



TO: Mayor and Council

FROM: Larry Collins, Interim Community Services Administrator
Craig Hupy, Public Services Area Administrator
Cresson Slotten, Systems Planning Manager

CC: Tom Crawford, Interim City Administrator

SUBJECT: Council Agenda Responses – B-2 & DB-1 (Woodbury Club Apartments)

DATE: 1/19/16

B- 2 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 53.61 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Woodbury Club Apartments, Southeast corner of Nixon Road and M-14 (CPC Recommendation: Approval – 9 Yeas and 0 Nays) (Ordinance No. ORD-15-13) (8 Votes Required)

DB-1 – Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval – 8 Yeas and 0 Nays)

Question: Land: What is status of the small land donation you have offered to the City? Why do you want R4A zoning for the east parcel when no site plan has been submitted? Do you plan to build on the east parcel? What is the status of negotiations with the City as to donation or purchase of part or all of the east parcel to or by the City? (Councilmembers Westphal and Lumm)

Response: The response to this question should be provided by the developer.

Question: Traffic: Are you concerned about your tenants access to Nixon Road? Would you wait on zoning and site plan approval for the estimated six months such a

study would take in case it would alter your plan (for example, by recommending more right of way)? (Councilmembers Westphal and Lumm)

Response: The response to this question should be provided by the developer.

Question: Water: Your site plan seems to incur into wetland buffer zones. Did you offer a public good in exchange and if so what? Apart from City Council zoning and site plan approval do you have all other permits in place, for example, federal, Michigan, Washtenaw County Water District, soil tests? Did soil tests show lack of sufficient permeability so that you have to have extra retention on site? Can you guarantee no water runoff impacts to Barclay Park and Arbor Hills? (Councilmembers Westphal Lumm)

Response: The petitioner proposes to encroach into a finger of the main wetland southwest of Building 1 with 2,550 square feet of disturbance. This disturbance is proposed to be mitigated with the creation of 6,729 square feet of new wetland between Wetland 2 and 1, near the northwest corner of the site. The quality of the wetland finger that is proposed to be disturbed is considered to be "low". This mitigation has been approved by the Michigan Department of Environmental Quality and City of Ann Arbor Staff.

Question: Planned Project: What public good are you offering to allow buildings higher than allowed by R4A zoning? (Councilmembers Westphal and Lumm)

Response: The petitioner is proposing a Planned Project so that the units can be clustered to preserve natural features. The petitioner is asking permission for buildings that are 39.29 feet in height which exceed the 35 foot height limitation. The petitioner meets three Planned Project standards of approval including: **1)** usable open space in excess of the minimum requirement: the minimum required amount of open space in the R4A district is 65%. The petitioner is proposing 86.2% usable open space, **2)** building setbacks in excess of the minimum requirement: the petitioner is proposing setbacks that exceed the minimum requirement for all four property lines, **3)** pedestrian orientation: the petitioner is proposing five sidewalk connection points to the public sidewalk along Nixon Road and most of the units will be a short walk to the public sidewalk along Nixon Road. Additionally, sidewalks surround each of the four proposed buildings and are connected to a sidewalk system throughout the site. Lastly, the petitioner has agreed to dedicate a public access easement from Nixon Road to the proposed parkland near the central portion of the site that would allow members of the public to access future parkland.

Question: What comfort can staff provide that Woodbury Club stormwater will not flow south and cross into the Barclay property? In other words, please describe -- or point to a preexisting description of -- storm water treatment on the proposed site. (Mayor Taylor)

Response: With regards to stormwater drainage, the Woodbury Club site currently drains to the east, toward the existing lake, and then to the north under M-14/US-23. This drainage flow then comes back under the expressway onto the northwesterly corner of the Woodbury Club site and then under Nixon Road toward the Nixon Farms North site and ultimately into Traver Creek. The proposed development would continue this pattern. The existing site and the proposed development do not drain toward the Barclay Park site to the south, with one exception: if the lake fills up with more than 1-½ feet of water above the standing water level (which would require an extreme rain event to do so), the lake can also outlet to the south, through the east end of Barclay Park in a drainage course that existed before Barclay Park was site planned and developed, and which would not affect buildings on the Barclay Park site. A culvert was provided under Barclay Way as part of the Barclay Park development to accommodate this possibility.

