

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 21, 2013

**SUBJECT: Summit Townhomes Zoning  
(2081 East Ellsworth Road)  
File No. Z12-004**

### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Zoning to \_\_\_\_.

### STAFF REPORT

On February 4, 2013, City Council referred the Summit Townhomes zoning back to Planning Commission for re-evaluation of the proposed zoning designation. During Council discussion, concerns were noted regarding the project's proposed density, traffic and storm water impacts. Council members requested that the Planning Commission examine whether a lower density zoning would potentially lessen impacts on the surrounding area. The Council also asked for staff to report on the need for parkland in the area.

After consultation with appropriate City staff, Planning staff has prepared an overview of the Council concerns, including a more in-depth discussion of the master plan recommendations and a comparison examining three potential zoning designations for the property: R1C (Single-Family Dwelling District), R2A (Two-Family Dwelling District) and R3 (Townhouse Dwelling District).

#### Master Plan Recommendations

The subject parcel is part of Site 9 in the South Area section of the City of Ann Arbor Master Plan: Land Use Element, which provides site-specific recommendations for a 20-acre area east of Stone School Road, north of Ellsworth. Site 9 is comprised of the following parcels, in addition to the 2.95 acre Summit Townhomes site:

- Cloverly Village Townhomes – This 7.5 acre parcel is immediately west of the Summit Townhomes site and is zoned R3.
- Vacant Parcel - This 3.02-acre parcel immediately to the north of the Summit Townhomes site is under the jurisdiction of Pittsfield Township and owned by Ann Arbor Public Schools. The parcel currently is used as a playfield for Bryant School. According to the school representative, the school has no plans to sell or develop the land, other than for incidental school uses.
- 2195 E. Ellsworth – This 7.4-acre parcel to the east of Summit Townhomes is privately owned and contains one single-family home. This parcel was annexed in 2005 and zoned R1C. The R1C zoning was proposed by the homeowner to avoid the Area Plan requirement, because no new development was proposed at the time of annexation.

The master plan recommendation for Site 9 notes that “Approximately eight acres adjacent to Bryant School is recommended for neighborhood parkland, playground addition to Bryant School, and a possible expansion to the Bryant Community Center. The remainder of the area is recommended for single-family attached and detached use. Due to proximity to the approach to Ann Arbor Airport, noise buffering should be considered in new residential construction...”

The master plan recommendations are addressed below.

### Neighborhood Parkland

The recommendation for Site 9 was likely developed before the Public Schools acquired the vacant parcel to the south of Bryant School. The current Parks, Recreation and Open Space Plan does not recommend acquiring additional parkland in the area surrounding the Summit Townhomes site. Parks staff has indicated that the area surrounding the parcel is well-served by existing parks, and there are no immediate plans to acquire additional land in the area. Parks staff did recommend recreation amenities be provided on-site to serve new residents of the proposed development. The petitioner has proposed a playground structure with several benches and a picnic table to address resident recreational needs.

### Zoning Alternatives

Below is a chart of alternative zoning districts, in addition to the proposed R3, that align with the master plan recommendations for the site. A single-family zoning (R1C) would result in a lower overall density for the site. However, single-family zoning could allow the parcel to be divided into four parcels through an Administrative Land Division or up to 17 parcels through a site condominium project. Access could be provided through shared drives for a maximum of 8 drives leading directly to Ellsworth. Single-family zoning does not permit the clustering of units.

Two-family zoning (R2A) could result in a maximum of 15 parcels with a density of 30 units, which is similar to R3 zoning. The parcel could be divided to 4 parcels through the Administrative Land Division or 15 parcels through a site planned site condominium project. Access could be provided through shared drives for a maximum of 8 drives leading directly to Ellsworth. Duplex zoning does not permit the clustering of duplex structures.

The City’s traffic engineer reviewed the trip generation summary submitted by the Summit Townhomes petitioner and concluded a traffic impact study was not required. According to the Institute of Transportation Engineers (ITE) manual, the average daily trips typically generated by single-family dwellings is 9.6, compared to 5.9 for single-family attached dwellings (i.e., townhomes). While there is no ITE figure for duplexes, the traffic engineer estimates that average daily trips would be in the middle range between single-family and townhouse development.

**ZONING ALTERNATIVES**

|  | R1C                                    | R2A                                    | R3  |
|--|--|--|---|
| Minimum Lot Area                                       | 7,200 sf                               | 8,500 sf                               | 21,780sf (0.5 acre)                                   |
| Minimum Lot Area Per Dwelling Unit                     | 7,200 sf                               | 4,250 sf                               | 4,300 sf  |
| Maximum dwelling units for subject parcel (2.95 acres) | 17 units                               | 30 units                               | 29 units (24 units proposed)                          |
| Minimum useable open space %                           | None                                   | None                                   | 65 %  |
| Minimum Setback Requirements                           | 25 ft front<br>5 ft side<br>30 ft rear | 25 ft front<br>5 ft side<br>30 ft rear | 15 ft min/40 ft max front<br>20 ft side<br>30 ft rear |
| Minimum Parking  | 1 space/unit<br>0 bicycle parking      | 1.5 space/unit<br>0 bicycle parking    | 2 spaces/unit<br>1 bicycle parking space/5 units      |
| Trip Generation  | 9.6 trips/day                          | ---                                    | 5.9 trips/day   |

Storm Water – According to City Code, the petitioner is required to control and treat all storm water runoff that is generated from the site. The storm water management system for the Summit Townhomes site is under the jurisdiction of the Washtenaw County Water Resources Commission (WCWRC). The WCWRC has approved the proposed storm water management system, which provides for first flush, bankfull and 100 year storm. The storm water system is designed to retain water on-site and allow for some infiltration while slowly releasing the remaining water into the main storm drain along Ellsworth. The storm water system does not drain through the neighborhood to the north; the storm sewer within Ellsworth flows toward the west and eventually north into the Mallets Creek.

**STAFF RECOMMENDATION**

Staff recommends that the R3 zoning be **approved** because a townhouse use, as proposed, is consistent with the single-family attached zoning recommended by the City of Ann Arbor’s Master Plan, would limit access points to Ellsworth Road, provide the least traffic impact on adjacent roads, allow for clustering of units, and requires preservation of a minimum of 65% open space.

Prepared by Matt Kowalski  
 Reviewed by Wendy Rampson

Attachments: 01/03/13 Planning Staff Report

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 3, 2013

**SUBJECT: Summit Townhomes Site Plan for City Council Approval  
(2081 East Ellsworth Road)  
File No. SP12-023**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Site Plan and Development Agreement, subject to 1) preliminary plan approval by the Washtenaw County Water Resources Commissioner; 2) revising the landscape plan to provide required interior landscaping; and 3) revising the utility plan to extend water main to the northern parcel boundary prior to City Council consideration of the site plan.

### **STAFF RECOMMENDATION (REVISED 1/3/13)**

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

### **STAFF REPORT**

Planning staff received revised plans from the petitioner on December 28, 2012 after the packet was finalized. The plans have been reviewed by staff, which has determined that outstanding comments have been addressed sufficiently to be considered by the Planning Commission. The additional comments noted below must be addressed before the project will be scheduled for City Council action.

Natural Resources - Sheet LS-1 (Landscape Plan) shows a 300 square foot interior landscape island at the northwest corner of the vehicular use area. Landscape islands at the corner of the vehicular use area may only be counted up to a maximum of 200 square feet. To achieve the required interior landscape islands, the landscape island that contains the Nannyberry Viburnum in the parking lot can be counted towards an interior landscape island if one deciduous shade tree is planted. Please revise the plan to address this comment.

Systems Planning - The proposed location for the sanitary sewer extension is acceptable. Easements will be required from the Ann Arbor Public Schools prior to commencing construction. In addition, per the Public Services Standard Specifications, water main must also be extended to the northern parcel boundary.

Prepared by: Wendy Rampson  
Revised 1/3/13

c: Systems Planning

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 3, 2013

**SUBJECT: Summit Townhomes Site Plan for City Council Approval  
(2081 East Ellsworth Road)  
File No. SP12-023**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Site Plan and Development Agreement, subject to preliminary plan approval by the Washtenaw County Water Resources Commissioner.

### **STAFF RECOMMENDATION**

Staff recommends that the zoning and site plan be **postponed** to give the petitioner an opportunity to submit revised plans addressing site stabilization and natural features review comments.

