

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 21, 2016

**SUBJECT: South Pond Village Site Plan for City Council Approval
(3850 East Huron River Drive)
File No. SP14-051**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the South Pond Village Site Plan and Development Agreement.

STAFF RECOMMENDATION

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

LOCATION

The site is located east of Woodcreek Condominiums, south of East Huron River Drive, west of US-23 and north of the Arborland Shopping Center (Northeast Area, Malletts Creek Watershed)

The estimated cost of construction is \$25,000,000.

STAFF REPORT

A public hearing is being conducted and action requested for the original South Pond Village Site Plan (73 single-family homes, access from Chalmers) which was reviewed and acted upon by the Planning Commission in April 2015. This public hearing is being requested by the applicant to ensure proper public notification procedures have been followed. A history of the site plan process is presented below. The original completed staff report (dated 04-07-2015) and materials for the project are attached. There have been no changes to the site plan

SITE PLAN HISTORY

The original site plan was submitted in October 2014 and was reviewed by the Planning Commission in January and April of 2015. That version of the plan had all access to the site via the existing Right of Way along the southern boundary of Woodcreek exiting to Chalmers Road. That plan was recommended for denial by the Planning Commission.

The petitioner proceeded to City Council in June 2015. After a hearing at the June Council meeting, the developer prepared an alternative plan with access via a new road to the

north to attach to East Huron River Drive. This plan was presented to City Council in August 2015. After discussion, the City Council referred the revised 'northern access' plan back to Planning Commission for review and action. In February 2016, Planning Commission considered the 'northern access' plan. This plan was recommended for unanimous denial by the Planning Commission.

After that Planning Commission action, the petitioner withdrew the 'northern access' plan and requested the original site plan (accessed directly to Chalmers) which was reviewed by Planning Commission in April 2015 be considered by City Council for final approval. The original site plan was scheduled for City Council. However, prior to City Council action, the Planning Commission is to hold this public hearing as requested by the applicant on the plan dated April 6, 2015 in order to ensure proper public notice.

The site plan currently presented to Planning Commission is the exact same site plan presented in April 2015. No changes to the plan are requested. This site plan was recommended for denial (2 Yeas, 6 Nays) by the Planning Commission due to concerns regarding the traffic impact to Washtenaw and Chalmers Roads.

Prepared by Matt Kowalski
Reviewed by Ben Carlisle

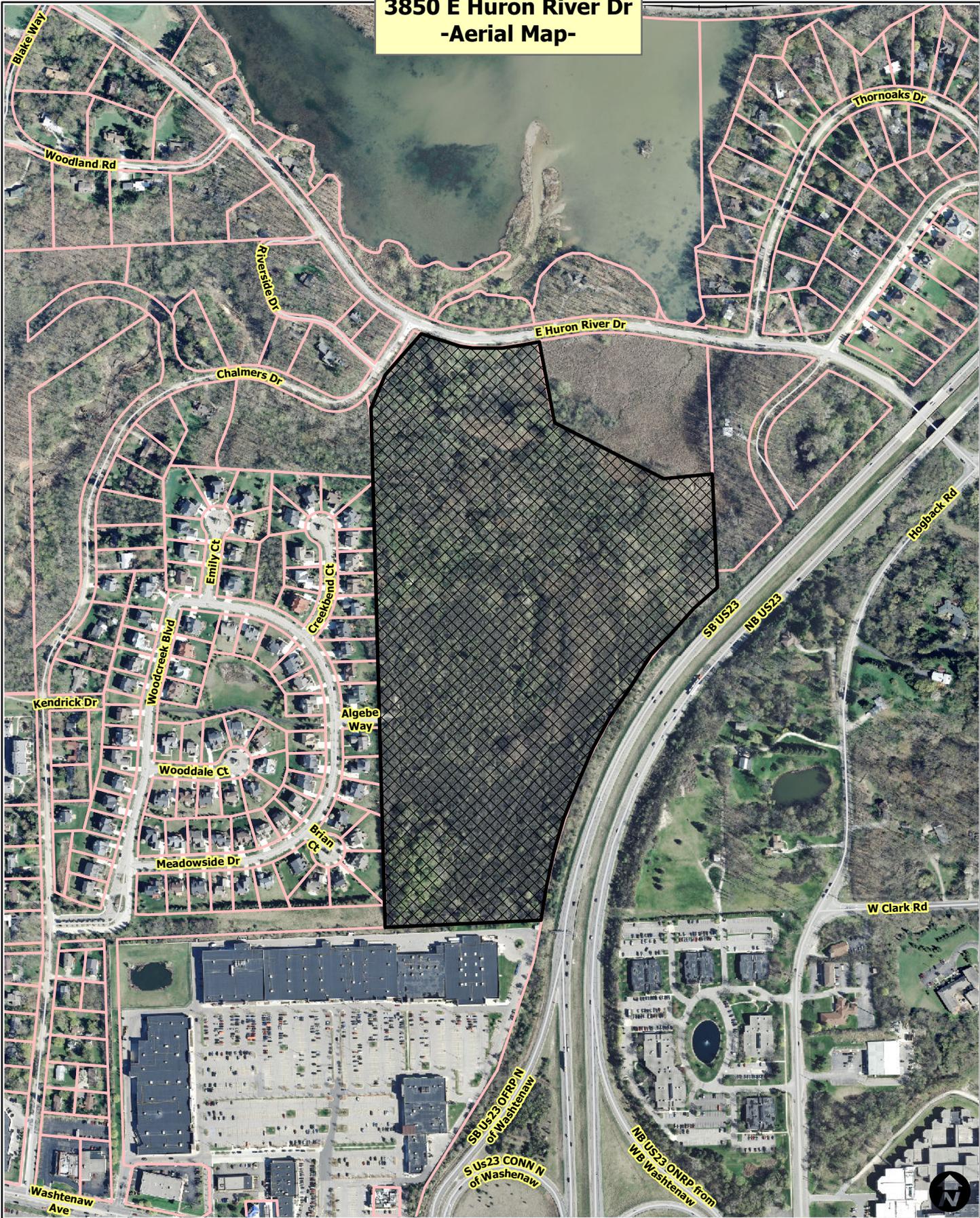
Attachments: Aerial Photo
Zoning Map
April 6, 2015 Site Plan
April 7, 2015 Staff Report
April 7, 2015 Attachments

c: Petitioner: Michael Furnari
Ann Arbor Manchester LLC
1700 West Big Beaver Road, Suite 120
Troy, MI 48084

Petitioner's Representative: Tom Covert
Midwestern Consulting
3815 Plaza Drive
Ann Arbor, MI 48108

City Attorney
Project Management
Systems Planning
File No. SP14-051

**3850 E Huron River Dr
-Aerial Map-**



-  Railroads
-  Parcels



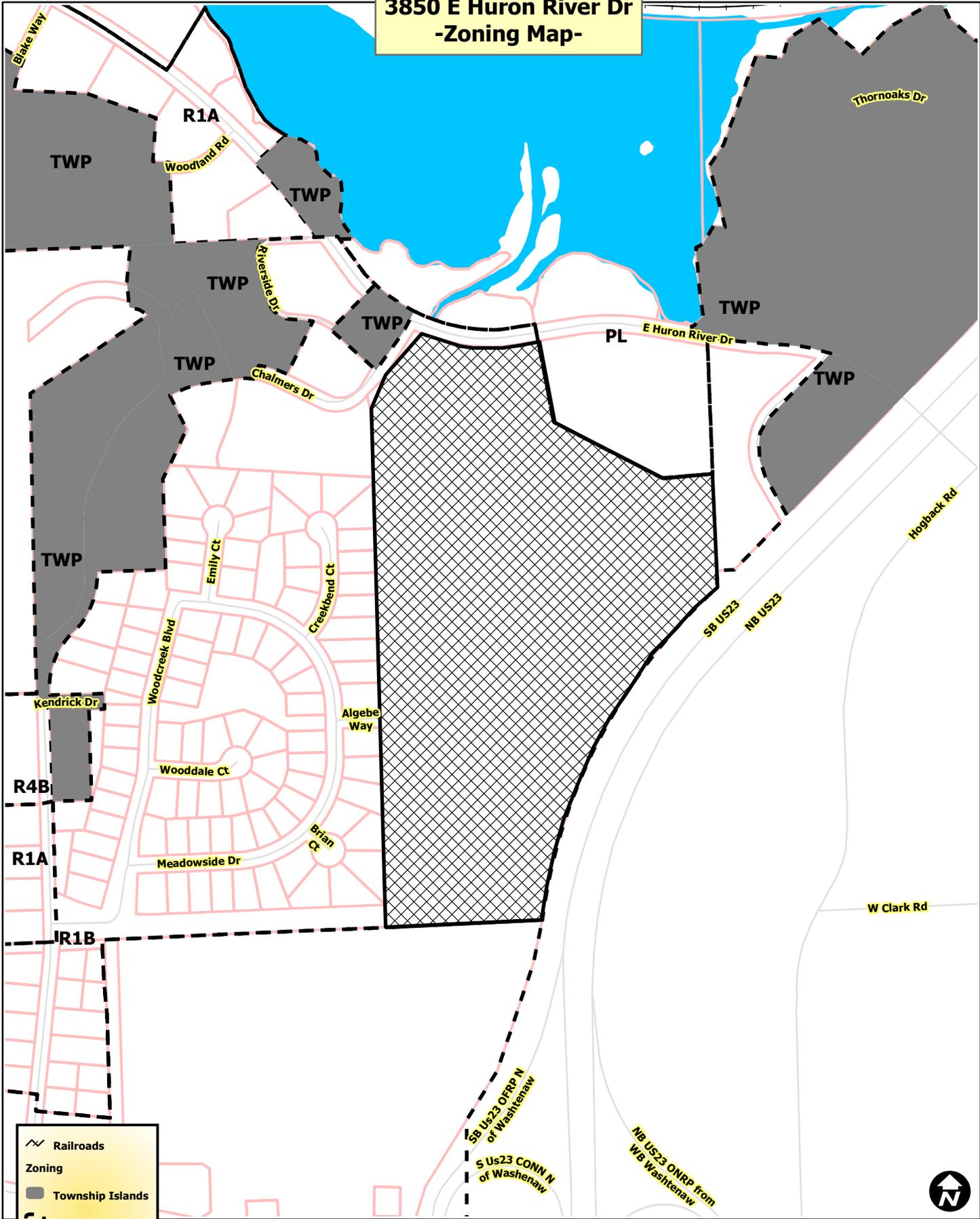
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3850 E Huron River Dr -Zoning Map-



Legend

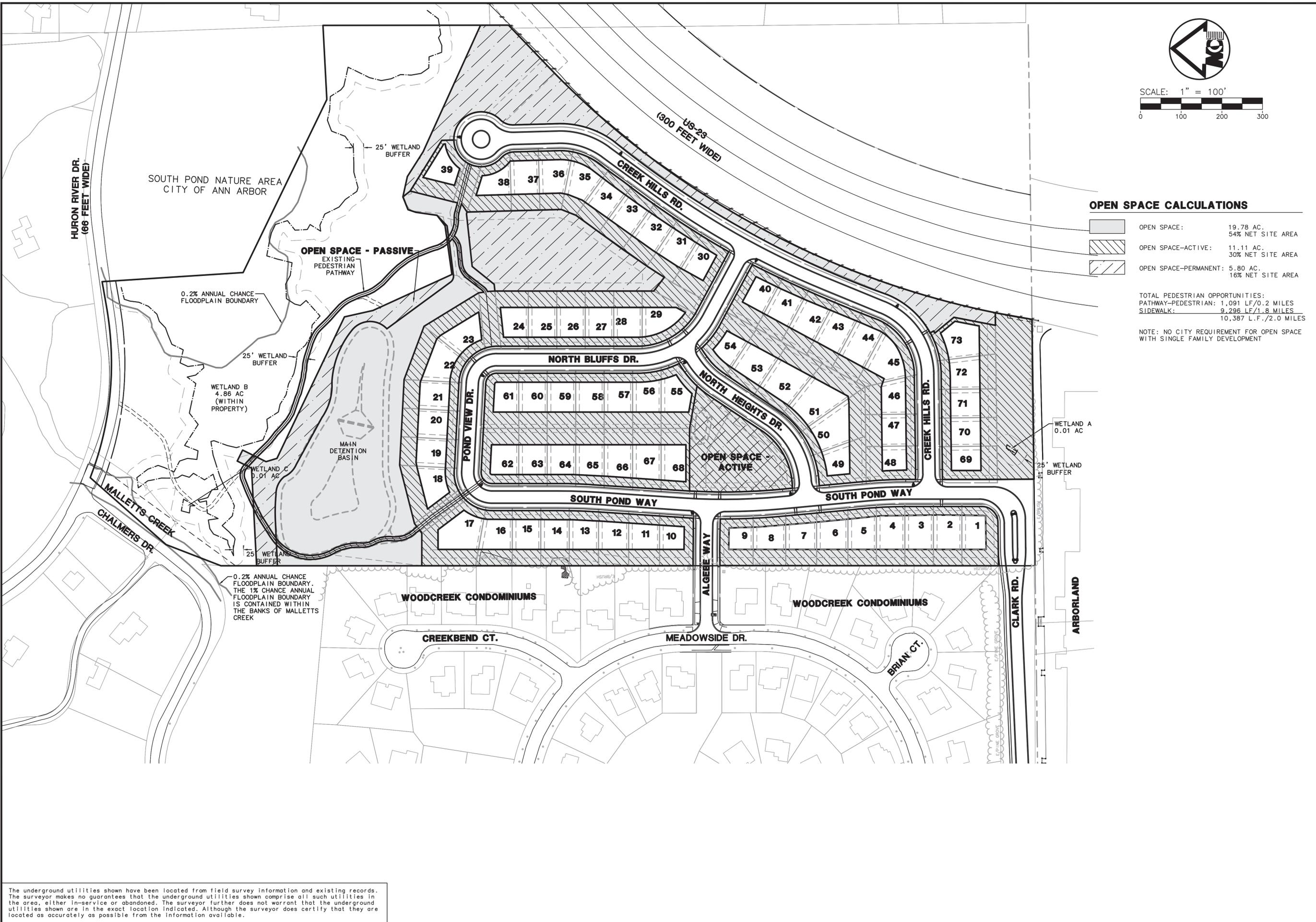
- Railroads
- Zoning**
- Township Islands
- Zoning Districts
- Parcels
- Huron River



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The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

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 MICHAEL FURNARI

SOUTH POND VILLAGE
 SITE PLAN
 OVERALL OPEN SPACE PLAN

13

JOB No.	14100
REVISED:	CITY SUBMITTAL
DATE:	03-05-2015
SHEET:	13 OF 54
REV. DATE:	03/03/15
CADD:	GTS
ENG.:	JAM
PK.:	TJC
TECH.:	GTS
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PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 7, 2015

**SUBJECT: South Pond Village Site Plan for City Council Approval
(3850 East Huron River Drive)
File No. SP14-051**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the South Pond Village Site Plan and Development Agreement.

