

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

For Planning Commission Meeting of March 15, 2016

**SUBJECT: Liberty Flats Site Plan for City Council Approval  
2658 West Liberty Street  
File No. SP16-001**

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

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Liberty Flats Site Plan and Development Agreement, subject to resolving any outstanding comments prior to scheduling for City Council action.

### **STAFF RECOMMENDATION**

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

### **LOCATION**

This site is located on the north side of West Liberty Street east of I-94 (West Area; Allen Creek watershed; Ward 5).

### **DESCRIPTION OF PROJECT**

The petitioner seeks approval to develop six three-story apartment buildings, providing 68 dwelling units, on a vacant 4.65-acre site in the R4B (Multiple-Family Dwelling) district.

Existing Conditions – Other than a billboard in its northwest corner, the site is undeveloped. The middle of the site is generally clear. Trees and shrubs grown along the property edges. Seven landmark trees are on the site, two of which are proposed to be removed. There are no other natural features on the site.

Proposed Development – A column of seven three-story buildings oriented with their long dimension parallel to West Liberty Street and perpendicular to I-94 are proposed. The seventh building in line also includes a community center on the first floor. An outdoor pool and tot play structure are proposed behind the community center. A new driveway to Liberty will be constructed to access the site on the east side, opposite from the existing bridge abutments and guardrail.

Four of the proposed apartment buildings have garages underneath providing 30 parking spaces. An additional 106 surface parking spaces are proposed for a total of 136 off-street parking spaces on the site. Two separate bicycle parking areas are proposed at the front and back of the site, each including two Class A and four Class C spaces. Each garage also counts as a Class A space.

Two landmark trees, both Norway spruce, located in the front setback area near the proposed driveway will be removed. These trees have a combined 42 inches of DBH and will be mitigated by planting seven 3-inch caliper trees throughout the site. A 15-foot wide conflicting land use buffer is proposed along the entire eastern edge of the site. It will include evergreen trees and an 8-foot solid fence on the property line.

Soils on the site are unsuitable for infiltration. An oversized stormwater detention pond will be constructed at the north end of the site to control a 100-year storm volume, outletting to the public storm sewer main in Liberty. The pond will be surrounded with a fence.

New public sidewalk is proposed across the site's frontage and will be extended eastward approximately 300 feet across the next two parcels to connect to the sidewalk across the Blue Heron development at 2608 W. Liberty. Starting in May 2016, one AAATA route will serve the site. The nearest stop has yet to be identified but with the new sidewalk installed, wherever it is located will be fully accessible to future residents of Liberty Flats without having to walk on the road shoulder or crossing midblock. Two more bus routes are available within ¼ mile of the site on South Maple Road. A sidewalk connection is also proposed at the northeast corner to the adjacent 242 Community Church site at 410 S. Maple. This connection will enable pedestrian access to the South Maple Road Kroger grocery store and to the Westgate Shopping Center.

The proposed buildings will contain 4 one-bedroom units, 15 two-bedroom units, 37 three-bedroom units and 12 four-bedroom units. The proposed development of primarily larger apartments is intended to address increasing demand the petitioner is experiencing from families who want to live in the Ann Arbor area but are uncomfortable in one or two-bedroom units that dominate the market.

The estimated project cost is \$9,000,000.

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
<b>NORTH</b>	Commercial, Religious Assembly	C3 (Fringe Commercial)
<b>EAST</b>	Single-Family Dwelling	R1B (Single-Family Dwelling)
<b>SOUTH</b>	Parkland (South Maple Park)	PL (Public Land)
<b>WEST</b>	Interstate Highway	R4A (Multiple-Family Dwelling)

**COMPARISON CHART**

		<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED</b>
Zoning		R4B (Multiple-Family)	R4B	R4B
Lot Area		202,554 sq ft (4.65 ac)	202,554 sq ft (4.65 ac)	14,000 sq ft MIN
Lot Area per Dwelling Units		Vacant	2,978 sq ft per unit	2,900 sq ft per unit MIN)
Lot Width		240 ft	240 ft	120 ft MIN
Setbacks	Front	Vacant	15 ft – Liberty 15 ft – I-94	15 ft MIN, 40 ft MAX
	Side	Vacant	69 ft	12 ft MIN
	Rear	Vacant	340 ft	30 ft MIN
Height		Vacant	34 ft	35 ft, or 45 ft with parking underneath, MAX
Open Space		Vacant	56% (121,532 sq ft)	55% MIN (111,405 sq ft MIN)
Active Open Space		Vacant	1,350 sq ft per unit	300 sq ft per unit MIN
Vehicle Parking		None (Vacant)	136 spaces [15 compact size, 4 barrier free, 1 van accessible]	102 spaces MIN (1.5 per d.u.)
Bicycle Parking		None (Vacant)	36 Class A [ 6 freestanding, 30 garages), 6 Class C	3 Class A, 3 Class C MIN

**HISTORY AND PLANNING BACKGROUND**

The site was annexed from Scio Township in 2005 and zoned R4B in 2007. A Planned Unit Development was proposed in 2005 but withdrawn after Planning Commission recommended denial, never being scheduled for City Council consideration. A planned project site plan was proposed in 2007 and denied.

This site is located in the West planning area. The Master Plan Land Use Element includes this site in a site specific recommendation for a 7-acre area at the northeast corner of I-94 and West Liberty Street (see West Area Site 11, page 118). The recommendation was most applicable

when the site was annexed and zoned and is not particularly relevant now that the property is zoned R4B.

### **CITIZEN PARTICIPATION**

The petitioner held a citizen participation meeting on January 7, 2016. Invitations were sent to all residents and property owners within 1000 feet of the site. Three people attended. A report of the meeting is attached.

### **COMMENTS PENDING, DISMISSED OR UNRESOLVED**

Planning – All previous site plan comments have been resolved. A draft development agreement has been prepared to address off-site improvements such as completing the current sidewalk gap as well as sanitary sewer mitigation and utility easements.

Forestry/Natural Resources – A preliminary review of recently submitted revised plans indicates all outstanding comments have been addressed. Confirmation is pending.

Engineering – A preliminary review of recently submitted plans indicates all outstanding comments have been addressed. Confirmation is pending.

Water Resources Commissioner – This office is reviewing and will approve the stormwater management system. Revised plans have recently been submitted and approval is pending.

Michigan Department of Transportation – The petitioner has been in contact and coordination with MDOT agents regarding impacts in the highway right-of-way.

