



**City of Ann Arbor**  
**Formal Minutes - Final**  
**Planning Commission, City**

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

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Tuesday, October 21, 2014

7:00 PM

City Hall, 301 E. Huron St., 2nd Fl.

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**10-c 14-1547**

Nixon Farm North, 3381 Nixon Road - A proposal including several related petitions necessary to develop a 68-acre site at the northwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 209 attached dwelling units in 51 buildings, with community clubhouse and pool, storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. (Ward 1) Staff Recommendation: Approval for Annexation and Postponement on all others

*Chair Woods noted that the next two projects would be considered together, with a single public hearing.*

*DiLeo presented the staff report.*

*Marilyn Shatz, 2730 Maitland Drive, Ann Arbor, said she understands that there is a 30 foot setback along Nixon Road, but that it would be more appropriate with 40 feet, like there is at Ashford Place. She said it would be appreciated if there was adequate landscaping installed prior to construction to help shield the construction. She said she recently visited two Toll Brother's development sites in Pennsylvania and noted they were both very congested and had minimal landscaping. She urged the City to have concerns about both of these scores. She said fixing the intersection will not fix Nixon Road, and a traffic circle does not solve the problem. She noted back up at 3:30 pm at the Earhart Road and US23 traffic circle yesterday that was incredible. She said she was not sure if the answer is public transportation. She said it would be useful to have a website showing weekly updates for approvals of work, and when construction would begin. She said in regards to the wetlands and run-off issues there are now products that are pervious materials that can be used for roads and driveways and help solve the water run-off problem.*

*Gideon Hoffer, 22 Haverhill Court, Ann Arbor, said the Nixon Farm proposals include two entrances on Nixon, one on the north and one on the south. He said imagine one car during rush hour wanting to make turn left into Nixon Farm. While they are waiting for traffic to clear there will be a back-up behind that car because there is only one lane. He*

*asked what will happen when new traffic is added; can we widen Nixon Road, can we accommodate left turns?*

*Fred Mayer, speaking on behalf of Northbury Condominium Association, said when many of their members bought their units they were aware that the Nixon property would be annexed into the City and would be developed. He said they don't have a problem with that concept, per se, but they are anxious to see that the development takes place in a manner that respects the natural character of the environment as well as the existing character of the surrounding neighborhoods. He said they have been working with other associations in the northeast part of Ann Arbor and they support their stand on the issues. He said he wanted to concentrate on neighborhood compatibility. He said they support the developer's original intent with residential-only development, and the inclusion of commercial and office uses on this site would be highly objectionable and they would be strongly opposed to it. He said the proposed unbroken row of buildings that extends from north to south is not in character with the neighborhood, and if one looks at Nixon Road there has been a conscious intent to create a green roadway with houses set back allowing for landscape buffers and berms, and in some instances houses have been turned perpendicular which allows for green pockets. He said this creates a reasonable separation between Nixon Road, which is a major arterial road with noise and pollution, from the residential uses. He said with this proposed development, with the houses lined up tight to the right-of-way, it is a complete contrast to what previous developers have done in that area. He said they would like to see that altered and for the Commission to work with them on that request. He said this site is one of the last remaining open spaces in Northeast Ann Arbor, and is surrounded by existing neighborhoods on 3 sides, with their own distinctive character and quality, and those who moved there respected that quality and wanted to be a part of it. He said they would like to see this development blend harmoniously with those neighborhoods. He said some conflicting developments that have recently come to the City are the townhouses on South Fifth and the high rise on Huron Street and Division and they don't want to see these conflicts repeated. He said they think with a few appropriate modifications to the site plan that can be avoided and they hope the Planning Commission will work with the neighborhoods.*

*Elizabeth Donoghue Colvin, 17 Westbury Court, said she had concerns about stormwater management, traffic and sidewalks. She encouraged the Commission to do the best they can in stormwater management, given the saturated soils in Northbury and issues with wet basements in the area. She agreed that the traffic issue is larger than the intersection and encouraged the Commission to think as large as possible about the issue; a park and ride lot further north on Nixon Road if possible, a*

*transit route that would connect along Nixon Road and hopefully with a connector system planned that will make its way up to Plymouth Road. She said she understands there is a grant for sidewalks on the east side of Nixon. She said on the west side of Nixon, where the sidewalks will end and where Westbury lets out, if they are not connected to the Clague area, people will need to cross over. She suggested that sidewalks either continue to the Clague area and/or provide a safe crossing for children as well as adults who want to walk in the area.*

