

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 17, 2014

**SUBJECT: Ann Arbor Housing Commission North Maple Road Rezoning, Site Plan for City Council Approval and Street Vacation (701 North Maple Road)
Project Nos. Z14-002, SP14-008 and SV14-002**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council rezone the 4.8-acre Ann Arbor Housing Commission North Maple Road site from R1C (Single-Family Dwelling District) to R4B (Multiple Family Dwelling District).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ann Arbor Housing Commission North Maple Road Site Plan and Development Agreement, subject to approval of the requested Seybold Drive street vacation.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the partial Seybold Drive street vacation.

STAFF RECOMMENDATION

Staff recommends that the rezoning petition be **approved** because the proposed zoning classification is consistent with the future land use recommendation in the Master Plan: Land Use Element for the site and vicinity, is compatible with the surrounding area, and supports land use requirements for the proposed site plan development. The rezoning is also consistent with the Sustainability Framework goal of diverse housing, because it will expand the opportunities for high-quality, safe, efficient and affordable housing choices.

Staff recommends that the site plan be **approved** because, if the rezoning and street vacation are approved and once all outstanding issues are addressed, the contemplated development complies with all applicable state, local and federal laws, ordinances, standards and regulations; the development limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development does not cause a public or private nuisances and does not have a detrimental effect on the public health, safety or welfare.

Staff recommends that the street vacation be **approved** because City staff have determined that the right-of-way is not needed for public purposes, including vehicular or pedestrian access

or public utilities, and the street vacation would not have a detrimental effect on the public health safety or welfare.

STAFF REPORT

These petitions were postponed by the Planning Commission at their meeting of June 3, 2014 to allow for proper notice to be made for the requested street vacation as well as outstanding issues to be addressed by the petitioner. The street vacation petition has been properly noticed and most outstanding issues have been addressed, as described below.

Project Review - The Ann Arbor Housing Commission is seeking approval rezone a 4.8-acre site from R1C (Single-Family Dwelling) to R4B (Multiple-Family Dwelling), demolish all 20 existing dwelling units and construct a 42-unit apartment complex. The new development will include eight buildings, 73 vehicle parking spaces, a playground, and a community building. A street vacation petition also has been submitted to vacate two portions of Seybold Drive, which encroach into the site from the north and south.

Street Vacation Update – A notice of a public hearing held by the Planning Commission was published 15 days prior to tonight’s meeting. Next, City Council will pass a Resolution of Intent which also serves as notice of their public hearing. Staff will coordinate the street vacation, rezoning and site plan petitions so that the public hearings and action of each will occur at the same Council meeting.

Seybold Drive/Dexter Road Alignment – The Traffic Engineer, as requested, reviewed the proposed alignment of Seybold Drive with respect to Dexter Road and Valley Drive. Traffic staff concluded that the offset alignment is acceptable; sight distances from all approaches are acceptable, but that the pavement markings on Dexter Road should be refreshed.

Development Agreement – A draft development agreement has been prepared. In addition to the typical provisions, the agreement addresses constructing Seybold Drive between Dexter Road and the site, including sidewalks along both sides of Seybold and across 2250 Dexter Road. The agreement also includes provisions for maintaining the new public street and sidewalk.

Neighbors Concerns – Jennifer Hall, the Executive Director of the Housing Commission, and the project engineer and project architect, spoke to six neighbors of the site immediately after the public hearing on June 3, 2014 to address questions and concerns. All three offered their continued availability to address future questions and concerns.

SERVICE UNIT COMMENTS

Revised plans addressing staff comments were submitted on Monday, June 9, 2014. It appears they address all outstanding items identified by staff; confirmation will be provided as soon as it is available.

Systems Planning – Pending review of the most recently submitted revised plans, no further outstanding items have been identified.

Forestry – Pending review of the most recently submitted revised plans, no further outstanding items have been identified.

Planning – Pending review of the most recently submitted revised plans, the following items remain outstanding and must be addressed before approval:

- The parcel containing two duplex buildings also owned by the Ann Arbor Housing Commission in the northeast corner of the site must be combined with the subject site, forming a single parcel as a requirement for issuance of any permits.
- The legal description and comparison chart data must be confirmed to include the duplex parcel.
- The northern-most parking stall, nearest the connection to Vine Court, must be relocated outside of the minimum front setback area.

Prepared by Alexis DiLeo
6/13/14

Attachments: June 3, 2014 Staff Report
June 13, 2014 Draft Development Agreement

c: Owner/Petitioner: Jennifer Hall, Executive Director
Ann Arbor Housing Commission
406 North Ashley Street
Ann Arbor, MI 48103

Agent: Scott Bezoldt
Midwestern Consulting, Inc.
3815 Plaza Drive
Ann Arbor, MI 48108

City Attorney
Systems Planning
Project No. SP14-008, Z14-002, SV14-002

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 3, 2014

SUBJECT: Ann Arbor Housing Commission North Maple Road Rezoning, Site Plan for City Council Approval and Street Vacation (701 North Maple Road) Project Nos. Z14-002, SP14-008 and SV14-002

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council rezone the 4.8-acre Ann Arbor Housing Commission North Maple Road site from R1C (Single-Family Dwelling District) to R4B (Multiple Family Dwelling District).

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PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the partial Seybold Drive street vacation.

STAFF RECOMMENDATION

Staff recommends that the rezoning and site plan petitions be **postponed** to allow the petitioner to address remaining staff comments and staff to draft a development agreement.

Staff recommends that the street vacation petition be **postponed** to allow for proper public notice of the request to be provided.

LOCATION

This site is located on the west side of North Maple Road between Dexter Avenue and Hollywood Avenue (West Area, Allen Creek watershed).

DESCRIPTION OF PETITION

The Ann Arbor Housing Commission is seeking approval rezone a 4.8-acre site from R1C (Single-Family Dwelling) to R4B (Multiple-Family Dwelling), demolish all 20 existing dwelling units and construct a 42-unit apartment complex. The new development will include eight

buildings, 73 vehicle parking spaces, a playground, and a community building. A street vacation petition also has been submitted to vacate two portions of Seybold Drive, which encroach into the site from the north and south.

Rezoning – A petition to rezone the subject site from R1C to R4B has been submitted in conjunction with the proposed site plan. As single-family detached units, the current development conforms to the present R1C zoning designation for use, density, area, height and placement. However, single-family attached and apartment units are proposed in the redevelopment of the site, and these unit types do not conform to the R1C standards. The R4B zoning district allows all forms of residential use – single-family detached, single-family attached, duplexes, townhouses and multiple-family buildings.

Site Plan – The proposed development is arranged around a T-shaped driveway connecting to North Maple Road and Dexter Avenue. One arm of the T extends northward toward Vine Court but does not connect with this public street. The other arm of the T will form a new connection to Dexter Avenue through the remaining, undeveloped length of Seybold Drive. Parking spaces for the residents are provided on both sides of the driveway.

The new apartments range in size from one bedroom to five-bedroom units as follows:

- 8 one-bedroom units
- 4 two-bedroom units
- 8 three-bedroom units
- 12 four-bedroom units
- 10 five-bedroom units

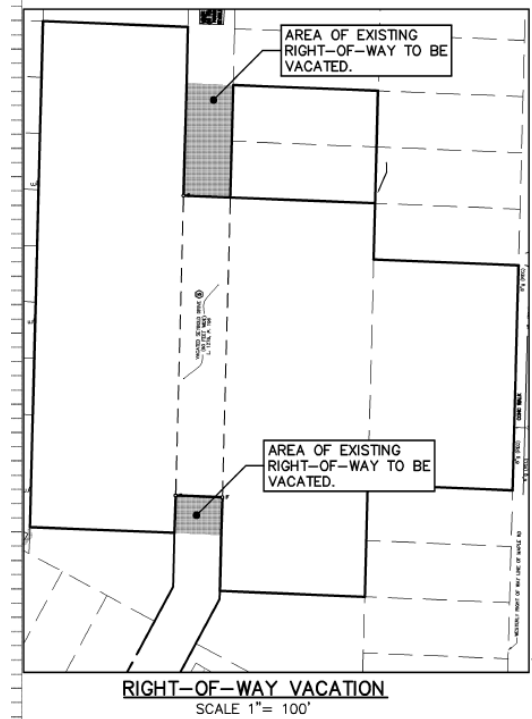
The design and layout of the development has the appearance of eight two-story townhouse buildings with individual front entries facing the driveway and rear doors facing open space areas. In fact, seven buildings will be two-story townhouses. The eighth building will have two stories with four one-story, one-bedroom units on the ground floor and four one-story one-bedroom units on the second floor. All one-bedroom units have a front entry at ground level facing the driveway. A total of 138 bedrooms will be provided. Between 100 and 140 children are expected to live in the development. A community building and a playground are also proposed as part of the project.

Along with the new dwelling units, the site will have all new underground utilities (water, sanitary sewer and storm sewer as well as private franchise utilities), fire hydrants, and storm water management for the entire site. Currently, the site contains no storm water management facility.

Sixteen landmark trees are located throughout the site. Seven landmark trees (16" Honey Locust, 20" Red Pine, 13" Northern White Cedar, 16" Honey Locust, 18" Swamp White Oak, 18.5" Blue Spruce, 19" Sugar Maple) are proposed to be removed and will be mitigated on-site by new plantings. A conflicting land use buffer containing trees and shrubs will be provided along the north and west property lines, abutting the adjacent R1 and R2 districts.