Question: Barclay has had difficulty maintaining newly planted trees due to standing water and the like. Can we provide comfort that Woodbury Club's tree planting, which is proposed to be substantial, will not suffer the similar fate? (Mayor Taylor)

Response: With regards to the landscaping, the site conditions at Barclay Park and the proposed Woodbury Club development are quite different. The Barclay Park development impacted (filled-in) over 26,000 square feet of regulated wetlands throughout the site. Three regulated wetlands on the site were completely removed; one along Nixon Road, another along the southern property line and a third wetland in the interior of the site. The site also impacted (filled-in) portions of some of the preserved regulated wetlands on the site; and several marginal wetlands that did not meet the full definition of a regulated wetland were also filled-in to build condominiums. These wetland impacts changed the hydrology of the site considerably, which has made it difficult to establish trees in Barclay Park, especially in areas that were previously wetlands.

The wetland conditions and impacts that exist at Barclay Park do not exist at the proposed Woodbury Club development. The Woodbury Club development is primarily staying within the previously farmed area, and is proposed to impact (fill-in) approximately 2,600 square feet of wetland, in one area, along on the southern and western edge of Wetland #3. The proposed landscaping and mitigation trees are located primarily in the upland areas of the site, within the parking lot islands and adjacent to the parking lots and buildings.

Question: Could you confirm (for sure) that the current extension expires on May 11, 2016. Also, are extensions a normal practice for development projects such as this? Would you anticipate another extension request being granted. (Councilmember Lumm)

Response: Response provided by Scott Miller at Washtenaw County:

Yes, I can confirm for sure that the current extension expires on May 11, 2016. Extensions are fairly typical if the developer remembers to request them in time, especially if the project has remained active with the other units of government

and has not really changed their site design. In this particular case, we would anticipate continuing to grant extensions if needed as long as the site design is not being significantly modified (admittedly I do not really know this absent seeing the current plans). Evan and I discussed Woodbury this morning, and the nature of the site (extensive wetlands) would probably not be too amenable to infiltration best management practices that would be required under the current rules. Evan suggested that I also talk with Jerry/Cresson going forward about approval expirations for future sites, as he recalls the city giving a 3 year window as opposed to our current 1 year expiration policy. The longer we are operating under the current rules the less likely this circumstance may arise (site approvals spanning over two versions of the rules), but we do not necessarily want to require additional submittals and fees on sites that do not really warrant it in cases where other circumstances may be delaying the process.

Question: Could you help with getting a better understanding of his/Evan's assessment, that "the nature of the site (extensive wetlands) would probably not be too amenable to infiltration best management practices that would be required under the current rules." Wondering what this means in terms of Bleznak's current stormwater plan – e.g., is it OK under old rules but not under the new rules? (Councilmember Lumm)

Response: The new WCWRC Rules require a little more detention volume than the old rules and that a portion of the detention volume be infiltrated into the ground. Not all sites can accommodate infiltration. The Woodbury site consists of mostly clay soils and a high groundwater table, both of which limit the ability for the soil to infiltrate. Within the new Rules, if a site cannot accommodate infiltration there is a penalty that requires 20% more detention volume.

The site has been designed in conformance with the old Rules. Since infiltration is likely not possible, conforming to the new rules would increase the sizes of the proposed detention facilities by 30 to 40%. The amount of stormwater generated and the outlet rates would not change.

By City code, the City gives the stormwater review authority to the County for the Woodbury Club proposal, so the decisions on what set of rules have to be followed are up to the County.