*Lisa Dusseau, 2740 Lakehurst Lane, said she wanted to speak to the density and aesthetics of the developments in the area. She read from a prepared statement noting that they don't want to see an ominous wall of grey stone. She said with the developments going on in the area there would be 1200 new residential units planned. She said Trowbridge had stated to the media that they see sustainable demand for single family homes. She asked why this part of town has to bear the burden of high density development and asked the Commission to look at developments in the area with regards to the amount of density, placement of buildings, and tenants in the exiting neighborhoods, which are mostly single family dwellings.*

*James D'Amour, 2771 Maplewood Avenue, said he was not a resident of the Northeast Area, but he participated in the process of creating the Northeast Area Plan, when he had the opportunity to serve. He said it was a privilege to serve and worthwhile in many aspects, especially the creation of the Transportation Plan. He said he didn't believe the land use recommendation was a deliberative process, but a set process, where the Planning staff was directed by the City, with the primary purpose of preventing urban sprawl, and creating affordable housing and providing transit. He said we in Ann Arbor think we are going to be the saviors of southeast Michigan, and we are going to save the world. He said we are really only making ourselves more dense. He said he really thinks there hasn't been a true dialog in the process in terms of the Northeast Area Plan. He said you need to take a step to really listen to the neighborhoods that have come to you tonight and moving forward and they do not need to be lectured about not being aware of the big picture. He said, knock it off! He said there is a lot of brain power in this room and just because people don't have a degree in urban planning doesn't mean they don't know what they want for their neighborhoods. He said the members of the Planning Commission are supposed to be the citizen representatives. He said to staff, he realizes that 15 years ago there were some cutting edge things they were looking at regarding the Northeast Area Plan, but maybe it's time to look at that in the greater context and maybe with a reality check.*

*Mary Ann Drew, 8 Haverhill Court, read from a prepared statement,*

saying that she invited the Planning Commission to drive through the northeast from Washtenaw Avenue along Nixon until it terminates at Pontiac Trail. She said in all the developments you will find generous setbacks with landscaping along the roads and even new single family homes are built with generous setbacks, or with sides facing the road in order to prevent the units being too close to traffic. She said in the Master Plan, it recommends landscaping along Dhu Varren and Nixon Roads to preserve the green edges along the roads. She said she understands that Toll Brothers has changed the units along Nixon to be 2-story units instead of 3 and if that is correct, she commends them for listening to the community and she hopes that the setback along Nixon will be increased to 40 feet. She said as part of Northbury's landscaping committee, she has been working to incorporate sidewalks and landscaping for the last two years and they have hired landscape specialists and consultants in an attempt to deal with the impact on the evergreens, adding that they could be impacted by the air quality and ever increasing pollution. She said she is struggling with the fact the City Council and Planning Commission are not addressing the challenges to Tree City Ann Arbor and the impact of the three developments upon the environment. She said they are not interested in commercial development and are disappointed that Ann Arbor does not have requirements for permeable pavements and LED lighting.

Ward Bissell, 5 Northwick Court, resident of Northbury Commons, and of greater Ann Arbor for 52 years, said he appreciates the vast amount of time spent on issues dealing with the Toll Brother's development. He said his suspicion is that Toll Brothers will agree to all the requirements proposed by the City of Ann Arbor, then attempt to get around all or most of them. He said he based this suspicion on the record that \$1.4 million had been awarded by a jury to homeowners, because of Toll Brothers using banned material in a development, and fines assessed by the federal government for violations of The Clean Water Act. He said this information is readily available about the Toll Brothers and narrates a true horror story of endless violations of building codes and shoddy construction. He said under these circumstances it would be premature to approve annexation and anything else.

Tom Tomsik, 2880 Lakehurst Lane, said he feels he speaks on behalf of others and lives right behind the proposed Nixon South development. He said his neighborhood had turned in a position paper to City Council and he hoped it was being referred to as it contains several of the elements talked about at this evening's meeting. He said he had concern about barrier free design, and whatever development goes in, whether multi-family or single-family dwelling, that the barrier-free design be taken into consideration. He said he has friends that have to leave town because there are no barrier free housing available. He said hopefully

*more people will be able to stay in Ann Arbor because there could be more barrier-free housing units available to them. He encourage using The Center for Independent Living for consultation of standards. Ann Arbor is great place to live, anything we can do to maintain and improve the quality of life, the greater life will be. He said he knows the Commission has a tough job to do and he didn't envy them and he thanked them for the fine work that they do in addressing the many issues brought before them.*