Street Vacation – The Scioto Hills No. 1 plat included a 50-foot wide public street, Seybold Drive, parallel to and between North Maple Road and Alison Drive, south of Hollywood Drive. In the 1960’s, several of the midblock lots on either side of Seybold Drive were acquired by the Ann Arbor Housing Commission. Most of the segment of Seybold Drive between these lots was vacated at that time, and the Housing Commission developed the North Maple Estates development. Staff speculates that portions of the Seybold Drive right-of-way were left encroaching into the Housing Commission site to enable some sort of cul-de-sac or turn-around, but the true reason is not known. The encroaching rights-of-way have never been used for any public purpose.

In the 1990’s, the lots along the northern dead-end of Seybold Drive were developed with single family homes, and the right-of-way was renamed Vine Court. A public road with sidewalks along both sides is proposed in the southern dead-end of Seybold Drive as part of the site plan project. It will be known as Seybold Drive.



CITIZEN PARTICIPATION

A citizen participation meeting was held on February 12, 2014, two weeks before the petitions were submitted. Invitations were sent to all residents within 1000 feet of the site. Attendees inquired about storm water management, traffic, placement of buildings, the playground, and utilities. The petitioner’s report of the meeting is attached.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Single- and two-family residential	R2A (Two-Family Dwelling District)
EAST	Single- and two-family residential, Church	R1C (Single-Family Dwelling District), R2A
SOUTH	Single-family residential, Medical office	TWP (Township), O (Office District)
WEST	Single-family residential	TWP, R1C

COMPARISION CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	R1C Single Family Dwelling	R4B Multiple-Family Dwelling	R4B
Gross Lot Area	209,983 sq ft	209,983 sq ft	14,000 sq ft MIN
Dwelling Units	20 units	42 units	72 units MAX
Min. Lot Area per Dwelling Unit	10,499 sq ft/du	5,205 sq ft/du	2,900 sq ft/du MIN
Min. Open Space	Unknown	66% (138,803 sq ft)	55% MIN (115,478 sq ft)
Min. Active Open Space	Unknown	12,630 sq ft	12,600 sq ft MIN (300 sq ft/du)
Setbacks	See Building Lengths and Setbacks Table, below		
Height	Two-story	23 ft	35 ft MAX
Vehicle Parking	Two-story	73 spaces	63 spaces MIN
Bicycle Parking	None	8 spaces (4 Class A, 4 Class B)	8 spaces MIN (50% Class A, 50% Class B)

BUILDING LENGTHS AND SETBACKS

Additional setbacks to side and rear lot lines are required when the length of the building facing that lot line is more than 50 feet, per Section 5:62 (Required Additional Setback Regulations).

Building	Length Facing Lot Line	Provided Setback	Required Setback
Building A east face	Less than 50 ft	26 ft	15 ft MIN, 40 ft MAX
Building C east face	Less than 50 ft	20 ft	12 ft MIN
Building C north face	144 ft	27 ft	23 ¾ ft MIN
Building D east face	96 ft	40 ft	15 ft Min, 40 ft MAX
Building D north face	Less than 50 ft	21 ft	12 ft MIN
Building D west face	96 ft	53 ft	35 ¾ ft MIN
Building E west face	96 ft	49 ft	35 ¾ ft MIN
Building F west face	Less than 50 ft	36 ft	30 ft MIN
Building G west face	60 ft	39 ft	31 ft MIN
Building H west face	96 ft	40 ft	35 ¾ ft MIN
Building H south face	Less than 50 ft	18 ft	12 ft MIN
Building I west face	144 ft	27 ft	15 ft MIN, 40 ft MAX
Building I south face	Less than 50 ft	20 ft	12 ft MIN

HISTORY

The Ann Arbor Housing Commission originally developed the site in the late 1960's. It was expanded in the 1970's to the configuration it is today.

The Ann Arbor Housing Commission currently is undertaking a major transformation in the way it owns, operates and maintains all of its scattered, small site low income housing developments. The Housing Commission is entering into a partnership with a private housing development company as the first such partnership under new U.S. Department of Housing and Urban Development regulations. The partnership will provide resources for the Housing Commission to offset their continually decreasing funding sources.

PLANNING BACKGROUND

The Master Plan: Land Use Element recommends multiple-family residential use for the subject site. The Diverse Housing goal of the Sustainability Framework calls for providing high quality, safe, efficient and affordable housing choices to meet the current and future needs of the community, particularly for homeless and low-income households.

REZONING ANALYSIS

The petitioner requests to rezone the 4.8-acre site from R1C Single-Family Dwelling District to R4B Multiple-Family Dwelling District to enable the development of a multiple-family apartment complex. Changes to the text or map of Chapter 55 (Zoning) can be made pursuant to Section 5:107 and 5:108. The following justification is offered by the petitioner (staff comments in *italics*):

1. The extent to which the rezoning is necessary:

To rectify the existing zoning to be consistent with the existing use and to allow a conforming use with the proposed zoning and proposed redevelopment program.

Staff: The current R1C zoning designation does allow single family detached developments and, in terms of use, the current development conforms to its zoning designation. Attached units of any kind (single family, two-family, multiple-family) are not permitted in the R1C zoning district. The proposed R4B zoning designation does allow for any kind of dwelling unit, single family detached or attached, two-family, and multiple-family.

2. The rezoning will affect the public welfare and property rights of persons located in the vicinity in the following ways:

Will have no negative impact on public or property as the property is currently developed and being used in a manner consistent with the proposed zoning.

3. The rezoning will be advantageous to the City in the following ways:

Will make the existing use conforming to the zoning district.

Staff: The proposed rezoning will enable the redevelopment of a dated housing community with dwelling units that are more energy efficient and with site improvements, such as

conflicting land use buffers and storm water management systems, that meet current development codes.

4. This particular location will meet the convenience and service requirements of potential users and occupants in the following ways:

It is in an area of similar uses and housing, close to employment centers and located on public transportation routes.

5. Any changed or changing conditions in any particular area, or in the City in general which may have bearing on the proposed rezoning are:

None.

6. Other circumstances and factors which will further justify the requested rezoning are:

The site has been used historically in a non-conforming manner. Rezoning will make existing use as well as proposed redevelopment conforming.

Staff: The subject site has sufficient size to justify a separate zoning designation. The R4B Multiple-Family Dwelling District is intended for smaller infill sites, such as this one, and its maximum permitted density along with its minimum open space requirements make the proposed zoning district the most appropriate zoning designation.

SERVICE UNIT COMMENTS

Systems Planning – The following items must be addressed before approval:

- The gates for the emergency access near Vine Court must be located on the AAHC property, outside of the right-of-way.
- Sanitary sewer calculations are still under review and the required mitigation may change as a result.
- A 12-inch main is required due to the proposed zoning.

Forestry – The following items must be addressed before approval: discrepancies between the tree health and conditions forms and the tree inventory on the site plan must be resolved; several required notes regarding landscaping must be included on the site plan; and additional note addressing limiting phosphorous in fertilizer should be included on the site plan.

Planning – A development agreement will be prepared and, in addition to the standard items applicable to all developments, will include paragraphs for:

- Construction of Seybold Drive south of the site to Dexter Avenue, including sidewalks.
- Construction of public sidewalk along Dexter Avenue to complete the current gap between Seybold Drive and North Maple Road.
- Provisions for city maintenance vehicles accessing the site in order to maintain Seybold Drive, and possibly Vine Court.
- Performing required footing drain disconnections upstream from where the development flows connect to the High Level Trunkline.

Prepared by Alexis DiLeo
Reviewed by Wendy Rampson
5/30/14

Attachments: Citizen Participation Meeting Report
Parcel/Zoning Map
Aerial Photo
Site Plan
Elevations

c: Owner/Petitioner: Jennifer Hall, Executive Director
Ann Arbor Housing Commission
406 North Ashley Street
Ann Arbor, MI 48103

Agent: Scott Bezoldt
Midwestern Consulting, Inc.
3815 Plaza Drive
Ann Arbor, MI 48108

City Attorney
Systems Planning
Project No. SP14-008, Z14-002, SV14-002

Citizens Participation Report

Ann Arbor Housing Commission
701-737 North Maple Road – Ann Arbor, Michigan



Mitchell
and **Mouat**
architects
113 South Fourth Avenue, Ann Arbor, Michigan 48104
734-662-6070 FAX 734-662-3802 MaMA@MitchellandMouat.com

February 20, 2014

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Section 1: Notification Information & Responses

A Citizens Participation Meeting was scheduled for February 12, 2014 at the Peace Neighborhood Center. Notification cards were sent to 464 citizens within 1000 ft of the site using the City provided lists of owners and addresses. Contact information for the architect was provided on the card. Please see Appendix for copy of notification master.

Eleven cards were returned as undeliverable. We received three contacts before the meeting. One was a woman on S. Circle whose neighbor had received a card. She wanted to know where the project site is (not where she was concerned about) and expressed concern about the water supply in that part of town. She stated that she is not for or against the project. The second was an unidentified man saying that he has complaints but who left no contact information. The third was an email from a woman wanting to know whether this project will be for low income and how much the rents would be. See Appendix

Section 2: Presentation

The Ann Arbor Housing Commission prepared and made available copies of Rent and Income Information related to the project. A copy is attached in the appendix.