### **STAFF REPORT**

The Summit Townhomes Site Plan was postponed by the Planning Commission at the November 20, 2012 meeting. Staff requested postponement to allow additional time for the petitioner to address review comments regarding site stabilization and natural features analysis. City Staff and the petitioner met on December 19, 2012 to discuss and clarify the remaining issues. The petitioner has indicated that all issues can be addressed and will be shown on revised plans. However, at this time revised plans have not been submitted in order to confirm the required corrections. All proposed revisions will have no impact on the building layout or overall design of the site.

If staff is able to verify corrected plans by the time of the Planning Commission meeting, staff will provide an updated recommendation for the site plan.

Prepared by: Matthew Kowalski

12/28/12

Attachments: November 20, 2012 Planning Staff Report

c: Systems Planning

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of November 20, 2012**

**SUBJECT: Summit Townhomes Zoning and Site Plan for City Council Approval  
(2081 East Ellsworth Road)  
File Nos. Z12-004 & SP12-023**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Summit Townhomes Zoning, Site Plan and Development Agreement, subject to preliminary plan approval by the Washtenaw County Water Resources Commissioner.

**STAFF RECOMMENDATION**

Staff recommends that the zoning and site plan be **postponed** to give the petitioner an opportunity to address staff comments, including additional information required for site stabilization and natural features analysis.

**LOCATION**

The site is located on the north side of East Ellsworth Road, just east of Stone School (South Area, Malletts Creek Watershed).

**DESCRIPTION OF PETITION**

The subject site is 2.95 acres and currently in Pittsfield Township's jurisdiction. The petitioner is requesting R3 (Townhouse Dwelling District) zoning and site plan approval in order to construct 24 attached residential units. Each residential unit will contain approximately 1,300 square feet of floor area. The site is in the process of annexation from Pittsfield Township, when the annexation is accepted by the State of Michigan, the site plan and zoning will proceed to City Council for final action.

The proposed 24 residential units will be located in four separate buildings varying in size from 80 to 160 feet long. Each unit will have an attached one car garage. The site is proposed to be accessed by one curb cut from Ellsworth Road. There will be two parking surface areas, each containing 12 spaces, located along the eastern and western side of the parcel. Solid waste and recycling facilities will be provided adjacent to parking areas.

The petitioner has proposed a public sidewalk along Ellsworth and interior sidewalks along the drives. There will be a small recreation area adjacent to the parking lot in the southwest corner of the site. Storm water management will be provided underneath the parking lot and proposed open space on the western side of the site.

There are 12 landmark trees located on the site. The submitted tree survey indicates that the majority are in poor health. Current plans indicate all 12 will be removed for construction of buildings or site elements such as parking or detention. All landmark trees removed will be mitigated onsite as required by City Code.

The site also contains a significant steep slope in the eastern half. The slope is categorized as a protected natural feature of low level concern according to the Land Development Regulations of City Code. The steep slope is part of a site gradient that results in almost 40 feet of elevation change rising from the west to the east. The petitioner is proposing to level the majority of the site and engineer a series of slopes and two retaining walls along the eastern edge of the site. The new slopes and retaining walls will rise approximately 35 feet from the base of the easternmost building to the eastern property line.

### **CITIZEN PARTICIPATION**

The petitioner held a meeting for interested citizens on August 22, 2012 two weeks prior to submitting the petition. Invitations were sent to all residents and property owners within 1,000 feet of the site as well as all subscribers to the GovDelivery planning update service. Ten people attended the meeting. The attendees asked questions about storm water controls, traffic and treatment of the steep slopes. The full report provided by the petitioner is attached.

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

|       | LAND USE             | ZONING  |
|-------|----------------------|---|
| NORTH | Residential & School | TWP (Township)<br>R3 (Townhouse Residential District) |
| EAST  | Residential          | R1C (Single-Family Residential District)              |
| SOUTH | Residential          | TWP (Township)  |
| WEST  | Residential          | R3 (Townhouse Residential District)                   |

### COMPARISON CHART

|                       | EXISTING          | PROPOSED*   | REQUIRED                                      |
|-----------------------|-------------------|---|---|
| Zoning                | TWP (Township)    | R3(Townhouse)   | R3(Townhouse)                                 |
| Gross Lot Area        | 2.95 acre         | 2.95 acre   | .5 acre (21,780sf)                            |
| Setbacks              | Front             | 45 ft   | 28 ft (MIN)<br>40ft MAX                       |
|                       | Side(s)           | 110 ft (West)<br>350 ft (East)  | 66 ft (West)<br>113 ft (East)                 |
|                       | Rear              | 175 ft  | 44 ft   |
| Height                | 25 ft (approx)    | 30 ft/2 story   | 35 ft MAX                                     |
| Parking - Automobiles | 1 spaces (garage) | 48 spaces   | 48 spaces MIN                                 |
| Parking – Bicycles    | 0 spaces          | 24 spaces – Class A (garages)<br>4 spaces – Class A (bicycle lockers)<br>4 spaces – Class C | 5 spaces MIN total (50% Class B, 50% Class C) |

### HISTORY

The parcel currently is vacant. Early (pre-1960) aerial photographs indicate the land was used for some limited farming. In recent years, the parcel had contained a single-family house. The house and detached garage were demolished in the Summer of 2012.

The petitioner applied for annexation and zoning and area plan in May 2012. The annexation was recommended for approval by Planning Commission and approved by the City Council in July 2012. The area plan and zoning were postponed by the Planning Commission in June 2012. In August 2012, the petitioner withdrew the request for area plan approval and submitted a site plan to be reviewed along with the zoning request. The annexation petition is now at the State of Michigan awaiting final approval.

### PLANNING BACKGROUND

The City of Ann Arbor Master Plan: Land Use Element identifies this parcel as part of Site 9 in the South Area. The future land use recommendation for Site 9 indicates single-family attached or detached as the preferred option. It also notes that noise buffering should be utilized due to the close proximity to Ann Arbor airport. The City of Ann Arbor Non-Motorized Transportation Plan recommends sidewalks along Ellsworth and bicycle lanes for future installation in Ellsworth.



Chapter Five of the City of Ann Arbor Master Plan: Land Use Element recommends following community oriented design for the site plan. The design recommendations for townhome developments include rear accessed garages, front porches and clustered design to preserve natural features. The plan also encourages providing on-site playground, open space, and pedestrian linkages with adjacent developments.

### **STAFF COMMENTS**

Systems Planning – Adequate utilities exist to serve the site. Seven footing drain disconnects or equivalents will be required.

Natural Resources – Staff has concerns regarding the extensive grading required for the proposed development. The petitioner has stated that the steep slopes are not naturally occurring, but that the natural slopes have been altered significantly by historical dumping and fill activities on the site. Staff has determined that the slopes on the site meet the definition of a regulated natural feature (Steep Slopes) as defined in the Land Development Regulations and shown on the, “Map of Steep Slopes of Ann Arbor, 2004”. The slopes are characterized as “low level of concern” and, as such, there are no specific mitigation requirements. However, the Land Development Regulations encourage the petitioner to protect the steep slope and minimize all grading in that area.

Staff has requested a revised alternatives analysis that includes protection of the natural features and justification for choosing the proposed plan.

Grading and Soil Erosion – Staff has noted that the large amount of grade change requires a significant removal of soil from the site. The soil removal and construction of the retaining walls may make the current proposal cost-prohibitive.

Additional information has been requested regarding the construction sequencing and timing. Due to the large amount of soil proposed to be removed from the site, access and staging requirements should be modified to accommodate significant truck traffic removing soils.

The storm water management system is under the jurisdiction of the Washtenaw County Water Resources Commissioner’s office. Preliminary plan approval is needed before the site plan is considered by City Council.

Planning – Planning staff shares the concerns mentioned by Natural Resources and Grading staff regarding the development of steep slopes and the amount of grading required for the proposed plan. However, the proposed use is consistent with the Master Plan, and the property is within the ultimate service boundary of the City of Ann Arbor. The proposed R3 zoning is consistent with the adjacent zoning to the north and west of the site. The adjacent 6.5 acre parcel to the east is currently zoned R1C and has one single-family house. The density proposed would result in 8 units per acre; the maximum density permitted in the R3 Zone is 10 units per acre.