*Jeff Hayner, 1807 Pontiac Trail, said he has lived in this part of town for 32 years, and he felt this project is offensive to a lot of people for a lot of reasons. He said to dump this many houses, in this density with this many autos onto the area is offensive. He said this should be annexed, zoned, and used for agricultural, because once you build houses, the agricultural use will be gone forever. He said just north, you have land that's being used for farming and the best thing you can do to keep this area green it to leave it green agricultural land. He said it is disappointing that more property inside the highway belt have not being set aside through funds of the Greenbelt because they create greenways that all connect. Instead, he said, we have been focusing outside of the freeway. He said there is a lot of talk about fixing the roundabout that sits in the middle of a swamp, and it takes dozens of years to bring back wetlands. He said there needs to be more consideration about the value of the origin of the land. He said he understands that when the land was under commercial farming they used fertilizers and such but it was agricultural land and green. In closing he said what the City is experiencing more density, which is the exact opposite of what was promised here in Ann Arbor.*

*Robb Burroughs, OX Studio, 302 B South State Street, Ann Arbor, representing the petitioners, introduced the development team. One of the elements they want to emphasize is the connections of the two parcels, which allows for the Dhu Varren and Nixon intersection to be re-aligned. He said all of the south buildings along Nixon have been reduced to two stories. He noted that the development is leaving a large undisturbed area, specifically 50 percent of the northern parcel remain in an undisturbed setting, which allows them to leave a unique buffer along the western boundary and allows the opportunity of nature trails through the development and connection with the broader park system.*

*Noting no further speakers, Chair Woods declared the public hearing continued, if the items are postponed.*

**Nixon Farm North:**

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

**Council approve the Nixon Farm North annexation of 67.8 acres from Ann Arbor Township, and**

**The Ann Arbor City Planning Commission hereby recommend that the Mayor and City Council approve the request for R4A (Multiple-Family Dwelling District) zoning designation for the Nixon Farm North site, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm North Site Plan and Development Agreement, including flexibility in the application of the Landscaping and Screening Ordinance for conflicting land use buffers, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Nixon Farm North development, and**

**The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Nixon Farm North development, and**

**Nixon Farm South:**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm South annexation of 41 acres from Ann Arbor Township, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the request for R4A (Multiple-Family Dwelling District) zoning designation for the Nixon Farm South site, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Nixon Farm South Site Plan and Development Agreement, including flexibility in the application of the Landscaping and Screening Ordinance for conflicting land use buffers and vehicular use areas, and**

**The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Wetland Use Permit for the Nixon Farm South development, and**

**The Ann Arbor City Planning Commission hereby authorizes activity in the natural features open space for the Nixon Farm South development.**

*COMMISSION DISCUSSION:*

*General discussion pursued regarding annexations and zonings with Rampson explaining the process to the Commission.*

*Westphal asked if the Commission were to postpone everything but the annexation, would tonight's meeting be the opportune time to voice concerns on proposed changes the Commission would like to see before the item returns.*

*Rampson said yes, this would be the best time for the Commission to bring concerns so that staff can work with the petitioner.*

*Woods said they would discuss all motions on the table and then entertain a partial or complete consideration of postponement.*

*Clein asked about the projected cost of the project and if they would be rentals or condos, noting that the total project cost is listed in documents as \$5,500,000, which he considered to be low.*

*Burroughs said he believed the cost would be more than noted in the staff report and that all of the units are intended as for sale units. He said the South side has two different types of blended brownstones, which stack two-story units next to each other with parking on the lower level. He said they create a unique, slightly higher density feel, while on the northern side, there would be carriage homes with a blend of 3,4,5, or even 6-plex attached condominium development unit houses with front entry and side entry and ranch style for end units.*

*Clein asked if they had a target mix at this time on unit sizes, in trying to understand what the targeted demographics is, noting comments from public speakers regarding the opportunity for aging in place.*

*Jeff Brainard explained that the stacked units are around 1800 square feet and the carriage units on the north side are about 2100 square feet, on average, with a mix of 2 and 3 bedrooms in both types.*

*Clein asked where they thought they were in the marketplace.*

*Brainard said they are about 18 months from opening up, if all goes well, and given the market research at the time, they estimate the townhouses to be in the \$300,000 range and the carriage houses in the \$400,000 range.*

*Clein asked about total development cost of \$ 5.5 million listed in the staff report.*

*Brainard said it is high; he estimates the total value to be less than stated.*

*Clein asked where the number came from.*

*Brainard said they combined the north and south developments together so they would be more in the \$ 10+ million range.*