Prepared by Alexis DiLeo  
Reviewed by Ben Carlisle  
3/11/16

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

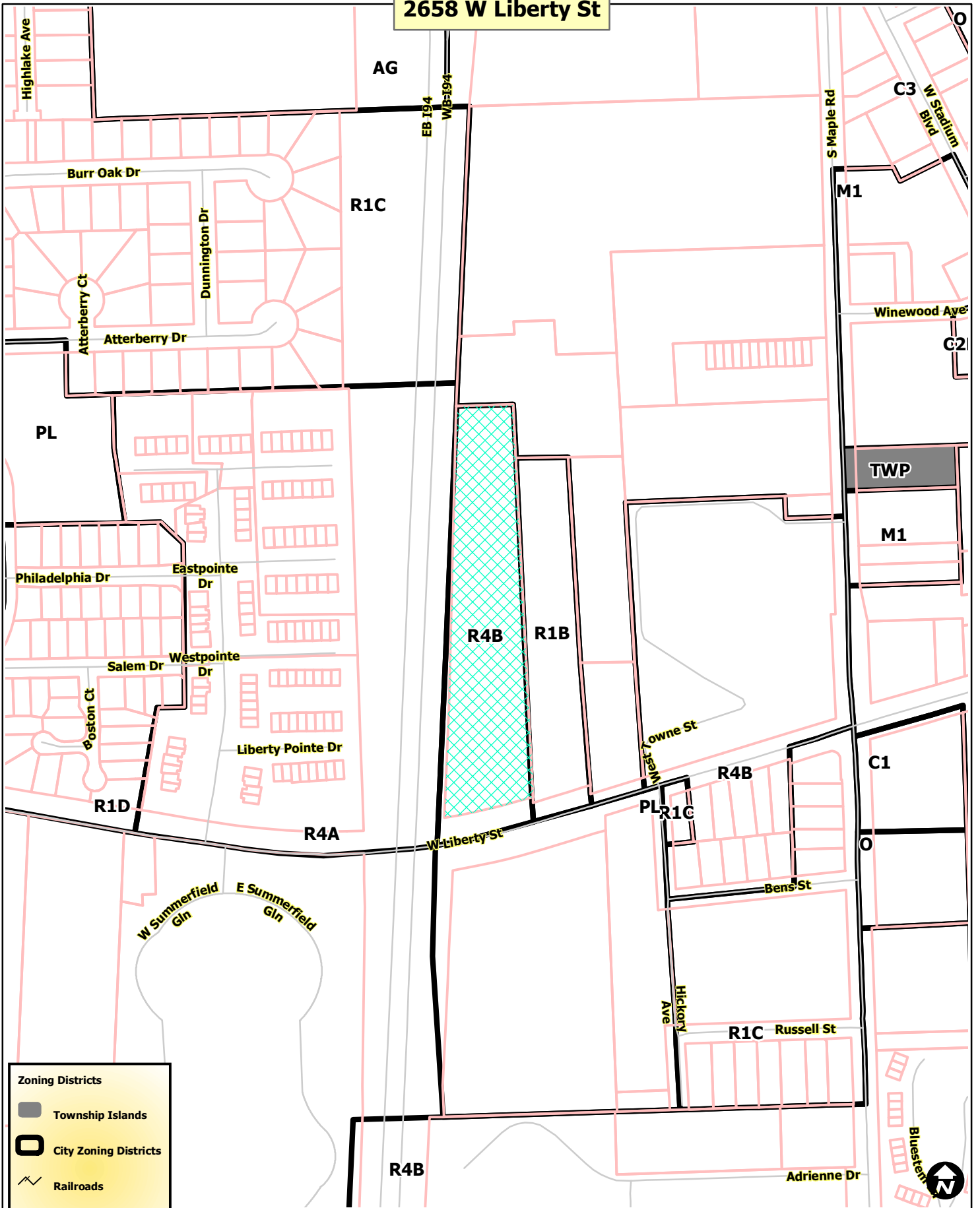
c: Petitioner: Liberty Street Development, LLC  
320 N. Main Street, Suite 200  
Ann Arbor, MI 48104

Petitioner's Agent: McKinley, Inc.  
320 N. Main Street, Suite 200  
Ann Arbor, MI 48104






Owner: Liberty Pines Development, LLC  
10315 Grand River, Suite 101  
Brighton, MI 48116

Systems Planning  
File No. SP16-001

**2658 W Liberty St**



**Zoning Districts**




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



Map date 3/8/2016  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# 2658 W Liberty St



-  Railroads
-  Parcels
-  Huron River



Map date 3/8/2016  
Any aerial imagery is circa 2015  
unless otherwise noted  
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**REVISIONS**

NO.	DATE	DESCRIPTION

**MAJOR LINE SHEET 1-13**

**3 FULL WORKING DAYS BEFORE YOU DIG CALL**

811

Call below

Missouri Dept. of Transportation  
1-800-488-2171 www.811-4state.com

**QUALITY CONTROL**

1. All work shall be in accordance with the approved specifications and standards.

2. All materials and workmanship shall be subject to inspection and approval by the City Engineer.

3. All work shall be completed within the time schedule specified.

4. All work shall be completed to the satisfaction of the City Engineer.

5. All work shall be completed in accordance with the approved plans and specifications.

**PEA, INC.**

7387 N. Lincoln Hwy., Ste 115  
Olathe, MO 64040  
Tel: 781-586-9533  
www.peainc.com

**MCKINLEY, INC.**

520 N. Main Street, Suite 200  
Ann Arbor, MI 48104  
Tel: 734-963-9292  
www.mckinleyinc.com

**DIMENSION & PAVING PLAN (SOUTH)**

**LIBERTY FLATS**

2458 W. LIBERTY ST  
ANN ARBOR, MI 48104

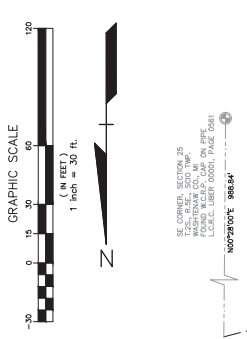
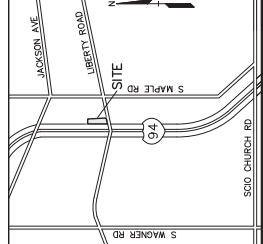
PROJ. NO. 2015-01  
DATE: JANUARY 21, 2015

**P-3.1**

SCALE: 1" = 30'

DRAWING NUMBER:

SITE PLANS - NOT FOR CONSTRUCTION



**LEGEND**

**SEC. CONC. FOUND:** 1. BRIDGE PILES, 2. BRIDGE DECK, 3. BRIDGE ABUTMENT SET

**ESTINGS:** 1. GRADE, 2. FINISH, 3. UNFINISHED, 4. EXISTING

**CONCRETE:** 1. GRADE, 2. FINISH, 3. UNFINISHED, 4. EXISTING

**ASPHALT:** 1. GRADE, 2. FINISH, 3. UNFINISHED, 4. EXISTING

**PAVING PER DETAIL:** 1. STANDARD DUTY ASPHALT PAVING PER DETAILS, 2. CONCRETE PAVING PER DETAILS

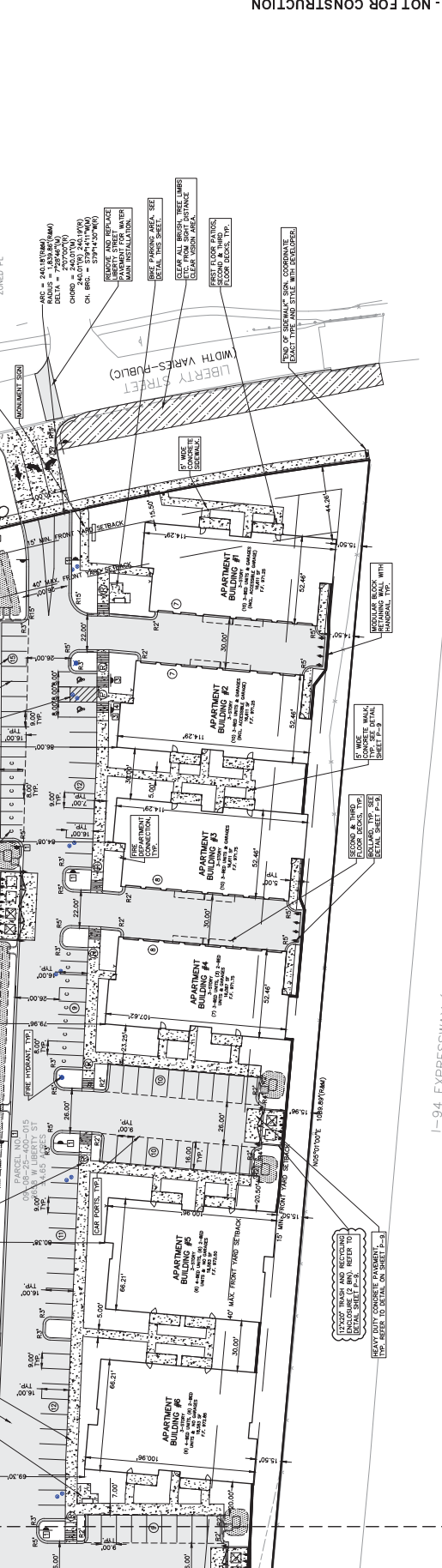
**SIGN LEGEND:** 1. NO PARKING FIRE LANE SIGN, 2. STOP SIGN, 3. BARRIER FREE PARKING SIGN, 4. VAN ACCESSIBLE SIGN

**CURB DROP AND RAMP LEGEND:** 1. CURB DROP AND RAMP TYPE R, 2. CURB DROP AND RAMP TYPE S

**PAVING LEGEND:** 1. STANDARD DUTY ASPHALT PAVING PER DETAILS, 2. CONCRETE PAVING PER DETAILS

**PUBLIC SIDEWALK NOTE:**

PER CHAPTER 49, SECTION 4-28 OF THE ZONING ORDINANCE, THE SIDEWALKS SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVED DESIGN. THE SIDEWALKS SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVED DESIGN. THE SIDEWALKS SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVED DESIGN.



**PARCEL NO. 016**

2458 W. LIBERTY ST

OWNER - MANDI BRAY & SACHDEV

**REG-RETENTION AREA, TYP**

USE DETAIL SHEET 1-13

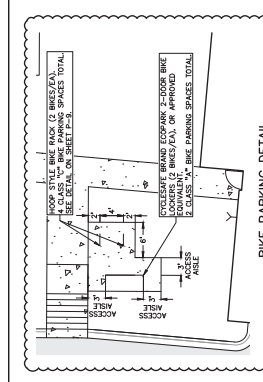
**STANDARD PARKING SPACES TO BE BARRIER FREE PARKING SPACES AND SPACES TO BE '30' x 60'**

**SEE DETAIL SHEET 1-13**

**CONCRETE SPRAWLAY TO CONCRETION AREA.**

**CONCRETE DRIVEWAY TO CONCRETION AREA.**

**CONCRETE DRIVEWAY TO CONCRETION AREA.**



**BIKING NOTES:**

- SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND DETAILS

**BIKE PARKING AREA:** 1. SEE DETAIL SHEET 1-13

**STANDARD DUTY ASPHALT PAVING PER DETAILS**

**CONCRETE PAVING PER DETAILS**

**CONCRETE DRIVEWAY TO CONCRETION AREA.**

1-94 EXPRESSWAY (WEST BOUND)

(WIDTH VARIES - PUBLIC)

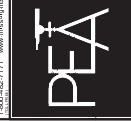
NO.	DATE	REVISIONS



**QUALITY CONTROL**  
 Jonathan B. Smith  
 License No. 13777  
 State of Michigan  
 1500 West River Road  
 Ann Arbor, MI 48106  
 734.963.0000

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 Michigan 811  
 1-800-882-7171 www.811-mi.gov

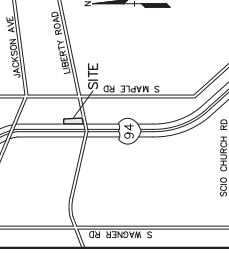


**PEA, Inc.**  
 7367 Nanticoke Way, Ste. 115  
 Ann Arbor, MI 48106  
 Phone: 734.963.0000  
 Fax: 734.963.0003  
 www.pea.com

**MCKINLEY, INC.**  
 DIMENSION & PAVING PLANS (NORTH)  
 LIBERTY FLATS  
 2858 W LIBERTY ST  
 ANN ARBOR, MI 48104  
 920 N MAIN STREET, SUITE 200  
 ANN ARBOR, MI 48104  
 PROJECT NO. 2018001  
 JANUARY 21, 2019  
 SCALE: 1" = 30'

**DRAWING NUMBER: P-3.2**

DES. J.C./A.H. J.M.H. S.D.S. P.L. P.J.C.  
 CHECKED BY: J.C. P.L. P.J.C.  
 REVISIONS: J.C. P.L. P.J.C.