The Ann Arbor Public Schools own the vacant parcel adjacent to the north, which abuts Bryant Elementary School. In accordance with the Master Plan recommendation, staff would encourage the petitioner to inquire about the feasibility of providing a pedestrian access to this parcel for future connection with the school.

Staff has encouraged the petitioner to consult the City's Land Use Element for design guidelines for the individual buildings as well the overall site layout.

Parks – The Parks donation is still being evaluated and will be based upon recreation amenities proposed for the site. The petitioner has indicated they will provide a recreation area for residents, but revised plans have not been submitted at this time. If there are no amenities provided for residents, the requested donation will be \$14,880.

Prepared by Matt Kowalski

Reviewed by Wendy Rampson

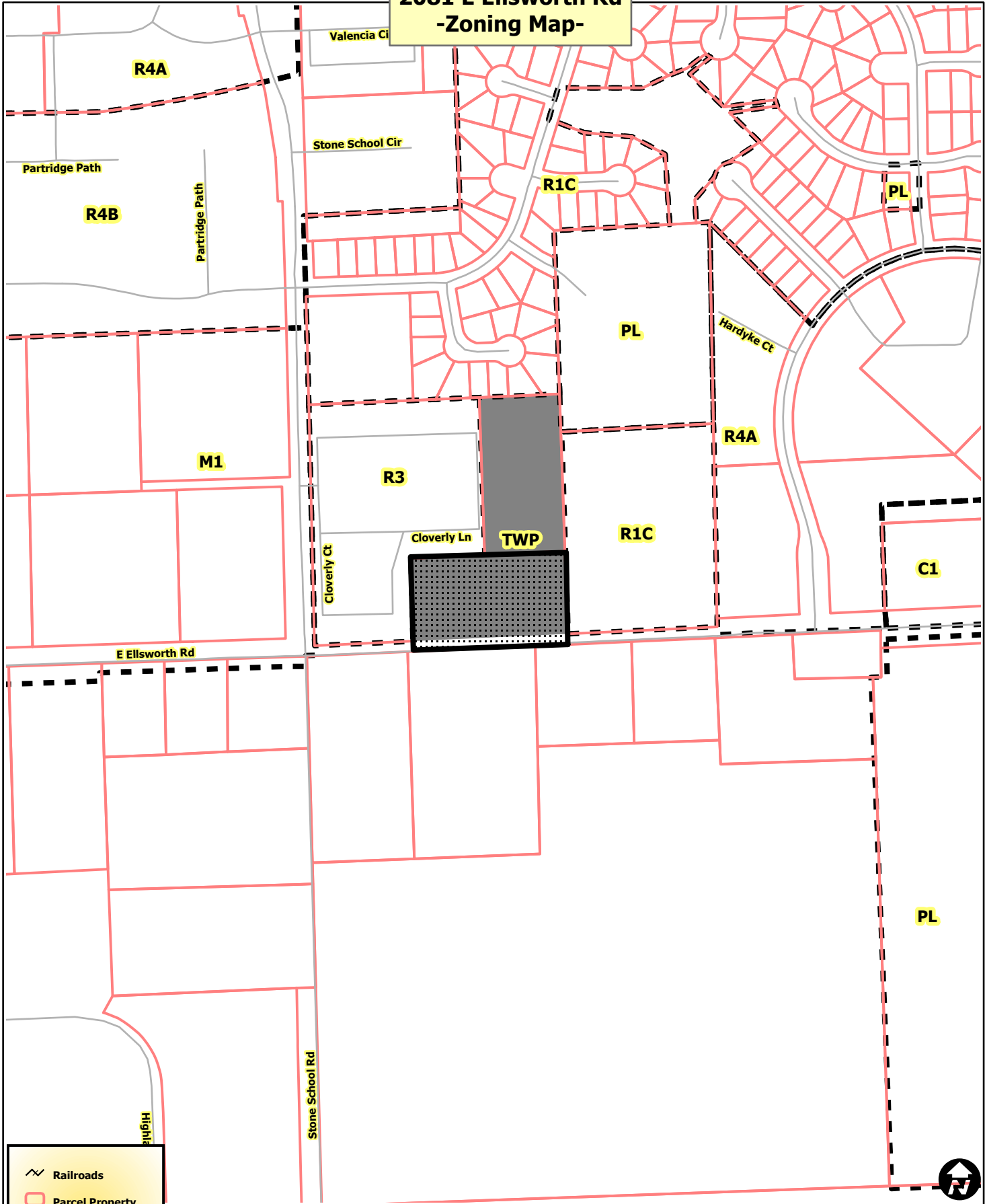
Attachments: Parcel/Zoning Map  
Aerial Photo  
Site Plan  
Landscape Plan  
Draft Development Agreement  
Citizen Participation Report





c: Petitioner: GROWWWWLEE LLC  
Mr. Shawn Barrow  
6509 Hazeltine National Drive #6  
Orlando, FL. 32822

Petitioner's Representative: Leonard Michaels  
CIW Engineering  
1016 Dixie Highway  
Rossford, Ohio 43460

City Attorney  
Systems Planning  
File Nos. SP12-023, Z12-004

# 2081 E Ellsworth Rd -Zoning Map-

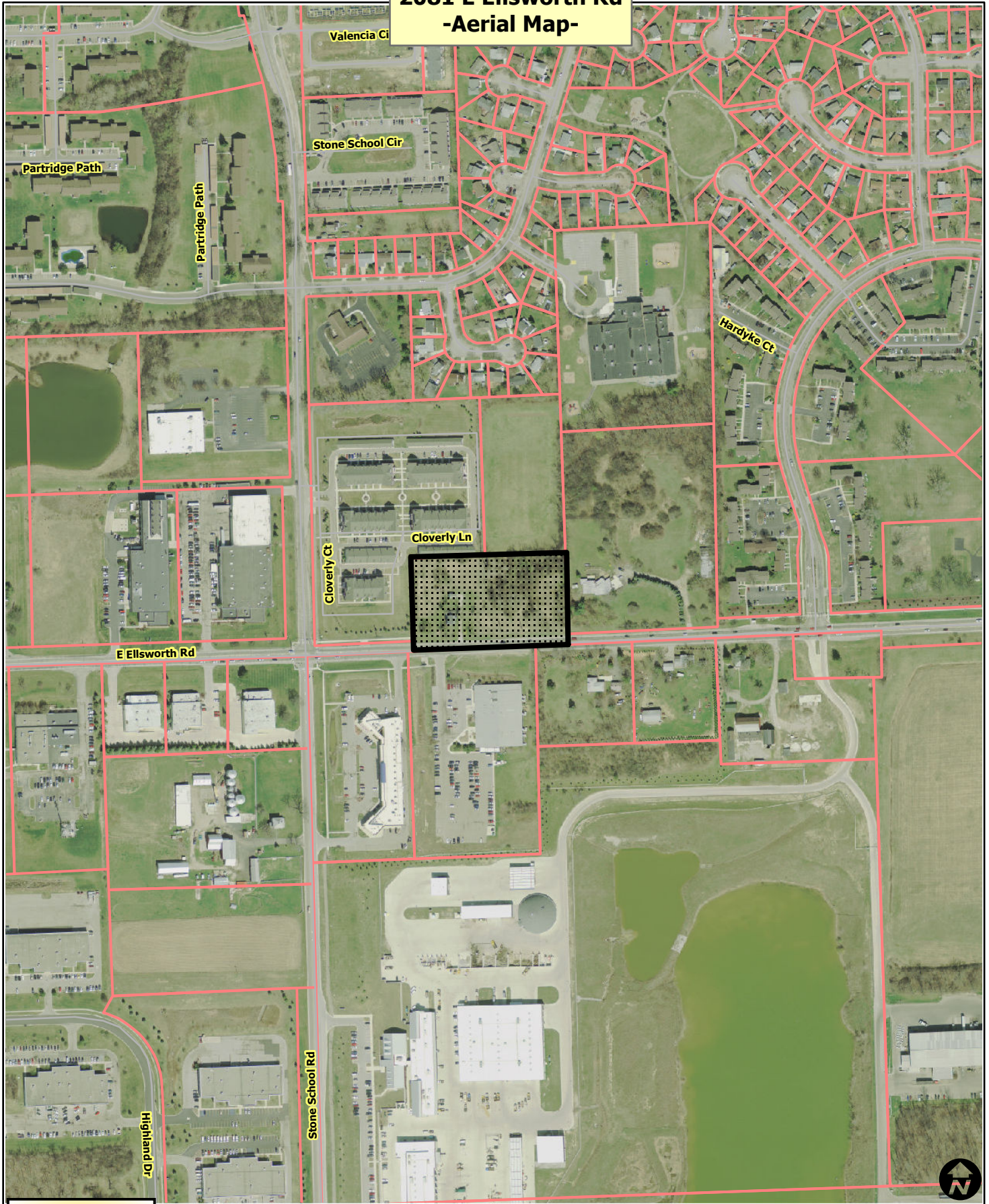


-  Railroads
-  Parcel Property
-  Township
-  City of Ann Arbor



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# 2081 E Ellsworth Rd -Aerial Map-