Midwestern Consulting Inc. prepared a color rendered site plan which is attached in the appendix of this document.

Mitchell and Mouat Architects prepared colored renderings depicting the design of the proposed buildings.

***View looking northeast with
Community Center in middle***



*View looking southwest with
Community Center in middle*



Citizens were provided the opportunity to view the site plan and renderings before and after the meeting.

The Director of the Ann Arbor Housing Commission, Jennifer Hall, introduced the team at the meeting who included the project development partner, Lori Harris of Norstar, the civil engineer, Scott Betzoldt of MCI, and John Mouat of Mitchell and Mouat Architects.

Jennifer outlined the current situation of affordable housing in the City as well as the particular challenges presented at this site. The fundamental problems are that the twenty existing buildings are of an age and condition that they are not worth rehabilitating and some of them are in a topographically depressed area on the site where storm water infiltrates the basements on a regular basis.

A description was provided of the proposed project which locates 42 units and a Community space (office and meeting room for residents) in nine new buildings. The unit mix includes 1, 2, 3, 4, and 5 bedroom units on the site seeking Site Plan Approval.

Section 3: Citizen Information

Section 4: Citizen Concerns and Comments

Sign in Sheets are provided in the Appendix.

Storm water management – Questions were asked centered on existing water conditions and how the site would respond to storm events. The design team described that the new site would meet City and County standards for storm water management which have changed considerably since the time the existing buildings were constructed. A description was provided of the swales and catch basin system which channels water to storm water detention. A dry storm water basis would typically take 18-24 hours to fully drain after a storm event.

Traffic – Concerns were voiced generally about additional people and related traffic at N. Maple Road.

Placement of Buildings – One neighbor on the west side at the north end requested clarification about the placement of the furthest north building. It was described that the building is well within the setbacks and had been angled to mitigate adjacency to properties. In addition, an existing basketball court in that area would be removed which seemed to be received favorably. A second neighbor at the south end of the properties voiced similar concerns. Again, in this case the new building has been angled and is further away than the existing building from the neighbor's studio garage.

Playground – Citizens asked about the location of a playground. The area slated for the playground was pointed out and seemed to be received favorably.

Utilities – One citizen was particularly interested in the utility infrastructure of the site. It was described that just about all the existing utilities internal to the site would be replaced. A concern was raised about electrical outages in the neighborhood that no one at the meeting was qualified to answer.

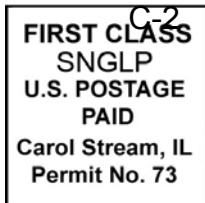
Follow up comments – No follow-up phone calls or emails have been received from citizens concerning the project.

Please see the Appendix for:

- a. Notification Card
- b. Rent and Income Information
- c. Rendered Site Plan
- d. Sign In Sheet

Section 5: Appendix

Mitchell
and **Mouat**
architects
113 South Fourth Avenue Ann Arbor, Michigan 48104



Owner
124 Melville Ave # 3
Dorchester, MA 02124-2129



Ann Arbor Housing Commission **Site Plan Submittal**

Postcards are being sent to all residents and property owners living within 1000 feet of the project site giving notice that a site plan petition will be submitted to the City of Ann Arbor in late February. This is an opportunity to review and comment on the plans. The petitioner will consider your comments with regard to any plan revisions, in finalizing the submission.

Project Location: The site is located at 701-737 North Maple Road, Ann Arbor.

Meeting: A meeting is going to be held on **February 12, 2014 at 7pm** at the **Peace Neighborhood Center at 1111 North Maple Road, Ann Arbor** to present the Plans for the project and to solicit input from neighborhood residents. The meeting location is barrier free accessible.

Description: The Ann Arbor Housing Commission is proposing to demolish the existing buildings on this site and replace them with a small community building and 42 new units ranging in size from 1 bedroom to 5 bedroom. The site will be upgraded to current City standards while preserving existing natural features as much as possible.

Contact Information: Mitchell and Mouat Architects, John Mouat, 734-662-6070 or jmouat@mitchellandmouat.com

Mark Borys

From: John Mouat
Sent: Wednesday, February 12, 2014 5:19 PM
To: phyllis ponvert
Subject: RE: North Maple Road development

Attachments: Rent and Income Information Maple Platt.docx



Rent and Income
Information Ma...

Hello Phyllis,

Sorry for the delay in responding but I needed to track down the information that you requested. Please see the attached information sheet. Hope this helps

From the Desk of -

John H. Mouat
LEED AP

113 S. Fourth Ave.
Ann Arbor, Michigan 48104
(734) 662-6070 Fx (734) 662-3802

-----Original Message-----

From: phyllis ponvert [mailto:phyllis2007@earthlink.net]
Sent: Monday, February 10, 2014 5:51 PM
To: John Mouat
Subject: North Maple Road development

Hello, Are any of these apartments going to be for low income families?
How much will the rents be?
Thank you,
Phyllis Ponvert

Rent and Income Information

Maple / Platt

The proposed project will include affordable residential rental units targeted to households with income levels at 30%, 50% and 60% of Area Median Income (AMI) levels. Below please find the income levels for a family of four (4) at the various incomes:

Average Area Median (AMI) for 4 person household– National non-metro areas	\$52,500 Annually
Ann Arbor MSA Average Median Income (AMI) for 4 person household	\$87,400 Annually
Maple Platt Average Median Income (AMI) for 4 person household (60% AMI)	\$52,440 Annually (17 units)
Maple Platt Average Median Income (AMI) for 4 person household (50% AMI)	\$43,700 Annually (48 units)
Maple Platt Average Median Income (AMI) for 4 person household (30% AMI)	\$23,610 Annually (5 units)

Units at Maple Platt are targeted to households with incomes of 60%, 50% and 30% of Area Median Income; the proposed rents based upon the various income levels to be served at Maple Platt are as follows:

- 1 Bedroom Units - \$466 to \$947
- 2 Bedroom Units - \$567 to \$1092
- 3 Bedroom Units - \$713 to \$1223
- 4 Bedroom Units - \$734 to \$1365
- 5 Bedroom Units - \$850 to \$1508

* Based upon 2014 Income data; please note that the overall plan includes 70 units but site plan approval is being sought on only 62 units because the project includes the rehab of 4 units and the construction of 4 single family units.

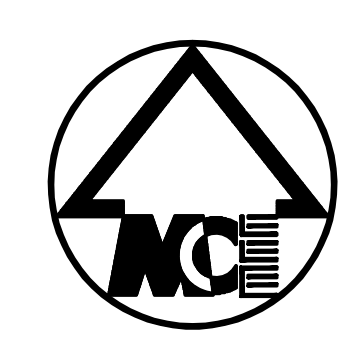


JOB No.	14002-100	DATE:	02-18-14
REVISIONS:		SHEET	1 OF 1
		CADD:	WAJ
		ENG:	SWB
		PM:	SWB
		TECH:	
		DWGS:	14002CR1-100
		FBW:	

MAPLE ROAD SITE
SITE PLAN
OVERALL SITE PLAN

CLIENT
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Planners, Surveyors
Landscape Architects
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Fax 734.995.0599



Please Sign IN:

ΔΔΔΔ N. MAPLE
C-2
CPM- 2/12/14

Name

Phone

Email (please provide to
get on distribution
list)

