

## **OCTOBER 16, 2007 PLANNING COMMISSION MINUTES**

a. Public Hearing and Action on Ann Arbor Township Parcels Annexation and Zoning (20 sites), 18.72 acres total, 1575 Chalmers Drive, 2625 Newport Road, 370 Rock Creek Drive, 505 Riverview Drive, 3125 Geddes Avenue, 3175 Glazier Way, 865 Arlington Boulevard, 442 Huntington Place, 402 Orchard Hills Drive, 169 Barton Drive, 422 Huntington Place, 2930 Heatherway Street, 1305 Chalmers Drive/vacant parcel, 225 Pineview Court, 200 Orchard Hills Drive, 3451 Geddes Road, 186 Riverview Court, 205 Orchard Hills Drive, 2080 Newport Road, and 2060 Newport Road. A request to annex these parcels into the City and zone them for single-family residential use – Staff Recommendation: Approval

Kahan explained the proposal.

Ed Walsh, 3035 Foxcroft Road, stated that he lived behind 2930 Heatherway, one of the properties proposed for annexation. While he had no problem with the annexation, he did have concerns about frequent flooding that he and other downhill neighbors have been experiencing. He stated that his backyard and driveway were flooded from water that flowed from the Heatherway property, as well as others along Heatherway. This area was in desperate need of a storm sewer, he said. He stated that there was a culvert underneath Heatherway and it was his belief that if storm water were collected on the other side of Heatherway, without going into the culvert, this flooding problem would be solved. He requested the Planning Commission and City Council to seriously consider extending the storm sewer far enough down Heatherway to collect the water. He also noted that there has been significant construction in this area, which has added to the water problem.

Pratt stated that many times the problem with collecting water is getting an easement across the property where the drainage was occurring. He assumed the neighbors would be willing to participate in something like this.

Walsh stated that the neighbors have spent a significant amount of their own money to mitigate the problem. He said they believed the problem would be simple to correct. They have tried to work with the City on this, he said, but they believed the City has been unresponsive to their concerns. He said the houses on their side of Heatherway were not the only problem; rather, the culvert underneath the road was the main cause. Had other homes been required to retain storm water on their yards, he said, they would not be having this problem.

Pratt suggested that Mr. Walsh provide his name and number to City staff so this could be investigated further.

Steve Barnes, 1675 Chalmers, speaking on behalf of himself and the property owner of 1575 Chalmers, provided the definition of the words 'extortion' and 'coercion.' He stated that his property currently was in Ann Arbor Township and that in February 2005 they received a letter from the City of Ann Arbor claiming that the original property owner, back in 1951, did not pay the sewer hook-up fees. Unless they could prove they had been paid, he said, the letter informed him that they would owe the \$1500 fee and that it must be paid by April 1, 2005. If this were not paid by then, he said, they would then have to pay \$18,684 for the same service and also annex his property. He learned that they had no options and signed an agreement with the City to pay a fee in lieu of taxes, plus the \$1,500 fee, and annex his property by December 31, 2007. If this were not done, he said, they would be forced to pay four times that amount and the City would also place a lien on the property until the fees and interest were paid. He stated that he and his neighbors signed the agreement under duress. He said there was no water main in front of his property and that he would not be able to hook up to City water even if he did annex his property, yet he was still being forced to annex. He did not understand why this was being forced upon them, stating that they moved here in 1997 and were not made aware of this situation until 2005.

Noting no further speakers, Pratt declared the public hearing closed.

**Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City**

**Council approve the Ann Arbor Township Annexations (865 Arlington Boulevard, 2625 Newport Road, 2060 Newport Road, 2080 Newport Road, and 2930 Heatherway) and R1A (Single-Family Dwelling District).**

**Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexations (3175 Glazier Way, 3451 Geddes Road, 3125 Geddes Avenue, 200 Orchard Hills Drive, 205 Orchard Hills Drive, 402 Orchard Hills Drive, 370 Rock Creek Drive, 422 Huntington Place, 442 Huntington Place, 186 Riverview Court, 225 Pineview Court, 505 Riverview Drive, 1575 Chalmers Drive, 1305 Chalmers Drive and adjacent vacant parcel) and R1B (Single-Family Dwelling District) Zonings.**

**Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Township Annexation (169 Barton Drive) and R1C (Single-Family Dwelling District).**

Pratt referred to an agreement between Ann Arbor Township and the City of Ann Arbor that contained a provision for annexation of township parcels by a date certain, which was driving these annexations.

Potts stated that when homes were bought and sold, it would be desirable to reveal information to the purchaser, such as the agreement with the township and the date of annexation. She asked if the property identified as #13 on Chalmers fronted on Chalmers or Huron River Drive.

Kahan replied that it fronted on Chalmers Drive. He said part of the Woodcreek development was adjacent to the east.

Carlberg stated that regarding the cost to annex property, the price property owners was offered was based on an historical amount of what it cost the City to install the utilities. If someone were to purchase property in the City today and install the utilities, she said, the cost would be in the area of \$30,000, so the offer made to the property owners prior to the annexation deadline was at a price that no one would get today. She said the City was taking a great loss for this, since the price did not include the cost of supporting the utilities through the years they were being used. In her opinion, she said, this seemed to be a good deal.

A vote on the motion showed:

YEAS: Bona, Borum, Carlberg, Emaus, Mahler, Potts, Pratt, Woods  
NAYS: None

**Motion carried unanimously.**