- Railroads
- Parcel Property



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**THE SUMMIT DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this leave blank day of leave blank, 20 , by and between the City of Ann Arbor, a Michigan Municipal Corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY; and GROWWWWLEE, a Limited Liability Company, with principal address at 6509 Hazeltine National Drive #6, Orlando, Florida 32822, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as The Summit, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as The Summit, and desires site plan and development agreement approval thereof, and

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

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

**THE PROPRIETOR(S) HEREBY AGREE(S):**

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for construction of public water and sanitary sewer mains, and private storm water management systems, public streets, and sidewalks ("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. Every owner of a portion of the property, including co-owners of condominium units, shall pay a pro-rata share of the cost of the work. That portion of the cost of the work attributable to each condominium unit shall be a lien on that Property and may be collected as a single tax parcel assessment as provided in Chapter 13 of the Ann Arbor City Code.

(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 provide, prior to the issuance of building permits, a signing plan to the Fire Department and install all street name signs according to CITY specifications and to provide and install such temporary warning signs during the construction period as are appropriate to protect the health, safety and welfare of the public.

(P-6) To install all water mains, storm sewers, sanitary sewers and private 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-7) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to Ellsworth Road, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along Ellsworth Road, frontage when such improvements are determined by the CITY to be necessary.

(P-8) 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-9) 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-10) For the benefit of the residents of the PROPRIETOR'S development, to make a park contribution of \$14,880 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to Arbor Oaks Park.

(P-11) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to



the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the PROPRIETOR to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY.

(P-12) To complete an archaeological study for the site, as required by CITY ordinance or regulations, which is acceptable to the CITY prior to issuance of a grading permit and to follow the recommendations of the report.

(P-13) To create an association (*or associations*) composed of all owners of *insert name of development* condominium, hereinafter called the "Association", in which membership shall be required by covenants and restrictions recorded as part of the master deed for *insert name of association*. The association(s) shall be responsible for and shall execute the appropriate documents insuring perpetual maintenance and ownership of the *landscape materials, exterior lighting, seating structures, driveways, on-site storm water management* system, and all other common elements.

(P-14) 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-15) After construction of the private on-site storm water management system, to maintain it until non-developer co-owners elect one or more directors to the Association's board of directors. Thereafter, by provision in the master deed, the Association shall own and maintain the storm water management system. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units. If the PROPRIETOR or Association, as appropriate, fails to maintain any portion of the system, the CITY may send notice via first class mail to the PROPRIETOR, or Association, at the address listed above, requiring it to commence and complete the maintenance 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 or Association if the PROPRIETOR or Association does not complete the work, as appropriate, within the time set forth in the notice. If the CITY completes the work, and the costs remain unpaid by the Association for 60 days after notice via first class mail, the CITY may bill each condominium unit for the pro rata share of the total cost, or assess the pro rata share of those costs to each condominium unit as a single tax parcel assessment as provided in Chapter 13 of Ann Arbor City Code. Provisions for maintenance and responsibility for the storm water management system, as well as the pro rata share of each condominium unit shall be included by the PROPRIETOR in the master deed.

(P-16) 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-17) Prior to building permits being issued, to restrict by covenants and restrictions recorded with the Washtenaw County Register of Deeds, the use of lawn care fertilizer to that

which contains a low- or no-phosphorous analysis, in order to minimize the impact on Mallets Creek.

(P-18) To prepare and submit to the Planning and Development Services Unit one copy of the Master Deed, along with the required review fee of \$3,500.00, prior to issuance of building permits.

(P-19) 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-20) 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-21) 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-22) Prior to application for and issuance of certificates of occupancy, to disconnect 7 footing drains, which is based upon the uses currently existing on the Property and those currently contemplated by the Site Plan in accordance with the Guidelines for Completion of Footing Drain Disconnections, Table A, and adopted by City Council, August 18, 2003 and revised November 30, 2005 (the "Guidelines"). In the event the actual intensity of uses contemplated by the Site Plan are either increased or decreased, City and PROPRIETOR agree to adjust the number of footing drains to be disconnected in accordance with the Guidelines. The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis, at the discretion of the CITY Public Services Area.

(P-23) 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-24) 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-25) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition. *(or against that portion of the cost of the work)*

(P-26) 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 Summit site plan.
- (C-2) To use the park contribution described above for improvements to Arbor Oaks Park of Ann Arbor.
- (C-3) To provide timely and reasonable CITY inspections as may be required during construction.
- (C-4) To record this agreement with the Washtenaw County Register of Deeds.

#### **GENERAL TERMS**

Both the PROPRIETOR and the CITY agree as follows:

- (T-1) This agreement is not intended to create a contractual right for third parties.
- (T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.
- (T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

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

*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: \_\_\_\_\_  
*Name, Title*

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

**Citizen Participation Report for:**

**Proposed Residential Development  
2081 E. Ellsworth Road  
Pittsfield Township, MI  
2<sup>nd</sup> Meeting**

Prepared by:

**CIW Engineering, Inc.**

*1016 Dixie Hwy., Rossford, Ohio 43460*

*Tel 419-662-8642 Fax 419-662-8649*

**August 24, 2012**

# Citizen Notification Meeting General Information

GROWWWWLE, LLC C/O Lee Vista, Inc.

August 03, 2012

## Site Plan Review

In accordance with the City of Ann Arbor's Citizen Participation Ordinance (CPO), you are hereby given notice that a petition for a Site Plan Review for a multifamily development that will be submitted to the City of Ann Arbor's Planning Department.

The proposed development project will involve the demolition of the residence located on 2081 E. Ellsworth Road, Pittsfield Township, MI and the construction of a multifamily development.

## Citizen Participation Meeting

The purpose of this notice and the City of Ann Arbor's Citizen Participation Ordinance (CPO) is to promote effective citizen participation in the project development process, to mitigate potential impacts (whether real or perceived), and to facilitate ongoing communication between the petitioner and citizenry.

Written information about citizen participation is being mailed to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit A.

Citizen Participation Meeting will be held, and individuals receiving notices will be able to discuss the application with the petitioner and express any concerns, issues or problems regarding this project they may have.

A summary of this information will be submitted by the petitioner to the City Planning Department as a part of the petition for Site Plan Review, and may further be taken into account by the petitioner in the final, development of the project.

## Anticipated City Review and Approval Schedule

- Citizen Participation Meeting: August 22, 2012
- Submittal of petition to Ann Arbor Planning Department: August 27, 2012.

In order for us to best prepare for the meeting, attendees are requested to RSVP by 5 pm Monday, August 20, 2012 to the contact person below.

### Contact Information

Questions may be referred to Att. Mr. Leonard L Michaels, PE  
1016 Dixie Hwy  
Rossford, OH 43460  
Phone# 419-662-8642

### Special Accommodations

Persons with disabilities are encouraged to participate in public meetings. Accommodations including sign language interpreter, may be arranged by contacting Leonard L Michaels, Phone # 419-662-8642. Requests need to be received at least 72 hours in advance of meeting.