STAFF RECOMMENDATION

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

STAFF REPORT

The South Pond Village Site Plan was postponed by the Planning Commission at the January 21, 2015 meeting to allow for the petitioner to address staff and Planning Commission comments regarding traffic impact and utilities. After completing the review of revised plans, City staff has confirmed that all outstanding review issues have been addressed.

There have been no substantive changes to the overall site plan, including streets, natural features or site layout since the last presentation to the Planning Commission. A site development agreement has been completed to address natural features protection, public street improvements and site-related utility improvements.

Areas of concern raised by staff and Planning Commission are discussed below:

Systems Planning – Revised sanitary sewer details have been provided and approved by the City. The petitioner will be required to obtain a permit from MDOT for construction of utilities in the US-23 right-of-way. All outstanding utility issues have been addressed.

Traffic – Planning Commission and the City’s Traffic Engineer requested additional data and clarifications of the original traffic study submitted by the petitioner. A summary of the issues and responses is provided below:

- Safety of the Chalmers/Washtenaw intersection- Staff had requested additional details on the crash data for this intersection. The petitioner submitted additional crash analysis data based on the Southeast Michigan Council of Government model (SEMCOG) that shows the crash level is lower than the average crash rate for the region.

- Traffic model methodology – Staff requested verification of the methodology used to calibrate the traffic model. The consultant utilized two methods to verify the accuracy of the Sychro/SimTraffic model, including using the MDOT requirements for traffic modeling.
- Level of Service (LOS) at the Washtenaw/Chalmers intersection - The consultant performed a field study at the Washtenaw/Chalmers intersection to verify the model conclusions. The field data was similar to the model data in concluding that the intersection operates at a LOS A or B in both the morning and evening peak periods.
- Timing of traffic count data – Concerns were stated over the timing of when the traffic count data was collected. The petitioner collected additional data in November 2014 in order to adjust traffic volumes to projected 'typical' conditions.
- Growth of traffic on Washtenaw – The traffic study concluded that there had not been any significant increase in traffic along Washtenaw in the last six years. This statement was questioned by staff and Planning Commission members. The petitioner has provided additional data and documentation that supports the previous study statement regarding the growth of traffic on Washtenaw. The increase in the use of transit within the corridor may account for this finding.
- Number of Intersections on Washtenaw included in study - Additional data was submitted that included several intersections along Washtenaw including Washtenaw/Yost, Washtenaw/Pittsfield and Washtenaw/Huron Parkway. Analysis of this data supported previous conclusions. The revised study also examined the intersection of Woodcreek and Chalmers and did not find a measurable change to the traffic queue at that location.
- Exploration of different access alternatives – Planning Commission directed the petitioner to explore alternative methods of site access, most notably utilizing the existing City right-of-way along the western border of the Arborland shopping center. The consultant explored multiple access options in revisions to the Traffic Study. The resulting analysis found that changes to the delay at the intersection of Chalmers Drive and Washtenaw were negligible and the 'Arborland' connection was not a viable alternative to Chalmers Road. The petitioner also explored modifying timing of lights in the vicinity of Chalmers Road. These modifications had negligible effect on the study results.

Chalmers Road improvements – The traffic impact study affirms that Chalmers Road will need to be paved to support the additional traffic. The petitioner has acknowledged that they will be responsible for their proportional share of the costs of improvements to the road, and language to that effect has been included in the draft development agreement. To facilitate the start of this project, which currently is not in the Capital Improvements Plan, the developer has offered to design the improvements while the Special Assessment District is established. The Chalmers Road paving will be designed in accordance with the City of Ann Arbor's Green Streets and Complete Streets policies, including the addition of sidewalks on both sides of the street and the installation of stormwater treatment facilities.

- Connection to Algebe Way – The Traffic Engineer reexamined the proposed connection to the existing public street stub in the Woodcreek neighborhood. Due to the location of the road and the circuitous route through the Woodcreek subdivision, cut through traffic is unlikely to be an issue and that there are significant advantages to both Woodcreek residents and future South Pond Village residents to install the connection. Staff continues to recommend the connection remain as shown on the plan.

- Non-motorized connection to Arborland shopping center – The petitioner has indicated a willingness to establish a non-motorized connection to the Arborland Shopping Center. This connection could allow residents of both the existing Woodcreek Subdivision and South Pond Village to access the shopping center from the rear.

In conclusion, the City's Traffic Engineer has reviewed and approved the amended traffic impact study. Chalmers Road is recommended to be paved according to City standards and a non-motorized connection should be added to the adjacent Arborland shopping center.

Planning – A Development Agreement has been drafted to address timing and construction of utility improvements and proposed public park and on-site improvements. The Development Agreement also includes language regarding the improvements to Chalmers as it pertains to the responsibility of the South Pond developer.

Planning staff recommends that the project, as proposed, be approved. The project is consistent with the Planning Commission and City Council actions in 2006 to rezone this property for single-family use. It will help provide a diversity of housing product in the City by providing additional single-family detached housing options. The City's Parks and Recreation Plan (PROS Plan) recommends an active public park in this area to serve the existing Woodcreek subdivision as well as the South Pond neighborhood. The 1 acre public park proposed on site will satisfy this recommendation and be designed by Parks staff with input from neighborhood residents. This public park will serve all city residents and is centrally located on the South Pond Village site and easily accessible to Woodcreek subdivision via the Algebe Way and sidewalk connection to the west.

The project is consistent with the City of Ann Arbor Master Plan: Land Use Element – Northeast Area Site Specific Recommendations; the proposed use is also consistent with the adjacent land use to the west and many of the objectives including locating residential uses near mass transit routes and in proximity to commercial, employment and activity centers.

Prepared by Matt Kowalski
Reviewed by Wendy Rampson
4/2/15

Attachments: 4/1/15 Draft Development Agreement
1/21/15 Planning Staff Report

c: Petitioner: Michael Furnari
Ann Arbor Manchester LLC
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Troy, MI 48084

Petitioner's Representative: Tom Covert
Midwestern Consulting LLC
3815 Plaza Drive
Ann Arbor, MI 48108

City Attorney
Systems Planning
File Nos. SP14-051

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 21, 2015

**SUBJECT: South Pond Village Site Plan for City Council Approval
3850 East Huron River Drive
File No. SP14-051**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the South Pond Village Site Plan and Development Agreement.

STAFF RECOMMENDATION

Staff recommends that this petition be **postponed** to allow time for staff to review and comment on revised plans submitted to address traffic and access, landscaping and utility engineering comments.

LOCATION

The site is located east of Woodcreek Condominiums, south of East Huron River Drive, west of US-23 and north of the Arborland Shopping Center (Northeast Area, Malletts Creek Watershed)

DESCRIPTION OF PETITION

Site Description - The subject 36.16 acre site is zoned R1B (Single-Family Dwelling District) and is currently vacant. As part of this proposal, the petitioner has submitted a land division request to divide off the northern 12.3 acres from the current 48.5 acre site for potential parkland acquisition or limited development in the future. The majority of natural features, including all wetlands, steep slopes and significant woodlands are located on the 12.3 acre parcel that is not part of the South Pond Village site plan.

Development Proposal - The petitioner is seeking site plan approval to construct 73 detached single-family dwellings on site condominium lots fronting public streets, for a gross density of 2 dwelling units/acre. Parcel sizes will range from 10,010 to 18,760 sf. Anticipated house sizes range from 2,700 to 3,000 sf with attached two-car garages. The project will be constructed in a single phase. The estimated cost of construction is \$25,500,000.

Access - The main access to the development is proposed from a new public street that the petitioner will construct, extending east from Chalmers along the south side of the Woodcreek Condominiums development within a dedicated 90-foot wide public right-of-way. Secondary access to the development will be provided though the existing Algebe Way street stub. The petitioner has indicated a willingness to contribute to the paving of the segment of Chalmers Road from the current end of pavement to the new public street. Details regarding the paving of Chalmers are still under discussion.

Sidewalks will be installed on both sides of all proposed streets in the development and will link South Pond Village with the existing Woodcreek neighborhood. The developer has proposed several walking paths through the site that will connect to the natural area to the north.

Storm Water Facilities - Storm water management for the project is under the jurisdiction of the Washtenaw County Water Resources Commission (WCWRC). The petitioner conducted numerous soil borings on the site, which revealed that the soils will not allow for an infiltration system on the main portion of the site. As a result, storm water detention will be provided in a basin in the northwest corner of the site where the soils will permit an infiltration system. The location of the basin is at a natural low point for the site. The full 100 year storm capacity for the site will be an infiltration system. An outlet pipe from the main basin to Malletts Creek will be designed to keep the wetland flows equivalent to the water flow level before construction.

Natural Features - There are 67 landmark trees located on the site or within the existing unimproved public right-of-way. Twenty-nine of the landmark trees are proposed to be removed or will be impacted by the proposed construction. The petitioner will plant a total of 307 caliper inches on the site for landmark tree mitigation. In addition, the plan proposes removal of trees within a regulated woodland in the northern part of the site. The majority of the woodland removal is the result of the placement of the stormwater detention basin and required utilities servicing the site. Mitigation trees required for the woodland tree removal will equal a total of 1,340 caliper inches. The woodland tree mitigation will be provided through a combination of on-site plantings and contribution to the City's Street Tree Planting Fund. A total of 407 trees will be planted on site as part of the required mitigation.

There are no wetlands located on the site. All wetlands are located in the 12.3 acre parcel that will be divided off of the South Pond Village site. There are regulated steep slopes on the site which will be impacted by the proposed development. These slopes are designated low-level concerns and impacts are considered minimal to allow a reasonable development of the land.

Street Trees and Landscaping - Sixty street trees will be planted along the new public street extension and 99 street trees will be planted along the public streets within the South Pond Village site. The petitioner proposes to plant a significant natural buffer along the western border of the property bordering the Woodcreek neighborhood. The buffer will contain a continuous screen of a mixture of deciduous and coniferous trees with low shrubs along the property line.

Parks and Open Space - The South Pond Village development will contain a one acre neighborhood public park near the center of the site and at the terminus of the Algebe way extension. The location will allow convenient access for both the residents of the Woodcreek neighborhood and South Pond Village. The park will be owned and maintained by the City of Ann Arbor and designed by City Parks staff. City staff will conduct neighborhood meetings with all residents within a quarter mile and the final design will be based on community feedback.

CITIZEN PARTICIPATION

The petitioner held a meeting for interested citizens on August 28, 2014. Invitations were sent to residents and property owners within 1,000 feet of the site, as well as all subscribers to the GovDelivery planning update service. Fifty-four people attended the meeting. The attendees asked questions about traffic impacts, natural features impact, provision of parkland and storm water treatment. The full report provided by the petitioner is attached.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Natural Area Park Open Space/Vacant Land	PL (Public Land) R1B (Single-Family Dwelling District)
EAST	Highway - US-23	TWP (Township)
SOUTH	Commercial Shopping Center	C3 (Fringe Commercial District)
WEST	Residential	R1B (Single-Family Residential District)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED
Zoning	R1B (Single-Family)	R1B (Single-Family)	R1B (Single-Family)
Gross Lot Area	36.16 acres	36.16 acres total Parcel sizes: 10,010 to 18,760 s.f. Open space: 19.78 acres Public Park: 1.0 acre	10,000 sf/lot MIN
Setbacks	Front	N/A	30 ft MIN
	Side(s)	N/A	5 ft MIN
	Rear	N/A	40 ft MIN
Height	N/A	30 ft MAX	30 ft MAX
Parking - Automobiles	N/A	146 Spaces (Garages) Street Parking	1 space MIN per unit
Parking - Bicycles	N/A	Class A (Garages)	None

HISTORY

This site was previously farmed, although has not been actively cultivated since the 1960s. A petition was filed in 2002 to annex the property into the City and zone it R4A (Multiple-Family Dwelling District). The accompanying area plan proposed 315 dwelling units in 48 buildings, a density of 6.7 dwelling units per acre. The South Pond Village zoning to R4A and area plan

were recommended for denial by the City Planning Commission at the December, 16 2003 meeting.