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Mary Ann Pierce

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Shelley Y. Wood

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Arno Bukner

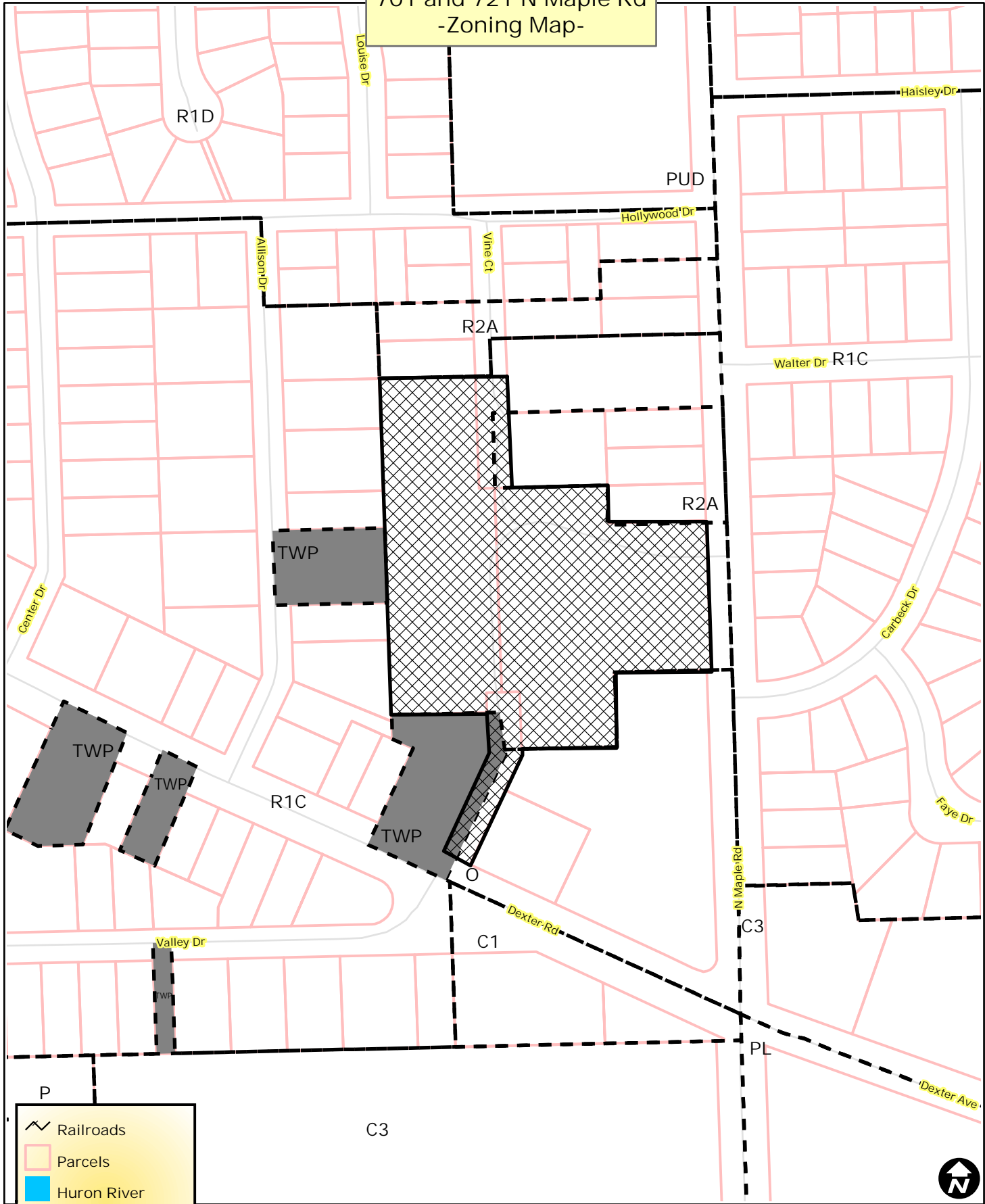
734-996-0332

Chuck Worpeshski

734-972-8309

cworpeshski@tjgov

701 and 721 N Maple Rd
-Zoning Map-



Zoning

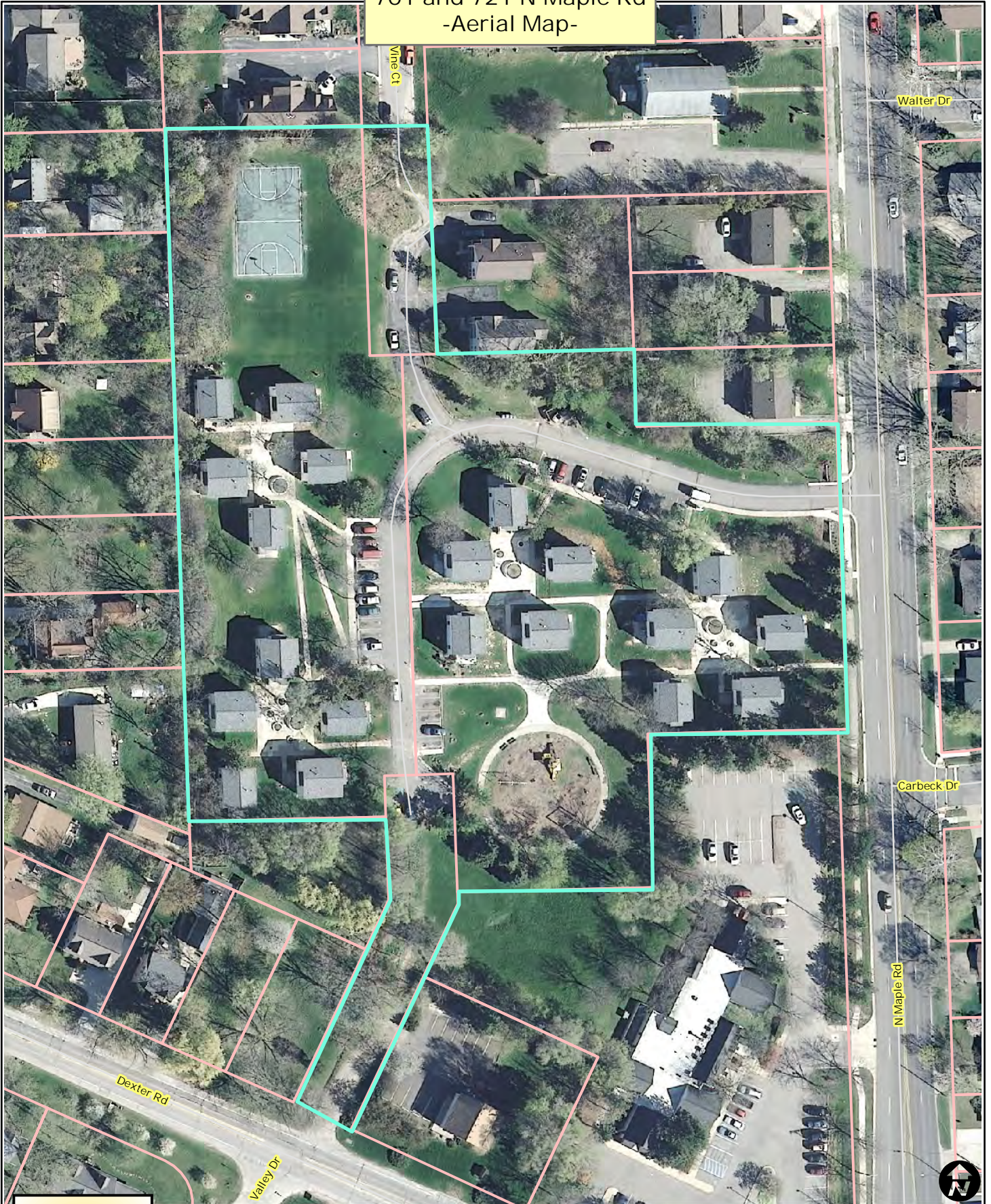
- Railroads
- Parcels
- Huron River
- Township Islands
- Zoning Districts



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 Map Created: 5/16/2014



701 and 721 N Maple Rd -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



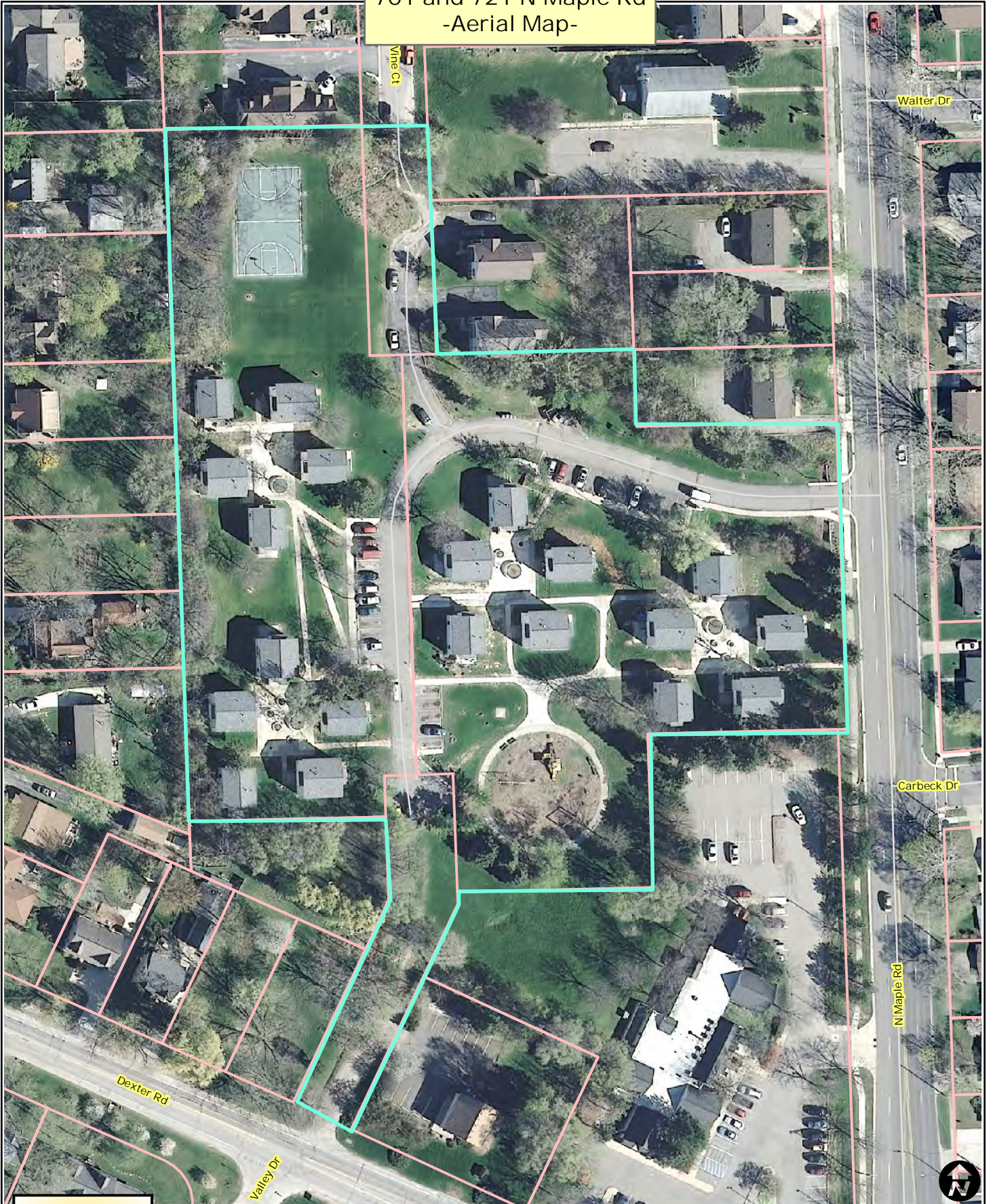
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Map Created: 5/16/2014



