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May 1, 2017

City of Ann Arbor Planning and Development Services Unit
100 N. Fifth Avenue
Ann Arbor, MI 48107
Attn: Ms. Alexis DiLeo

Re: 1140 Broadway
Review #2
Midwestern File No.: 16916A

Dear Ms. DiLeo:

Midwestern Consulting has previously submitted site plans for review for the 1140 Broadway, and has received Planning comments from various City and County departments. We have revised the plans to incorporate the requested changes, and offer the following as a response to the comments and description of changes.

City of Ann Arbor, Nichole Woodward, 03-29-2017

Sheet 03 – Boundary Survey:

The following comments pertain to the overall legal description and sketch

Along Broadway Street, the two labels for bearing N57°48'00"E are stated as one length in the description, however, the bearing measures approximately 15'. It is not clear what the leader for the 10.02' bearing is pointing at.

This has been corrected, and the 10.02' label has been removed.

The length of bearing N58°18'42"E measures approximately 44' on the sketch

This measurement has been changed to 43.57'.

The three labels for bearing S31°16'00"E are stated as one length in the description, however, the three lengths add up to 410.58' rather than 410.57'.

This has been amended and is reflected in the updated plans.

The following bearing is stated as N58°44'00"E in the description, however, it is labeled as N58°44'00"W on the sketch.

This has been amended and is reflected in the updated plans.

The next bearing is labeled as N31°16'00"E on the sketch, however, it is stated as S31°16'00"W in the description.

This has been amended and is reflected in the updated plans.

The last bearing is labeled as S58°44'00"E on the sketch, however, it is stated as N58°44'00"W in the description.

This has been amended and is reflected in the updated plans.

Sheet 04 – Easement Plan:

Storm and sanitary sewer easement Liber 624, Page 650 is missing from this sheet and from Sheet 05.
Liber 624, Page 650 has been added to the Easement Plan.

Sheet 05 – Topographic Survey:

According to City records, existing sanitary sewer manhole labeled s-17 on this sheet connects to existing sanitary sewer manhole labeled s-12.

A 15" connection between these structures has been added.

The size of the water main on Nielsen Court shall be labeled on this and subsequent sheets.

Water main labels are added.

Show the connection to Traver Creek for the pair of double catch basin connections on Broadway Street at the northwest corner of the site

The existing conditions of these catch basins discharge into Traver Creek. No change made.

Sheet 07 - Site Layout Plan:

A "Project Staging Plan" is shown. Clarify if this project will be phased. If the utility phase will differ from the building phase, provide a plan for each.

At the bottom of Sheet 07, a note has been added stating "All utilities and stormwater shall be built during building stage A."

Remove the proposed bike hoops from the public right-of-way. Four hoops are shown proposed at the southwest end of Broadway Street, and shall be relocated to be within private property.

The developer anticipates entering into a license agreement with the City for the location of the bike hoops and other improvements in this general area (landscaping, wall, seating, etc.).

Additional right-of-way along Maiden Lane at Broadway Street is requested to accommodate sidewalks, signage, etc. The extent of the required right-of-way shall be clearly shown and labeled on this sheet and on Sheets 04 and 05.

This area has been defined in the drawings with dimensions.

The proposed easement line work is obscured by other line work on this sheet and shall be shown as a darker line than the existing easements.

Easement lines have been made darker.

The driveway opening width at the Nielsen Court drive approach shall be dimensioned.

Additional driveway dimensions have been added.

The drive approaches for 1115 and 1123 Broadway Street shall be fully dimensioned, including driveway opening width (as measured at the right-of-way and from face-of-curb), curb cut width and return curb radii. It is noted that drive approaches as for these properties as shown on this sheet do not meet the requirements of Chapter 47

Additional driveway dimensions have been added. The project is not proposing modification to these existing curb cuts.

The proposed drive approaches for the retail buildings on the northwest side of Broadway Street (1133 – 1151 Broadway Street) do not meet the requirements of Chapter 47. In addition, the second drive approach for 1149 – 1151 Broadway Street is not permitted by Chapter 47.

Additional driveway dimensions have been added. The project is not proposing modification to these existing curb cuts.

The proposed bump-out along the frontage of 1149 – 1151 Broadway Street is located too close to the pedestrian refuge island for the Plymouth Park entrance.

We are no longer proposing a bump-out.

As the project proposes the reconstruction of an existing street, it is noted that public street shall be designed in accordance with the City's Green Streets Policy. The City's Green Streets Policy is not waived for a net reduction in impervious area of the roadway; the Policy applies any time public streets are reconstructed. As a section of Broadway Street is proposed to be reconstructed, this area of reconstruction shall comply with the Green Streets Policy. It is further noted that the proposed changes to the geometry of the roadway cannot be affected through milling alone as the petition proposes to move the centerline of Broadway Street

We have included Green Street elements for the roadway reconstruction areas.

Proposed changes within Broadway Street are under review by the Traffic Engineer. Once an agreed upon layout is confirmed, along with any necessary traffic mitigation measures along this and/or other streets, further comments will be provided.

Noted. With this submittal and subsequent to meetings with the City Traffic team we have included a roundabout at the Broadway entrance to the project.