The property was officially annexed on January 14, 2005. At the July 18, 2005 City Council meeting, City Council postponed consideration of the zoning and area plan to allow the Master Plan Revisions Committee sufficient time to consider amendments to the future land use recommendations for the subject parcel and to better understand the scope and timing of a proposed study of the Washtenaw Avenue Corridor by the Michigan Department of Transportation (MDOT). The R4A zoning and area plan were denied by City Council on December 19, 2005. In March 2006, staff initiated a zoning of the land to R1B, which was subsequently approved by City Council.

PLANNING BACKGROUND

Master Plan: Land Use Element: Site Specific Recommendations – The South Pond Village site is identified as Northeast Area Site 10. The Master Plan offers the following site specific recommendation:

This 48-acre parcel is bounded by the Woodcreek neighborhood of single-family dwellings to the west, Arborland shopping center to the south, US-23 to the east and Huron River Drive and the South Pond Nature Area to the north. The site contains flat areas and pioneer vegetation on the southern portion. Wetlands and some slopes are located on the northern portion. Most of the site was farmed into the 1960s. A stub street at the east edge of the Woodcreek development has been constructed to provide access to the site, as does the 90-foot public right-of-way along the southern boundary of Woodcreek. Access to the site will be challenging for a number of reasons: a) US-23 freeway is located east of the site, b) Arborland shopping center is located south of the site, c) extensive natural features exist on the north side of the site including steep slopes, wetlands and woodlands, d) access to Huron Parkway west of the site by a collector road would impact a creek corridor and require the removal of single-family homes. Additionally, access to Washtenaw Avenue at Chalmers Drive would be very challenging since no traffic light is planned on this Michigan Department of Transportation (MDOT) trunkline. [A 50-foot wide public right-of-way is located along the western property line of Arborland from Washtenaw Avenue to the public right-of-way north of Arborland.]

Because of the limited access, residential uses are recommended at a gross density (minus right-of-way) of 2 to 4 dwelling units per acre. Single-family detached homes, duplexes, townhouses, multiple-family (stacked units), and assisted living facilities are recommended. Development should be located at the south and central areas of the site and away from the wetlands, steep slopes and wooded areas on the northern portion. If primary access can be provided directly through the Arborland shopping center south of the site, with adequate access provided to Washtenaw Avenue, residential uses are recommended at a gross density (minus right-of-way) of between 6-10 dwelling units per acre and include single-family detached homes, duplexes, townhouses, multiple-family (stacked units) and assisted living facilities. Uses such as hotel, retail, and office would also be appropriate for the portion of the site south of the Algebe Way stub street (from Woodcreek) if access can be provided through the Arborland shopping center with adequate access to Washtenaw Avenue. A mixture of these residential and non-residential uses would also be appropriate if adequate access is provided through Arborland to Washtenaw Avenue. All traffic generated

by hotel, retail, or office uses should be directed through Arborland. Non-residential uses should be adequately screened from existing residential areas.

Future development should incorporate community design techniques (described in Chapter 5) that support the goals and objectives of this Plan.

Public pedestrian access should be provided to the woodlands and wetlands on the north portion of the site. A neighborhood park is recommended that is centrally located and easily accessible to residents of this site and the Woodcreek neighborhood. Lighted, paved pathways to accommodate pedestrians and bicyclists should be provided to the Woodcreek neighborhood and the rear pedestrian access point for Arborland Mall. Landscaping should be provided on the east side of the site to buffer the project from US-23. Landscaping should also be provided on the south side of the site to screen the possible future east-west collector street and Arborland Mall.

Woodcreek Area Traffic Circulation Study - Access to the site and related transportation issues have been examined extensively in the history of the South Pond site. Transportation planning specifically to address existing and predicted congestion in the area began over 30 years ago. In 1988, the Clark Road Extension Study projected significant traffic volume on Washtenaw Avenue and recommended steps be taken to extend Clark Road from Ypsilanti to Ann Arbor, ending at Huron Parkway, as an alternate east-west route to relieve congestion on Washtenaw Avenue. The 1989 Northeast Area Plan reinforced this recommendation. City Council ordered the Woodcreek Area Traffic Circulation Study (done by an independent transportation engineering consultant) in 1995. It recommended the then-proposed Woodcreek development and the future Van Curler property (South Pond Village site) disperse their traffic in as many directions as possible to minimize impacts to any one road, as well as continue efforts to extend Clark Road to Huron Parkway to address congestion in the general vicinity, since Huron Parkway has the greatest available capacity.

Upon review of that study, Planning Commission used the data but came up with its own recommendations, the Circulations/Access Options Report, which essentially recommended a new road (or roads) along the south side of Woodcreek, through the South Pond Village site, connecting to Huron River Drive as the most preferred solution to vehicular circulation and access. And if this were not possible, Planning Commission suggested pursuing acquisition of right-of-way along Arborland's west boundary and pursuing acquisition of right-of-way for an east-west collector street between Chalmers Drive and Huron Parkway.

City Council, upon reviewing the Woodcreek Area Traffic Circulation Study and Planning Commission's Circulation/Access Options Report, came up with its own future recommendations, which were slightly different from both. In the resolution to approve the Woodcreek Area Traffic Circulation Access Options Report, City Council said to obtain right-of-way along the south side of Woodcreek, then look into improving the Chalmers-Huron River Drive intersection, then develop a connection to Huron River Drive through the South Pond Village property, and finally develop a two-way road along the west side of Arborland. This resolution is the most recent, and the only adopted resolution, specifically for transportation and vehicle circulation applicable to the South Pond Village site. It should be noted that the concept of a Clark Road connection over US-23 was not included in the 2009 Transportation Plan Update.

The City subsequently acquired the recommended 90-foot right of way south of Woodcreek Condominiums and a 50-foot wide right-of-way along the west side of the Arborland parcel. The proposal to acquire property along Chalmers for the road connection to Huron Parkway is still listed in the approved 2015 Capital Improvements Plan.

Master Plan: Land Use Element: Community-Oriented Design - The community-oriented design recommendations for neighborhoods recommend a variety of techniques to minimize negative impacts to natural systems, improve pedestrian access and promote a greater sense of community. Where applicable, the plan recommends design techniques such as incorporating safe, well lighted and convenient pedestrian and bicycle paths between neighborhoods; clustering development to concentrate development away from natural features; connecting residential streets to adjoining neighborhoods; limiting the use of cul-de-sacs; providing trees and landscaping around the perimeter of new developments; and encouraging street-facing entries and recessed garages.

STAFF COMMENTS

Systems Planning – Sanitary sewer mitigation of 22 footing drain disconnects or equivalents will be required. The proposed sanitary sewer main connection is still under review. The proposed connection will run to the northeast and then through the MDOT US-23 right-of-way for connection to a sanitary main along Huron River Drive. Staff will assist the petitioner in working with MDOT to gain required approvals. Preliminary discussion with MDOT has indicated a willingness to accept construction of the project in this area. Adequate water service exists to service the site. The water main will be connected to the south to an existing water main running through the Arborland Shopping Center and to the west at Algebe Way.

Traffic – The site plan as submitted has a general purpose connection to Algebe Way. Traffic Engineering staff supports a general purpose connection as it would benefit the public providing for improved neighborhood connectivity, a reduction in vehicle-miles travelled, and improved routing for snow plowing and trash pickup. A revised traffic study has been submitted and is currently under review.

Fire – Fire hydrant coverage is being met with the additional hydrants being installed on the site. The Fire Marshall supports the connection to Algebe Way for secondary access to the site. While the connection is not required because the project is less than 100 units, it is preferred to have multiple access routes available when it is possible to install them.

Parks – The dedication of the 1-acre neighborhood park and nature trails provided on site satisfy the requested park donation for this project. City Parks staff considers the dedicated neighborhood park area to be consistent with the Parks Recreation and Open Space Plan (PROS) recommendation and sufficient size given the population that will be served. Once the parkland is dedicated, City staff will hold a public meeting and work with the neighborhood residents to design a neighborhood park according the needs of the neighborhood.

Natural Areas Preservation (NAP) – In July of 2005 there were two observations of a threatened butterfly species, Duke’s Skipper, in the wetland area to the north of the site (on the 12.3 acre parcel to be divided off). Shaded wetlands and small clearings in adjacent woodlands are the preferred habitat of the butterfly. The remaining development site is not likely to contain habitat

as it consists mostly of buckthorn and other invasive plant species. Dividing off and leaving the area of natural features should address the concern regarding species habitat.

Planning – The petitioner has continued to work with City staff to modify the plan in order to address comments from staff and residents. The plan was redesigned based on comments to include a neighborhood park, add walking paths, increase the protected natural areas, and increase the vegetated buffer along the property line with Woodcreek both adjacent to the planned houses as well as along the new street connecting to Chalmers. The proposed project is consistent with the Master Plan: Land Use Element – Northeast Area Site Specific Land Use Recommendation for Site 10. The proposed density of the project is 2 units per acre and the Master Plan recommends a maximum of four units per acre. The project will install a significant continuous vegetated buffer along the western boundary of the site with Woodcreek and also along the proposed public street extension to the boundary of the South Pond site. The majority of natural features will be protected, as the development area is proposed for the previously cultivated farmland mainly consisting of invasive vegetation at this time. Planning staff has encouraged the developer to design the houses to incorporate community design techniques (described in Chapter 6 of the Master Plan Land Use Element) that support the goals and objectives of the Plan.

The petitioner will dedicate a one acre active public park to the City for the use of all residents. The park will be designed by City Parks staff and be located at the terminus of Algebe Way near the Woodcreek neighborhood. The proposed Algebe Way vehicular connection will increase usability of the park in all conditions as well as help assist Woodcreek residents that may be unable to walk/bike to the park. The vehicular connection will visually connect the neighborhoods which will help create a community bond between the existing neighborhood and South Pond Village as opposed to two distinct neighborhoods.

A Development Agreement is being drafted to address transportation, utility, storm water basin maintenance and on-site improvements.

Prepared by Matt Kowalski
Reviewed by Wendy Rampson

Attachments: Citizen Participation Report
Parcel/Zoning Map
Aerial Photo
Site Overview
Site Plan
Site Plan with Natural Features
Landscape Plan

c: Petitioner: Michael Furnari
Ann Arbor Manchester LLC
1700 West Big Beaver Road, Suite 120
Troy, MI 48084

Petitioner's Representative: Earl Ophoff
Midwestern Consulting
3815 Plaza Drive

Ann Arbor, MI 48108

City Attorney
Project Management
Systems Planning
File No. SP14-051

SOUTH POND VILLAGE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2015, 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 Manchester Ann Arbor, LLC, a Michigan limited liability corporation, with principal address at 1700 West Big Beaver, Suite 120, Troy, Michigan 48084, hereinafter called the DEVELOPER, witnesses that:

WHEREAS, the DEVELOPER owns certain land in the City of Ann Arbor, described below and site planned as South Pond Village, and

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

WHEREAS, the DEVELOPER 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 DEVELOPER will install these improvements prior to any permits being issued.

THE DEVELOPER HEREBY AGREES:

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

(P-2) To construct all Improvements set forth in Paragraph P-1 of this Agreement in accordance with the approved Plans and to repair all defects in the Improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the DEVELOPER fails to construct the Improvements, the CITY may send notice via first class mail to the DEVELOPER 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 DEVELOPER, if the DEVELOPER does not complete the work within the time set forth in the notice. Every owner of a portion of the property, including 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 unit 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 DEVELOPER'S engineer inspects.

(P-4) To grant easements to the CITY for water mains, sanitary sewer mains, and storm water main as shown on site plan and the final approved construction plan, subject to City Council approval. PROPRIETOR shall submit legal descriptions and survey drawings for the easements prior to the request for and issuance of building permits, and the easements shall be granted to the CITY in a form acceptable to the CITY Attorney. The easements must be accepted by City Council prior to the request for and issuance of any temporary or final certificate of occupancy.

(P-5) To include proposed street and traffic control signs on the drawings and plans for proposed public streets, and to reimburse the City, within 45 days of receipt of an invoice, for the cost of fabricating and installing those signs. The Public Services Area shall have final approval and make final and future determinations for signage on the public streets, including parking. The CITY shall install all signs in the public rights-of-way after the appropriate Traffic Control Orders are approved. The DEVELOPER shall pay for the costs of the signs and installation of the signs installed in the public rights-of-way as well as any signs installed on the private drives.

(P-6) Prior to issuance of building permits for the condominium units, to install the condominium unit monuments and iron markers and assign condominium unit numbers in the master deed that conform to those on the approved site plan.