701 and 721 N Maple Rd -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



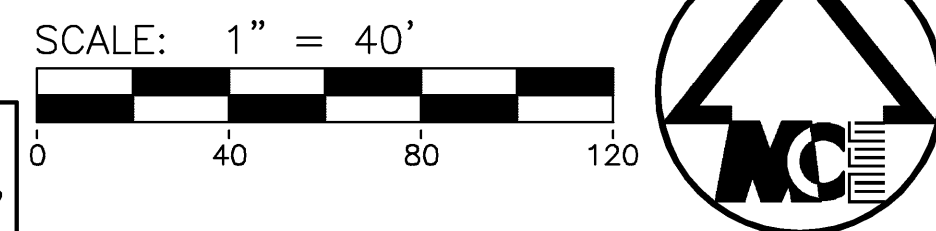
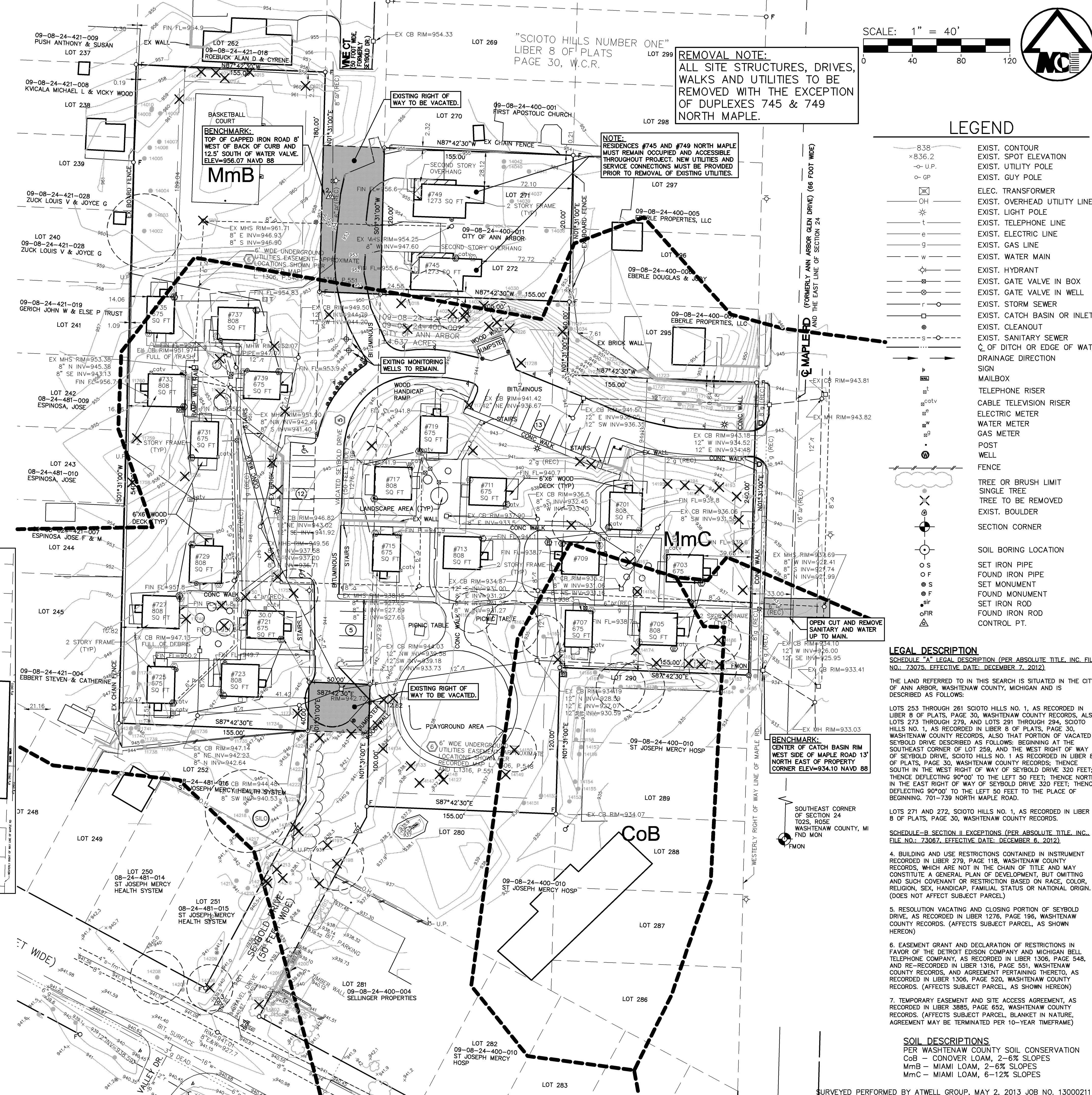
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 Map Created: 5/16/2014

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Table with columns: TAG NO, DBH (in), SPECIES, SCIENTIFIC NAME, Notes, Replacement (%). Lists various tree species and their replacement percentages.

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REMOVAL NOTE: ALL SITE STRUCTURES, DRIVES, WALKS AND UTILITIES TO BE REMOVED WITH THE EXCEPTION OF DUPLEXES 745 & 749 NORTH MAPLE.

- LEGEND: 8.38 EXIST. CONTOUR, 8.36.2 EXIST. SPOT ELEVATION, U.P. EXIST. UTILITY POLE, G-P EXIST. GUY POLE, etc.

LEGAL DESCRIPTION: SCHEDULE "A" LEGAL DESCRIPTION (PER ABSOLUTE TITLE, INC. FILE NO. 73075, EFFECTIVE DATE: DECEMBER 7, 2012).

THE LAND REFERRED TO IN THIS SEARCH IS SITUATED IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN AND IS DESCRIBED AS FOLLOWS: LOTS 253 THROUGH 261 SCIO HILLS NO. 1, AS RECORDED IN LIBER 8 OF PLATS, PAGE 30, WASHTENAW COUNTY RECORDS, ALSO THAT PORTION OF VACATED SEYBOLD DRIVE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 259, AND THE WEST RIGHT OF WAY OF SEYBOLD DRIVE, SCIO HILLS NO. 1 AS RECORDED IN LIBER 8 OF PLATS, PAGE 30, WASHTENAW COUNTY RECORDS, THENCE SOUTH IN THE WEST RIGHT OF WAY OF SEYBOLD DRIVE 320 FEET; THENCE DEFLECTING 90°00' TO THE LEFT 50 FEET; THENCE NORTH IN THE EAST RIGHT OF WAY OF SEYBOLD DRIVE 320 FEET; THENCE DEFLECTING 90°00' TO THE LEFT 50 FEET TO THE PLACE OF BEGINNING. 701-739 NORTH MAPLE ROAD.

LOTS 271 AND 272, SCIO HILLS NO. 1, AS RECORDED IN LIBER 8 OF PLATS, PAGE 30, WASHTENAW COUNTY RECORDS.

SCHEDULE "B" SECTION II EXCEPTIONS (PER ABSOLUTE TITLE, INC. FILE NO.: 73087, EFFECTIVE DATE: DECEMBER 6, 2012).

4. BUILDING AND USE RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 279, PAGE 118, WASHTENAW COUNTY RECORDS, WHICH ARE NOT IN THE CHAIN OF TITLE AND MAY CONSTITUTE A GENERAL PLAN OF DEVELOPMENT, BUT OMITTING AND SUCH COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS OR NATIONAL ORIGIN. (DOES NOT AFFECT SUBJECT PARCEL).