Remove the proposed walls at the south end of Broadway Street. It is not permissible to construct private signage on permanent structures within the public right-of-way. In addition, the petitioner's response letter indicates that benches are proposed in this area of Broadway Street. While no benches are currently shown or labeled on the site plan, it is not permissible to construct benches within the public right-of-way.

The developer anticipates entering into a license agreement with the City for the location of the bike hoops and other improvements in this general area (landscaping, wall, seating, etc.).

The petitioner indicated in their response letter that one purpose of the proposed "cul-de-sac" at the southwest end of Broadway Street is to serve as a "landscape architectural component." In addition, it is noted that the hatching applied to the "cul-de-sac" is not included within the legend on this sheet. The City does not consider pavement to be a landscape architectural feature. Provide more detailed information, including labeling all proposed landscape architectural components for review and consideration.

Additional detail has been noted on the plan.

Sheet 10 – Site Utility Plan:

Clearly show, label and dimension existing and proposed easements. Note that water main easements are forty feet in width, including twenty feet around all sides of a fire hydrant. This does not appear to be met for the on-site hydrant lead off of Maiden Lane. Sanitary and storm easement widths are twice the depth plus ten feet, with the utility main offset five feet from the center. Modified sewer easements shall be shown as proposed easements.

This has been amended and is reflected in the updated plans.

The existing and proposed structure label bubbles shall be removed as this style of label is obscuring the line work under the bubbles.

We have adjusted our label scheme to reduce obscuring of line work.

A proposed 8" sanitary sewer line appears to be shown along the south side of Maiden Lane near Plymouth Road. Clarify whether or not a sanitary sewer is proposed in this location or if this proposed line work is shown in error.

This stray label has been removed in the updated plans.

Sanitary Leads:

The proposed 8" and 10" sanitary leads to the 30" sanitary sewer for Building A propose drop connections. Note that

these proposed sanitary connections may only be made at the existing manholes with the approval of Public Works, and if the existing sanitary manholes are in good condition. Additionally, all drop connection must be exterior.

A note has been added to the plans to this affect.

City records indicate that there is an existing 4" sanitary sewer lead located on Maiden Lane in front of Building B. This lead shall be permanently disconnected at the existing sanitary sewer manhole labeled s-25.

This existing lead has been shown to be removed and permanently disconnected.

It appears that the 4" (dead) gas line lies directly over the 12" water main along Broadway Street. Confirm the location of the dead gas line with DTE.

The location of the 4" gas line has been shown in accordance with record documents from the gas company.

Note that the Capital Recover Cost is the same if the connections to the proposed water main are made via a figure-4 or as separate connections. The City prefers that the connections be separate. If a figure 4 configuration is used, the maximum distance between the two leads is 4-feet.

A figure 4 configuration is the desired method of connection and leads are shown on plans as being 4' apart

It is noted that a valve is now shown on the long hydrant lead off Maiden Lane, however, the valve is shown approximately 3' off the water main in Maiden Lane. Gate valves shall be located 5' off tees, and tapping sleeves and valves shall be located at the tap on the main. Please clarify which method of connection to the existing water main in Maiden Lane is proposed by moving the valve to either of these locations and by labeling the proposed valve.

It is anticipated that the connection would utilize a dry connection with a cut in tee. The valve has been shown to be 5' off the main water line.

The proposed water main easement for the water main located near the northwest corner of the site is difficult to see. The line work for the proposed easement shall be darker to improve visibility.

This has been amended and is reflected in the updated plans.

The Fire Department Connection location labels on buildings A and B are obscured by other text.

Leaders have been added showing connections.

Sheet 16: Photometric Plan:

Proposed streetlight spacing along Broadway Street shall be placed a minimum of 90' apart. It is noted that streetlights are currently shown too close together.

The spacing has been revised

The City of Ann Arbor approved fixture for public right-of-way lighting in this area is the Lumecon "Ring of Fire."

The photometric plan has been revised

Sheet LA-01 – Landscape Plan:

There appears to no longer be a scale on this sheet. The drawing shall be produced at an approved scale (ie - 1" = 40'). A scale is required so that distances between fire hydrants and plantings may be verified.

A scale has been noted

A north arrow is required to be shown on each plan view sheet.

The north arrow and scale have been added.

City of Ann Arbor Fire Department – Ms. Reka Farrackand - 03-30-2017

Fire Command Center and shall comply with the 2009 IFC Section 508 and 2012 MBC Section 911.

Fire Command Center will comply with 2009 IFC Section 508 and 2012 MBC Section 911 and has been noted as such on the Fire Protection Plans.

Grass pavers for the cul-de-sac off Broadway St. will not be accepted. The Fire Department does not keep a list of locations utilizing this type of surface and lack of maintenance will become an issue.

We are not proposing any grass pavers or similar systems with this project.

Asphalt pavement or similar, able to support the weight of a fire apparatus, will be accepted.

Noted.

Broadway St. Hydrant: City Standards require hydrants to be no more than 10 feet from curb face or edge of paved area. Proposed hydrant shows approximately 20 feet from paved area.

We have revised the plans to provide concrete surfaced areas to access the hydrant.

Raised Pedestrian connection: Shall have, at minimum, a 14 foot clearance for fire apparatus.

The pedestrian connection will have a minimum clearance of 14 feet.