(P-7) To install all water mains, storm sewers, sanitary sewers, sidewalks and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits. Any changes to the proposed construction sequence shall be at the discretion of the Public Services Area.

(P-8) To maintain the public streets on the site-plan, including snow and ice removal, until the street improvements have been accepted for maintenance by the CITY.

(P-9) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to Chalmers Drive such as street widening, street paving, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees when such improvements are determined by the CITY to be necessary. A provision shall be included in the master deed for the project stating that if the CITY undertakes to establish a special assessment district to improve Chalmers Drive, each condominium unit shall be assessed its pro rata share of the cost of improvements allocable to the Property.

(P-10) To convey to the CITY, prior to the issuance of any building permits and subject to acceptance by the Ann Arbor City Council, public streets as shown on the site plan.

(P-11) To indemnify, defend 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 DEVELOPER, 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-12) 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 additional 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-13) Existing woodland, landmark, street trees shown on the site plan as trees to be saved shall be maintained by the DEVELOPER in good condition for a minimum of three years after acceptance of the public Improvements by the CITY or granting of Certificate of Occupancy for each condominium unit. Existing woodland, landmark, street trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public improvements or granting of Certificate of Occupancy or final approval of each condominium unit, shall be replaced by the DEVELOPER as provided by Chapter 57 of the Ann Arbor City Code.

(P-14) To convey to the CITY, subject to acceptance by the City Council, land of approximately one acre for a public park as shown on the site plan. The DEVELOPER shall record the deed and its conveyance to the CITY as public parkland. PROPRIETOR shall submit legal descriptions and survey drawings for the public park prior to the request for and issuance of building permits, and the warranty deed shall be granted to the CITY in a form acceptable to the CITY Attorney. The public park conveyance shall be complete prior to the issuance of any certificate of occupancy for the project, or at another time as determined by the Community Services Administrator. A park identification sign shall be provided by the DEVELOPER per CITY specifications before issuance of any certificate of occupancy.

(P-15) 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 DEVELOPER 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 DEVELOPER one year after the date of acceptance by the CITY.

(P-16) To create an association composed of all owners of South Pond Village condominium, hereinafter called the "Association", in which membership shall be required by covenants and restrictions recorded as part of the master deed for South Pond Village. The association shall be responsible for and shall execute the appropriate documents insuring perpetual maintenance and ownership of the landscape materials, open space, on-site storm water management system, and all other common elements, as well as landscaped islands in public streets.

(P-17) To construct, repair and/or adequately maintain on-site storm water management system. If the DEVELOPER fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the DEVELOPER 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 DEVELOPER if the DEVELOPER does not complete the work within the time set forth in the notice.

(P-18) 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 DEVELOPER or Association, as appropriate, fails to maintain any portion of the system, the CITY may send notice via first class mail to the DEVELOPER, 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 DEVELOPER or Association if the DEVELOPER 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 DEVELOPER in the master deed.

(P-19) 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 within 15 days of any such request. DEVELOPER shall include this requirement in the Master Deed.

(P-20) To prepare and submit to the Planning and Development Services Unit one copy of the Master Deed, along with the required review fee, prior to issuance of building permits.

(P-21) 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, DEVELOPER 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-22) 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-23) No unit in South Pond Village may be divided such that an additional building unit is created.

(P-24) Prior to application for and issuance of certificates of occupancy, to disconnect 21 footing drains, which is based upon the uses currently existing on the Property and those

currently contemplated by the Site Plan in accordance with the Guidelines for Completion of Footing Drain Disconnections, Table A, and adopted by City Council, August 18, 2003 and revised November 30, 2005 (the "Guidelines"), or to provide an alternative method of mitigation that results in an equivalent amount of sanitary flow removal, in accordance with the Guidelines. In the event the actual intensity of uses contemplated by the Site Plan are either increased or decreased, City and DEVELOPER agree to adjust the number of footing drains to be disconnected, or the amount of alternative mitigation to be provided, in accordance with the Guidelines. DEVELOPER 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-25) DEVELOPER 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 DEVELOPER has (have) legal authority and capacity to enter into this agreement for DEVELOPER.

(P-26) 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 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 DEVELOPER complies with the approved site plan and/or the terms and conditions of the approved Agreement. The DEVELOPER 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 Agreement.

(P-27) In addition to any other remedy set forth in this Agreement or in law or equity, if DEVELOPER fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-28) 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 South Pond Village Site Plan.

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

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

GENERAL TERMS

Both the DEVELOPER 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 DEVELOPER, 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:

Commencing at the Southeast corner of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan; thence North 89 degrees 38 minutes 00 seconds West 720.73 feet (recorded as 721.20 feet) along the South line of said Section 35 for a POINT OF BEGINNING;

thence continuing North 89 degrees 38 minutes 00 seconds West 602.75 feet along said South line;
thence North 01 degrees 05 minutes 30 seconds East 1913.82 feet along the West line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 35 and the East line of Washtenaw Hills Estates No. 1, as recorded in liber 8, page 32 of plats, Washtenaw County Records, Washtenaw County, Michigan;
thence North 88 degrees 06 minutes 21 seconds East 239.08 feet;
thence North 27 degrees 21 minutes 40 seconds East 39.20 feet;
thence South 62 degrees 38 minutes 20 seconds East 30.00 feet;
thence South 27 degrees 21 minutes 40 seconds West 64.06 feet;
thence South 15 degrees 15 minutes 23 seconds East 27.95 feet;
thence South 63 degrees 16 minutes 59 seconds East 383.96 feet;
thence South 11 degrees 30 minutes 24 seconds East 71.68 feet;
thence South 23 degrees 21 minutes 23 seconds East 213.32 feet;
thence North 83 degrees 01 minute 08 seconds East 120.06 feet;
thence North 53 degrees 20 minutes 08 seconds East 32.49 feet;
thence North 09 degrees 23 minutes 26 seconds East 52.58 feet;
thence North 19 degrees 30 minutes 17 seconds East 20.12 feet;
thence North 69 degrees 01 minute 39 seconds East 33.85 feet;
thence South 76 degrees 14 minutes 19 seconds East 50.78 feet;
thence South 56 degrees 22 minutes 47 seconds East 71.80 feet;
thence South 64 degrees 23 minutes 55 seconds East 340.38 feet to the East line of said Section 35;
thence South 01 degree 01 minute 29 seconds West 68.98 feet along said East line;

thence along the Westerly right-of-way of US-23 as recorded in liber 959, page 339, Washtenaw County Records, Washtenaw County, Michigan, the following 2 courses:

- (1) South 47 degrees 15 minutes 15 seconds West 135.20 feet;
- (2) 1369.52 feet along the arc of a 2106.85 foot radius circular curve to the left, having a chord which bears South 28 degrees 37 minutes 57 seconds West 1345.53 feet to the PLACE OF BEGINNING, being part of the East ½ of the Southeast ¼ of said Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, and containing 36.15 acres of land, more or less. Subject to easements and restrictions of record, if any.

Parcel ID No.: 09-09-35-400-047

(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 DEVELOPER, 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 DEVELOPER in writing that the DEVELOPER has satisfactorily corrected the item(s) the DEVELOPER 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.

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

By: _____
Christopher Taylor, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Steven D. Powers, City Administrator

Approved as to Form:

Stephen K. Postema, City Attorney

Manchester Ann Arbor, LLC, a Michigan limited liability company

By: _____
Michael Furnari, Member

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by Christopher Taylor, Mayor and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan municipal corporation, on behalf of the corporation.

NOTARY PUBLIC
County of Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

STATE OF _____)
) ss:
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by Michael Furnari, Member of Manchester Ann Arbor. LLC, a Michigan limited liability company, on behalf of the company.

NOTARY PUBLIC
County of _____, State of _____
My Commission Expires: _____
Acting in the County of _____

DRAFTED BY AND AFTER RECORDING RETURN TO:
Ann Arbor Planning & Development Services
ATTN: Wendy Rampson
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 794-6265



MEMORANDUM

TO: Matt Kowalski
FROM: Tom Covert
RE: South Pond Village – Citizen Participation Meeting
DATE: 9.29.14

FINAL CITIZEN PARTICIPATION REPORT SOUTH POND VILLAGE

A Citizen Participation meeting was held for South Pond Village, a proposed single family residential development in the Southeast ¼ of Section 35, on August 28, 2014. Notice of the meeting was mailed to all persons on a mailing list obtained from the City's Planning Department of all persons within 1000 feet of the subject property. A copy of the Notice was provided to the Planning Department, and a copy is submitted as an attachment to this report.

The meeting was scheduled for 7 to 9 PM in a meeting room at Washtenaw Community College. Submitted as an attachment to this report is the attendance sheet; it shows that 44 persons signed in and we counted 54 persons in attendance. It appears that most of the participants were from Thornoaks Subdivision. The meeting convened at 7:08 PM. The Developer's representatives made a presentation which discussed the proposed development. A slide presentation presented at the meeting is attached to this report. Attendants asked questions and presented their views during the developer's presentation, and the meeting opened for more questions and views from the participants. The discussion was lively and many participants spoke. The discussion ended at 9 pm sharp, at which time the meeting concluded. At the conclusion of the meeting. A resident of Thornoaks Subdivision presented to the developer an undated letter signed by residents of Thornoaks, expressing their opposition to the development. A copy of the letter is submitted as an attachment to this report. This letter covers most, if not all, of the subjects discussed at the meeting.

Traffic was the major topic discussed at the meeting. The traffic discussion primarily focused on difficulties with Washtenaw Avenue traffic and concern about the incremental impact of the South Pond Development on access to Washtenaw Avenue. The project consultant, Tom Covert, informed the participants that a traffic impact study was now being done and would be completed soon. Its purpose is to project the amount and incremental impact South Pond Village traffic would have on Washtenaw Avenue and other area roads and to recommend what, if any, measures might be appropriate to mitigate any such impact. A participant who had familiarity with traffic impact studies agreed with that description of the purpose of a traffic impact study. The study will be filed with the City and will be available to the public. The developer will determine what action to take after reviewing the study.

Memorandum

Page 2

Several participants questioned how storm drainage from the subject site will be handled. Mr. Covert explained how storm drainage will be handled so as to avoid adverse impact of storm drainage from the site.

One participant stated that she would prefer to see the property developed with a senior citizens' home.

One couple, residents of Woodcreek Condominium said that when they bought their home, they were led to believe that the subject property would become a park, and that Algebe Street, which stubs at the boundary with the subject site was only for the purpose of access to a park. The developer disagreed, and stated that Algebe was plainly intended to connect to future development at the subject property.

Several residents expressed concern about the 2 lots proposed on Huron River Drive. One resident said that area was a wetland years ago, which was filled in 25 years ago. Without knowledge of any such history, the developer observed that that area is not wetland at present. The Thornoaks letter expressed concern about possible adverse impact on wetlands on the site. Mr. Covert reported that the proposed site plan evolved with considerable care and concern for the natural features on the site after much care, study, and previous sketches, and with the analysis and assistance of one of Michigan's leading natural features/wetlands consultants, King and MacGregor Environmental. Mr. Covert stated that he was not aware at present that a wetlands permit would be required, but that the developer would present plans to the State and would comply with State requirements.

The participants were interested in the review process and approval process. The slide presentation outlined in considerable detail the regulatory process and requirements the development would be subjected to. The participants were told that the next step in the process would be a submission of plans to the City, followed by review by the Planning Commission, and that the public would have the opportunity to be heard by the Planning Commission.

Michael Furnari

Fairview Companies

1700 W Big Beaver Rd. Suite 120

Troy, MI 48084

248.602.2220

First Class Mail
U.S. Postage Paid
Royal Oak, MI
Permit 525

Proposed Site Plan Review

In accordance with the City of Ann Arbor's Citizen Participation Ordinance, you are being notified that a Proposal for South Pond Village will be submitted to the City of Ann Arbor Planning Department. Details about a citizen participation meeting for you to learn about this project are described on the opposite side of this card.



Persons with disabilities are encouraged to participate. Accommodations may be arranged by contacting Sender. Requests need to be received at least 24 hours in advance of the meeting.

NOTICE OF CITIZEN PARTICIPATION MEETING: SOUTH POND VILLAGE

PLEASE ATTEND A CITIZEN PARTICIPATION MEETING TO REVIEW OUR APPLICATION TO THE CITY OF ANN ARBOR FOR APPROVAL OF A DEVELOPMENT OF 78 SINGLE FAMILY RESIDENTIAL LOTS ON THE APPROXIMATELY 48 ACRES AT THE PARCEL OF LAND DEPICTED ON THE MAP ON THIS CARD, AND AS SHOWN ON THE DEVELOPMENT PLAN SHOWN ON THE FRONT OF THIS CARD. COMMENTS AT THIS MEETING WILL BE CONSIDERED IN FINALIZING THE PROPOSED SITE PLAN, WHICH IS TARGETED FOR SUBMISSION TO THE CITY WITHIN 30 DAYS OF THE DATE OF THIS MEETING.