*Clein said if you look at it on a per unit basis it seems low at under \$ 20,000 per unit, which would put it at an average of \$10 per square foot. He said maybe this would've been an opportunity for the developer to allay fears of the broader concerns brought about quality.*

*Brainard said they do put a lot into their developments and don't do things on the cheap.*

*Bona asked about barrier free design and asked what gives them assurance that the site plan is as forward thinking about a younger demographic, or residents with disabilities, or older residents, given that a mixed demographic is the most desirable. She asked how many barrier free units have they planned and how would they get around the site or would they need to get in car to get around the site and what if they don't drive.*

*Burroughs said all of the streetscapes throughout the development are lined with sidewalks and lead out to the sidewalks on Nixon and Dhu Varren and into the community at large. He said there are a minimum number of barrier free units designated per code and there have been discussion and requests for single-level units, which is what has been mentioned for the end ranch units and is currently the thought process as to how those units get mixed in and intentionally to blend in. He said the younger demographic is to integrate to the community at large through streets and sidewalks and level engagement to get out into nature and to access the tributary to Traver Creek, which already has some undefined walking paths that would be promoted as an interconnected fashion, not only from within their property but from outside of their property.*

*Bona asked how one would get from the property on the north side of Dhu Varren.*

*Burroughs said it would be an ultimate challenge because of the traffic; maybe catapult. He said it is the definable access point but without the bridge to get across, and that the ultimate goal is to find a way to mitigate that through finding another means of getting them through.*



*Bona said maybe there was a possibility of having something on the site plan or in the development agreement about the developer helping to make a future connection would be nice.*

*Bona said she wanted to know more about the potential of future designation of a commercial area, other than as being part of the last phase. She said the designated area doesn't feel like the best spot.*

*Burroughs said that stand alone commercial can become subordinated and moving it to the south, closer to other commercial development made more sense to them.*

*Bona said an independent commercial retail development with a little parking lot was not what she had in mind when she suggested the idea at a working session. She had envisioned small entrepreneurs as they planned in Ashley Mews, where they could live and work from a home office. She said that ultimately didn't work, as was the case in Brighton, where they tried work spaces attached to residential units. She said in Seattle, they designed the first floor as studio apartments, but gave the flexibility for businesses such as small day cares, artist studios, business without in and out traffic. She said she was not sure if C1 zoning would allow not having a parking lot and she had envisioned walkable commercial development such as Knight's Market and Big City Bakery. She said C1 zoning is not what she had in mind when she made the suggestion. She said she still thinks that in a part of our City that's only residential, to be walkable we have to think about weaving in employment and shopping opportunities.*

*Woods noted the time had passed 11:00 p.m. and that discussion would continue on the agenda item before them.*

*The Commissioners agreed.*

*Westphal said there have been meetings with neighbors and some design elements have changed since the original conceptual designs were presented. He asked what those changes included.*

*Burroughs said the clubhouse on the north side was moved further into the property, making it more central to the development instead of at the entrance, and they addressed the vertical massing of the brownstones fronting Nixon by reducing the units to two story.*

*DiLeo clarified that the move of the clubhouse reduced woodland impact and units along the western property line were pulled back.*

*Westphal said the Commission appreciates the developer making modifications when there is early input. He said the Master Plan strongly recommended designation of some commercial development in the area, noting that he understands there is an option for a later phase, which does not honor the recommendation of the community. He asked for a review of that response.*

*Burroughs said the market studies and neighbor comments point to not wanting commercial along that stretch within the two parcels. He said there is a question as to what the zoning defines and what would be a hybridized commercial element, leaving a small box with parking around it which leaves one aghast. He said Toll Brothers has included in the final phase an area that can continue to evolve and could be ultimately knitted together with some unique form of urban adaptation.*

*Westphal said he felt it was the Commission's challenge to define neighborhood retail, noting that throughout the City they find small retail that fits the location and they do require parking to be at the side or rear of the building so not to have the boxed-in-the-lot feeling. He said he feels strongly that this needs to be addressed or reserved such that it is not planned for residential. He said it may be appropriate to leave for a later phase, but feels it needs to be guided by what people want for the area, which is a place where they can walk to. He said with regard to building codes and green features desired, he asked if Toll Brothers has touted any LEED or Energy Star on their developments.*

*Brainard said they offer upgrades and they like to go above and beyond; they do 2 x 6 construction, house wrap, Low E glass, argon filled glass for windows and they use Energy Star appliances and they try to be energy efficient and do upgrades that will exceed building code.*