### Site Plan Meeting

**Date: August 22, 2012**

**Time 6:00 PM**

**Location: Malletts Creek Branch Library**

**3090 E. Eisenhower Parkway (east of Stone School Road)**

**Ann Arbor, MI 48108 (734) 327-4200**

**This Report is a Record of the Meeting Held:**

Date: August 22, 2012

Time: 6:00 pm-7:55 pm

**Presentation Participants:**

| Name:                  | Representing: | Phone:       | E-mail:            |
|------------------------|---------------|--------------|--------------------|
| Leonard L Michaels, PE | CIW           | 419-662-8642 | leonard@ciweng.com |
| Susan J Michaels       | CIW           | 419-662-8642 | susie@ciweng.com   |

**Citizens Participants/Attendies:**

| Name:              | Representing:     | Phone:       | E-mail:  |
|--------------------|-------------------|--------------|--|
| Derrick Miller     |                   | 734-477-0292 | bryantdirector@gmail.com   |
| Aiji Pipho         | Forest Hills Coop | 734-223-3102 |  |
| Christopher Taylor | City of Ann Arbor | 734-834-3600 | <a href="mailto:ctaylor@a2gov.org">ctaylor@a2gov.org</a>           |
| Barbara Laird      |                   | 734-971-3518 | <a href="mailto:blaird@umich.edu">blaird@umich.edu</a>             |
| Ramesh Ganatra     |                   | 734-320-7001 | <a href="mailto:vganatra@mateco.com">vganatra@mateco.com</a>       |
| Flo Hepola         |                   | 734-757-7398 | <a href="mailto:fhepola@gmail.com">fhepola@gmail.com</a>           |
| Claudia Myszke     | Forest Hills Coop | 734-904-0554 | <a href="mailto:cjmyszke@yahoo.com">cjmyszke@yahoo.com</a>         |
| Ray Asadian        |                   | 734-475-0713 |  |
| Andy LaBarre       |                   | 734-945-1298 | <a href="mailto:andy.labarre@gmail.com">andy.labarre@gmail.com</a> |
| Jan Arms           |                   | 734-971-3357 | <a href="mailto:pjbta004@comcast.net">pjbta004@comcast.net</a>     |

**Meeting Minutes**

Leonard L Michaels opened the meeting and welcomed the participants. He described the nature of the development and site plan approval process. The purpose of the Citizens Participation Meeting is to introduce the project to the community and take comments/concerns and use this information in ongoing development of the project for site plan approval.

**Citizen Discussion:**

**Aigi Pipho asked the following "Does the storm sewer discharge into the storm sewer system?"**

**She also commented that she observed overall deficiency of storm sewer system in the neighborhood and she questioned the operation and maintenance of the storm sewer detention basins in the area.**

**Derrick Miller asked to describe storm water detention system and its function and he shared the photos of the neighborhood. (See attached).**

**He was concerned with the sustainability of the area.**

*On Site Storm sewer detention system will be discharged into municipal storm sewer system at the pre developed rate as required by City of Ann Arbor/Washtenaw County Storm Sewer Detention Standards. In order to control silt up of the underground detention we have installed Aqua Swirl structure.*



**Derrick Miller stated that Bryant Community association failed to provide support services for its development and the area lacks community support. He echoed concerns of Claudia Myszke in regard to the future operations of our development and the area in general.**

**Aiji Piphoo expressed her concerns with traffic congestion in the area of Ellsworth and Stone School Road.**

**Derrick Miller asked about steep slopes on site.**

*Steep slopes on site are artificially created in one area by using the site as unregulated borrow pit in the past. They do not represent typical steep slopes you find along river banks and naturally occurring ravines.*

**Christopher Taylor stated that he is aware of AA master plan age and sprawl restriction.**

**Jan Arms said that she was not aware of the location of the project prior to the meeting.**

*Mr. Michaels stated that the address of the property was provided, and in the future an area map will be included with the invitation.*

**She was appalled by the progress of demolition, concerned about kids.**

*Mr. Michaels will contact the developer and bring it up to his attention that the demolition contractor has to clean up the site from debris*

**She asked how tall the retaining wall was.**

*Mr. Michaels showed the location and cross section of the retaining walls to Ms. Arms on the drawing.*

**Derrick Miller, Andy LaBarre, Aiji Piphoo, Barbara Laird, Flo Hipola where concerned that kids will be cutting through the development.**

*Mr. Michaels pointed out that the developer will install sidewalks along Ellsworth Rd and internal sidewalks connecting to public sidewalk. In the future if the need arises additional walkways may be added to facilitate pedestrian traffic through the development.*

**Flo Hipola and Derrick Miller mentioned possible pollution problem in the area, including radon. (See attached note).**

**Andy LaBarre curious on affordability and how social service needs will be met: Community building on site? Derrick Miller suggested converting one of the units to community area.**

*There is no plan to have a community building. Developer will provide recreational area with recreational equipment.*

**Ray Asadian asked if the perimeter fence will be constructed.**

*Mr. Michaels stated that no perimeter fence is planned at this time.*

**Christopher Taylor asked about steep grade drainage and how storm sewer handled on site.**

*Mr. Michaels stated that slope storm runoff along retaining walls will be captured and conveyed through the storm sewer system to underground detention basin.*

*Mr. Michaels explained that during the site approval process, City of Ann Arbor Engineering staff will be involved in the review of the drawings and calculations for the project to assure that all City design standards are met.*

**Questions submitted by Claudia j. Myszke:**

Claudia J. Myszke  
Managing Agent  
Forest Hills Cooperative  
2351 Shadowood Drive  
Ann Arbor, Michigan 48108  
(734) 904-0554

August 23, 2012

Leonard Michael  
Consulting Engineer  
CIW Engineering, Inc.  
1061 Dixie Highway  
Rossford, Ohio 46460

RE: Summit Homes Development

Dear Mr. Michaels:

I write in response to your request to provide you, in writing, the questions and concerns raised in the meeting yesterday evening. I thank you for graciously agreeing to include both this letter and your response to the questions, not necessarily our comments, in your submission to the City on August 27, 2012. As well as to provide us with your immediate response to the questions raised.

I will first address our questions which we would like you, the developer, and/or any other individual associated with this project that may have the answer. Please identify, by name, company and title, each respondent. Our questions are as follows:

1. Is the proposed development intended to be built as Affordable Housing?  
**Not at this time. The funding for the construction portion of the project is not finalized.**
2. If so, what is the amount of and the source of the financial incentives that may be provided to the developer. Grants from the federal/state/city government? Tax abatements, etc.?  
**No financial incentives are available at this time.**
3. Does the developer intend to build additional housing in this area?  
**No.**
4. Has the developer and/or any other body you may be affiliated with inquired as to the purchase of the 6-1/2 acre parcel of land to the east of the proposed Summit Homes site?

***During the site selection process, developer did extensive property search in the area of the development. After careful evaluation of all available properties the 2081 Ellsworth parcel was chosen for the development.***

5. If approved, who will be responsible for the Summit Homes Development once the parcel has been developed and the developer is no longer an active participant? Will there be a homeowners association comprised of the 24 residents/families residing in the development. If so, is it possible to obtain a copy of their By-Laws when available and any Regulatory Agreement with whoever may be providing the financial incentives?

***No immediate plans are made in regard to home ownership. In the future all By-Laws and regulatory agreements if any will be available for public review as required by law.***

6. Is the developer entering into a Supplemental Development Agreement with the City of Ann Arbor? If so, may we obtain a copy of the proposed Agreement as soon as possible?

***There is no Supplemental Development Agreement between the City of Ann Arbor and the Developer.***

7. What is the developer's intent relative to the City's required Park Contribution. Could you provide us with a plan that includes the proposed Installation of the playground equipment, all elements, and location within the site?

***During the Site Plan Review Process we will submit the list and description of the recreational equipment to the City for the review and approval.***

8. Whose responsibility will it be to insure the drains and detention pond serves the proposed purpose in an effort to avoid the flooding Mr. Derrick Miller of the Bryant Community provided you pictures of. Will the maintenance and cost to correct any unforeseen problems relative to this issue be included in the Supplemental Development Agreement to be paid

for and maintained by the Developer for the useful life of the proposed Site?

***City of Ann Arbor is responsible for the maintenance of the storm sewer systems located in the public right of ways.***

9. If the developer intends to build this development as "affordable housing" will there be some type of community building to be utilized for, amongst other uses, the delivery of the social services such "affordable housing" developments routinely require?

***No community building is planned at this time.***

10. If in your possession, or those you may represent relative to this proposed development, may we have a copy of the results of any and all testing that may have been performed in preparation of building at this site with the exception of the tree issues we spoke of yesterday?