MEETING DATE:

AUGUST 28, 2014, 7 PM-9PM

LOCATION:

Washtenaw Community College
Morris Lawrence Building, Room ML 101

Questions? Call **Michael Furnari - 248.602.2220**



Attendance Sheet for Meeting on August 28, 2014

	Name	Address and Telephone Number
1.	Ellen Vaughan	4038 Thornoaks 734-846-6903
2.	Heather Accurso	4028 Thornoaks Dr. 734-929-2512
3.	Kristine Bolhuis	4099 E. Huron River Service Dr. 248-464-9390
4.	JOHN HOKERBODER	4099 E. Huron " " " 248-670-0339
5.	Jim MURPHY	1877 Meadowview Drive
6.	Michael Hornel	3473 Woodlake Ct 369-2499
7.	Dave Purcell	4041 Thornoaks 734(246-0214)
8.	Lawrence Argetsinger	3520 E. Huron River Dr. 734-255-9541
9.	Amir Mortazavi	1710 Woodcreek Blvd. 734-975-1723
10.	ERIC	1870 Meadow Side 734-657-3478
11.	Jennie Allan	1485 Chalmers Drive 646-3250805
12.	Lisa Slattery	3625 E. Huron River Dr 332 4994
13.	Al Franzblau	3625 E. Huron River Dr. 369-3367
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Attendance Sheet for Meeting on August 28, 2014

	Name	Address and Telephone Number
21.	Anne Bannister	4161 Thornoaks, ⁷³⁴⁻⁹⁴⁵⁻¹⁶³⁹ Apt 104, MI 48104
22.	A. Tankus	1153 Creeksend Ct, MI 48104
23.	Amir	
24.	Lara Schobitz	1710 Woodcreek Blvd.
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Attendance Sheet for Meeting on August 28, 2014

	Name	Address and Telephone Number
41.	Jesse Gordon	1300 Chalmers Dr.
42.	Jack & Brenda Cronin	3612 E. Huron River Dr.
43.	Joseph Wang	1859 Meadowside Dr
44.	Shing Wai Blum	3595 E Huron River Dr
45.	Mina Homel	3473 Wooddale Ct., A2
46.	Lisa Cronin	4021 Thornowks, A2
47.	Carolyn Schuff	3510 Woodland Dr AA 04
48.	ALAN CORDEIRO	1515 CHALMERS DRIVE
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Attendance Sheet for Meeting on August 28, 2014

	Name	Address and Telephone Number
81.	Zona Schiner	4131 Thornoaks Dr. 734 646 9352
82.	Rosella Bannister	4161 Thornoaks 734-255-8626
83.	Jana & Meng Tan	1595 Meadowside Drive 734-369-8855
84.	Memora Stilling	1548 Chalmers Ct.
85.	Christine Kim	1391 Creekbend Ct. 934-477-8676
86.	Noreen Aziz	1829 Meadowside Dr. 314-497-2274
87.	Ariel Nicolaci	402 Thornoaks Dr 386-859-8401
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Attendance Sheet for Meeting on August 28, 2014

	Name	Address and Telephone Number
61.	Melissa James	1380 Creekbend Ct AA 734-369-2038
62.	Lorraine Cordeiro	1575 Chalmers Dr
63.	Mamulana	3575 C. Vasa River Dr
64.	Lilia Cortina	1839 Meadowside Dr 734-309-3419
65.	Elizabeth Wood	4061 THORNOAKS DRIVE 734-971-6191
66.	Mary Fitts	4061 THORNOAKS DRIVE
67.	Richard ^{DeLeon}	3671 Riverside Dr.
68.	PANGANATANS	1635 MEADOWSIDE DRIVE
69.	Jane Heineken	1755 Brian Ct 734 975 2340
70.	Bennet Wolper	4131 Thornoaks Dr. 234 973-1508
71.	Barbara Smuts	4011. Thornoaks Dr. (734) 646-6596
72.	Michael Abner	4011 Thornoaks Dr.
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This letter is written in response to the request for public comments on the preliminary plans of the proposed development of South Pond Village. On behalf of the Thornoaks Neighborhood Association, we want to voice our strong and uniform opposition to this proposed development. Our objections include the adverse effects on the existing neighborhoods and the natural wetlands, the increase in traffic to an already congested area, and the lack of infrastructure in the area to support an increase in population.

1. Adverse effects on the existing neighborhoods. While earlier plans did not call for the development of the land facing East Huron River Drive, the new proposal would likely harm a natural wetland that we in the area treasure for its great beauty and bio-diversity. Putting several houses at E. Huron River Drive and Chalmers would adversely affect the special natural scenery in place on that stretch of winding road between Huron Parkway and Hogback Road. What houses that currently exist along East Huron River Drive generally conform to a low-profile unobtrusive aesthetic. If the prevailing trends in construction (multi-story, massive and upright) were to be utilized, they would not co-exist harmoniously with the existing homes in the area. Ironically, they would appear directly across from the newly moved headquarters of the Natural Area Preservation division of Ann Arbor Parks.

2. Adverse effects on the existing wetlands. The area that would be impacted by the proposed development contains sensitive wetlands that are home to many native species including the critically imperiled (highest degree of endangerment) Dukes' Skipper butterfly. The lots planned on East Huron River Drive, for instance, are about 100 feet from a well-documented sighting of this imperiled species. It is inconceivable that the proposed development could be made without adversely impacting this habitat. In addition, the wet shrubland south of Huron River Drive directly adjacent to the proposed South Pond development is the only area in the Ann Arbor Parks system where the high-bush cranberry (one of 215 native plant species that have been recorded in the park) has been found*. Ann Arbor prides itself on being a green town, and negatively impacting the habitats of these at-risk and native species is contrary to what many residents of Ann Arbor stand for.

The development, as currently proposed, plans to build on sensitive slopes

* *Along the Huron The Natural Communities of the Huron River Corridor in Ann Arbor, Michigan* pp. 122-123, a publication of Natural Area Preservation Division, City of Ann Arbor

above the wetland. We in this neighborhood greatly treasure these slopes and the wetland itself for their beauty, the ecological services they provide to the natural and human community, and for the protection they afford to endangered species. We are saddened when we think of that wetland and the slope above it being permanently destroyed. We respectfully request that the development be moved back from these slopes so that it not be visible from East Huron River Drive. This would simultaneously protect these slopes that drain directly into the wetland and protect the natural feel of the neighborhood. The fragile land along East Huron River Drive is of major ecological and visual value, now and for future generations. Let us consider the years ahead!

A much better plan that would consider the environment in all its forms would be to incorporate these sensitive wetlands, the steeply sloping areas surrounding them, and the property adjacent to East Huron River Drive with the existing South Pond Nature Area, and to limit your development to the southern half of the property (the flat plateau on the Arborland side of the property). While it may be appealing to potential homeowners on these three plots to be virtually surrounded by protected wetlands, the pleasure of a very few would be at the expense of many.

3. Increase in traffic and lack of appropriate infrastructure. From the point of view of the community of people living in the area encompassed by Hogback Road on the east, Washtenaw Avenue to the south, Huron Parkway to the west and E. Huron River Drive to the north, the significant increase in the local population that would result from the proposed development would turn an already difficult, stop-and-go traffic situation at rush hour into a far worse situation. For a road that sees heavy and rapid traffic morning and night, East Huron River Drive is currently in such bad shape that it destroys tire rims. At least two serious accidents, one resulting in a death, happened near the intersection of E. Huron River Dr and Chalmers last winter alone. Every year, one or more cars veers into the ditch at the bottom of the hill on East Huron River Drive where it meets Thornoaks Drive. Despite the slow-down warning signs at this curve, traffic shoots rapidly down the hill, making it difficult for drivers on Thornoaks to turn left onto East Huron River Drive. East Huron River Drive is also dangerously narrow without room for a bike path, sidewalk or even a shoulder in some areas.

Furthermore, the corridor along Washtenaw leading from Ann Arbor into Ypsilanti and along Hogback and Carpenter leading south from Washtenaw has been overcrowded for many years. The stop light at the corner of Hogback/Carpenter and Washtenaw has the longest wait of any intersection

in the county. This intersection also has the highest accident rate with the most crashes (135) of any intersection in the county recorded in the last study period (2009-2011)*. Traffic on Washtenaw has increased dramatically since the development of the Whole Foods shopping complex and the Arbor Hills complex, so such statistics can only climb higher. Making the turn from Chalmers onto Washtenaw is very difficult and dangerous. Adding significantly to that traffic would thus be unacceptable for both convenience and safety reasons. Developing this area would affect not just the people in the immediate area but everyone who travels from Ypsilanti and the east side of Ann Arbor to the University and the downtown area. For all of these reasons, it is clear that the infrastructure is simply not in place to support additional houses whose residents would, of necessity use either Washtenaw or E. Huron River Drive to get to and from their homes.

Finally, we request that the developers improve communication with all neighbors adjacent to the proposed South Pond development. We learned about this public input meeting not from direct mail to the residents but from a single postcard sent to the former president of the neighborhood association and word of mouth via our Woodcreek neighbors. Many misunderstandings can arise from a lack of communication.

Other site plans concerning the South Pond area have failed because these important issues aforementioned have not been adequately addressed. Is there a belief that continuing to do the wrong thing will eventually result in a right outcome? We urge you to seriously consider the concerns stated, and if they cannot be adequately addressed to abandon or at the very least revise this proposed development. As it stands now, we oppose the plan unanimously.

