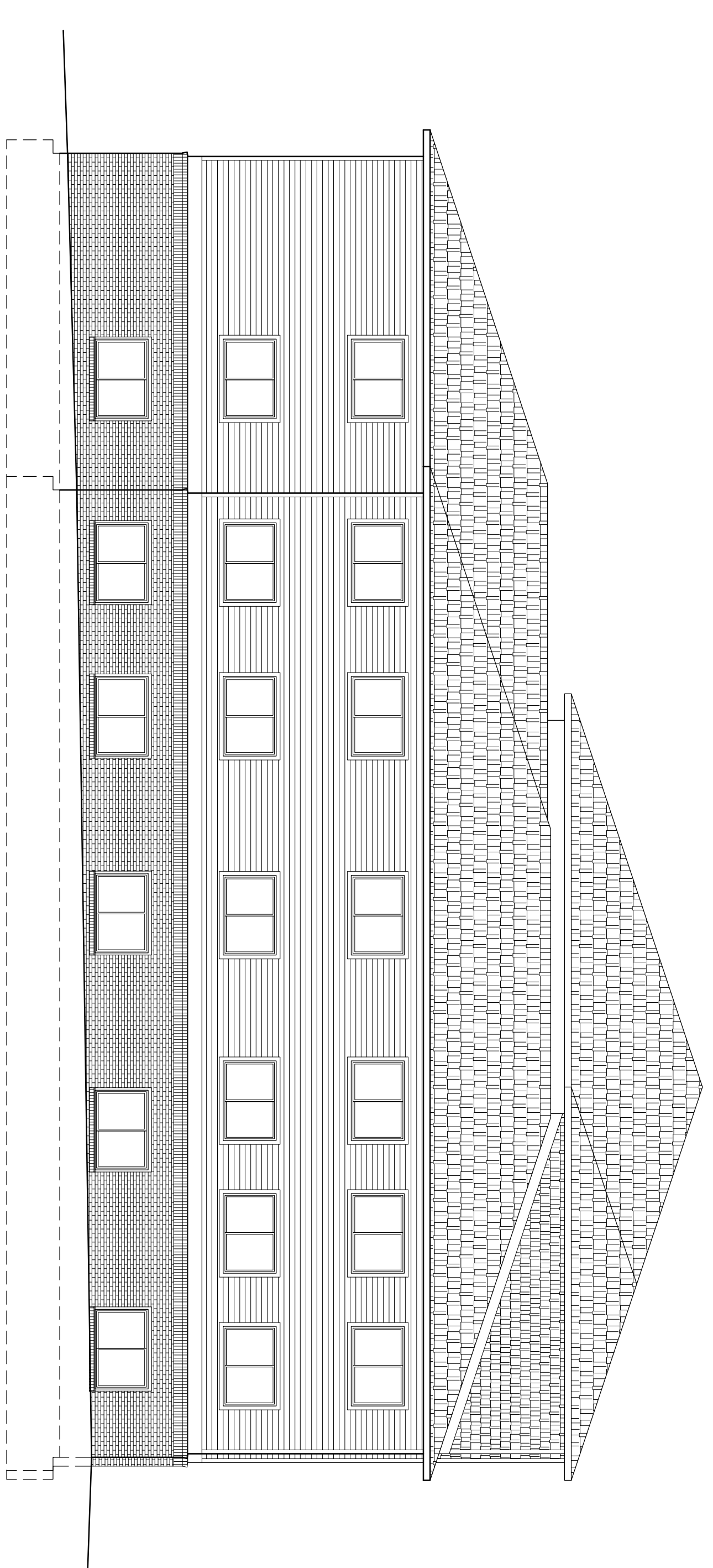
Sheet No.:
A-3



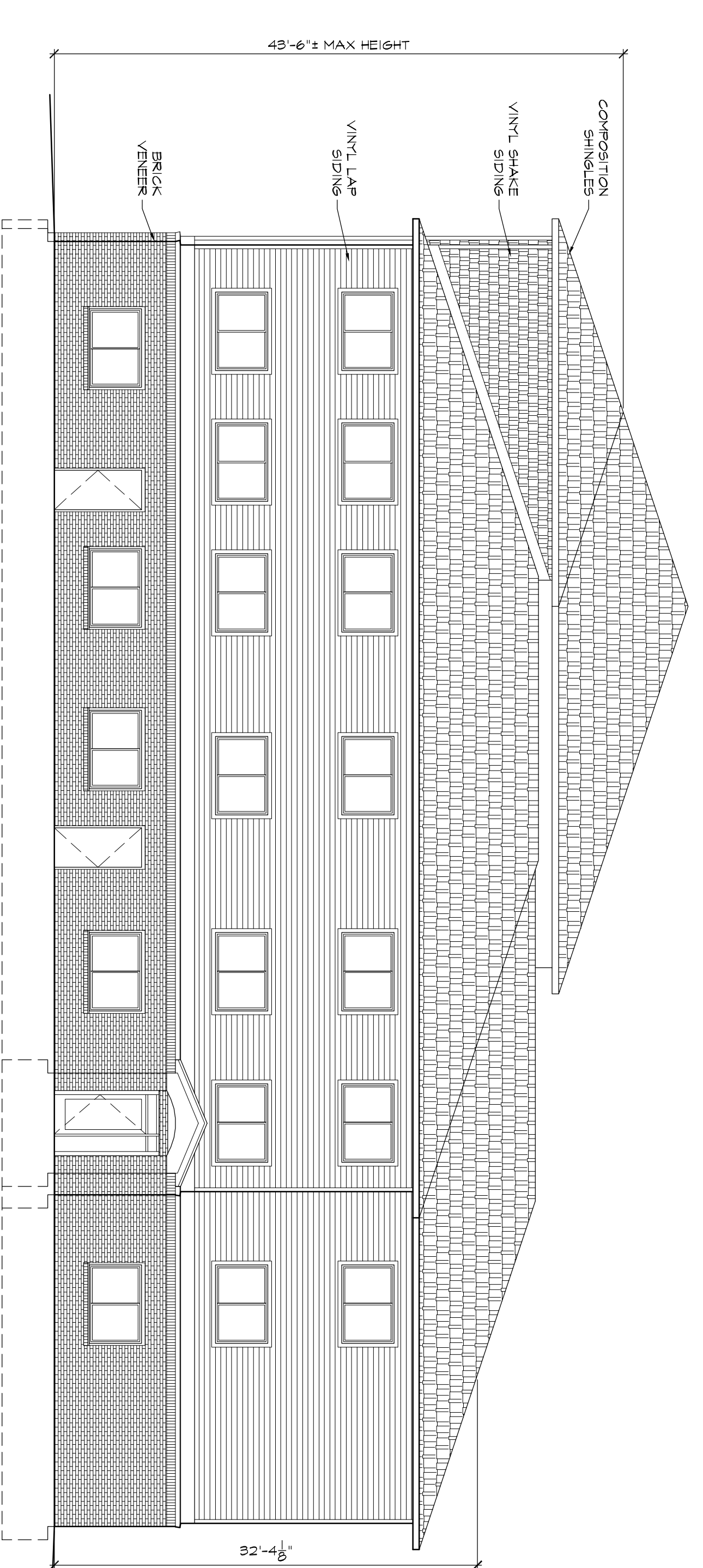
WEST ELEVATION
NORTH BUILDING



EAST ELEVATION
NORTH BUILDING



WEST ELEVATION
SOUTH BUILDING



EAST ELEVATION
SOUTH BUILDING

STATE STREET VILLAGE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this leave blank day of leave blank, 2014, 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 McKinley, Inc., a fill in name of entity, with principal address at 320 N. Main St., Ann Arbor, MI 48103, (*Add second, third owner/developer as appropriate, along with necessary entity and address information*), hereinafter called the PROPRIETOR, witnesses that:

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

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as *insert title as above*, and desires *insert type of approval as needed* and development agreement approval thereof, and

WHEREAS, the PROPRIETOR desires to build or use certain improvements with and without the necessity of special assessments by the CITY, and

WHEREAS, the CITY desires to insure that all of the improvements required by pertinent CITY ordinances and regulations be properly made, and that the PROPRIETOR will install these improvements prior to any permits being issued.

THE PROPRIETOR(S) HEREBY AGREE(S):

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for *construction of public water and sanitary sewer mains, public and private storm water management systems, public streets, sidewalks and streetlights* ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To construct all improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in the improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the PROPRIETOR fails to construct the improvements, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above requiring it to commence and complete the improvements in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR, if the PROPRIETOR does not complete the work within the time set forth in the notice.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public improvements set forth in Paragraph P-1 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the PROPRIETOR'S engineer inspects.