Stormwater and Floodplain Programs coordinator - Mr. Jerry Hancock - 04-06-2017

The floodplain boundary shown on Sheet 11 at the south property corner (Maiden and Nielson intersection) represents a flood elevation of about 767. However, the flood profile suggests a flood elevation above 769 in this area. Please adjust the flood boundaries on Sheet 11 to conform to the elevations shown on the flood profile found in the Flood Insurance Study for Washtenaw County. This issue was corrected on other sheet throughout the rest of the siteplan.

Flood boundaries have been adjusted and are shown on plans.

The floodplain cut/fill summary on sheet 11 lists the existing and proposed flood storage capacity of the site as the same figure, 4123 cubic yards. However, that analysis does not list the proposed amount of cut and fill involved in the proposal. Please provide proposed amount of cut and fill involved in this proposal.

This has been amended and is reflected in the updated plans.

The cross section on Sheet 11 describes proposed Building B as having "below grade parking". However, the proposal is to construct "at grade" parking. Please revise the text on the cross section on Sheet 11 accordingly.

This has been amended and is reflected in the updated plans.

Please add information to the building elevations to demonstrate that the lowest floor will be elevated 1 foot above the BFE for Building A and B, and notes and calculations to demonstrate that the required flood openings will be provided at the ground level floor of building B.

This has been amended and is reflected in the updated plans.

The outlets for the proposed internal detention in Building A are proposed below the 100-year flood elevation of Traver Creek. How will floodwater be prevented from entering the proposed detention basin and building parking area?

A tidal backflow valve has been shown to be placed on the secondary emergency overflow at the downstream manhole. It is possible that flood waters could enter the detention system through the internal drive catch basins. The storage provided for the underground detention system is storage that is provided in addition to the

floodplain surface storage volume.

Proposed Building A includes below grade parking at an elevation of 769.85. The adjacent floodplain elevation is 770.4. The building is proposed to be hydraulically connected to the floodplain (see comment above), so the below grade parking will flood when the surrounding area is flooded. To avoid building flooding please consider raising the parking floor level to one foot above the 1% annual chance flood elevation (770.4 +1 = 771.4 ft.). Due to the proposed hydraulic connection, the proposed building would be considered “in” the floodplain and flood insurance would be required for the structure.

The elevation of the below grade parking has been raised to an elevation of 770.5 and above the 1% flood elevation. The non-parking habitable areas are shown at an elevation greater than 1’ above the 1% flood elevation.



Stormwater is proposed to outlet to an existing catch basin R-37, which is shown connecting to a 12” public storm line in Nielsen Court. This storm line and catch basin do not show up in the City’s GIS inventory of public storm infrastructure. Has this “existing” storm line and catch basin been verified?

This manhole and line were shown on previously approved site plans. We have also completed field reconnaissance of the manhole and have excavated and re-confirmed this structure.

On February 18, 2014 the Ann Arbor City Council approved a resolution adopting a Green Streets policy for all public street construction and reconstruction. The policy requires a certain level of stormwater infiltration for the runoff generated from the public right-of-way where being reconstructed. This proposal includes resurfacing and realignment of Broadway Street. Please work with the City Project Management team to determine which portions of Broadway would require reconstruction to accomplish the realignment. It will be necessary for this project to comply with this new green streets policy for any portions of Broadway Street that will be reconstructed. Please review the City’s green street policy and identify how this standard will be met for the areas of the public street that will be reconstructed.

The plans have been updated to include a Green Streets Plan for improvements to Broadway Street.

Urban Forest and Natural Resource Planning, Mr. Kerry Gray, 03-31-2017

Natural Features:

Sheet 11. Please indicate which landmark trees (by number) will have critical root zone impacts, in the natural features impact statement.

This information was added to the plans.

Sheet 11. Trees to be preserved do not show up well on this sheet due to the shading and cross hatching of other natural features. Please darken the trees that are to be preserved on the site.

This has been amended and is reflected in the updated plans.

Traver Creek:

Please show the boundary of Traver Creek. The plan shows the wetland boundary but not the actual boundary of Traver Creek; if the boundaries intersect show both boundaries. Per the Chapter 57 companion Land Development Regulations, the following information must be provided about Traver Creek, "...depth, normal water levels, shore gradients, type of bank retention and shore vegetation."

This has been amended and is reflected in the updated plans.

Wetlands:

Per the Land Development Regulations, Section 1:4(19)(g) please identify the boundary and character of all wetlands in accordance with Chapter 60.

The boundaries of the wetland must be delineated and flagged on the site, has this occurred?

This has been amended and is reflected in the updated plans. Wetland boundaries were delineated by ASTI.

Natural Features Open Space and Path:

Staff supports comments provided by Becky Gajewski of the City's Natural Area Preservation Program related to location and creation of a path in proximity to the required natural features open space.

Natural Area Preservation's Comments: If the petitioner would like to install a path along Traver Creek as part of a public easement, it should be kept in mind that the path should stay out of the natural features open space, as much as possible. Visual cues such as a landscaped privacy screen or a small fence could be used to separate the path from the private residences alongside of it. This easement could also be planted with native grasses. Additionally, consider extending the proposed path from the northeast corner south to the Nielson Court Sidewalk rather than terminating the path at the NE corner.

The proposed path has been removed from the plans and a public access easement is proposed. This is reflected in the updated plans.