Yours truly,

The Thornoaks Neighborhood Association

Kristine Bolhuis, President

Mohamed Redissi, Treasurer

John Holkeboer

DeeAnna Redissi

Cameron & Diane Innes

Heather Accurso

* http://www.annarbor.com/2012WashtenawCounty_IntersectionCrashes.pdf

Michael & Natalia Challis

James Bardwell

Ursula Jakob

Bennet Wolper

Zona Scheiner

Ellen & Patrick Vaughan

Harris & Margaret McClamroch

Elizabeth Wood

Irwin & Marcille Pollack

Jane Lichtenauer

Jean Chorazyczewski

Lisa Cronin

John & Susan Wacksmuth

Barbara Smuts

Rosella Bannister

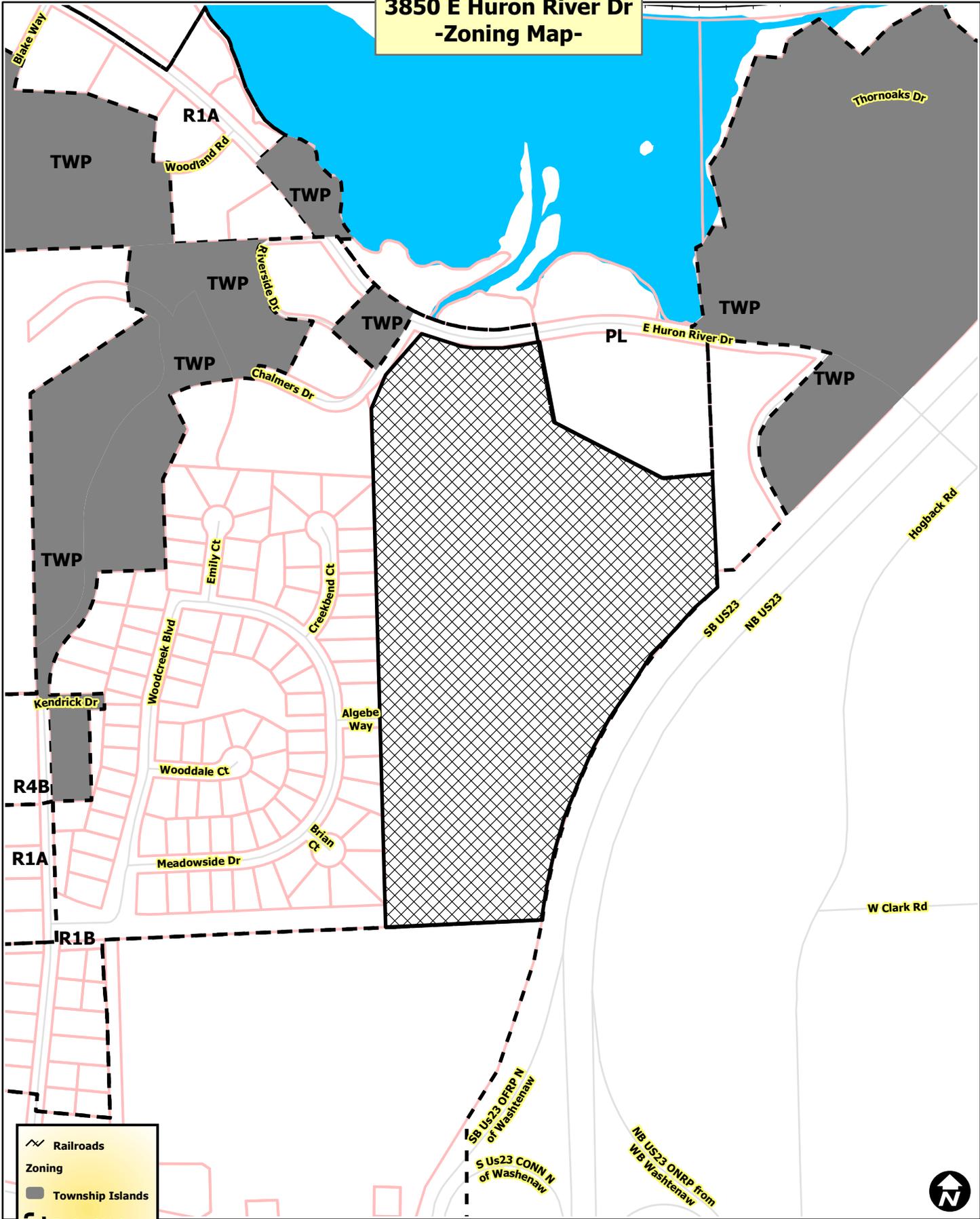
Gwen Harrigan

Bryant Stuckey

Ariel Nicolaci

Boris Harss

3850 E Huron River Dr -Zoning Map-



Legend

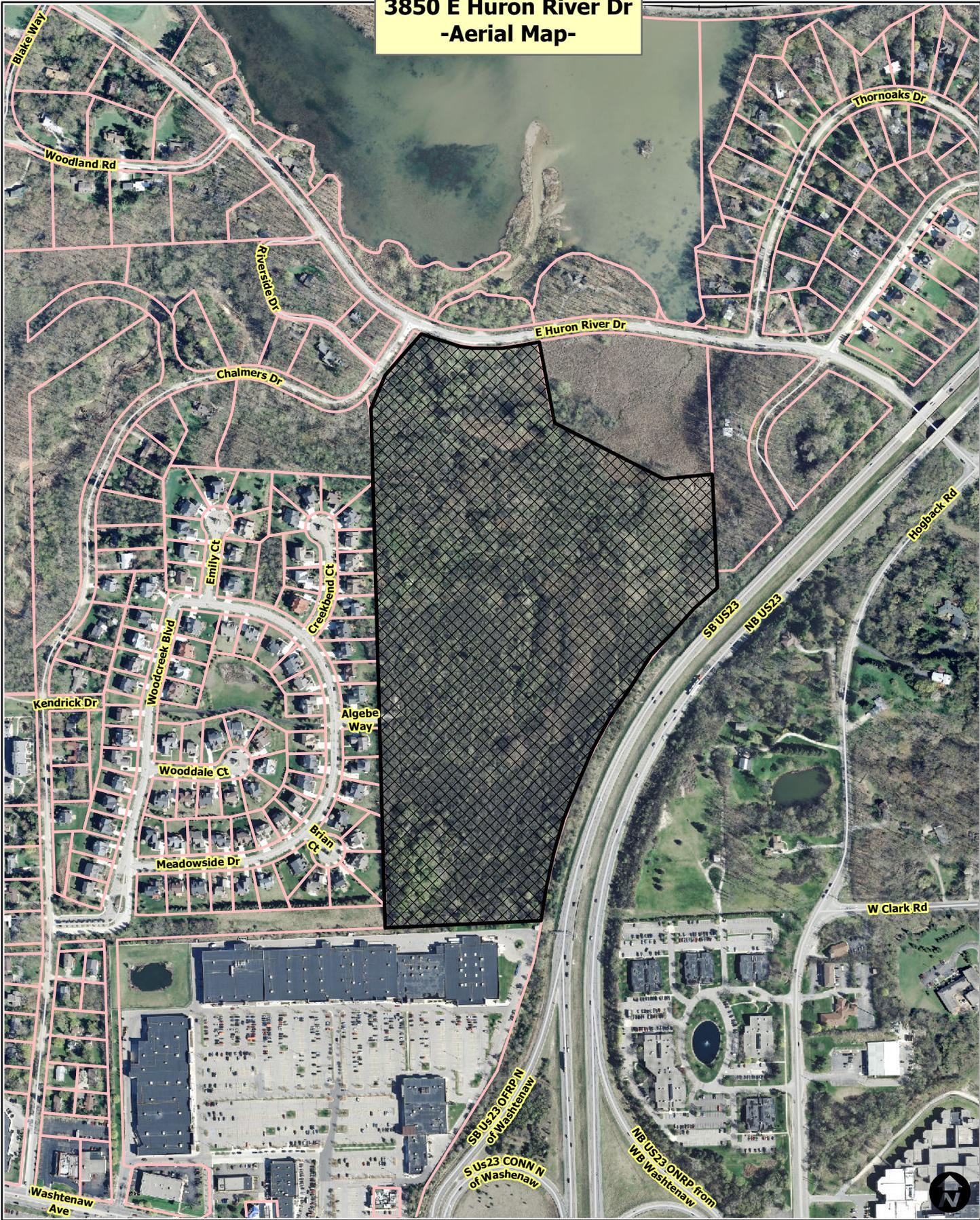
- Railroads
- Zoning**
- Township Islands
- Zoning Districts
- Parcels
- Huron River



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 Map Created: 6/20/2014



**3850 E Huron River Dr
-Aerial Map-**



-  Railroads
-  Parcels



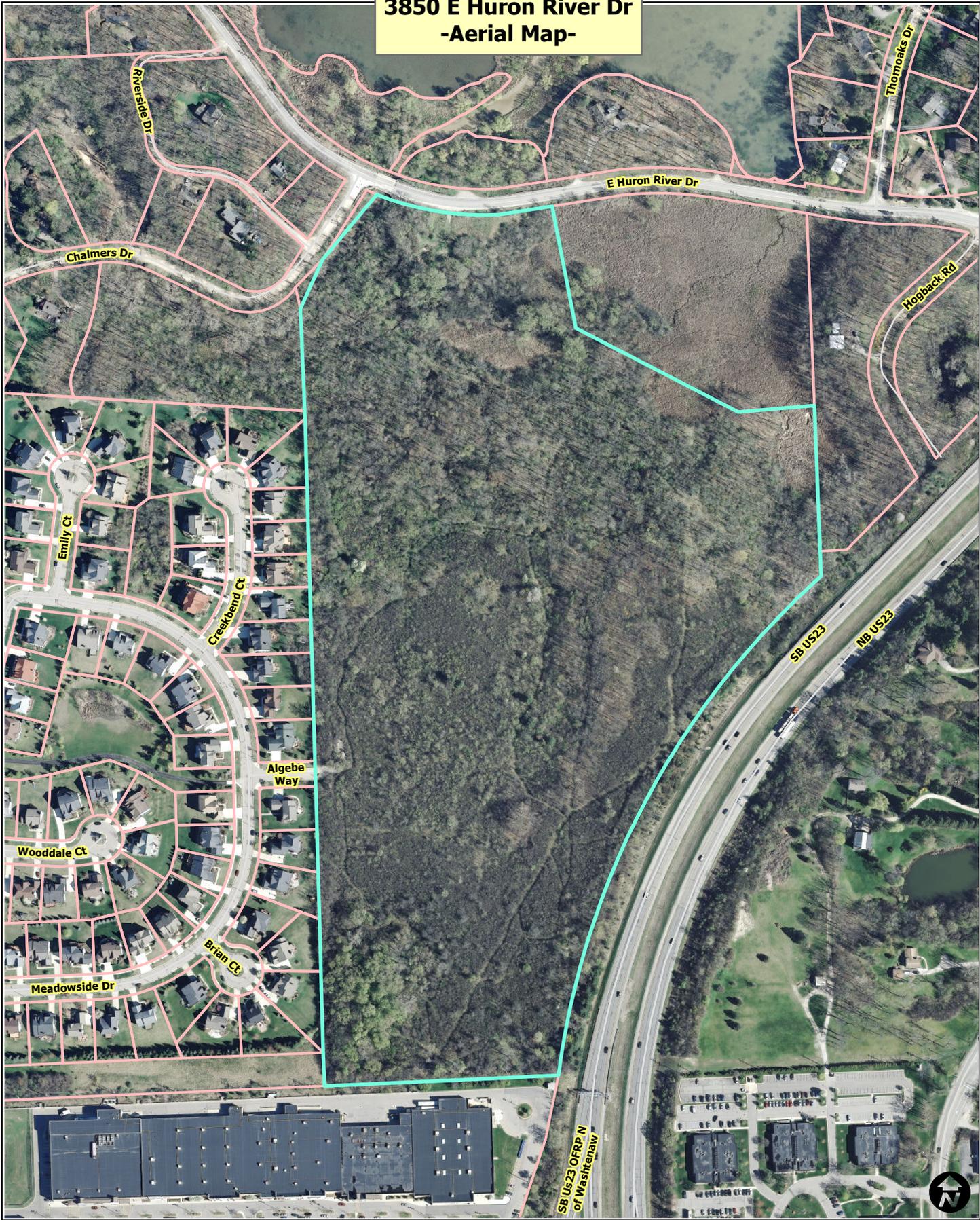
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Map Created: 6/20/2014

**3850 E Huron River Dr
-Aerial Map-**



 Railroads
 Parcels



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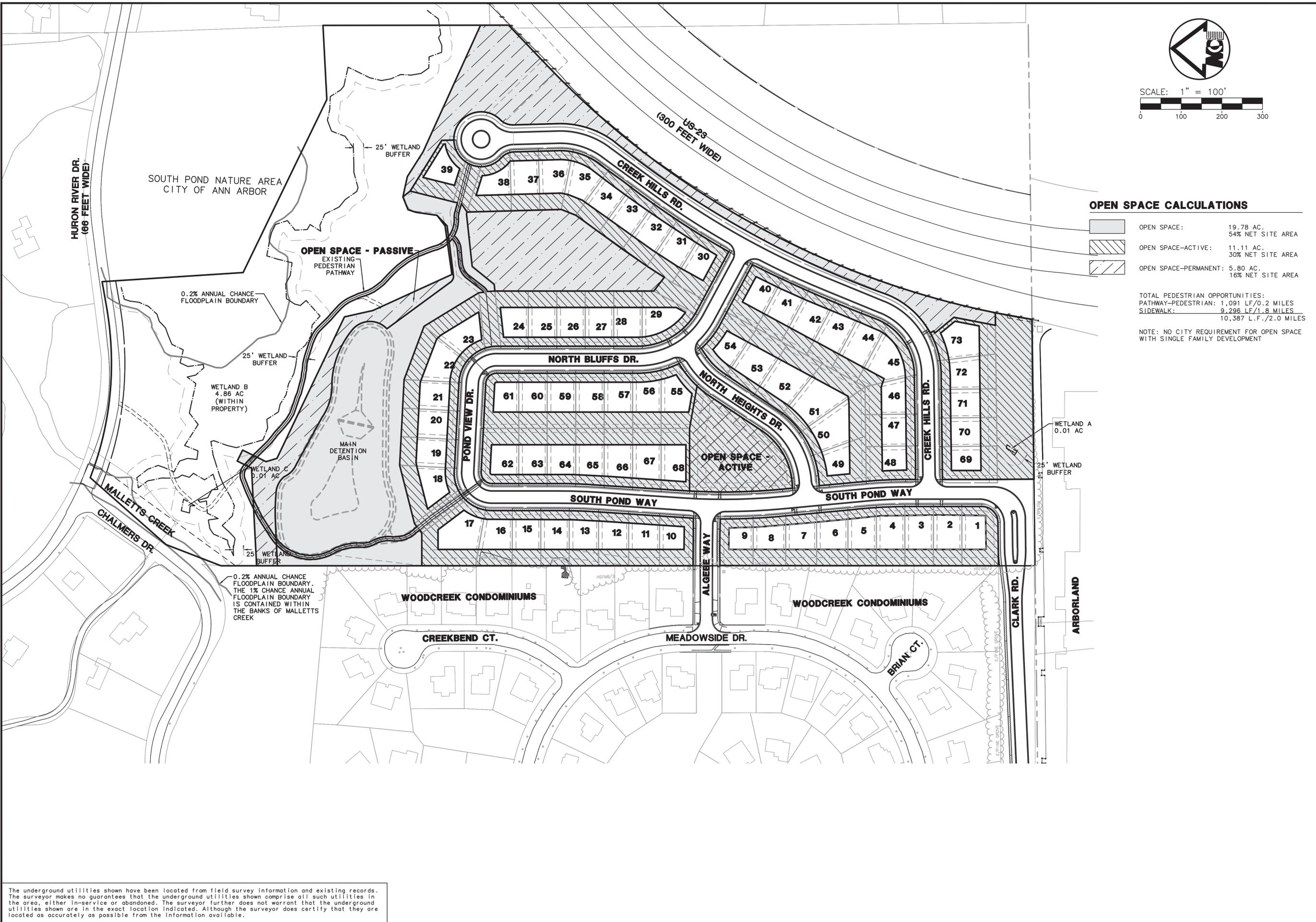


THIS NORTHERN 12.3 ACRES IS TO BE DIVIDED FROM THE OVERALL PARCEL AND IS NOT A PART OF THE PROPOSED SITE PLAN.