**PAVING LEGEND**

[Symbol]	STANDARD DUTY ASPHALT PAVING PER DETAILS
[Symbol]	CONCRETE PAVING PER DETAILS

**CONCRETE LEGEND**

[Symbol]	NO PARKING FIRE LANE SIGN (1)
[Symbol]	'STOP' SIGN (2)
[Symbol]	'BARBER'S POLE' SIGN (3)
[Symbol]	'VAN ACCESSIBLE' SIGN (4)

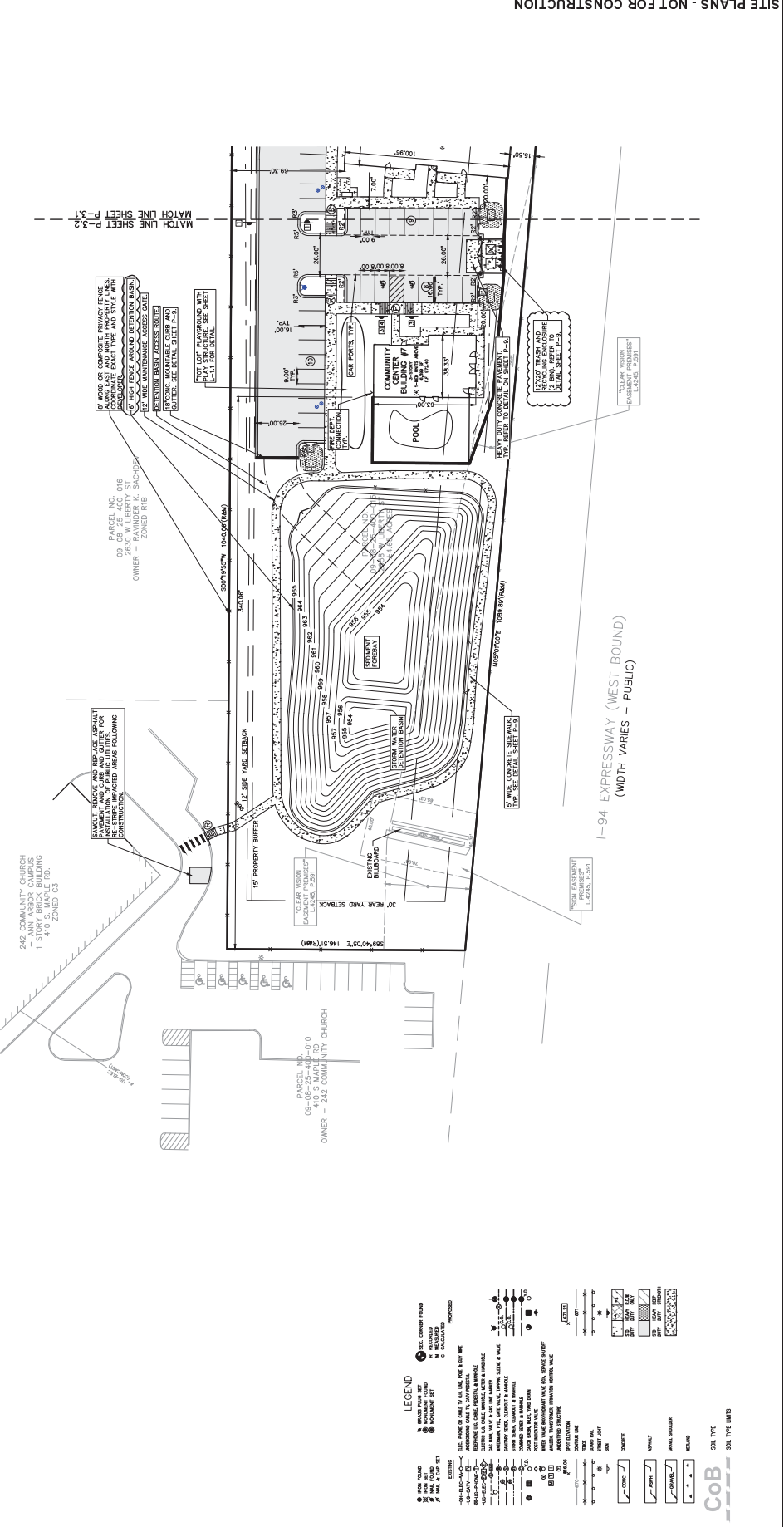
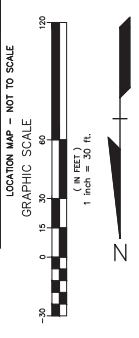
REFER TO SHEET P-3 FOR SIGN DETAILS

**CURB DROPS AND RAMP LEGEND**

[Symbol]	CURB DROP AND RAMP - TYPE 'R'
[Symbol]	CURB DROP AND RAMP - TYPE 'P'

REFER TO DETAIL SHEET P-3.4 FOR TYPE 'R'  
 REFER TO DETAIL SHEET P-3.5 FOR TYPE 'P'  
 DETAILABLE DRAWINGS ARE ONLY REQUIRED FOR ON-SITE CURB RAMP PER CITY OF ANN ARBOR



**LEGEND**

MAN FOUND  
 HOLLOW FOUND  
 HOLE FOUND  
 1/2" DIA. CINDER FOUND

RECORDED  
 UNRECORDED  
 UNDEVELOPED

ASPH. CONC.  
 ASP. CONC.  
 ASP. CONC.

CONCRETE  
 ASPHALT  
 SAND BLASTED  
 BRICK  
 GLASS

CONCRETE  
 ASPHALT  
 SAND BLASTED  
 BRICK  
 GLASS

SOIL TYPE

COB  
 SOIL TYPE

I-94 EXPRESSWAY (WEST BOUND)  
 (WIDTH VARIES - PUBLIC)

242 COMMUNITY CHURCH  
 - ANN ARBOR CAMPUS  
 1 - 410 S. MAPLE RD.  
 ZONED C3

PARCEL NO. 09-08-20-48-010  
 OWNER - 242 COMMUNITY CHURCH

PARCEL NO. 09-08-20-48-010  
 OWNER - RANDY K. SACCHINI  
 ZONED R1B

'TO CLEAR VISION UNLINED PERSECT LEVEL 1.351'

'TO CLEAR VISION UNLINED PERSECT LEVEL 1.351'

'TO CLEAR VISION UNLINED PERSECT LEVEL 1.351'









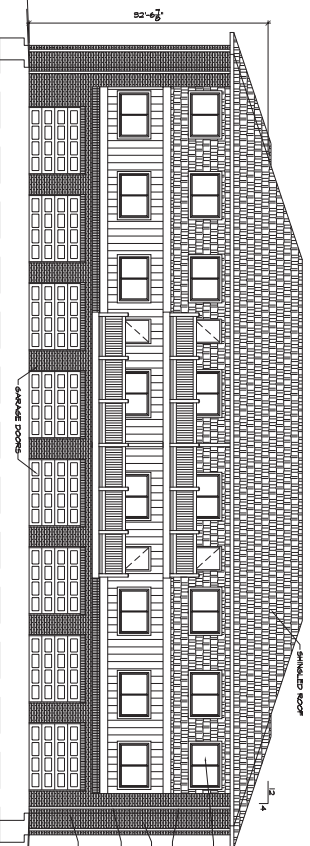
Date:	1/19/16
Drawn:	DLJ
Project No.:	201161
Scale:	AS SHOWN
Approved:	AS SHOWN