(P-4) Prior to the issuance of building permits, to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities and public streets. The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public Improvement to be conveyed by the easement.

(P-5) To install all water mains, storm sewers, sanitary sewers and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits.

(P-6) To convey to the CITY, prior to the issuance of any permits and subject to acceptance by the Ann Arbor City Council, granting of the required ingress/egress easements with the adjacent property located north as shown on the site plan (sheet P-3) and an additional five feet of easement for the existing sanitary sewer along the east property line (Sheet P-6).

(P-7) To indemnify and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the PROPRIETOR, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-8) To cause to be maintained General Liability Insurance and Property Damage Insurance in the minimum amount of \$1,000,000 per occurrence and naming the CITY as named insured to protect and indemnify the CITY against any claims for damage due to public use of the public improvement(s) in the development prior to final written acceptance of the public improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in full force and effect during construction of the public improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-9) Existing landmark trees shown on the site plan as trees to be saved shall be maintained by the PROPRIETOR in good condition for a minimum of three years after acceptance of the public improvements by the CITY or granting of Certificate of Occupancy. Existing landmark trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public improvements or granting of Certificate of Occupancy, shall be replaced by the PROPRIETOR as provided by Chapter 57 of the Ann Arbor City Code.

(P-10) To construct, repair and/or adequately maintain on-site storm water management system. If the PROPRIETOR fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the

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

(P-11) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area.

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

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

(P-13) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, PROPRIETOR shall review existing noise sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-14) To include the elevation drawings, as submitted to City Council, as part of the approved site plan and to construct all buildings consistent with said elevation drawings. If the PROPRIETOR proposes any substantive changes to the approved building elevations, setbacks, aesthetics, or materials, that those changes be brought back to the City Council for consideration. The PROPRIETOR is required to submit signed and sealed drawings to staff reflecting the elevations, setbacks, aesthetics, materials and site plan approved by City Council.

(P-15) To remove all discarded building materials and rubbish from the development at least once each month during construction of the development improvements, and within one month after completion or abandonment of construction.

(P-16) Prior to application for and issuance of certificates of occupancy, to disconnect 18 footing drains, which is based upon the uses currently existing on the Property and those currently contemplated by the Site Plan in accordance with the Guidelines for Completion of Footing Drain Disconnections, Table A, and adopted by City Council, August 18, 2003 and revised November 30, 2005 (the "Guidelines"), or to provide an alternative method of mitigation that results in an equivalent amount of sanitary flow removal, in accordance with the Guidelines. In the event the actual intensity of uses contemplated by the Site Plan are either increased or decreased, City and PROPRIETOR agree to adjust the number of footing drains to be disconnected, or the amount of alternative mitigation to be provided, in accordance with the Guidelines. PROPRIETOR may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis at the Discretion of the CITY Public Services Area.

(P-17) PROPRIETOR is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the person(s) signing below on behalf of PROPRIETOR has (have) legal authority and capacity to enter into this agreement for PROPRIETOR.

(P-18) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved development agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or development agreement.

(P-19) To pay for the cost of recording this Agreement with the Washtenaw County Register of Deeds, and to pay for the cost of recording all documents granting easements to the CITY.

THE CITY HEREBY AGREES:

(C-1) In consideration of the above undertakings, to approve the State Street Village project.

(C-2) To provide timely and reasonable CITY inspections as may be required during construction.

(C-3) To record this agreement with the Washtenaw County Register of Deeds.

GENERAL TERMS

Both the PROPRIETOR and the CITY agree as follows:

(T-1) This agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

(T-4) The obligations and conditions on the PROPRIETOR, as set forth above in this Agreement and in the approved site plan, shall be binding on any successors and assigns in ownership of the following described parcel:

legal description(s) to be inserted here

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

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

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

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

Witnesses:

CITY OF ANN ARBOR, MICHIGAN
301 East Huron Street
Ann Arbor, Michigan 48107

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Steven D. Powers, City Administrator

Approved as to Form:

Stephen K. Postema, City Attorney

Witness:

By: _____
Royal Caswell III, Chief Operating Officer,
McKinley, Inc.

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 20___, before me personally appeared John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said 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)

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

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

MCKINLEY, INC.

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

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

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

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

Also interested in the petition are:

None

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

JUSTIFICATION:

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

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

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

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

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

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

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

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

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

None

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

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

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