***We are not aware of any contamination on this site. We are in the process of obtaining quotes for soil investigation proposals to determine underground conditions for construction purposes.***

11. Could you please provide us with the number, size and placement of trees and any other natural vegetation that may be installed at the proposed site.

***Landscaping Plan is a part of our submittal package. We will e-mail you a copy this week.***

12. May we also obtain a drawing of the signage for the proposed development and where it will be located within the site.

***Signage drawing will be provided when it becomes finalized.***

13. Finally, could you please provide us with the cost to be charged for each sized unit?

***The cost of the units will be determined after all costs including but not limited to construction review fees, hook up fees, soil investigation, engineering and architectural fees are finalized and actual market demand at the time of completion of the project is determined.***

The comments I would like for you to include with this letter with your submission to the City on August 27, 2012 are listed in the email I sent to you today. Please attach that email to this letter with your submission.

Thank you for time and consideration. If you should have question or desire clarification of any of the issue/questions raised, please do not hesitate to contact me. I am available 7 days a week, prior to 10:00PM at the number I have listed below.

Very Truly Yours,

FOREST HILLS COOPERATIVE

Claudia J. Myszke  
Managing Agent  
(734) 904-0554

The meeting was concluded at 7:55 pm.

**Leonard**

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**From:** "Claudia J. Myszke" <cjmyszke@yahoo.com>  
**To:** <leonard@ciweng.com>  
**Cc:** "Art Stauch" <astauch.colsq@gmail.com>; "Bryant Community Center" <bryantdirector@gmail.com>; "Christopher Taylor" <ctaylor@hooperhathaway.com>; "Christopher Taylor" <votetaylor2@gmail.com>; "Andy La Barre" <andy.labarre@gmail.com>; "Leigh Greden" <lgreden@yahoo.com>; <blaird@umich.edu>; <vganatva@matcco.com>; <fhelopola@gmail.com>; <pjhta004@comcast.net>; "Joan Doughty" <canexecdirector@gmail.com>; <office@universitytownhouses.org>; "nidal Hussein" <NHussein6@att.net>; <donstarks66@comcast.net>; <jmgolfjohn@netzero.net>; "Charles Pritchett" <levan357@yahoo.com>; "Lawrence Francis" <mestirfrantsis@gmail.com>; "Mayor Hieftje" <jhieftje@a2gov.org>; "Cheryl Cotter" <ccotter@provide.net>; "Roxie" <rib2225@provide.net>; "Matthew Kowalski" <MKowalski@a2gov.org>  
**Sent:** Thursday, August 23, 2012 12:57 PM  
**Subject:** Re: Summit development  
Leonard,

Thank you for providing us with the opportunity to speak in an open forum yesterday. I apologize if I may have come on a little strong. I fully realize in your capacity as representative of the developer you do not have the answers to all of our questions, although, you graciously agreed to obtain the answers and provide us with that information.

I also want you to understand that we fully recognize the developer's role is to follow all requirements of the municipalities connected to this proposed project and that many of the issues brought up at yesterdays meeting may not be associated with the developer's concerns.

Given the time constraints afforded to public comments relative to both Planning Commission Meetings and City Council Meetings (limited to 3 minutes) it is impossible for the "public" to share many of the issues representatives of our community presented at the meeting yesterday evening. Understanding too, the City Planning Commission and City Council's main focus will be issues relating to whether or not your planned development meets all existing building requirements, etc. Unfortunately, the "public" is not afforded the opportunity to have a similar forum, as we did yesterday evening, with the government bodies who make the final decisions. We believe it is imperative to convey the full scope of the communities concerns, which, in most situations, is not given the same scrutiny, and, in some cases, value, as the developers requirements to meet all City building regulations by these government bodies. Once the development is in place, it is the surrounding community that is impacted,, with, in my opinion, negligible focus by City officials to the full scope of surrounding communities concerns. Please know too, this is not a NIMBY (not in my back yard) issue for us. Additional multifamily, potentially "affordable" housing in an area that is already far too densely populated with this type of housing, places a major strain on the community. As Derrick Miller, Director of the Bryant Community Center, so aptly stated yesterday evening, he is barely able to meet the needs of the 340 families who live in the Bryant Community, when, in fact, the Bryant Community, back in the early 1970's was put in place to meet the needs of over 1,500 low to moderate income families, which is now more politically titled "affordable housing".

To this end, I would like to thank you for agreeing to serve as our conduit to express these concerns to our City Officials and appreciate your willingness to do so. As you

agreed to yesterday evening, I will be sending you a letter (via email) that will include not only the questions we would like answered by the developer, but also a summary of our community's concerns which we believe both governing bodies (City Planning Commission and City Council) should take give serious consideration.

With over 2,400 units of multifamily housing in a five mile radios, the majority of which were formerly federally subsidized and currently remain "affordable" ,together with the City using a Master Plan for the Summit Townhomes Development that is well over 22 years old (see confirmation below) which may well not include the additional 300 units of "affordable" multifamily housing that was built within this same 5 mile radios over the last 5 or so years we have cause for concern. Additionally, while I do not believe it was intentional, Matt Kowalski, City Planner, failed to mention the 6-1/2 acre parcel of land to the East of your proposed development during his presentation at the Planning Commission's last meeting (I believe it was in June ). The purchase of this land for a possible Phase II of the Summitt Townhomes Development, or, for any additional housing is of paramount importance to our community. .Which gives us cause to believe the Planning Commission/City Council may not fully comprehend the full impact of their decision to build additional "affordable housing" in this area. Add to that, the commercial development that has been built subsequent to 1990 and you have a very densely populated area that slows traffic on one of the main arteries (Ellsworth Road) both East and West bound to an absolute crawl..

Having said all this, I will prepare a letter which will include the questions we would like answered as well as a summary of some of the concerns expressed by those who attended the meeting last night. I will have this to you within the next hour.

Again, I appreciate your willingness to include my letter in your August 27th submission to the City of Ann Arbor and I look forward to receiving the answers to the questions posed. Please be sure to copy your response to all of the recipients listed above.

Very truly yours,

Claudia J. Mysxke  
Managing Agent  
Forest Hills Cooperative  
(734) 904-0554

P.S. As mentioned yesterday evening by a person in attendance at the meeting, there was an extremely active landfill located at the corner of Ellsworth and Platt that continued West on Ellsworth to approximately Shadowood Drive. This landfill was put in place sometime, I believe, in the early 1950's, way before contamination of certain chemicals contained in this landfill was known to have harmful affects to humans and wildlife. Numerous studies were conducted by the City including a "Bird Study" which resulted in the realization that the birds were dying in droves. As a result, the City installed a slurry wall to help contain the contamination. Approximately 10 years ago (I could be off on the time period) a developer purchased the land directly across from the landfill with the intent of building, you guessed it, multifamily housing. Unfortunately, after doing so he learned that building on this land was impossible because it was contaminated. The City of Ann Arbor was then forced to re-purchase the land from the developer at over 10 times the original market value. Additionally, as this person mentioned at the meeting yesterday evening, the "plume" is moving. While I do

not have specific facts and/or confirmation as to how this may impact residents living in the area (we are working on this now) I do know that it is of major concern. Both our development, and University Townhouses as well as the land in the surrounding area have wells that were installed by the City of Ann Arbor when the slurry wall was installed to monitor the contamination and/or gases being emitted from the former landfill site. I provide you with this information as a cautionary measure. If you have not already done so, you may wish to consider having the land tested for possible contaminants.

**From:** "Kowalski, Matthew" <MKowalski@a2gov.org>  
**To:** Claudia J. Myszke <cjmyszke@yahoo.com>  
**Sent:** Monday, July 16, 2012 1:10 PM  
**Subject:** RE: Planning Commission Packet for Tuesday, July 17, 2012

Hi Claudia,

I hope all is well.

Yes, that is correct. The Summit plan will NOT be on the July 17 PC agenda.

The current Master Plan is dated November 5, 2009. However, if you are most interested in the date of the Site Specific Land Use Recommendation for the Summit site, it is from the Former South Area Plan, dated December 1990. When the South Area was combined into the current site plan, there were no updates to the individual land use recommendations.

I am not sure the timing of when the Summit Area Plan will be back before the Planning Commission.

At my next presentation, I can also mention the adjacent large under-developed parcel to the east.