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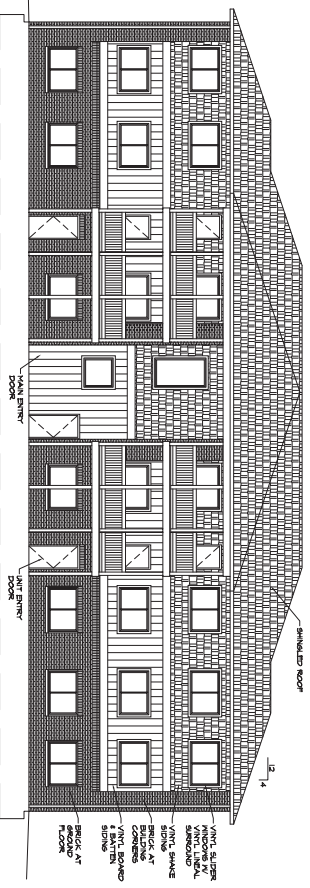
Drawing Title:  
**Buildings  
1-4  
Proposed  
Exterior  
Elevations**

Prepared by Site  
Plan Specialist: Non  
for Construction

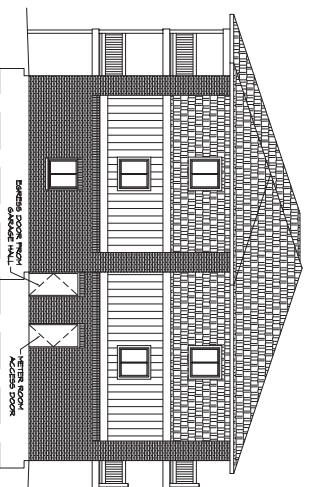
Sheet No:  
**A-1**



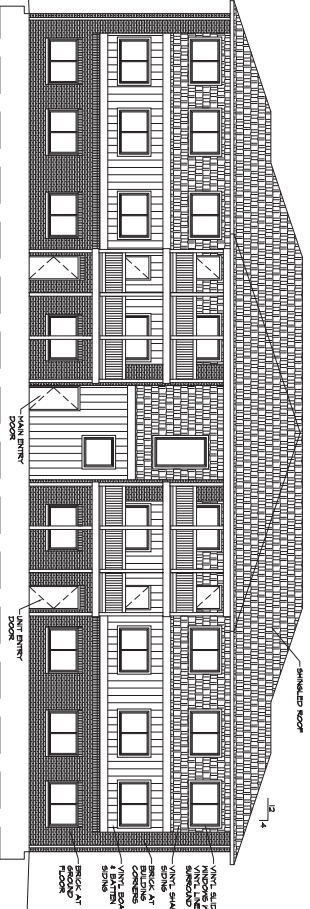
6 BUILDINGS 4 REAR ELEVATION 1/8" = 1'-0"



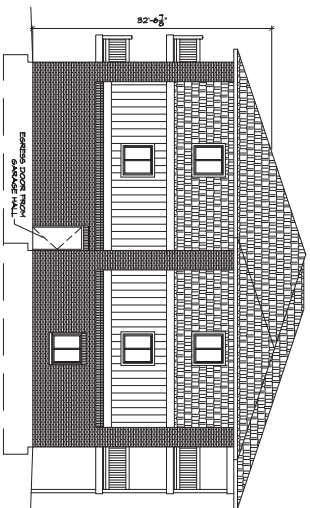
5 BUILDINGS 4 FRONT ELEVATION 1/8" = 1'-0"



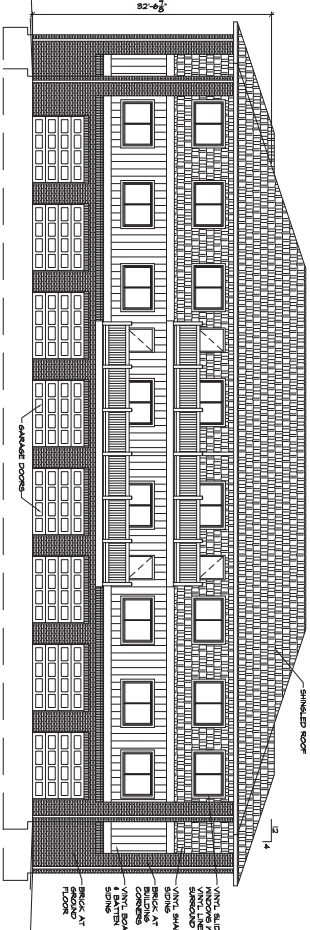
4 BUILDINGS 1-4 SIDE ELEV (FACING DRIVE & PARKING, UNUSUED AS RESP) 1/8" = 1'-0"



2 BUILDINGS 1-3 FRONT ELEVATION 1/8" = 1'-0"



3 BUILDINGS 1-4 SIDE ELEV (FACING HILL, UNUSUED AS RESP) 1/8" = 1'-0"



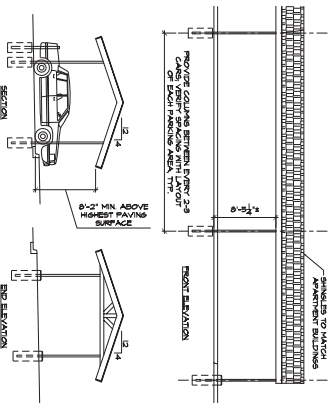
1 BUILDINGS 1-3 REAR ELEVATION 1/8" = 1'-0"

Date:	11/9/16
Drawn:	DLB
Project No.:	201161
Scale:	AS SHOWN
Approved:	AS SHOWN

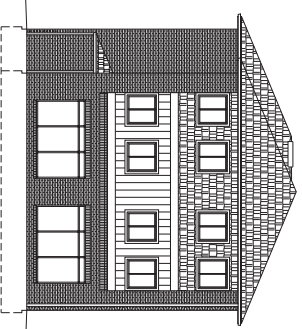
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Drawing Title:  
Buildings  
5-7  
Proposed  
Exterior  
Elevations

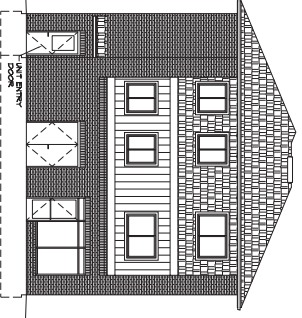
Prepared by Site  
Plan Submittal Not  
For Construction