Landscape

- 1. Sheet LA-01. Scale and North Arrow.** Staff could not find the scale or north arrow on the plans. Please add.
North arrow and scale have been added.
- 2. Sheet LA-01. Tree species.** The tree planted just south of the driveway off of Broadway is not labeled with a species. Please add species.
The species has been added.
- 3. Sheet LA-01. Landscape Calculations.**
Please add that the petitioner is seeking a landscape modification to not meet the 50% bioretention island requirement.
The note has been added.
- 4. Sheet LA-01. Street Tree Species.** The columnar Ginkgo (*Ginkgo biloba*) is not a tree species that the City would like planted as a street tree. Please revise plans with a non-columnar tree.
The ginkgo street trees have been revised.
- 5. Sheet LA-01. Utilities and Trees.** The landscape plan still shows utilities (sanitary lines/service leads and stormwater pipes) in the northern area of the conflicting land use buffer that have trees planted on or very close to them. Please revise.
The storm and sanitary lines/service leads should not be located under proposed tree. Trees

that are growing above these lines may be damaged or removed due to future maintenance
The landscape and the utility lines have been revised and coordinated

6. **Sheet LA-01. Native Grasses.** Below are native grass species to consider for the natural features open space and adjacent areas.

Shorter Grasses tolerant of wet soils:

Virginia wild rye (*Elymus virginicus*)
Riverbank wild rye (*Elymus riparius*)
Silky wild rye (*Elymus villosus*)

Tall Grasses tolerant of dry soils:

Prairie brome (*Bromus kalmii*) Canada
wild rye (*Elymus canadensis*)
Little bluestem (*Schizachyrium scoparium*)
Sand dropseed (*Sporobolus cryptandrus*)
June grass (*Koeleria cristata*)
Panic grass (*Dichanthelium oligosanthes*)
Purple love grass (*Eragrostis spectabilis*)

The open space has been noted to be planted with the above species.

7. **Sheet LA-01. Overhead Utilities and Trees.** Please show the placement of the trees in the conflicting land use buffer as far from the utility lines as possible. The trees are currently shown in the middle of the buffer and will conflict with the utility lines when mature.
DTE Energy maintains at least 10 feet of clearance between vegetation and the utility lines. When DTE prunes these trees to maintain utility line clearance, the trees will no longer meet the intent of the trees in the conflicting land use buffer

The tree locations have been adjusted

8. **Landscape Plan.** Per Chapter 62, 5:607 the following information must be included on the landscape plan – referred sections are in (>):
(12) Identification of landscape maintenance program including a statement that all diseased, damaged or dead material be replaced in accordance with Chapter 62 by the end of the following planting season, as a continuing obligation for the duration of the siteplan.

The notes have been added to the plan.

City of Ann Arbor Systems Planning Unit - Mr. Peter Stephens - 04-04-2017

SOIL EROSION AND SEDIMENTATION CONTROL

After staff have visited the site, it has been determined silt fence will be required around the perimeter of the site – please show this on the plans.

This has been amended and is reflected in the updated plans.

In regards to the footing drains, provide a narrative and a representative cross-section showing the following:

The elevation of the footings
The elevation of the footing drain
The elevation of the watertable

An explanation on how the contaminated ground water will not reach the footing drains and ultimately the storm sewer.

There are no footing drains being proposed with this project.

Solid Waste and Recycling Program Coordinator - Ms. Christina Gomes - 04-04-2017

Petitioner will need to include a physical representation of the dumpsters within the site plan, containers must be angled in such a manner, to the trucks, so that they may service the containers without the driver leaving the truck or moving the dumpsters.

This has been amended and is reflected in the updated plans. Shown on Solid Waste Removal plan. It should be noted that the carts/dumpsters will reside inside of the buildings and be moved to staging areas external to the buildings for pick-up. This will be facilitated by the on-site building engineer or custodians as is the practice with many urban projects within the City. A summary of the anticipated solid waste needs has been coordinated with the operator, and is noted on the plans

Building B, there is not adequate space between the pickup area and the adjacent parking spaces. As designed, it is necessary for the trucks to maneuver and pull in adjacent to a parking spot and lift the dumpsters. There is a high risk of improperly placed material from the dumpsters striking the parked car in the eastern most spot in this arrangement.

This has been amended and is reflected in the updated plans.

Building B, pickup location as designed does not provide adequate area to arrange the dumpsters in an angled formation for service.

The solid waste plans have been revised to depict staging areas.

City of Ann Arbor Water Resources Commissioner's Office, Theresa Marsik, 04-04-2017

The plans are preliminarily approved by WCWRCO.

The drain easements shown on the site plans do not fully correspond to our records. Please indicate all existing drain easements on the final design plans, with the respective liber and page numbers.

This has been amended and is reflected in the updated plans. Libers have been updated on the Easement Plan

City of Ann Arbor Planning & Development Services – Ms. Alexis DiLeo - 03-31-2017

Planning staff has reviewed the revised materials submitted on March 22 and offer the following comments. As before, your responses and revisions must correct or address comments provided by all service units.

Required Revisions – The revised plans acknowledge or address our Planning Review #1 memo except where further discussed below.

Master Plan – Staff disagrees with your casual dismissal of the relevancy of Chapter Six Lower Town in the Master Plan: Land Use Element. Just because the Broadway Village at Lower Town PUD was not realized does not mean that the underlying, general land use recommendation and design guidelines are irrelevant, outdated and not worthy of consideration. The detailed statement regarding “the former Kroger site” contains sound, fundamental planning and land use principles that should be taken into account.