Question: Please explain the lack of a site plan for the eastern parcel and the use of the eastern parcel as a land bank to permit greater density on the western parcel. (Councilmember Lumm)

Response: The submitted site plan covers the entire 54-acre site. The developer will be required to combine the parcels prior to the issuance of building permits. Developers commonly assemble multiple parcels for development and are required to combine the parcels prior to submitting construction drawings for building permits. In this case, the developer has chosen to propose units that are clustered at the western side of the site,

which has much of the developable land on the property. It would be possible for the developer to submit a future site plan that requests additional development on those portions of the eastern side of the site that can accommodate residential development. Such a site plan would need to be approved by City Council, and will need to meet all City ordinance and planned project requirements.

Question: Can you elaborate on the benefits achieved by the City in exchange for the planned project designation? How much of the “extra” open space being preserved is actually buildable area? (Councilmember Westphal)

Response: The petitioner meets three Planned Project standards of approval, including:

1. Usable open space in excess of the minimum requirement: The minimum required amount of open space in the R4A district is 65%. The petitioner is proposing 86.2% usable open space
2. Building setbacks in excess of the minimum requirement: The petitioner is proposing setbacks that exceed the minimum requirement for all four property lines
3. Pedestrian orientation: The petitioner is proposing five sidewalk connection points to the public sidewalk along Nixon Road and most of the units will be a short walk to the public sidewalk along Nixon Road. Additionally, sidewalks surround each of the four proposed buildings and are connected to a sidewalk system throughout the site. Lastly, the petitioner has agreed to dedicate a public access easement from Nixon Road to the proposed parkland near the central portion of the site that would allow members of the public to access future parkland.

The site plan shows an open area of about 2 acres in size to the east of Building 3 that could have accommodated more dwelling units. Approximately 30% of this area is being proposed for surface stormwater detention. The rest is being shown as undisturbed open space. Additionally, the surface detention ponds that are proposed for the project provide habitat for a variety of animal and plant species. These detention facilities could perhaps be buried underground which might provide more buildable area for development.

Question: Is public access through the site (and connection with potential natural area on the east portion) guaranteed in perpetuity? For how many years? Would this be required anyway with another site plan, or is it truly a benefit? (Councilmember Westphal)

Response: The public access easement is intended to remain in perpetuity. The developer is not required to provide this access.

Question: Would any of the potential road or nonmotorized improvement recommendations from the forthcoming Nixon Corridor study be precluded by approving the site plan as stated (e.g., right-of-way allowances)? (Councilmember Westphal)

Response: No. The site plan shows an additional 27 feet of right-of-way being granted to the City by the developer, which will bring the minimum right-of-way from the Nixon Road centerline to 50 feet along the Woodbury frontage.

Question: Is there agreement between the county and state regarding the delineation/boundaries of wetlands? Whose map takes precedence? Was the entire wetland system taken into account by the reviewing bodies, or just the section of the wetland falling within the parcel? (Councilmember Westphal)

Response: The wetland boundaries are delineated (flagged) on the site by the Petitioner's wetland consultant. City staff and the Michigan Department of Environmental Quality (if it is a State regulated wetland), field verify the delineated wetland boundaries to determine if they agree with the delineation. For wetlands greater than 5 acres, or those connected to water bodies, the State wetland delineation takes precedence. For wetlands that are not regulated by the State, the City's wetland delineation would take precedence. The entire wetland system is considered when impacts to a wetland system are proposed.

Question: We've been told that the maximum water level of the wetland will not increase due to release from the detention ponds. What is the likelihood of the main wetland outlet being blocked or impacted? What is the result if it is? Is there a backup plan? (Councilmember Westphal)

Response: Response provided by Scott Miller at Washtenaw County:

The detention basins will discharge into the wetlands on the site, which in turn discharge to the north under M-14. Ultimately, it then flows southwest towards Traver Creek. I could not answer, however, the likelihood that the culvert under M-14 will fail. As with all culverts/water courses in the county, this would be variable based upon specific site conditions, age/condition of the culvert, and future storm events at the site. If it fails, then MDOT would have jurisdiction to either repair or replace the culvert. A physical result of a blocked outlet would be that the water level upstream of the culvert would rise and either increase the spatial area of water in the wetland or the water would overflow from the next lowest point of relief. I am not aware there is a back-up to this proposed storm water management plan (although we would not require one for a receiving channel).