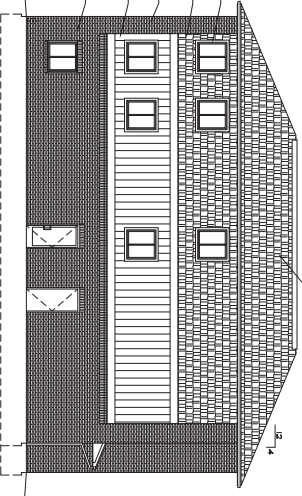
⑧ CARPORT ELEV 1/8" = 1'-0"



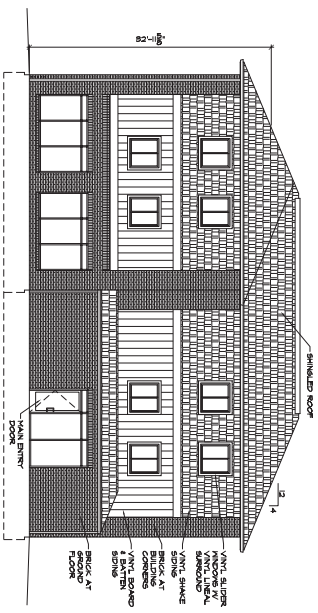
⑦ BLDG 7 EAST ELEV 1/8" = 1'-0"



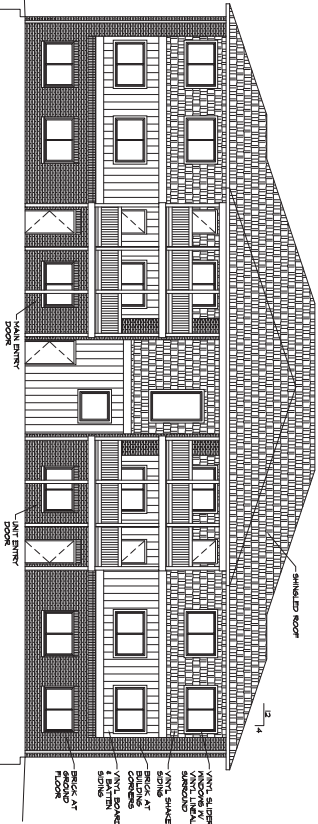
⑥ BLDG 7 WEST ELEV 1/8" = 1'-0"



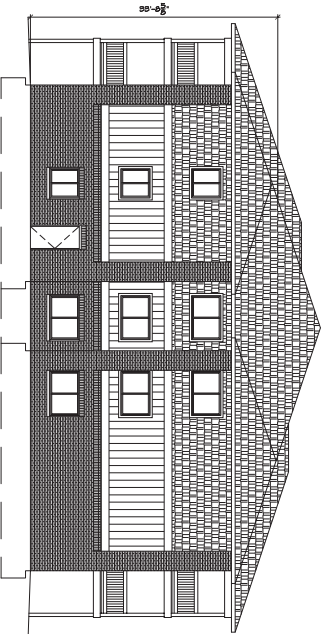
⑤ BUILDING 7 NORTH ELEVATION 1/8" = 1'-0"



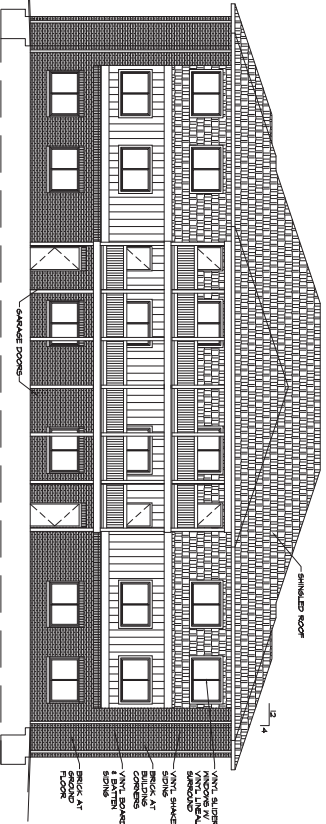
④ BUILDING 7 SOUTH ELEVATION 1/8" = 1'-0"



② BUILDINGS 5-6 FRONT ELEVATION 1/8" = 1'-0"



③ BUILDINGS 5-6 SIDE ELEV 1/8" = 1'-0"



① BUILDINGS 5-6 REAR ELEVATION 1/8" = 1'-0"









**LIBERTY FLATS DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2016, 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 Liberty Street Development, LLC, a Michigan limited liability company, with principal address at 320 North Main Street, Suite 200, Ann Arbor, Michigan, 48104, hereinafter called the DEVELOPER, witnesses that:

WHEREAS, the DEVELOPER owns certain land in the City of Ann Arbor, described below and site planned as Liberty Flats, and

WHEREAS, the DEVELOPER has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as Liberty Flats, and desires site plan 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(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, private storm water management systems, and sidewalks, including the sidewalk segment between the site and 2608 West Liberty Street, ("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 all 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 and private 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, storm water mains, sanitary sewer mains, pedestrian access, access for City services, and additional right-of-way along West Liberty Street, as shown on the approved site plan and the final approved construction plan, subject to City Council approval. DEVELOPER 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, although easements may be accepted at a later time as determined by the CITY Public Services Area.

(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. At the request of the DEVELOPER, the CITY will provide and install all street name signs and invoice the DEVELOPER for actual cost of installation.

(P-6) To install all water mains, storm sewers, and sanitary sewers, 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, or at a later time as determined by the CITY Public Services Area.

(P-7) To be included in a future special assessment district, along with other benefiting property, for the construction of additional Improvements to West Liberty Street, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along West Liberty Street frontage when such Improvements are determined by the CITY to be necessary.

(P-8) 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-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 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-10) Existing landmark trees shown on the site plan as trees to be saved shall be maintained by the DEVELOPER or each condominium unit owner in good condition for a minimum of three years after acceptance of the public Improvements by the CITY or granting of Certificate of Occupancy. Existing landmark trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity within three years after acceptance of the public Improvements or granting of Certificate of Occupancy, shall be replaced by the DEVELOPER as provided by Chapter 57 of the Ann Arbor City Code.

(P-12) 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. 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-14) 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-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 upon request.

(P-18) 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-19) 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-21) Prior to application for and issuance of certificates of occupancy, to disconnect 18 footing drains, which is based upon the uses currently existing on the property and those currently contemplated by the Site Plan in accordance with the City of Ann Arbor Developer Offset Mitigation Program, as revised by City Council on June 15, 2015 (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, or to provide mitigation to offset the increased sanitary flow as required by any City Council-approved amendments to or replacement of 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-22) 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 signing below on behalf of DEVELOPER has legal authority and capacity to enter into this Agreement for DEVELOPER.

(P-23) 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-24) 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-25) 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 Banyan Court Site Plan.