ARBORLAND MALL

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 Planners, Surveyors
 Landscape Architects
 3815 Plaza Drive
 Ann Arbor, Michigan 48108
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 Fax: 734.995.0599

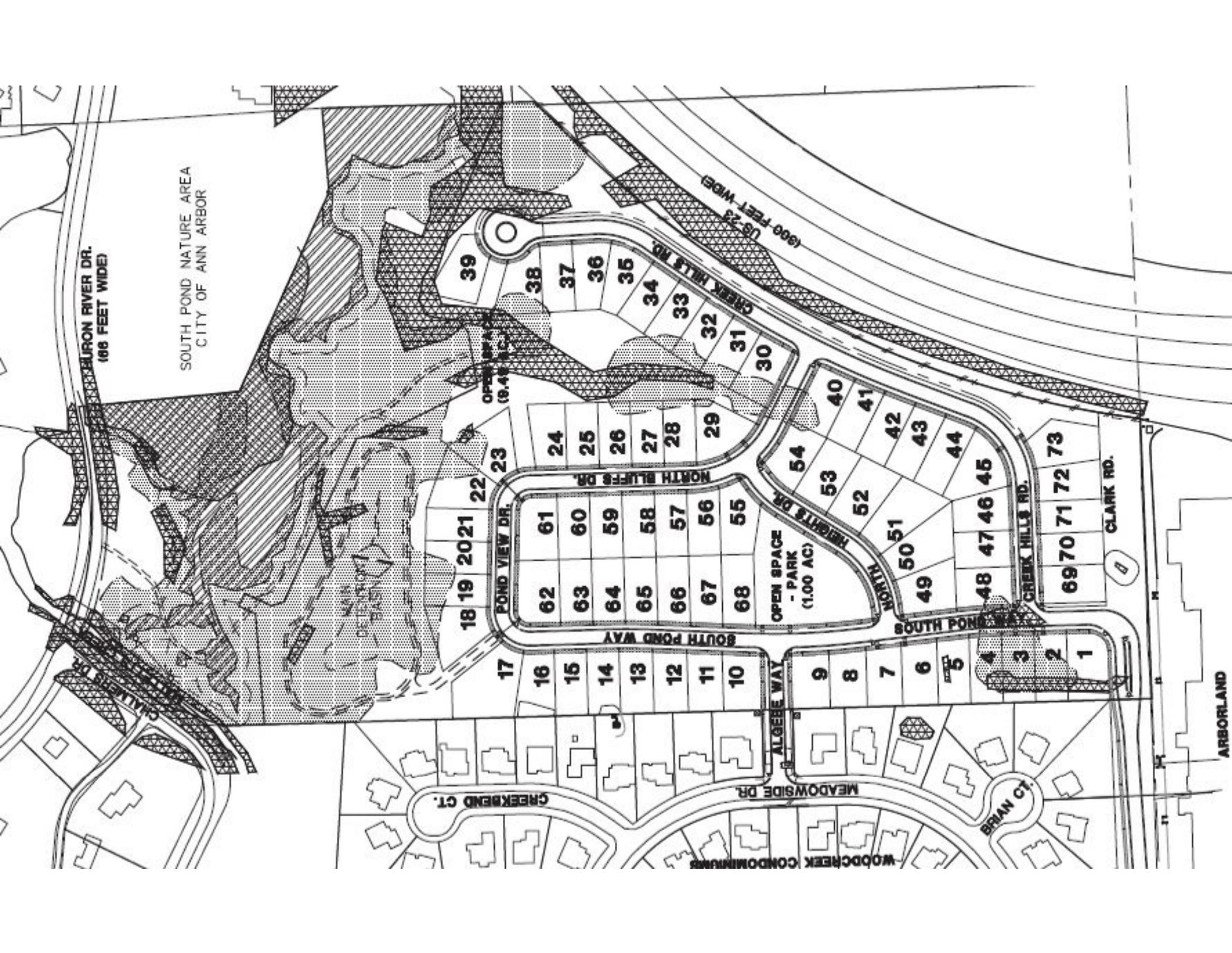
SOUTH POND VILLAGE
 SITE PLAN
 OVERALL OPEN SPACE PLAN

13

JOB No.	14100
REVISED: CITY SUBMITTAL	
REV. DATE	01/17/15
DATE	01-10-2015
SHEET	13 OF 54
CADD: GTS	
ENG: JAM	
PK: TJC	
TECH: GTS	
1:4 (005) (dwg)	

CLIENT:
 ANN ARBOR MANCHESTER, LLC.
 1700 W. BIG BEAVER RD., SUITE 120
 TROY, MI 48064
 MICHAEL FURNARI

The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.



HURON RIVER DR.
(168 FEET WIDE)

SOUTH POND NATURE AREA
CITY OF ANN ARBOR

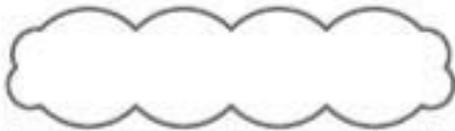
OPEN SPACE
(9.48 AC)

OPEN SPACE
- PARK
(1.00 AC)

WOODCREEK CONDOMINIUMS

ARBORLAND

LEGEND



TREE OR BRUSH LIMITS



EXISTING WETLAND



EXISTING FLOODPLAIN



EXISTING WOODLANDS



EXISTING STEEP SLOPES (> 1:3)



client:
**MANCHESTER
ANN ARBOR LLC**
1700 W. BIG BEAVER ROAD,
SUITE 120
TROY, MICHIGAN 48084
ph: (248) 602-2220

project:
**SOUTH POND
VILLAGE**

project location:
Ann Arbor, Michigan
US-23

sheet title:
**street tree planting
plan**

job no. / issue / revision date:
LS13.050.09 * SPA * 9-26-2014
LS14.050.11 * SPA * 11-11-2014
LS14.050.12 * SPA * 12-31-2014
LS15.002.01 * SPA * 01-09-2015

drawn by:
CZ, JP, AP, KM
checked by:
FP

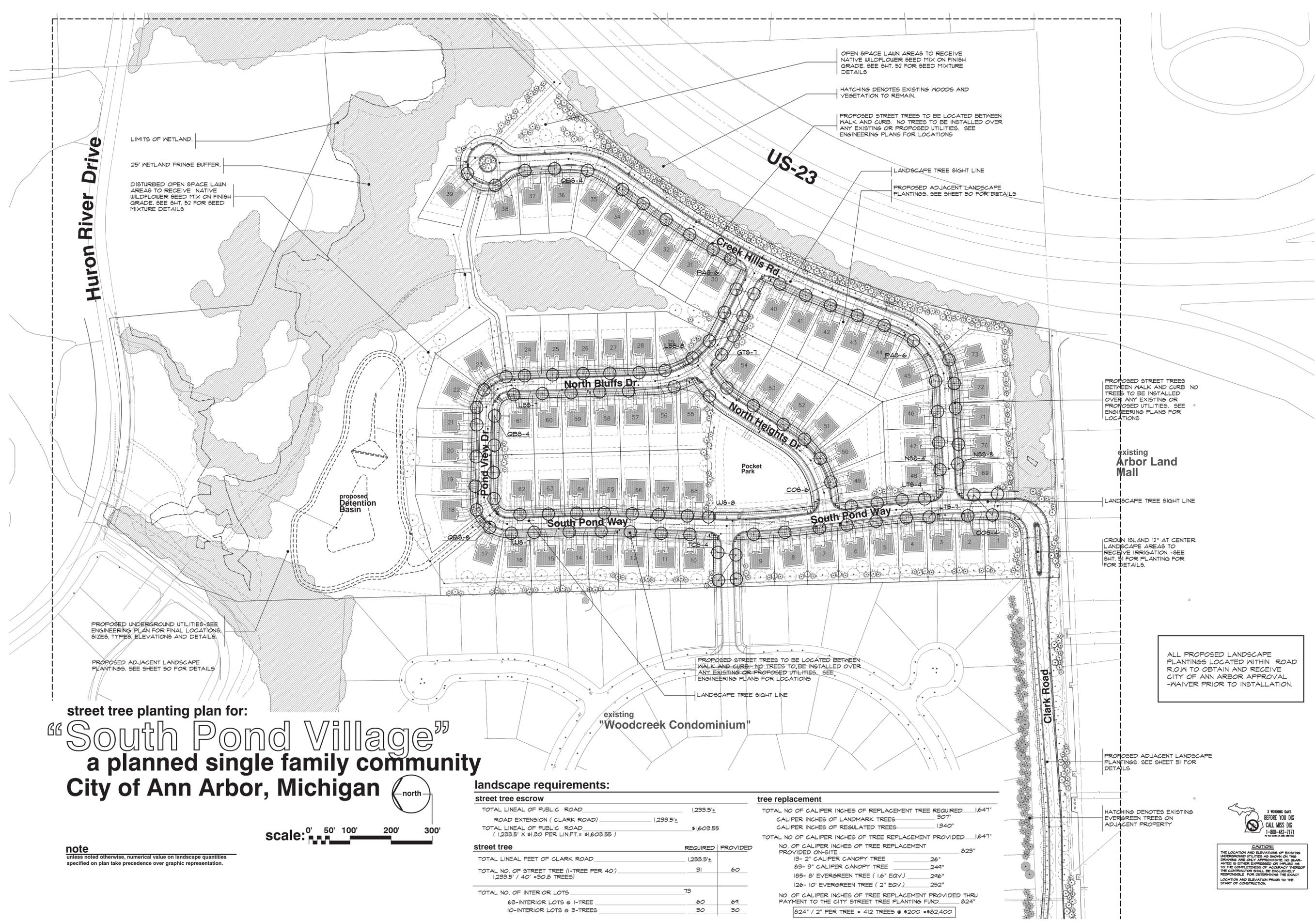
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project no:
LS15.002.01

sheet no:
49



street tree planting plan for:
“South Pond Village”
a planned single family community
City of Ann Arbor, Michigan



note
unless noted otherwise, numerical value on landscape quantities
specified on plan take precedence over graphic representation.

landscape requirements:

street tree escrow	
TOTAL LINEAL FEET OF PUBLIC ROAD	1,299.5'
ROAD EXTENSION (CLARK ROAD)	1,299.5'
TOTAL LINEAL FEET OF PUBLIC ROAD (1,299.5' X \$1.30 PER LIN.FT. = \$1,609.55)	\$1,609.55
street tree	
TOTAL LINEAL FEET OF CLARK ROAD	REQUIRED PROVIDED
TOTAL NO. OF STREET TREE (1-TREE PER 40')	31 60
(1,299.5' / 40' = 30.6 TREES)	
TOTAL NO. OF INTERIOR LOTS	73
63-INTERIOR LOTS @ 1-TREE	60 61
10-INTERIOR LOTS @ 3-TREES	30 30

tree replacement	
TOTAL NO. OF CALIPER INCHES OF REPLACEMENT TREE REQUIRED	1,647"
CALIPER INCHES OF LANDMARK TREES	307"
CALIPER INCHES OF REGULATED TREES	1,340"
TOTAL NO. OF CALIPER INCHES OF TREE REPLACEMENT PROVIDED	1,647"
NO. OF CALIPER INCHES OF TREE REPLACEMENT PROVIDED ON-SITE	823"
13- 2" CALIPER CANOPY TREE	26"
83- 3" CALIPER CANOPY TREE	249"
105- 8" EVERGREEN TREE (1.6" EQV.)	246"
126- 10" EVERGREEN TREE (2" EQV.)	252"
NO. OF CALIPER INCHES OF TREE REPLACEMENT PROVIDED THRU PAYMENT TO THE CITY STREET TREE PLANTING FUND	824"
824" / 2" PER TREE = 412 TREES @ \$200 = \$82,400	

ALL PROPOSED LANDSCAPE
PLANTINGS LOCATED WITHIN ROAD
R.O.W TO OBTAIN AND RECEIVE
CITY OF ANN ARBOR APPROVAL
-WAIVER PRIOR TO INSTALLATION.