Our previous comments paraphrased the specific land use recommendations and design guidelines. Here is the

complete recommendation:

The former Kroger site and surrounding properties are appropriate for a low rise (2-4 stories) to mid-rise (5-8 stories), mixed-use urban village. A redeveloped village center should consist of a mixture of residential, office, retail and public land uses. Residential uses such as townhouses and apartments are appropriate. Neighborhood retail uses will provide an opportunity for area residents to walk to nearby services and minimize the need for off-street parking. Small professional offices will provide opportunities for area residents to walk to work and provide mid-day customers for retailers. Only residential uses are recommended near Traver Creek to minimize the impacts of non-residential uses on the neighbors north of the creek. The height of new residential buildings near Traver Creek should not exceed 4 stories in height to minimize visual impacts to adjoining neighbors. Most new buildings in the remaining portion of the village center should be between 3 and 5 stories in height with some buildings as tall as 8 stories. Taller buildings should be slender instead of massive to minimize their visual impact. Buildings that exceed 5 stories in height should have a building scale that is generally consistent with three buildings in downtown Ann Arbor that function as community focal points.

Those buildings include the Washington Square Building (200 East Washington), the First National Building (201 South Main), and the Glazier Building (100 South Main). If proportions of buildings exceed five stories in height, the taller portions should also have a building scale similar to these downtown buildings. Taller buildings should provide strong emphasis on an attractive appearance since they will be more visible. Building materials such as brick and stone can enhance the appearance of taller buildings and convey a sense of permanence. The height allowed for mid-rise buildings can encourage redevelopment opportunities while not exceed the height of the two existing mid-rise buildings in Lower Town. A Planned Unit Development should be part of any major redevelopment proposal in the Village Center Village Center Design Guidelines – the following specific elements should be included in a design for the village center: Buildings located at or near sidewalks to encourage pedestrian access.

Ground floor retail for some buildings to provide necessary services and promote vitality.

Public plazas and/or village greens to encourage a sense of neighborhood and provide places to relax.

Parking that is provided in on-street locations or underneath or behind new buildings to minimize imperviousness and encourage pedestrian access. Off-street surface parking should be minimized and included shared parking arrangements.

Sidewalks that can accommodate outdoor seating to enhance a pedestrian atmosphere.

Direct pedestrian and bicycle connections to surrounding neighborhoods, downtown Ann Arbor, the Huron River and University of Michigan facilities.

Vehicular access should be provide from Maiden Lane, Broadway and Neilsen Ct.

Restoration of Traver Creek with a pedestrian path provided along the length.

Extensive landscaping should be installed to provide shade and beauty.

Design measures that minimize the amount of vehicular traffic on upper Broadway.

Public art and benches to add elements of beauty and comfort.

Appropriate lighting of public areas.

Additional design guidelines are described on page [54] of this chapter.

With all due respect, we take exception to both the characterization of our approach as one involving “casual dismissal” of the Master Plan’s relevance and the assertion that we consider the land use recommendation and design guidelines to be “irrelevant, outdated and not worthy of consideration.”

To the contrary, our site plan closely adheres to the vast majority of the Master Plan’s suggestions, including, but not limited to, the following design guidelines:

- ***Buildings located at or near sidewalks to encourage pedestrian access.***
All buildings are located in close proximity to the adjacent ROW.

- Ground floor retail for some buildings to provide necessary services and promote vitality. The project's third phase incorporates retail, the amount of which can be significantly expanded to reflect market conditions at the time of construction.
- Public plazas and/or village greens to encourage a sense of neighborhood and provide places to relax.

Public plazas and village greens can enhance site plans, but they must be evaluated in the context of a given project's specific location and proposed use mix. In the case of 1140 Broadway, onsite plazas and/or greens would be severely underutilized resulting in an illusory public benefit and inefficient site plan.

- (1) The project is literally surrounded by places to congregate and relax. Numerous parks, nature areas, and waterways are located within a short walk: Riverside Park, Broadway Park (including the newly constructed dog run), Fuller Park, Island Park, Plymouth Parkway Park, Beckley Park, Longshore Park, Argo Park, Argo Nature Area, Cedar Bend Nature Area, Traver Creek, Huron River, Argo Pond, and the Cascades.
- (2) The project's residential uses include robust amenities, including, but not limited to: community room, fitness center, theater, pool, grilling stations, etc. In addition, the project's management team will actively organize social encounters and events for residents.

However, creating active open space that can be enjoyed by residents of the project and neighborhood alike is a critical site planning priority. The project proposes to accomplish this objective in two ways:

(a) Grant a public access easement over the land adjoining Traver Creek

(b) Make improvements to Broadway Street to revitalize its character - from what is currently an expanse of underutilized asphalt into a vibrant, urban space, readily visible and accessible to the public. A space which can from time to time be utilized as a neighborhood gathering point for events

- Parking that is provided in on-street locations or underneath or behind new buildings to minimize imperviousness and encourage pedestrian access. Off-street surface parking should be minimized and include shared parking arrangements. Parking is located in a central parking structure that is concealed by wrapping it with residential use. Parking cannot be located below grade due to the widespread presence of soil and groundwater contamination and floodplain.
- Sidewalks that can accommodate outdoor seating to enhance a pedestrian atmosphere. Streetscape enhancements to Broadway Street will include hardscape improvements that will create an active, pedestrian environment.
- Direct pedestrian and bicycle connections to surrounding neighborhoods, downtown Ann Arbor, the Huron River and University of Michigan facilities. Extensive bicycle amenities will be provided to project residents, including secure, ground floor indoor storage, and repair facilities. The city bike map identifies Broadway Street and Wall Street

as the primary routes leading to downtown, the Huron River, and the University. Broadway Street adjoins the site and Wall Street is accessible via both Broadway Street and Nielsen Court.