5. RESOLUTION VACATING AND CLOSING PORTION OF SEYBOLD DRIVE, AS RECORDED IN LIBER 1212, PAGE 196, WASHTENAW COUNTY RECORDS. (AFFECTS SUBJECT PARCEL, AS SHOWN HEREON)

6. EASEMENT GRANT AND DECLARATION OF RESTRICTIONS IN FAVOR OF THE DETROIT EDISON COMPANY AND MICHIGAN BELL TELEPHONE COMPANY, AS RECORDED IN LIBER 1306, PAGE 548, AND RE-RECORDED IN LIBER 1316, PAGE 551, WASHTENAW COUNTY RECORDS, AND AGREEMENT PERTAINING THERETO, AS RECORDED IN LIBER 1308, PAGE 520, WASHTENAW COUNTY RECORDS. (AFFECTS SUBJECT PARCEL, AS SHOWN HEREON)

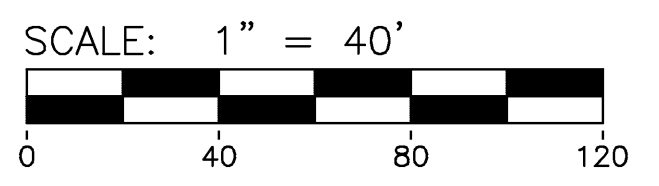
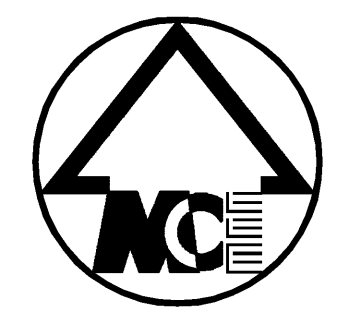
7. TEMPORARY EASEMENT AND SITE ACCESS AGREEMENT, AS RECORDED IN LIBER 3084, PAGE 552, WASHTENAW COUNTY RECORDS. (AFFECTS SUBJECT PARCEL, BLANKET IN NATURE, AGREEMENT MAY BE TERMINATED PER 10-YEAR TIMEFRAME)

SOIL DESCRIPTIONS: PER WASHTENAW COUNTY SOIL CONSERVATION CoB - CONOVER LOAM, 2-6% SLOPES; MmB - MIAMI LOAM, 2-6% SLOPES; MmC - MIAMI LOAM, 6-12% SLOPES

MIDWESTERN CONSULTING logo and contact information: 38115 Plaza Drive, Ann Arbor, Michigan 48108. Phone: 734.995.0200. Fax: 734.995.0599.

14002-100 SITE PLAN JOB NO. DATE: 02-24-14 SHEET: 2 OF 11. SURVEYED PERFORMED BY ATWELL GROUP, MAY 2, 2013 JOB NO. 13000211

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LEGEND

- SIGN
- RAMP
- EXIST. CURB & GUTTER
- TRASH AREA
- DETENTION AREA (HIGH WATER LINE)
- BARRIER FREE PARKING SIGN
- BITUMINOUS PAVING
- CONCRETE WALKS
- HEAVY DUTY CONCRETE

SITE DATA ANALYSIS

I. Site Use

Existing Zoning	R1C
Proposed Zoning	R4B
Site Area	4.82 Acres
Number of Units	42
Gross Floor Area	56,807 SF
Space Use Summary	
Buildings	36,720 SF
Parking and Drives	34,460 SF
Useable Open Space	138,803 SF

II. Zoning Comparison Information

	Required	Provided
Minimum Area per Dwelling Unit	2900 SF	5205 SF
Minimum Useable Open Space	55%	66.1%
Minimum Open Space	115,478 SF	138,803 SF
Minimum Active Open Space	12,600 SF	12,630 SF
Front Setback (Min./Max.)	15/40 FT	26.19 FT
Rear Setback	30 FT	See Table
Side Setback (South)	12 FT	See Table
Side Setback (North)	12 FT	See Table
Maximum Building Height	35 FT	23 FT
Minimum Lot Size	14,000 SF	209,983 SF
Minimum Lot Width	120 FT	240 FT
Density	15 D.U./AC	8.71 D.U./AC
Units Allowed	72 D.U.	42 D.U.

III. Parking Requirements

	Required	Provided
1.5 spaces are required per unit =	63	73
Barrier Free spaces	3	7
1 bicycle space is required per 5 units	8	8
	50% CL A	4
	50% CL C	4

Additional Setbacks Required Due to Building Length

Building	Length (ft)	Add'l Setback (ft)	Rear Setback (ft)	Side Setback (ft)
A	144	11.75	N/A	23.75
B	96	5.75	N/A	N/A
C	144	11.75	N/A	23.75
D	96	5.75	35.75	17.75
E	96	5.75	35.75	N/A
F	40	N/A	30	N/A
G	60	1.25	31.25	17.75
H	96	5.75	35.75	17.75
I	144	11.75	N/A	23.75

Building Gross Floor Area (Sq. Ft.)

Bldg	1st Floor	2nd Floor	GFA
A	4921	4337.5	9258.5
B	3289	3289	6578
C	4921	4337.5	9258.5
D	3285	2077	5362
E	3092	3092	6184
F	1848.5	0	1848.5
G	1848.5	1848.5	3697
H	3285	2077	5362
I	4921	4337.5	9258.5
Totals			56807

Unit Breakdown

One bedroom	8
Two bedroom units	4
Three bedroom units	8
Four bedroom units	12
Five bedroom units	10
Total	42

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 Civil, Environmental and Transportation Engineers
 Planners, Surveyors
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 3815 Plaza Drive
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 Fax: 734.995.0599

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 NORTSTAR DEVELOPMENT
 733 BROADWAY
 ALBANY, NY 12207
 LORI HARRIS
 518-431-1051

MAPLE ROAD SITE
 SITE PLAN
 DIMENSIONAL AND SITE PLAN

3

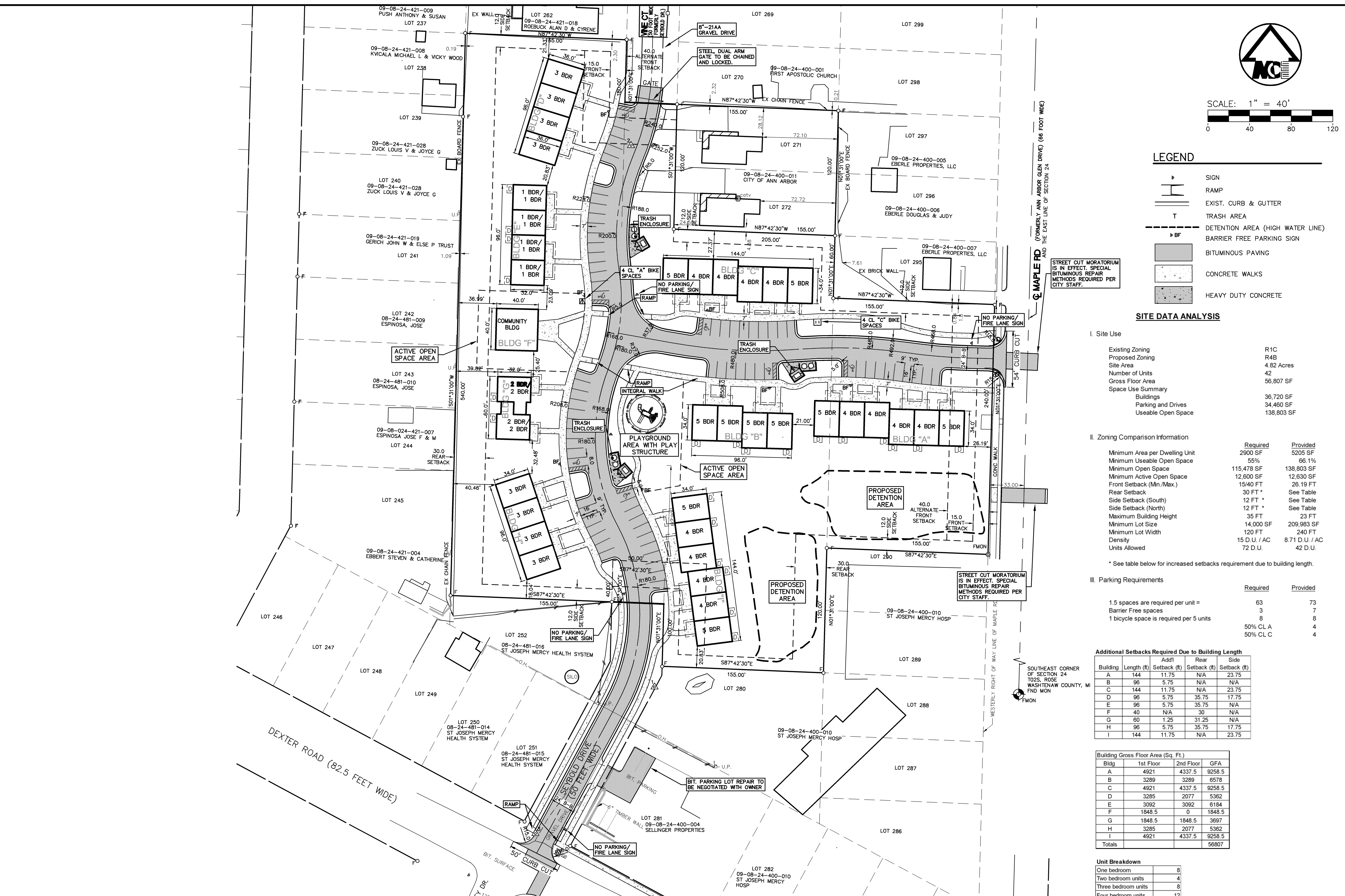
JOB No. **14002-100**

DATE: 02-24-14
 SHEET: 3 OF 11

REV. DATE
 04-08-14
 PER CITY REVIEW

CAAD: ACT
 ENG: SWB
 TECH: ACT
 14002SP-100
 PFF

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SOUTHEAST CORNER OF SECTION 24 TOWNSHIP 20S WASHINGTON COUNTY, MI FND MON