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

seal:



client:
MANCHESTER
ANN ARBOR LLC
 1700 W.BIG BEAVER ROAD,
 SUITE 120
 TROY, MICHIGAN 48064
 ph: (248) 602-2220

project:
SOUTH POND
VILLAGE

project location:
 Ann Arbor, Michigan

US-23

sheet title:

Landscape Planting
Detail

job no. / issue / revision date:
 LS13.050.09 * SPA * 9-26-2014
 LS14.050.11 * SPA * 11-11-2014
 LS14.050.12 * SPA * 12-31-2014
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drawn by:
CZ, JP, AP, KM
 checked by:
FP

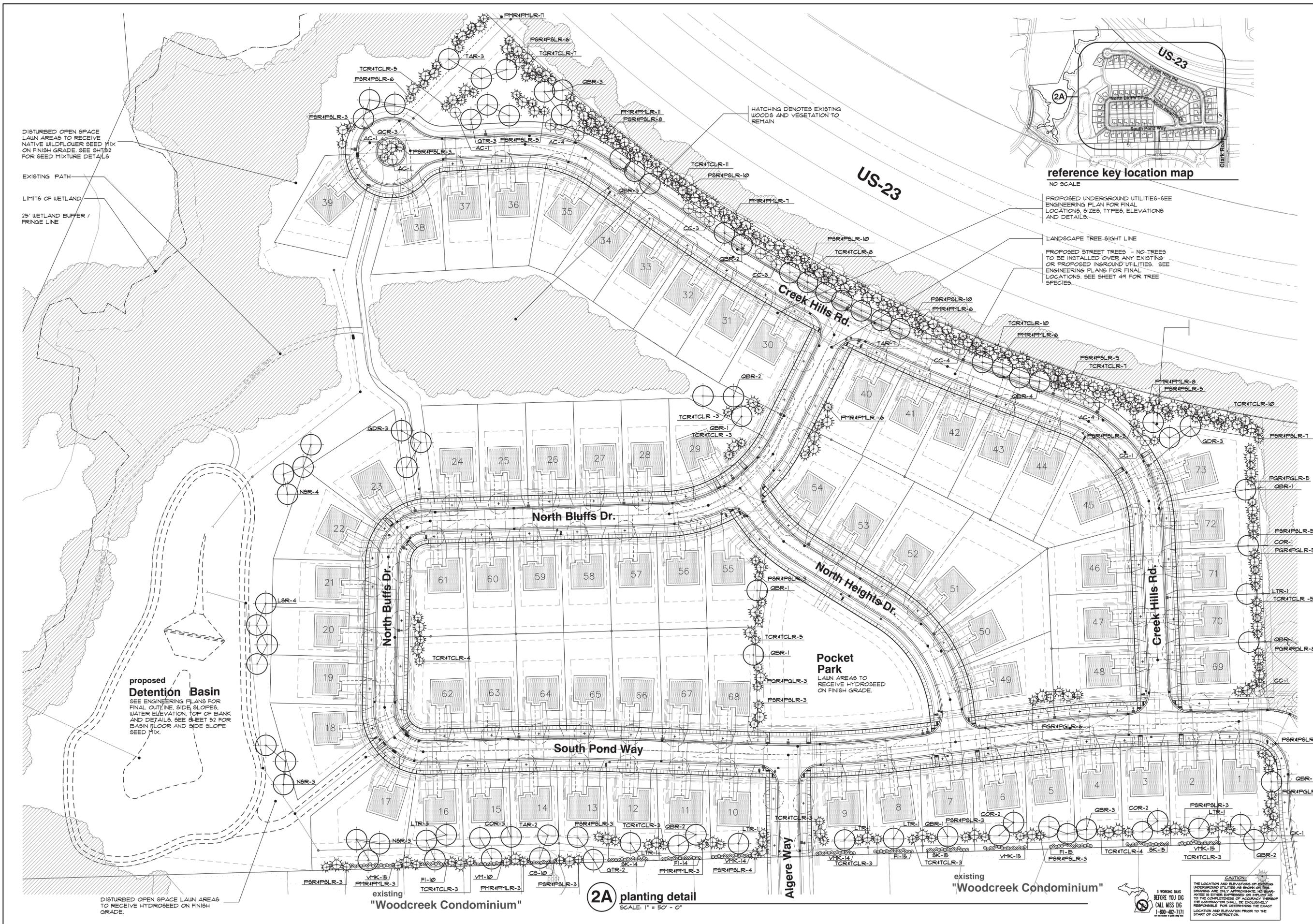
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project no:
LS15.002.01

sheet no:



DISTURBED OPEN SPACE
 LAWN AREAS TO RECEIVE
 NATIVE WILDFLOWER SEED MIX
 ON FINISH GRADE. SEE SH752
 FOR SEED MIXTURE DETAILS

EXISTING PATH
 LIMITS OF WETLAND
 25' WETLAND BUFFER /
 FRINGE LINE

HATCHING DENOTES EXISTING
 WOODS AND VEGETATION TO
 REMAIN

reference key location map
 NO SCALE

PROPOSED UNDERGROUND UTILITIES-SEE
 ENGINEERING PLAN FOR FINAL
 LOCATIONS, SIZES, TYPES, ELEVATIONS
 AND DETAILS.

LANDSCAPE TREE SIGHT LINE
 PROPOSED STREET TREES - NO TREES
 TO BE INSTALLED OVER ANY EXISTING
 OR PROPOSED INGROUND UTILITIES. SEE
 ENGINEERING PLANS FOR FINAL
 LOCATIONS. SEE SHEET 44 FOR TREE
 SPECIES.

proposed
Detention Basin
 SEE ENGINEERING PLANS FOR
 FINAL OUTLINE, SIDE SLOPES,
 WATER ELEVATION, TOP OF BANK
 AND DETAILS. SEE SHEET 52 FOR
 BASIN FLOOR AND SIDE SLOPE
 SEED MIX.

Pocket
Park
 LAWN AREAS TO
 RECEIVE HYDROSEED
 ON FINISH GRADE.

2A planting detail
 SCALE: 1" = 50' - 0"

CAUTION!
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seal:



client:
MANCHESTER ANN ARBOR LLC
 1700 W. BIG BEAVER ROAD,
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 TROY, MICHIGAN 48064
 ph: (248) 602-2220

project:
SOUTH POND VILLAGE

project location:
 Ann Arbor, Michigan

US-23

sheet title:
Landscape Planting Detail Plan

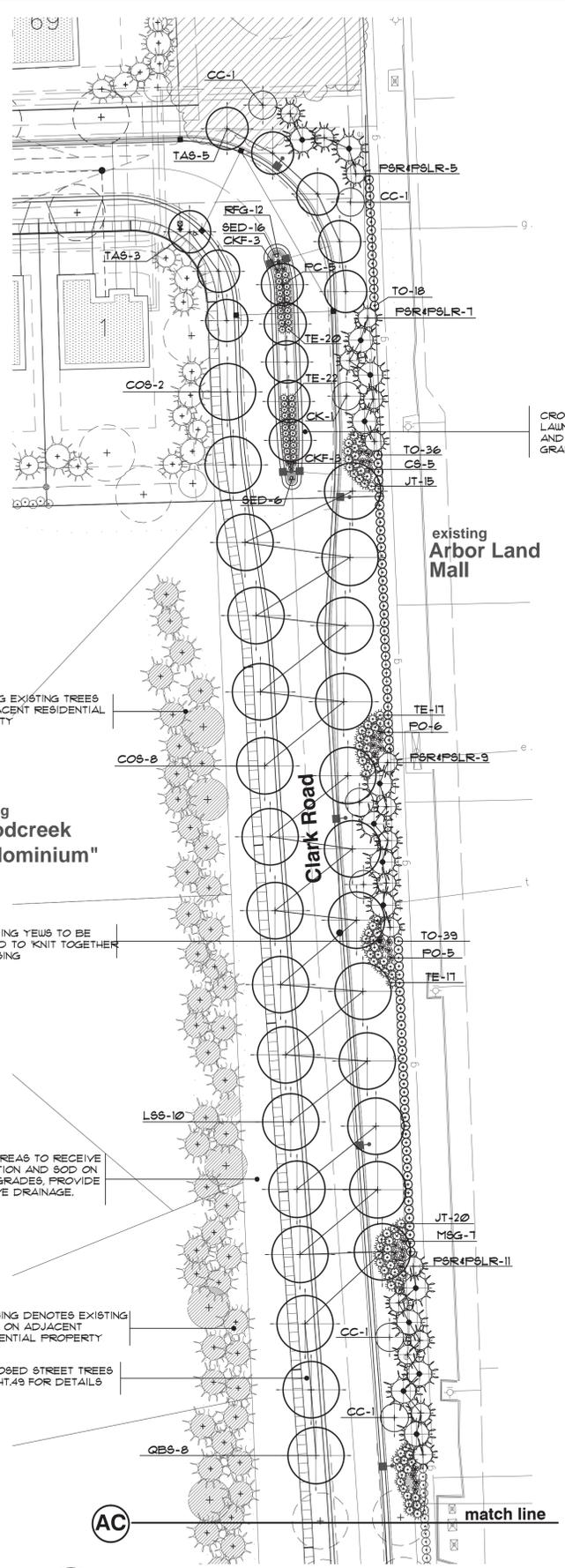
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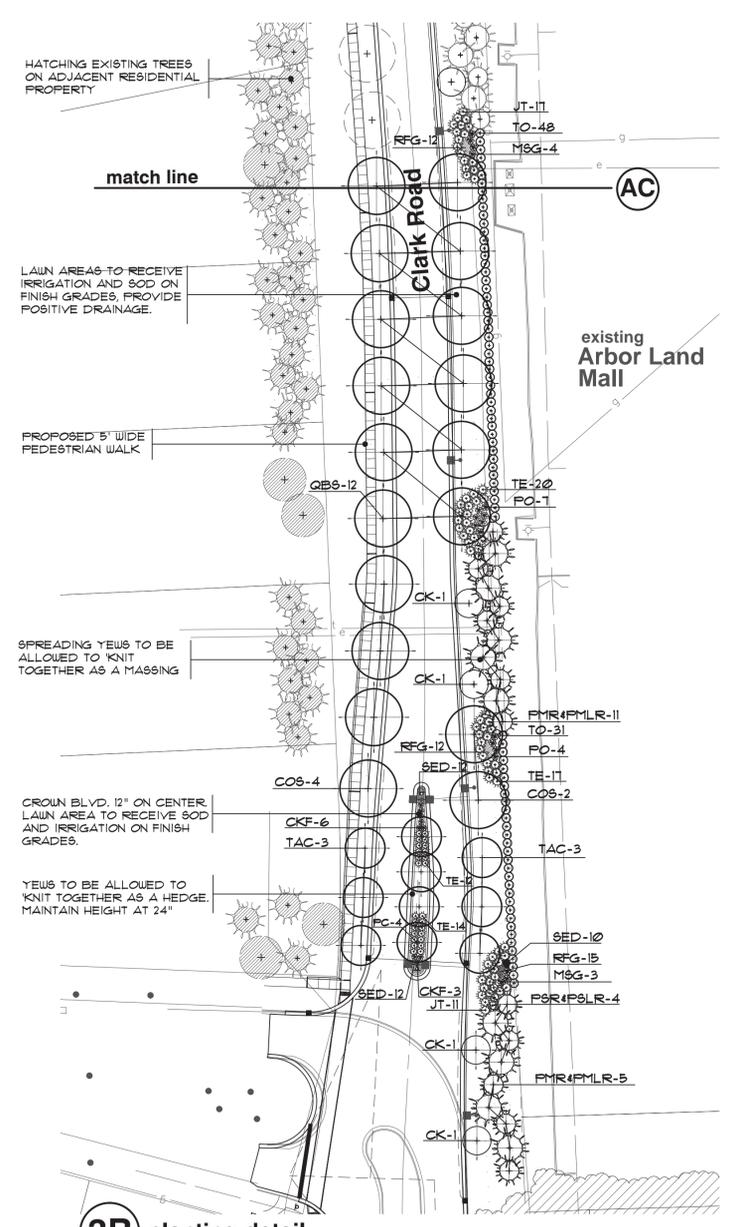
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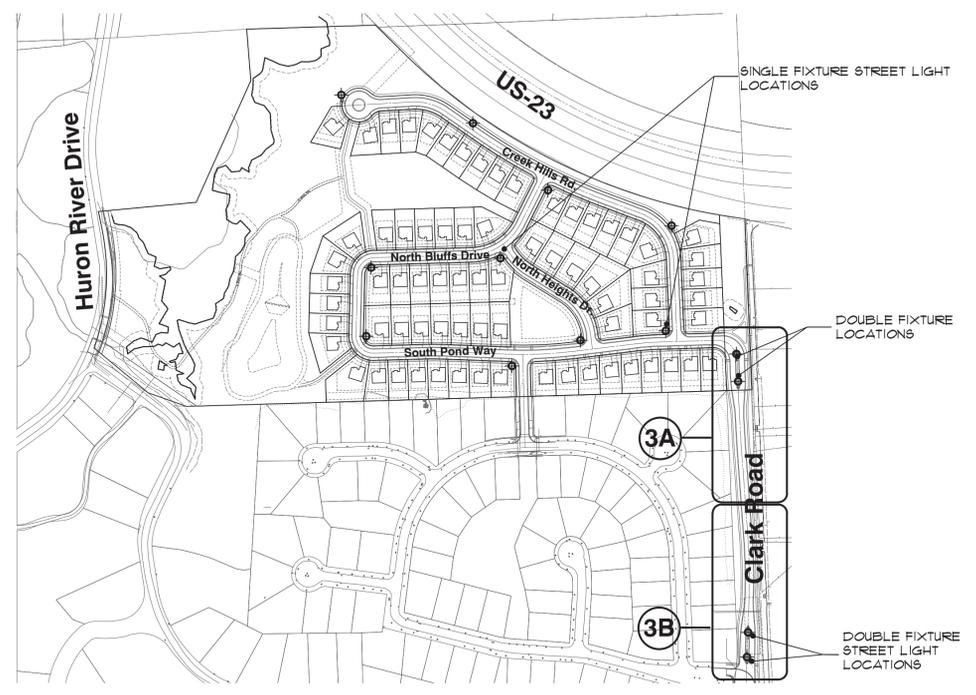
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 project no:
LS15.002.01
 sheet no:



3A planting detail
 SCALE: 1" = 40' - 0"



3B planting detail
 SCALE: 1" = 40' - 0"



street light location map
 SCALE: 1" = 500' - 0"



SINGLE FIXTURE
 3-CONDITIONS



DOUBLE FIXTURE
 4-CONDITIONS

3E decorative light & pole

DECORATIVE SITE FIXTURE LIGHTS AND ALUMINUM POLE BY PEMCO LIGHTING PRODUCTS, INC. 150 PEMCO WAY - WILMINGTON, DE 19804 PH. 302-642-9000 WWW.PEMCOLIGHTING.COM WEB
 STYLE: TRADITIONS-CARSBAD RADIANT SERIES (LED LIGHT)
 MODEL No: 80W60C4K OR EQUAL