- Vehicular access should be provided from Maiden Lane, Broadway and Nielsen Ct. The plan proposes an access point on each adjoining street.
- Restoration of Traver Creek with a pedestrian path provided along the length. Invasive plant species will be removed from and native species planted in the wetland buffer adjoining Traver Creek. A public access easement will be granted throughout the buffer.
- Extensive landscaping should be installed to provide shade and beauty. The site will contain extensive landscaping, exceeding code required minimums.
- Design measures that minimize the amount of vehicular traffic on upper Broadway. Intersection alignment, traffic control measures, and the construction of parallel parking will serve as traffic calming measures.
- Public art and benches to add elements of beauty and comfort. Public art and benches are proposed at the terminus of Broadway Street at Maiden Lane.
- Appropriate lighting of public areas. All public areas will be lighted per code requirements.

We openly acknowledge that our site plan does not incorporate every Master Plan recommendation. The stated purpose of the Master Plan is to establish general policies and to provide information and guidance – it neither imposes rigid development constraints nor requires adherence to a predetermined site plan. Interpretation and application of the policies and guidance must take the following into account: community input, site specific physical encumbrances, and the site’s development history.

1. Community Input

Upon signing an agreement to purchase the property in August 2016, we commenced our solicitation of community input. Over the ensuing months, we conducted an unprecedented volume of voluntary outreach with elected officials, staff, stakeholders, neighbors, and Ann Arbor residents at large. This outreach has exceeded 100 meetings, not including the project’s heavily attended Citizen Participation Meeting, a required public meeting that we held in February.

Feedback has been collected incrementally, originating with a series of meetings held with elected officials to gain a high-level understanding of expectations for the site’s redevelopment. It was these initial meetings that informed our first site plan iteration – and not the other way around.

Due to the project’s place making nature, community input has varied, but overwhelmingly the response we have received can fairly be characterized as one of enthusiastic support. Not unexpectedly, some voices communicated a desire to see certain project aspects go further than what we are proposing, but in general, the community appreciates the delicate balance we have struck between competing interests and constraints.

2. Identification of site specific physical encumbrances

The site is impacted by the extensive presence of both floodplain and environmental contamination – both soil and groundwater, which is migrating offsite. These encumbrances dictate the buildings' layout, influence the use mix, preclude below grade parking, and prohibit storm water infiltration.

3. *Understanding and learning from the site's development history*

The site plan for Broadway Village, a previous developer's attempt to redevelop the property, was approved fourteen years ago, in 2003. Broadway Village was a well-intentioned project that offered an interpretation of the Master Plan, which unfortunately for the City of Ann Arbor, and particularly the Lower Town neighborhood, proved to be untenable. In 2008, shortly after the existing site improvements were razed, the project failed. Nearly a decade later, the City is still suffering from its aftermath: blight, exacerbated groundwater contamination that is migrating offsite toward the Huron River, and depletion of the property tax base.

It has occasionally been suggested that the Broadway Village site plan was fundamentally sound and that it was solely the 2008 recession that derailed the project, but such a simplistic contention ignores two plain facts: (a) the project received a \$52M (\$40M in 2003 dollars) subsidy in the form of tax increment financing, the staggering magnitude of which cannot be overstated, and (b) the developer's equity partner was the State of Michigan Retirement System, an entity with a very substantial balance sheet that could easily have carried the project through the recession until the economy sufficiently recovered.

Despite these two profound financial advantages, Broadway Village cratered and its fundamentally unsound site plan was a primary factor – for anyone to suggest otherwise would be disingenuous.

Our site plan eliminates the land planning and construction inefficiencies that characterized Broadway Village, proposes a use mix reflective of present day market demand, which has shifted from commercial to residential use, and vastly reduces the tax increment financing request.

Fundamental Concerns. Staff has two fundamental concerns with the proposed development. First, the buildings are massive and out of scale with Lower Town. Second, the development is essentially a single use – residential – with an accessory retail space. It is not a mixed use center.

Massing – Building A's footprint is in the ballpark of 80,000 square feet, approaching two acres in area. Buildings B and C's footprints are in the lower and upper 30 thousands respectively, each closer to a full acre than a half acre. Building A's diagonal dimension of over 360 feet, twice the 180-foot maximum diagonal allowed East Huron One character overlay district downtown. Building B and C's diagonal dimensions, roughly 260 feet and 300 feet respectively, also significantly exceed that maximum diagonal dimension. Like the subject site, the East Huron One character overlay district is zoned for mixed uses directly abutting a historic residential neighborhood. The maximum diagonal dimension was introduced in the East Huron One overlay district to ensure new development was slender and minimized impacts to the adjacent neighborhood.