LANDSCAPE REQUIREMENTS

5.602 VEHICULAR USE AREAS LANDSCAPING AND SCREENING

(1) RIGHT-OF-WAY SCREENING
REQUIRED: ONE TREE PER 30 FEET OF FRONTAGE
MAPLE ROAD FRONTAGE: 32 FEET
SEYBOLD DRIVE FRONTAGE: 32 FEET
TREES REQUIRED: 64 ÷ 30 = 3
TREES PROVIDED: 2 TA, 2 UA
REQUIRED: HEDGE, BERM OR WALL, MINIMUM 30 INCHES TALL
PROVIDED: HEDGE - 20 JS

(2) INTERIOR LANDSCAPE AREAS - VEHICULAR USE AREA (VUA):
VEHICULAR USE AREA: 30,591 SF
REQUIRED INTERIOR LANDSCAPE AREA: 30,591 ÷ 20 = 1,530 SF
INTERIOR LANDSCAPE AREA PROVIDED: 2,124 SF
REQUIRED TREES: ONE PER 250 SF REQUIRED AREA
TREES REQUIRED/PROVIDED: 1,530 ÷ 250 = 7
TREES PROVIDED: 2 TA, 4 QB, 1 QS
REQUIRED BIORETENTION AREA: 1,530 SF x 50% = 765 SF
BIORETENTION AREA PROVIDED: 767 SF

5.603 CONFLICTING LAND USE BUFFERS

REQUIRED: ONE TREE PER 15 FEET OF ABUTTING LAND, 50% EVERGREEN
LENGTH OF ABUTTING LAND: 1,220 FEET
TREES REQUIRED: 1,220 ÷ 15 = 82
TREES PROVIDED: 86, INCLUDING 52 EVERGREENS AND 22 EXISTING TREES
REQUIRED: HEDGE, BERM, WALL OR FENCE, MINIMUM 30 INCHES TALL
PROVIDED: 60 CS, 47 VT

STREET TREE ESCROW:

FRONTAGE: FRONTAGE MAY BE REDUCED 45 FEET FOR EVERY EXISTING ACCEPTABLE TREE.
MAPLE ROAD: 240 LF
SEYBOLD DRIVE: 489 LF
EXISTING TREES: NONE
ESCROW PROVIDED: 729 x \$1.30/LF = \$947.70
STREET TREE ESCROW OF \$947.70 WILL BE PROVIDED PRIOR TO ISSUING BUILDING PERMITS.

LANDMARK TREE MITIGATION:

A. LANDMARK TREES REMOVED:

- NO. 11731 - 16' HONEY LOCUST
NO. 11752 - 20' RED PINE
NO. 14023 - 13' WHITE CEDAR
NO. 14144 - 16' HONEY LOCUST
NO. 14150 - 18' WHITE OAK
NO. 14198 - 18.5' BLUE SPRUCE
NO. 14206 - 19' SUGAR MAPLE
120.5 INCHES REMOVED X 50% = 60.25 INCHES REQUIRED REPLACEMENT

B. PROPOSED MITIGATION:

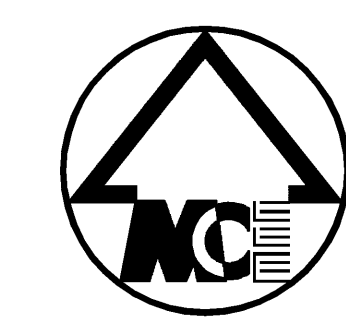
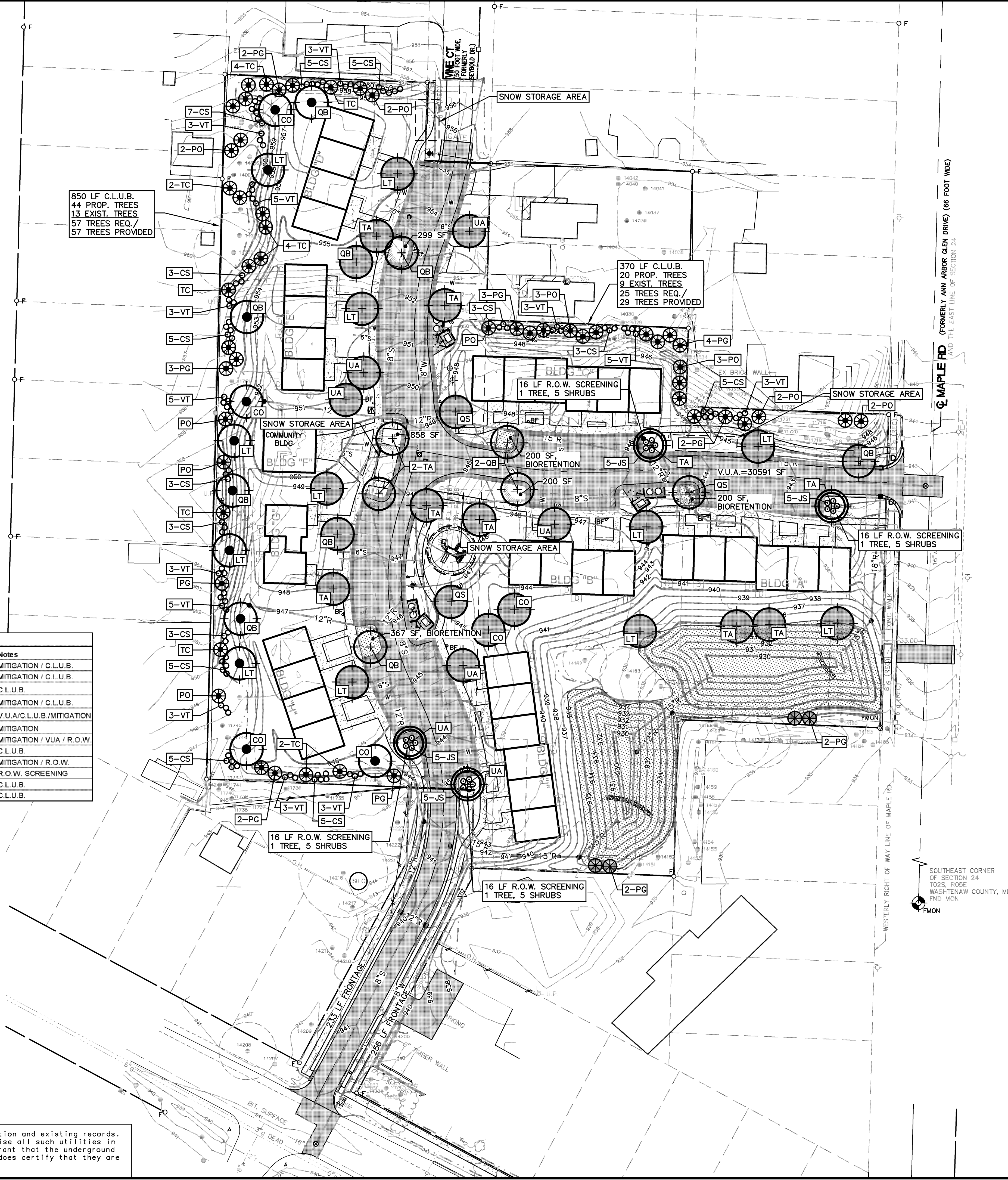
- 2 CO - HACKBERRY, 2" CAL. = 4 INCHES
8 LT - TULIP TREE, 2" CAL. = 16 INCHES
5 UA - AMERICAN ELM, 2" CAL. = 10 INCHES
6 TA - BASSWOOD, 2" CAL. = 12 INCHES
3 QB - RED OAK, 2" CAL. = 6 INCHES
3 QS - WHITE OAK, 2" CAL. = 6 INCHES
4 PG - WHITE SPRUCE, 7-8' HT. = 8 INCHES
TOTAL REQUIRED/PROVIDED: = 62 INCHES
TREES PROVIDED: 31 2-INCH TREES = 62 CAL. INCHES

MITIGATION TREES TO BE PLANTED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY, ALONG WITH THE REMAINING LANDSCAPE PLANTINGS PER THE CONSTRUCTION SEQUENCE.

PLANT MATERIAL SCHEDULE

Table with 7 columns: Qty., Sym., Botanical Name, Common Name, Size, Roots, Notes. Lists various tree and shrub species and their quantities.

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SCALE: 1" = 40'
0 40 80 120

LEGEND

- 8-38 EXIST. CONTOUR
838 PROP. CONTOUR
x 3.30 ÷ 2 EXIST. SPOT ELEVATION
36.60 PROP. SPOT ELEVATION
U.P. EXIST. UTILITY POLE
GUY WIRE
ELEC. TRANSFORMER
EXIST. OVERHEAD UTILITY LINE
PROP. LIGHT POLE
EXIST. TELEPHONE LINE
EXIST. ELECTRIC LINE
EXIST. GAS LINE
EXIST. WATER MAIN
PROP. WATER MAIN
EXIST. HYDRANT
PROP. HYDRANT
EXIST. GATE VALVE IN BOX
PROP. GATE VALVE IN BOX
EXIST. GATE VALVE IN WELL
PROP. GATE VALVE IN WELL
EXIST. STORM SEWER
PROP. STORM SEWER
EXIST. CATCH BASIN OR INLET
PROP. CATCH BASIN OR INLET
END SECTION
EXIST. SANITARY SEWER
PROP. SANITARY SEWER
C OF DITCH
SIGN
MAILBOX
TELEPHONE RISER
FENCE
SINGLE TREE
LANDMARK TREE
TREE OR BRUSH LIMIT
SECTION CORNER
SOIL BORING LOCATION
FOUND IRON PIPE
FOUND MONUMENT
CONTROL PT.
VEHICULAR USE AREA

LANDSCAPE LEGEND

- PROPOSED CANOPY TREE
PROPOSED EVERGREEN TREE
PROPOSED DECIDUOUS SHRUBS
PROPOSED EVERGREEN SHRUBS
PROPOSED CANOPY TREE (INTERIOR VUA)
PROPOSED CANOPY TREE (RIGHT-OF-WAY SCREEN)
PROPOSED CANOPY TREE (CONFLICTING LAND USE BUFFER)
PROPOSED EVERGREEN TREE (CONFLICTING LAND USE BUFFER)
PROPOSED CANOPY TREE (LANDMARK REPLACEMENT)
PROPOSED EVERGREEN TREE (LANDMARK REPLACEMENT)
FIRST FLUSH BASIN/DETENTION POND/ WETLAND SEED MIX

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MAPLE ROAD SITE
SITE PLAN
LANDSCAPE PLAN

7

Table with 4 columns: JOB No., REV. DATE, SHEET, OF. Includes job number 14002-100 and sheet number 7 of 11.