*Westphal said there was an interest in keeping the community informed of construction. He asked if they have ever used websites to communicate construction or in larger developments if they have let neighborhood know of construction timelines.*

*Brainard said they haven't used a website but on major infrastructure work such as paving they would inform the surrounding neighborhood. He said they are open to putting something in place if that is the desire.*

*Brainard clarified about the construction cost that they would be approximately \$75,000 per unit or \$55-\$65 per square foot.*

*Westphal asked about the stormwater facilities.*

*Todd Pascoe referred to a board with the stormwater facilities, showing*

*that infiltration is done underneath the roads through infiltration trenches in the North site. He said all the water basins will have water quality structures built in. There will also be vegetated swales that work to clean the water as it passes. He showed the layout on the South site as well, noting that the soils do not meet requirements for infiltration, so the ponds have been upsized by 20 percent and treatment will be handled in the same way, but the release rate will be less since the storage is more.*

*Woods asked about the depth of the ponds and if there is vegetation around the ponds to keep the resident's children out of the ponds.*

*Pascoe said the deepest is 5-6 feet and most of them are 2-3 feet. He explained that they are dry vegetated ponds where water is stored and released over 48 hours and in a large rain event, the ponds will fill to the top, which is five feet.*

*Woods asked about the pond closer to Logan school and how far away it was from the school.*

*Pascoe showed there was a wetland between the school and the ponds and a walking trail to get to the school.*

*Briere asked about parks and the concept of connecting to the pedestrian access on the east side. She said she didn't see anything about dedicating parkland to the City or any mention of easements and asked for clarification.*

*Burroughs said the gesture has been made to begin dialog with the City's Parks Department and that details have not yet been worked out.*

*Briere reviewed statistics from Greenbelt fund.*

*Briere asked about "upgrades", noting concern that better insulation would qualify as an upgrade.*

*Brainard said upgraded insulation would include an application of in-blown high density fiber insulation that increases the R-value.*

*Briere said that if they are building in that fashion, then the value is in having these qualities in all units consistent throughout the development.*

*Burroughs clarified that the elements are built at a higher level and that it wouldn't be a purchasing option.*

*Clein noted some conflict between what the Master Plan calls for and what the neighbors want in regards to commercial use and density. He*

*said he envisioned ground floor commercial and living above, but noted that the site is clearly an auto-centric neighborhood based on its location as well as the layout of the site and land. He commended the petitioner to sticking to areas that had been agriculture and away from natural features, but that may mean the site does not lend itself to a new urbanism style of community. He said in this location, walk-up style might seem inconsistent with the other neighborhoods in the area where they are used to more landscape buffering and buildings not facing street. He felt it was a positive that the height of the buildings along Nixon has been reduced so neighbors are not met with a tall wall. Regarding the density, he noted they are within the recommendations, and the north site is less, explaining while there are several hundred units being built it is not really that dense. He said as an architect, he is dismayed at the repetition of the single product in every area, while more variety would allay some concerns about the repetition and could make some units more valuable. He said regarding the environmental issues he has read the provided information and will ask staff to look into concerns about natural features and species. He said regarding the request for landscape modifications he was having difficulty on the need for modifications for interior landscaping; he didn't have a problem with leaving the existing vegetation buffer that is there, as long as it has good screening qualities.*

*Mills asked about rationale for row houses along Nixon.*

*Burroughs said that he believes it is the Planning Commission's intent to front streets with design, whether commercial or residential, and this gives residents the opportunity to connect with neighbors in a 30 foot setback with landscape buffers.*

*Mills asked for elevation plans of units.*

*DiLeo said there are some black and white renderings included in the staff report, and she would make sure to provide more at the next meeting.*

*Mills asked about northbound traffic turning lane.*

*DiLeo said this is being wrapped into the intersection study.*

*Mills asked about the activity in the natural features open space as listed in the motion.*

*DiLeo explained that Chapter 57 requires a 25 foot buffer around wetland and watercourses, and that some of those activities include grading or permanent encroachments and bridges in the watercourses*

*and the buffer area.*

*Mills said it would be helpful if the areas of activities would be highlighted when the item returns to the Commission.*

*Peters asked if the natural features protection plan include any fiscal plan.*

*DiLeo said she believed the wetland monitoring plan requires a plan but she would find out.*

*Peters said there is clear community concern that the protection of natural features be included as part of the plan.*