In staff's opinion, the proposed development does not adequately take advantage of the C1A/R's lack of an established height limit to create taller, slender buildings. To be clear, staff is not suggesting downtown core heights – but rather eight stories, perhaps even ten stories, along Maiden Lane and two to four stories along Broadway Street and facing Traver Creek better fits the context with the surrounding neighborhood.

The Master Plan specifically identified three existing buildings to emulate. Staff further suggests that the Ashley Mews development is an example of transitional scale from mid/high-rise to low-rise buildings.

Mixed Uses – Excluding the parking structure, the proposed development is 99% residential and 1% retail. As stated above, it is not a mixed use center.

Other than two party stores, four restaurants (three of which specialize in take-out and delivery), a few

businesses (bike shop, frame shop, pottery studio), there are no retail uses to serve any of the existing or future residents in the neighborhood. A full grocery supermarket thrived at this site only 10 years ago, without the 600 additional dwelling units proposed and before the expansion of the Kellogg Eye Center and other UM Health System facilities on Maiden Lane. There has never before been so many residents and employees in Lower Town and the neighborhoods immediately north and so few retail uses.

With all due respect, we take exception to both the characterization of the buildings as “massive and out of scale with the Lower Town neighborhood” and the assertion that the project “is not a mixed-use center”.

(a) Massive and out of scale with neighborhood

Successful site redevelopment requires finding solutions to the various issues discussed in the preceding section. The three principal drivers of our approach are: (1) mixed-use that reflects market demand, (2) wrapped parking concentrated at the site’s core, and (3) midrise scale. Although wrap buildings necessarily require a large footprint, the project’s midrise scale provides a sensible transition between massive, high rise institutional buildings located along Maiden Lane (more of which are likely to come in the years ahead) and single-family homes along Broadway.

To blend harmoniously with adjoining properties, particularly those located along Traver Creek and beyond, the buildings’ design incorporates steps in elevation, mass articulation, and varied setbacks. Implementing this design approach results in a lower FAR utilization than that permitted by the proposed zoning district.

The buildings’ compelling architectural design, which features a varied palette of materials, textures, and colors, emphasizes brick masonry. The design was positively received in a broad series of stakeholder meetings held in March.

We recognize that the Master Plan promotes several buildings as guideposts for a future development’s architectural design: Washington Square, the Glazier Building, and the First National Building - all of which are prominent, historic office buildings located in the Main Street Historic District. These buildings are situated on small, rectangular, corner lots, typical of those found throughout the central business district. In addition, these buildings do not contain parking.

The 1140 Broadway property, located outside the central business district, is not a singular lot, but rather a large site comprised of 6.4 acres. The proposed use mix does not include office use, but regardless, it is prohibitively inefficient to proportionally replicate the geometry of these small floor plate office buildings.

The staff report recognizes Ashley Mews as an example of desirable, transitional scale. This project encompasses a high-rise office building of 9-stories that is located adjacent to 2-story townhomes, which face the office tower. The buildings’ physical separation is just twenty feet of hardscape.

By way of comparison, our proposed setback condition vastly improves upon that of Ashley Mews. At just half the scale (5-stories) the minimum physical separation between the proposed phase 1 building’s wings and the closest single family residence is approximately ninety-five feet. It must be noted, however, that the setback increasingly exceeds ninety-five feet from other building points. A dense stand of mature, large caliper trees lining Traver Creek augment the expansive separation.

(b) Not a Mixed-Use Center

Creating new retail development in Lower Town is an important community priority, one that is shared between the City of Ann Arbor, neighborhood residents, and Morningside. Viable retail use will be a highly coveted

amenity for the 1140 Broadway project's residents. As such, it enhances the project's perception and value, so we are incentivized to maximize retail use at 1140 Broadway.

However, successful real estate development requires establishing a use mix that is responsive to market demand. When developers craft plans that stray from this basic economic principle, they doom their projects to failure, as was the case with Broadway Village.

We firmly believe that thriving retail will reemerge in Lower Town along Broadway Street, but not in a form resembling a grocery anchored, neighborhood shopping center. The time for this once successful model has passed. Rather, future retail in Lower town will be characterized by a series of smaller scale retail establishments, that when taken in aggregate, will constitute a retail node benefitting the entire neighborhood and community at large.

As acknowledged throughout the Master Plan, developing new retail uses in Lower Town is challenging due to a plethora of factors, including, but not limited to: vacant storefronts, underutilized land, a lack of community identity, and ongoing University land acquisition and development.

The consequence of these conditions is best exemplified by the Broadway Street retail strip center, the neighborhood's largest retail property, which is located across the street from the 1140 Broadway site. Having recently gained control of the property through a ground lease arrangement, we possess first-hand knowledge of the chronically low rents and high delinquency rates that have served as a disincentive to meaningful property reinvestment. Consequently, the buildings have exceeded their useful lives.

The retail market is dynamic. What constituted demand in 2003, when the Broadway Village site plan was approved, differs from that of 2009, when the most recent update to the Master Plan was adopted, and in turn differs from that of the present day, which has been inexorably altered by the emergence and growth of e-commerce.