(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 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:

***Legal Description***

(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:

\_\_\_\_\_  
Tom Crawford, Interim City Administrator

Approved as to Form:

\_\_\_\_\_  
Stephen K. Postema, City Attorney

Liberty Street Development, LLC, a Michigan  
limited liability company

By: \_\_\_\_\_  
xxxxxxx, its managing member

STATE OF MICHIGAN )  
  ) ss:  
County of Washtenaw )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016 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 \_\_\_\_\_, 2016 by \_\_\_\_\_, managing member of Liberty Street Development, 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  
Post Office Box 8647  
Ann Arbor, Michigan 48107  
(734) 794-6265

# Citizen Participation Report



## Liberty Flats Apartment Project

## **Citizen Participation Meeting General Information**

**Date of Meeting:** Thursday January 7, 2016

**Location of Meeting:** The Quarter Bistro  
300 S. Maple Rd., Ann Arbor, MI 48103

**Written Material Provided:** (refer to attached notification letter information)

**Number of Citizens Notified By Mail:** 263

**Number of Citizens Attending Meeting:** 3

**Sign-in Sheet:** (see attached)

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

**This Report is a Record of the Community Participation Meeting for the proposed Liberty Flats Development.**

Date: 01/07/2016     Time: 6:00pm – 6:35pm

Location: The Quarter Bistro

Presentation – McKinley Representatives:

<u>Name:</u>	<u>Representing:</u>	<u>Phone:</u>	<u>Email:</u>
Tom Gritter	McKinley, Inc.	734-769-8520	<a href="mailto:tgritter@mckinley.com">tgritter@mckinley.com</a>
Mark Rozny	McKinley, Inc.	734-769-8520	<a href="mailto:mark.rozny@mckinley.com">mark.rozny@mckinley.com</a>
David Esau	Cornerstone Design	734-663-7580	<a href="mailto:desau@cdiarchitects.com">desau@cdiarchitects.com</a>
Jon Curry	PEA	517-546-8583	<a href="mailto:jcurry@peainc.com">jcurry@peainc.com</a>
Conor Dare	O'Brien Construction	248-334-2470	<a href="mailto:cdare@obrienc.com">cdare@obrienc.com</a>

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Citizen Participants/Attendees:

<u>Name:</u>	<u>Address:</u>	<u>Email:</u>
Ravinder Sachdev	10660 Hewitt Rd. Brooklyn, MI 49230	<a href="mailto:sachdev44@comcast.net">sachdev44@comcast.net</a>
Tom Kennedy	2321 Jackson Ave Ann Arbor, MI 48103	<a href="mailto:tommykennedy@gmail.com">tommykennedy@gmail.com</a>
Edward Kim	2553 W. Liberty Ann Arbor, MI 48103	<a href="mailto:edward.hk.kim@gmail.com">edward.hk.kim@gmail.com</a>

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MEETING MINUTES

Project Presentation

Tom Gritter, McKinley Project Manager, opened the meeting and welcomed the attendees. Tom provided an overview of McKinley's history, McKinley's qualifications and the overall goals and characteristics of the Liberty Flats development.

McKinley Background

- McKinley is a local Ann Arbor company founded in 1968 and headquartered on Main St. in downtown Ann Arbor.
- McKinley is the largest owner and operator of multifamily apartments in Ann Arbor and Washtenaw County.
- McKinley's apartment portfolio serves the workforce of Ann Arbor.
- McKinley is a respected local company and has spearheaded multiple capital campaigns including:
  - The Michigan Theater

- The American Red Cross
- The United Way
- Ann Arbor SPARK
- JDRF

### Development Goals

- Provide workforce housing in Ann Arbor. There is a large need for housing that is affordable to Ann Arbor’s workforce. Too many workers are being priced out of new developments and have to commute long distances.
- Develop larger units that cater to families who have been priced out of Ann Arbor school district.
- Put land to productive use.

### Overview of Project

- 68 units.
- Seven buildings.
- Market Rate.
- No variances – project is currently zoned for multifamily development and the development plan meets the height, density and open space requirements.
- No tax abatement.

Formal Presentation was concluded and Tom invited questions from the audience:

### Citizen Discussion

1. Tom Kennedy: Are the apartments single story?
  - **Tom Gritter responded:** Yes, the design has all “flat” style units on a single level. The buildings are three stories in height.
2. Edward Kim: Final design?
  - **Tom Gritter responded:** We like the design and overall development characteristics; however, we are open to feedback and comments from citizens.
3. Tom Kennedy: New retention pond or existing?
  - **Tom Gritter responded:** It will be a new retention pond.

4. Tom Kennedy: Is this the only one?
  - **Tom Gritter responded:** Yes, just one. We've done infiltration testing with Washtenaw County Water Resources Commission and only one pond is necessary. We will make sure to meet all of WCWRC's requirements.
5. Ravinder Sachdev: How much land?
  - **Tom Gritter responded:** The property size is 4.65 acres.
6. Tom Kennedy: Closest public transportation to this?
  - **Tom Gritter responded:** Not 100% sure off the top my head but I believe at the corner of Maple and Liberty. (Follow-up – Yes, there is a stop close to the corner of Maple and Liberty).
7. Edward Kim: Estimate on traffic impact?
  - **Jon Curry from PEA responded:** Not yet. We're working with a Traffic Consultant on that topic. From the preliminary feedback we've received the impact is expected to be minimal. We should receive the study back by January 20<sup>th</sup>.
8. David Esau: Perhaps you could go over the timeline for approvals for the audience?
  - **Tom Gritter responded:** We'll submit our petition prior to the January submittal date. After that we'll go to planning commission and then city council. Timeline for approval is end of April if everything goes expediently. Construction would start late summer/early fall, with project completion in the middle of 2017.
9. Edward Kim: Do you have a feel for what happens to residential property values when a new rental complex is nearby?
  - **Tom Gritter responded:** I don't have scientific answer to your question but I feel it is a positive if the new development is well-thought out and developed in a sensible way. For instance, we've developed two recent projects, one in Fenton and one in Pittsfield Township, and in both cases we provided new floorplans and larger unit styles to keep up with consumer trends. The response was very positive with many families moving in and the demand much greater than what we expected. Adding new units on this side of town with the new floorplans and larger unit styles I feel is a plus for the area as most of the apartment stock is

several decades old and it will allow families to live closer to where jobs are located and also be in the Ann Arbor Public Schools.

10. Tom Kennedy: What will you do with the freeway noise?

- **Tom Gritter responded:** We plan to put in features with sound attenuation in mind. We own two other complexes in Ann Arbor along I-94 so we're experienced in making sure our residents are happy and not impacted by freeway noise.

11. Tom Kennedy: What's directly east?

- **Tom Gritter responded:** Ravinder's property. As the plans show, we plan on having a large landscaping buffer between our properties.