*Peters asked for the timeline for providing the natural features protection plan.*

*DiLeo said it needs to be shown on the revised plans or it won't make it to Planning Commission.*

*Pascoe said they continuing to work on the plans as they receive feedback and they will regroup after everything they have heard tonight.*

**Moved by Adenekan, seconded by Clein to postpone all items other than the annexation for Nixon Farm North and Nixon Farm South.**

**Friendly amendment offered by Briere to divide the motions of annexation from the question.**

**Agreed by Adenekan and Clein.**

**VOTE ON DIVISION OF MOTIONS:**

**On a voice vote, the Chair declared the motion carried.**

**COMMISSION DISCUSSION ON POSTPONEMENT OF ALL ITEMS EXCEPT THE ANNEXATIONS:**

*Peters said he still had one question for staff, but he could ask it later if the item was returning.*

*Woods said he could ask his question now in the meeting if he wanted everyone to hear what he was asking or he could always ask staff a question at any time.*

*Westphal clarified that they were discussing to postponing all items except the annexations.*

**VOTE ON POSTPONEMENT OF ALL ITEMS EXCEPT THE ANNEXATIONS:**

**On a voice vote, the Chair declared the motion carried.**

*COMMISSION DISCUSSION ON ANNEXATION OF NORTH AND SOUTH:*

*Briere said she was not willing to vote in favor of annexation tonight as she felt there were still a number of unanswered questions.*

**Moved by Briere to postpone the annexations for two weeks, to the first meeting in November.**

*DISCUSSION ON POSTPONEMENT OF ANNEXATION:*

*Clein asked if Briere could share some of the questions with the Commission.*

*Briere said she understood the process of annexation going to City Council but that it would be a challenge for Council to vote on annexation without a site plan. She said there will be questions asked that she can't answer. All of the questions deal with zoning and one of the deep questions people ask her is why do we have to annex this parcel in the first place. She said the questions deal with policy and politics and not with staff questions.*

*Peters asked about the ramifications of postponing the annexation process on this item.*

*Rampson said it would extend the timeframe of getting this property into the City.*

*Peters asked the petitioner's viewpoint.*

*Brainard said they would like to move forward with the annexation tonight to get the process moving forward, but if it waits until November 5, that would be okay.*

*Westphal said he appreciates that this is a political question; however he understands that the City is under agreement to annex this land with the Township and in our efforts to follow our policies and have things move along, especially since the zoning is not attached to the annexation, he would want to move annexation forward and leave the zoning to a later date.*

*Woods asked for clarification that the City has already made agreements*

*with the township that we will annex certain properties and it is only a matter of time when that will happen.*

*DiLeo said yes.*

*Bona asked Briere if the answers to her questions would come from issues related to zoning, which haven't been acted upon. She noted that the City could zone it to parkland or public land.*

*Briere agreed that the City has engaged in long standing agreements to annex islands, but because of the timing, she doesn't believe this is going to impact a further decision or the timing of that further decision or the impact at the State level or the governance level. She said as she listened to people tonight she found herself thinking about things she wants to be certain about and get those questions answered. She said by bumping the decision to November would put the annexation on the first meeting in December and this seems like a harmless delay to the petitioner.*

*Woods asked if annexed property starts collecting taxes.*

*Rampson said it would have to be annexed before the end of the year to begin collecting taxes next year.*

**VOTE ON POSTPONEMENT OF ANNEXATION:**

**On a roll call, the vote was as follows with the Chair declaring the motion defeated.**

**Yeas:** 1 - Sabra Briere

**Nays:** 7 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Jeremy Peters, and Sarah Mills

**Absent:** 1 - Sofia Franciscus

**VOTE ON ANNEXATION OF NORTH AND SOUTH:**

**On a roll call, the vote was as follows with the Chair declaring the motion carried.**

**Yeas:** 8 - Bonnie Bona, Wendy Woods, Kirk Westphal, Eleanore Adenekan, Kenneth Clein, Sabra Briere, Jeremy Peters, and Sarah Mills

**Nays:** 0

**Absent:** 1 - Sofia Franciscus

*Briere asked that the record show she will be asking more questions about annexation off camera.*

- 10-d 14-1548** Nixon Farm South, 2999 Nixon Road - A proposal including several related petitions necessary to develop a 40-acre site at the southwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 264 attached dwelling units in 51 buildings, with storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. (Ward 1) Staff Recommendation: Approval for Annexation and Postponement on all others
- See Agenda Item 10-c for Commission Discussion and Action on this item.*