The amount of retail floor area currently contemplated in our site plan is a placeholder. Demand will be reevaluated as the project unfolds. If the influx of new residents into the project's first two phases fosters demand that exceeds our current projection, then the project's retail footprint can easily be expanded to accommodate. Our measured approach to new retail development will be the catalyst for Lower Town's retail resurgence. Properties aligning Broadway will see substantial reinvestment and/or redevelopment as our project comes to fruition and brings a critical mass of new residents into the Lower Town neighborhood.

Natural Feature Open Space Activity. Thank you for providing responses to support the proposed natural feature open space activity for removing the existing construction fence and installing a grass paver system for vehicle access to a fire hydrant.

You have expressed interest in adding a paved or woodchip path along the creek as an amenity to the future tenant as well as the surrounding neighborhood. Please note the intent of the natural feature open space, per Section 5:51 of the Zoning Ordinance, is require open space, often referred to as a buffer, adjacent to certain natural features "in order to prevent physical harm, impairment or destruction of or to a natural feature." And, "prohibited and permitted activities for natural feature open space shall be the same as the prohibited and permitted activities regulated or allowed in or on the natural feature."

Planning staff will not support any disturbance within the natural feature open space for a paved or woodchip path. A path may be a site amenity and appreciated by the neighborhood but it is not in the public interest to allow disturbance to the natural feature open space to accommodate it. The purpose of the open space is to prevent physical harm, impairment or destruction. Staff does not feel the benefit of a path within the open space is greater than reasonably foreseeable detriments of activity within the buffer, the basic determination of being in the public interest per Section 5:51(6).

The fact that the only place where a path may be located on the current site plan layout is within the natural feature open space reinforces staff's fundamental concern about the proposed development's massing. The future land use recommendations and design guidelines, and the public benefits achieved from the PUD zoning district, were immediately dismissed as irrelevant, and little forethought was given to on-site public amenities.

The proposed path has been removed from the plans and a public access easement is proposed. The easement area exceeds that of the wetland buffer. This is reflected in the updated plans.

Planned Project Modification. Planning staff do not support the request to reduce the front setback for Building A. The solid brick wall, over 80 feet in length and estimated to be eight feet tall, is not in keeping with an active street frontage, urban character, or pedestrian friendly design.

Site Plan.

The principal land planning objective for Broadway Street is to transition its character from active/urban (south of the roundabout) to neighborhood/residential (north of the roundabout). The wall is an architectural element that runs along Broadway to provide visual interest and relief. The wall provides continuity across Broadway's character transition, but it is not continuous. Rather, it is designed as segments with heights that vary from 3.5 ft. to 6 ft. (lowered by 2 ft. from its previous 8 ft. height) and sidewalk setbacks that vary from 2 ft. to 5 ft. The wall relates to the base of the buildings by utilizing the same brick. The wall's purpose is to promote pedestrian friendly design.

Please clarify the proposed improvements in the open space of Building C on Maiden Lane. Based on Sheet LA-01 landscape plan it appears to have a wall and a furnished outdoor patio. Is the amenity open to the public, an enclosed private space? What are the proposed improvements in the center of Building C? Provide a detail.

The courtyard space contains recreational amenities for building residents that will not be available to the public. These amenities include areas for grilling, lounge, fire pit, yard games, etc.

Please clarify the proposed improvements immediately adjacent to the retail space. Note that sidewalk occupancy permits for outdoor seating or sales are not issued outside of the Downtown Development Authority boundaries.

The improvements include hardscape, landscaping, an architectural wall with opportunity for gateway signage for the Lower Town neighborhood, benches, and the potential for a public art installation. There will also be a covered bike rack.

The sidewalks within the site serve as the site's dominant areas of active open space for the residents and are likely to be heavily congested. Most of the sidewalks are parallel or perpendicular to parking stalls, as well, and therefore should be widened from five feet as currently proposed to at least eight feet.

Sidewalk areas adjoining the building entries, the retail space, and 90-degree parking stalls have been increased to 6 ft. These areas are noted on the plans.

The comparison chart indicates that 1,379 square feet of floor area has been swapped between the residential portion of the development and the parking portion, and the retail portion has remained the same, but the total floor area has increased by 6,000 square feet, from 138,035 to 144,035. Please clarify.

The comparison chart incorrectly showed an increase in ground floor area to 144,035 square feet. This is a representation of the footprint, which includes area that does not count toward FAR. The correct ground floor area remains at 138,035 square feet and has been noted in the comparison chart. The reallocation of 1,379 square feet between parking and residential is a refinement, but note that the overall project size of 793,180 square feet, calculated as total floor area applicable to FAR, has not changed.

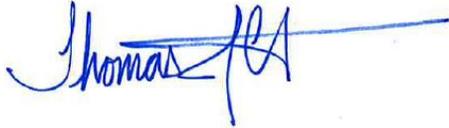
Building Elevations. The color perspective renderings provided separately are very helpful to supplement the site plan. However, the drawings provided in the plan set remain hard to read. Please enlarge each elevation and consider providing one full sheet for each building elevation, twelve sheets of elevations in all.

Enlarged elevations have been added to the plans.

Should you have any further concerns or have further questions, please feel free to contact me by phone at 734.389.5303, or email at tjc@midwesternconsulting.com . We look forward to your feedback.

Sincerely,

MIDWESTERN CONSULTING

A handwritten signature in blue ink, appearing to read "Thomas J. Covert", with a long horizontal line extending to the right.

Thomas J. Covert
Senior Associate/Senior Project Manager