Thanks,

Matt

---

**From:** "leonard@ciweng.com" <leonard@ciweng.com>  
**To:** cjmyszke@yahoo.com  
**Cc:** ctaylor@a2gov.org  
**Sent:** Thursday, August 23, 2012 10:23 AM  
**Subject:** Summit development

Hi, Claudia.

I am putting together the meeting notes from yesterday's meeting at Mallets Creek Library. We tried very hard to keep the notes. In order for us not to miss anything, it would be helpful if you e-mail us your questions today.

Cordially, Leonard L Michaels, PE

**Leonard**

---

**From:** "Claudia J. Myszke" <cjmyszke@yahoo.com>  
**To:** <leonard@ciweng.com>  
**Cc:** "Andy La Barre" <andy.labarre@gmail.com>; "Art Stauch" <astauch.colsq@gmail.com>; "Roxie" <rib2225@provide.net>; "Cheryl Cotter" <ccotter@provide.net>; <donstarks66@comcast.net>; "nidal Hussein" <NHussein6@att.net>; <blaird@umich.edu>; "Charles Pritchett" <levan357@yahoo.com>; <jmgolfjohn@netzero.net>; "Lawrence Francis" <mestirfirantsis@gmail.com>; "Flo Hepola" <fhepola@gmail.com>; "Christopher Taylor" <ctaylor@hooperhathaway.com>; "Christopher Taylor" <votetaylor2@gmail.com>; "Chris Taylor" <ctaylor@a2gov.org>; "Mayor Hieftje" <jhieftje@a2gov.org>; "Matthew Kowalski" <MKowalski@a2gov.org>; <pjhta004@comcast.net>; <vganatva@matcco.com>; "Bryant Community Center" <bryantdirector@gmail.com>; "Joan Doughty" <canexecdirector@gmail.com>; "Roxie" <rib2225@provide.net>; <office@universitytownhouses.org>  
**Sent:** Thursday, August 23, 2012 3:10 PM  
**Attach:** Summit Letter to Mr. Michaels August 23.docx  
**Subject:** Questions Regarding Proposed Summit Homes Development  
Dear Mr. Michaels,

Attached you will find my letter listing the questions we would like answered pertaining to the proposed Summit Homes Development. Please forgive the manner in which the letter is formatted, my wonderful staff normally handles that part for me. Since I routinely work from home most Fridays, I am left to my own resources, frankly, I stink at it!

Instead of repeating most of the concerns and comments within the context of the letter, I ask that you print this email and attach it to the letter with your submission to the City on August 27th. Please confirm that you intend to do so.

Again, despite my overzealous demeanor yesterday (I am very compassionate about the South East Side of Ann Arbor since I have managed Forest Hills for over 39 years - I started when I was 5 🍌) it was a pleasure to speak with you in the informal setting we were afforded. I applaud your patience and genuine effort to listen to our concerns.

Claudia

---

Leonard,

Thank you for providing us with the opportunity to speak in an open forum yesterday. I apologize if I may have come on a little strong. I fully realize in your capacity as representative of the developer you do not have the answers to all of our questions, although, you graciously agreed to obtain the answers and provide us with that information.

I also want you to understand that we fully recognize the developer's role is to follow all requirements of the municipalities connected to this proposed project and that many of the issues brought up at yesterdays meeting may not be associated with the developer's concerns.



Given the time constraints afforded to public comments relative to both Planning Commission Meetings and City Council Meetings (limited to 3 minutes) it is impossible for the "public" to share many of the issues representatives of our community presented at the meeting yesterday evening. Understanding too, the City Planning Commission and City Council's main focus will be issues relating to whether or not your planned development meets all existing building requirements, etc. Unfortunately, the "public" is not afforded the opportunity to have a similar forum, as we did yesterday evening, with the government bodies who make the final decisions. We believe it is imperative to convey the full scope of the communities concerns, which, in most situations, is not given the same scrutiny, and, in some cases, value, as the developers requirements to meet all City building regulations by these government bodies. Once the development is in place, it is the surrounding community that is impacted, with, in my opinion, negligible focus by City officials to the full scope of surrounding communities concerns. Please know too, this is not a NIMBY (not in my back yard) issue for us. Additional multifamily, potentially "affordable" housing in an area that is already far too densely populated with this type of housing, places a major strain on the community. As Derrick Miller, Director of the Bryant Community Center, so aptly stated yesterday evening, he is barely able to meet the needs of the 340 families who live in the Bryant Community, when, in fact, the Bryant Community, back in the early 1970's was put in place to meet the needs of over 1,500 low to moderate income families, which is now more politically titled "affordable housing".

To this end, I would like to thank you for agreeing to serve as our conduit to express these concerns to our City Officials and appreciate your willingness to do so. As you agreed to yesterday evening, I will be sending you a letter (via email) that will include not only the questions we would like answered by the developer, but also a summary of our community's concerns which we believe both governing bodies (City Planning Commission and City Council) should take give serious consideration.

With over 2,400 units of multifamily housing in a five mile radius, the majority of which were formerly federally subsidized and currently remain "affordable", together with the City using a Master Plan for the Summit Townhomes Development that is well over 22 years old (see confirmation below) which may well not include the additional 300 units of "affordable" multifamily housing that was built within this same 5 mile radius over the last 5 or so years we have cause for concern. Additionally, while I do not believe it was intentional, Matt Kowalski, City Planner, failed to mention the 6-1/2 acre parcel of land to the East of your proposed development during his presentation at the Planning Commission's last meeting (I believe it was in June). The purchase of this land for a possible Phase II of the Summit Townhomes Development, or, for any additional housing is of paramount importance to our community. Which gives us cause to believe the Planning Commission/City Council may not fully comprehend the full impact of their decision to build additional "affordable housing" in this area. Add to that, the commercial development that has been built subsequent to 1990 and you have a very densely populated area that slows traffic on one of the main arteries (Ellsworth Road) both East and West bound to an absolute crawl..

Having said all this, I will prepare a letter which will include the questions we would like answered as well as a summary of some of the concerns expressed by those who attended the meeting last night. I will have this to you within the next hour.

Again, I appreciate your willingness to include my letter in your August 27th submission to the City of Ann Arbor and I look forward to receiving the answers to the questions posed. Please be sure to copy your response to all of the recipients listed above.

CITIZEN PARTICIPATION MEETING  
2081 E. ELLSWORTH ROAD  
PITSFIELD TOWNSHIP, MI

DATE: 8/22/12

Location: Malletta Creek Branch Library

|                                 |                                     |
|---------------------------------|-------------------------------------|
| NAME: <u>Aiji Pisko</u>         | PHONE NUMBER: <u>(734) 223-3102</u> |
| E-MAIL: _____                   | <u>2275 Shadowood Dr.</u>           |
|                                 | <u>Ann Arbor, MI 48108</u>          |
| NAME: <u>Derrick Miller</u>     | PHONE NUMBER: <u>(734) 477-0292</u> |
| E-MAIL: _____                   | <u>bryantdirector@gmail.com</u>     |
| NAME: <u>Christopher Taylor</u> | PHONE NUMBER: <u>734 834 3600</u>   |
| E-MAIL: _____                   | <u>ctaylor@a2gov.org</u>            |
| NAME: <u>Barbara E. Laird</u>   | PHONE NUMBER: <u>734-971-3518</u>   |
| E-MAIL: _____                   | <u>blair@umich.edu</u>              |
| NAME: <u>RAMESH M. GANATHA</u>  | PHONE NUMBER: <u>(734) 320-7001</u> |
| E-MAIL: _____                   | <u>vganathra@mateco.com</u>         |
| NAME: <u>Flo Hepola</u>         | PHONE NUMBER: <u>734-757-7398</u>   |
| E-MAIL: _____                   | <u>fhepola@gmail.com</u>            |

NAME:

CLAUDIA J. NYSZKE

PHONE NUMBER:

734-904-0554

E-MAIL:

CJNYSZKE@YAHOO.COM

NAME:

RAY ARADIAN

PHONE NUMBER:

(734) 975-0713

E-MAIL:

NAME:

Andy LaBarre

PHONE NUMBER:

(734) 945-1298

E-MAIL:

andy.labarre@gmail.com

NAME:

Jap Arns

PHONE NUMBER:

734-971-3354

E-MAIL:

rijta@ye.comcast.net

NAME:

PHONE NUMBER:

E-MAIL:

NAME:

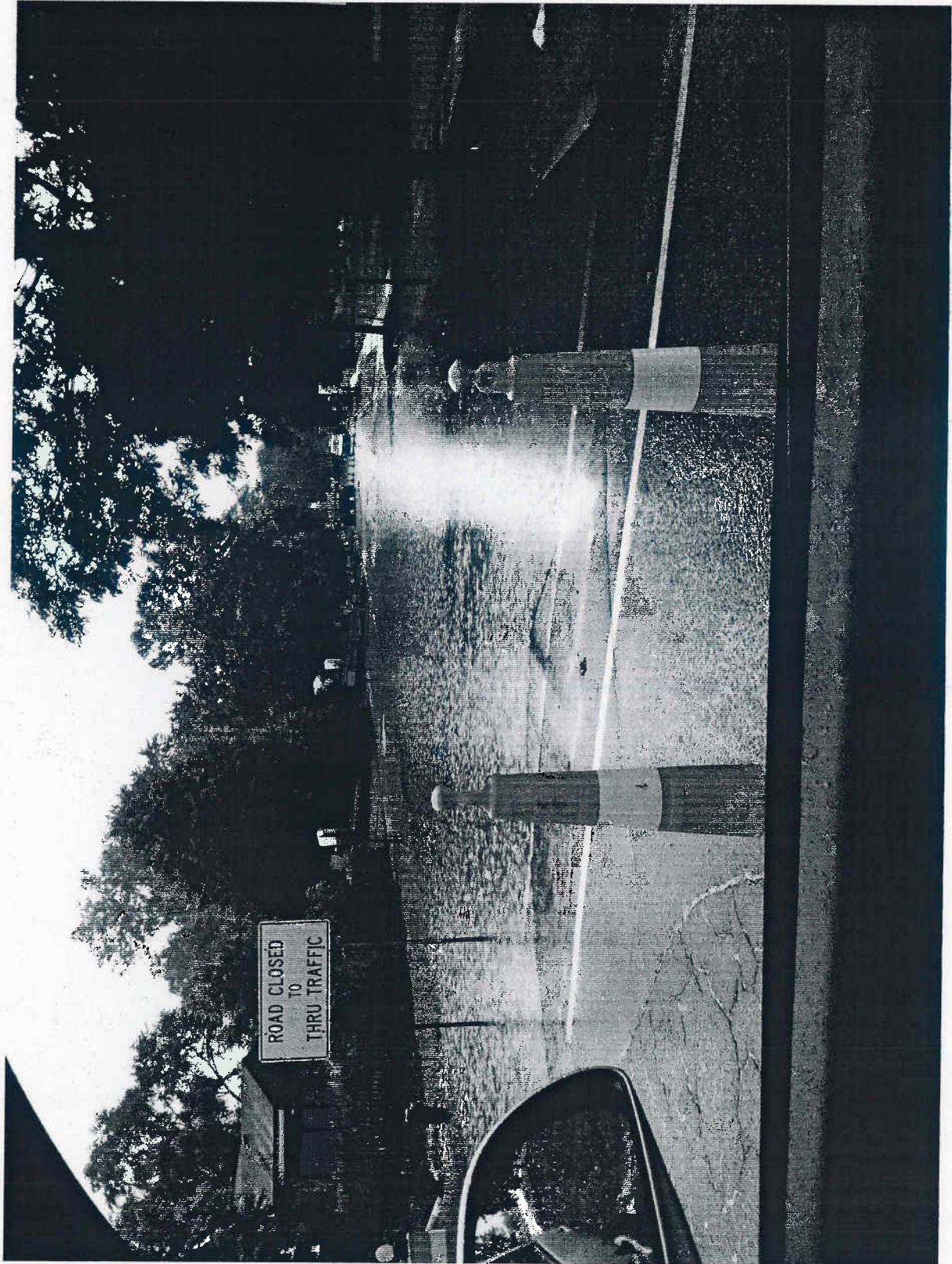
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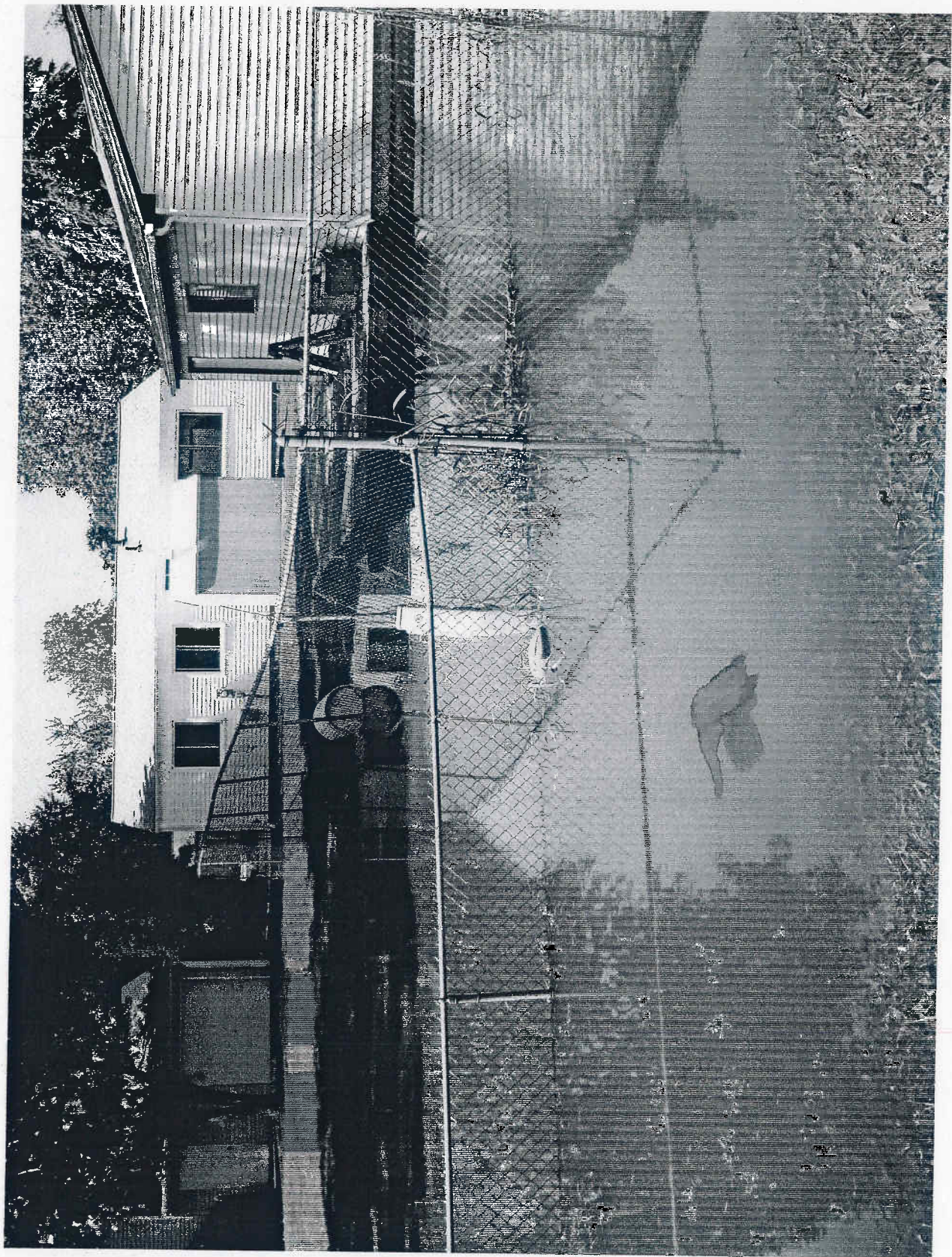
E-MAIL:

NAME:

PHONE NUMBER:

E-MAIL:





Pollution

SE Ann Arbor

possible soil contaminants

↑ Vinyl chloride

Dioxin 1, 4 (less likely)

→ entering aquifer

↳ recent plume from

landfill that is heading  
for N. side of Ellsworth

- you + us

past plume was capped

for dioxin 1, 4

Soil testing done or expected

for Southeast Park. Soil

pollution expected for

vinyl chloride.

Park located at Platt

+ Ellsworth

fhepolal@gmail.com

The Observer +

EPA a source of info