12. Ravinder Sachdev: Would you put a fence around the property?

- **Tom Gritter responded:** Yes, we would be open to having a fence between the two properties. We are currently doing this at our State Street Village apartment community under construction right now on State St.
- **Conor Dare from O'Brien Construction responded:** It is an 8 feet tall, nice privacy fence.
- **Tom Gritter responded:** For State St. I asked for input from the neighbors before I put the fence in. I'd be willing to do that here as well.
- **Ravinder Sachdev responded:** I would like that.
- **Tom Gritter responded:** I'll send you examples of what we've done and we can have dialogue.

13. Edward Kim: I assume this development will not require expansion of Liberty? Is there room for a left turn lane?

- **Tom Gritter responded:** No, I don't believe Liberty will need to be expanded. We'll make sure to follow the guidelines and requirements of the Traffic Study.
- **Jon Curry responded:** Apartment units don't create an enormous amount of traffic. Based on estimated traffic generated by this number of apartment units, you wouldn't even typically be required to prepare a traffic study. However, the City's planning department has requested one for this site.

14. Edward Kim: It looks like a nice place.

- **Tom Gritter responded:** Thanks, we modeled the floorplans after a couple of other developments we did that



were very successful in the area. There's a lot more demand than we originally thought and we've found this is because families have been priced out of the area because of high housing values and new downtown apartment rents. We feel we're meeting a need in Ann Arbor where we are providing new housing for working families and residents in Ann Arbor. You have good schools, close to shopping, downtown etc.

- **Conor Dare responded:** We've been putting in granite countertops, stainless steel appliances in the new units. They're nice.

End of Questions – 6:35pm

Tom Gritter closed the meeting.

Should any questions arise after review of this report, please contact Tom Gritter at [tgritter@mckinley.com](mailto:tgritter@mckinley.com) or at 734-769-8520.

# Exhibit List:

Exhibit A: Attendee List

Exhibit B: Notice of Community Meeting

Mckinley, Inc. - Citizen Participation Meeting - Thursday, January 7, 2016 - The Quarter Bistro

Attendee Name	Attendee Postal Address	Attendee E-Mail Address
1 RAVINDER SACHDEN	10665 HEWITT ROAD ROSELAND, NJ 07068	Sachden44@comcast.net
2 CONOR DARE	10864 MADOR HWY MT 48070	
3 Mark Romny	1430 W. Liberty #3 Ann Ar, NJ 08104	
4 TOM KENNEDY	2821 STEVEN AVE 48113	tommykennedy@gmail.com
5 Edward Kim	2555 W Liberty	edward.h.k.kim@gmail.com
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Petition for 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 Site Plan Review from McKinley, Inc. will be submitted to the City of Ann Arbor's Planning Department. The proposed development project will involve the development of 68 market-rate apartments, a clubhouse, pool and children's play area on vacant land at 2658 W. Liberty St., Ann Arbor, MI. A concept plan is on the back side of this notice.

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 500' of the proposed petition site, as well as to City Staff. At the meeting individuals receiving notices will be able to discuss the development plans 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 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.

Meeting Logistics

Date: Thursday January 7, 2016  
Time: 6:00pm  
Location: The Quarter Bistro  
300 S. Maple Road  
Ann Arbor, MI 48103

Anticipated City Review and Approval Schedule

Citizen Participation Meeting 1/7/2016  
Submittal of Petition 1/25/2016  
City of Ann Arbor Meetings Feb-April

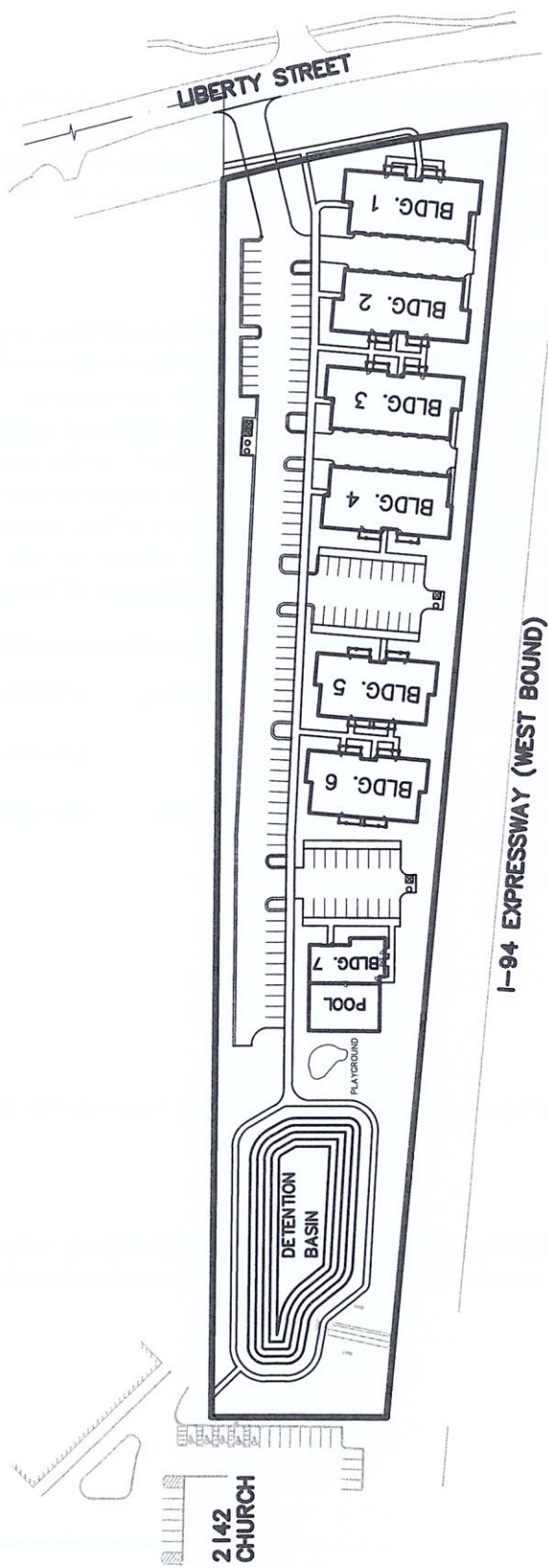


Contact Information

Questions may be referred to Tom Gritter (McKinley, Inc.) during regular business hours at 734-769-8520 x 289 or email at [tgritter@mckinley.com](mailto:tgritter@mckinley.com).

Special Accommodations

Persons with disabilities are encouraged to participate in public meetings. Accommodations, including sign language interpreters, may be arranged by contacting Tom Gritter. Requests need to be received at least 24 hours in advance of the meeting.



# LIBERTY FLATS

ANN ARBOR, MI  
 68 UNITS  
 136 PARKING SPACES  
 59% OPEN SPACE

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