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6/13/14

**ANN ARBOR HOUSING COMMISSION NORTH MAPLE ROAD
DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this _____ day of _____, 20__, by and between the City of Ann Arbor, a Michigan Municipal Corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY; and _____, a _____, with principal address at _____, and _____, a _____ with principal address at _____ hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as Ann Arbor Housing Commission North Maple Road, and

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

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

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

THE PROPRIETOR(S) HEREBY AGREE(S):

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for construction of public water and sanitary sewer mains, 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 prepare and submit to the City for approval plans and specifications prepared by a registered professional engineer for construction of Seybold Drive between Dexter Road

and the development, including roadway, curb and gutters, public sidewalk, and including public sidewalk across 2250 Dexter Road, and all other improvements set forth in the Public Services Standard Specifications Manual.

(P-3) To construct all improvements set forth in Paragraph P-1 and P-2 of this Agreement in accordance with the approved Plans and to repair all defects in the improvements that occur within one year from the date of acceptance of the Improvements by the CITY, commencing on the latest date of the acceptance of any Improvements by the CITY. If the PROPRIETOR fails to construct the improvements, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above requiring it to commence and complete the improvements in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR, if the PROPRIETOR does not complete the work within the time set forth in the notice.

(P-4) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public improvements set forth in Paragraph P-1 and P-2 above have been completed in accordance with the specifications of the CITY in accordance with the approved plans. The engineer's certificate will cover only those items the PROPRIETOR'S engineer inspects.

(P-5) Prior to the issuance of building permits, to deposit with a mutually acceptable escrow agent fully executed documents in a form acceptable to the CITY, which will convey, upon delivery to the CITY, easements for the construction and maintenance of public utilities and public streets. The escrow agreement shall provide for delivery of the documents to the CITY solely upon the condition that the CITY has accepted the public Improvement to be conveyed by the easement.

(P-6) To include proposed street and traffic control signs on the drawings and plans for Seybold Drive and Vine Court and to reimburse the City, upon receipt of an invoice, for the cost of fabricating and installing those signs.

(P-7) To install all water mains, storm sewers, sanitary sewers 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. The final course of asphalt paving shall be completed prior to the issuance of the first certificate of occupancy on the site.

(P-8) To maintain the streets, including snow and ice removal, if certificates of occupancy are finalized before 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 North Maple Road, Dexter Road and/or Seybold Drive, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along North Maple Road, Dexter Road, and/or Seybold Drive frontage when such improvements are determined by the CITY to be necessary.

(P-10) To enter into a separate agreement with the CITY to allow access to site by the CITY for maintenance of Seybold Drive and Vine Court.

(P-11) To indemnify and hold the CITY harmless from any claims, losses, liabilities, damages or expenses (including reasonable attorney fees) suffered or incurred by the CITY based upon or resulting from any acts or omissions of the PROPRIETOR, its employees, agents, subcontractors, invitees, or licensees in the design, construction, maintenance or repair of any of the Improvements required under this Agreement and the approved site plan.

(P-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 named insured to protect and indemnify the CITY against any claims for damage due to public use of the public improvement(s) in the development prior to final written acceptance of the public improvement(s) by the CITY. Evidence of such insurance shall be produced prior to any construction of improvement and a copy filed with the City Clerk's Office and shall remain in full force and effect during construction of the public improvement(s) and until notice of acceptance by the CITY of the Improvements.

(P-13) Existing landmark and street trees shown on the site plan as trees to be saved shall be maintained by the PROPRIETOR 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 and 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 shall be replaced by the PROPRIETOR as provided by Chapter 57 of the Ann Arbor City Code.

(P-17) To deposit, prior to any building permits being issued, a street tree planting escrow account with the Parks and Recreation Services Unit in the form of a check payable to the City of Ann Arbor. The escrow amount shall be based on the CITY policy in effect at that time and is to include all on-site public streets. The City Administrator may authorize the PROPRIETOR to install the street trees if planted in accordance with CITY standards and specifications. If the street trees are found to be acceptable by the CITY, the escrow amount will be returned to the PROPRIETOR one year after the date of acceptance by the CITY.

(P-20) To construct, repair and/or adequately maintain on-site storm water management system. If the PROPRIETOR fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the PROPRIETOR at the address listed above, requiring it to commence and complete the items stated in the notice within the time set forth in the notice. The CITY may cause the work to be completed at the expense of the PROPRIETOR if the PROPRIETOR does not complete the work within the time set forth in the notice.

(P-22) After construction of the private on-site storm water management system, to commission an annual inspection of the system by a registered professional engineer evaluating its operation and stating required maintenance or repairs, and to provide a written copy of this evaluation to the CITY Public Services Area.

(P-27) To design, construct, repair and maintain this development in accordance with the provisions of Chapter 119 (Noise Control) to ensure that any noise emanating from said development will not impact nearby residents or businesses. In addition, PROPRIETOR shall review existing noise sources surrounding said development and incorporate necessary design and construction techniques to ensure that future tenants will not be exposed to noise sources in violation of Chapter 119.

(P-29) 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-32) Prior to application for and issuance of certificates of occupancy, to disconnect ___ 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 PROPRIETOR 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. PROPRIETOR 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. If provided, to perform the footing drain disconnections upstream of where the sanitary sewer flows for the development connect to the High Level trunkline (intersection of Miller Road and North First Street; CITY Manhole ID# 71-70536).

(P-35) PROPRIETOR is the sole title holder in fee simple of the land described below except for any mortgage, easements and deed restrictions of record and that the person(s) signing below on behalf of PROPRIETOR has (have) legal authority and capacity to enter into this agreement for PROPRIETOR.

(P-36) Failure to construct, repair and/or maintain the site pursuant to the approved site plan and/or failure to comply with any of this approved development agreement's terms and conditions shall constitute a material breach of the Agreement and the CITY shall have all remedies in law and/or in equity necessary to ensure that the PROPRIETOR complies with the approved site plan and/or the terms and conditions of the approved development agreement. The PROPRIETOR shall be responsible for all costs and expenses including reasonable attorney fees incurred by the CITY in enforcing the terms and conditions of the approved site plan and/or development agreement.

(P-37) In addition to any other remedy set forth in this Agreement or in law or equity, if PROPRIETOR fails to make a timely or full payments to the CITY as set forth elsewhere in the Agreement to the CITY in the agreed upon manner, any unpaid amount(s) shall become a lien, as provided under Ann Arbor City Code and recorded with the Washtenaw County Register of Deeds, against the land described below and may be placed on the CITY tax roll as a single lot assessment, or if the development is converted to condominium ownership, every owner of a portion of the property shall pay a pro-rata share of the amount of the payments attributable to each condominium unit. If the unpaid amount(s), in whole or in part, has been recorded as a lien on the CITY'S tax roll and with the Washtenaw County Register of Deeds, upon payment of the amount in full along with any penalties and interest, the CITY, upon request, will execute an instrument in recordable form acknowledging full satisfaction of this condition.

(P-38) 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 Ann Arbor Housing Commission North Maple Road 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 PROPRIETOR and the CITY agree as follows:

(T-1) This agreement is not intended to create a contractual right for third parties.

(T-2) This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

(T-3) This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior approval of the CITY is received. Such approval shall not be withheld unreasonably.

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

legal description(s)

(T-5) In addition to any other remedy in law or in equity failure to comply with all of the above paragraphs on the part of the PROPRIETOR, or any part of the approved site plan, in part or in whole, shall give the CITY adequate basis and cause to issue a stop work order for any previously-issued building permits and shall be an adequate basis and cause for the CITY to deny the issuance of any building permits, certificates of occupancy, or any other permits unless and until the CITY has notified the PROPRIETOR in writing that the PROPRIETOR has satisfactorily corrected the item(s) the PROPRIETOR has failed to perform.

(T-6) This agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and Ann Arbor City Code.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above written.

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

Witnesses:

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Steven D. Powers, City Administrator

Approved as to Form:

Stephen K. Postema, City Attorney

Witness:

By: _____
Name, Title

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 20___, before me personally appeared John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation by its authority.

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

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

On this _____ day of _____, 20__, before me personally appeared _____, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as his free act and deed.

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

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