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August 10, 2016

VIA EMAIL

Mayor Christopher Taylor
Members of the Council
City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104

Re: South Pond

Dear Mayor Taylor and Members of the Council:

The South Pond Site Plan will be back on your August 15, 2016 meeting agenda for action. In view of the time which has elapsed during the review process, we believe it might be helpful to review with you the status of this matter.

The Site Plan shows one access to South Pond Village via extension Woodcreek Boulevard and an access to a stub at the terminus of Algebe Way. The City's Staff has determined that the Site Plan complies with the Zoning Ordinance and has recommended it be approved.

On April 21, 2015, the Planning Commission voted 6-2 to recommend that you deny approval of the Site Plan. Council opened a hearing on the Site Plan on June 1, 2015, and continued the hearing at its June 15th and August 6th meetings.

At the conclusion of the August 6, 2015 hearing, Council referred this matter back to the Planning Commission, requesting that it consider the possibility of revising the plan to include an additional access to South Pond Village.

In response to Council's discussions, the Applicant, with the assistance of its engineering consultant, environmental consultant, and traffic engineering consultant, and at considerable expense, submitted a sketch (Alternate Plan) showing an additional access, via Huron River Drive. The Alternate Plan would require a .33 acre intrusion into a wetland.

The Alternate Plan was considered by the Planning Commission on February 27, 2016. The Planning Commission received a report from Staff recommending that the Alternate Plan not be approved. The Planning Commission also heard comments from the public. The Planning Commission recommended that you not approve the Alternate Plan.



On June 21, 2016, because of concerns expressed regarding the adequacy of notice of the February 27, 2016 Planning Commission meeting, the Planning Commission reheard consideration of the Alternate Plan. After hearing comments from the public, and again reviewing the staff's conclusion that the Site Plan complies with the Zoning Ordinance and its recommendation that the Site Plan be approved, the Planning Commission voted to recommend that you deny approval of the Site Plan.

You thus have before you for action the Site Plan, a recommendation from the Planning Commission that you deny approval of the Site Plan, its recommendation that you not approve the Alternate Plan, and Staff recommendations that you approve the Site Plan and not approve the Alternate Plan.

The Applicant will appear before you, and its consultants will be available to answer any questions you may have.

The Zoning Enabling Act mandates:

A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes. MCL 125.3501(5).

The Staff has found that the Site Plan complies with the Zoning Ordinance. The Applicant requests that you approve the Site Plan.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Norman Hyman', with a long, sweeping underline.

Norman Hyman
Strobl & Sharp, P.C.

Attorney for Ann Arbor Manchester LLC, Applicant

NH/nwh

cc: Mayor and City Council Members (via email)
City Clerk (via email)
Ben Carlisle, AICP, Interim Planning Manager (via email)
Matthew Kowalski, AICP, Zoning Coordinator (via email)
Kevin McDonald, Esq., Senior Assistant City Attorney (via email)