Question: How much more water will be entering the wetland than currently enters from the undeveloped parcel? Will the health of flora and fauna in and around the wetland be

negatively impacted by the higher rate of exchange of the water in the wetland?
(Councilmember Westphal)

Response: The purpose of a stormwater management system is to collect the run-off from the proposed site and to slowly release it, at a controlled rate that is equal or less than the current rate of the undeveloped site in accordance with Washtenaw County Water Resources Commissioner rules. On the Woodbury Club site, the volume of stormwater will increase due to added impervious area, with the volume of water varying depending on the size and intensity of the particular storm event. However, the rate (volume per unit of time) at which the water leaves the site will be less than the current rate from the undeveloped site.

Question: Is there subsurface water flow? Could changing the hydrology on the site with the buildings and impervious surfaces result in unanticipated tree health decline? How might this impact overall rain absorption on the site? (For example, several trees on the border between Barclay Park and Windemere Apartments died presumably when drainage changed.) (Councilmember Westphal)

Response: The City does not have information on subsurface water flow.

Staff does not anticipate that the proposed development will result in the decline of existing trees. The site conditions at Barclay Park and the proposed Woodbury Club development are quite different. The extensive wetland impacts at Barclay Park changed the hydrology on the site considerably, which has made it difficult to establish trees in Barclay Park, especially in areas that were previously wetlands and are now filled (ex: areas between Barclay Park and Windemere Apartments).

Question: What are the potential runoff impacts to Barclay Park and Arbor Hills?
(Councilmember Westphal)

Response: The Woodbury Club site currently drains to the east, toward the existing lake, and then to the north under M-14/US-23. This drainage flow then comes back under the expressway onto the northwesterly corner of the Woodbury Club site and then under Nixon Road toward the Nixon Farms North site and ultimately into Traver Creek. The proposed development would continue this pattern. The existing site and the proposed development do not drain toward the Barclay Park site to the south, with one exception: if the lake fills up with more than 1-½ feet of water above the standing water level (which would require an extreme rain event to do so), the lake can also outlet to the south, through the east end of Barclay Park in a drainage course that existed before Barclay Park was site planned and developed, and which would not affect buildings on the Barclay Park site. A culvert was provided under Barclay Way as part of the Barclay Park development to accommodate this possibility.

Additional detail on proposed grading will be required on the construction drawings, submitted and reviewed by city staff prior to issuance of a grading permit, to ensure that all water is directed to the proposed stormwater management system.

Question: Does a public good need to be offered for the wetland impact? (Councilmember Westphal)

Response: Per Chapter 60, 5:212 *Use Permits and Standards*, the approving body determines if the wetland impacts are in the “public interest,” considering the criteria set forth in Chapter 60, 5:212(2)(a-i). This code section states:

In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect local, state, and national concern for protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:

- a) The relative extent of the public and private need for the proposed activity.*
- b) The availability of feasible and prudent methods and alternative locations and methods to accomplish the expected benefits from the activity.*
- c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private uses to which the area is suited, including the benefits the protected wetland provides.*
- d) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.*
- e) The probable effect on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.*
- f) The size of the wetland being considered.*
- g) The amount of remaining wetland in the general area.*
- h) Proximity to any waterway.*
- i) Economic value, both public and private, of the proposed land change to the general area.*

Question: Is the city permitted to change its review process relating to wetland use/impacts, or is it prevented from doing so by the state? (Councilmember Westphal)

Response: City regulated wetlands, the City can change its review process but any proposed changes would need to ensure that they do not conflict with State law.

Question: How did the city arrive at the quality standard at which it rated the impacted wetland? (Councilmember Westphal)

Response: The Land Development Regulations, a companion to Chapter 57, define the characteristics that of low, medium and high quality wetlands. Per the Land Development Regulations, Attachment A:

Low quality wetlands are those that have been greatly damaged, have been reduced to open water and /or a few species of plants, or are dominated by invasive species. Replacement or relocation of these wetlands is more acceptable, if they must be taken for development. In many cases, these wetland can be effectively repaired and used for storm water retention and infiltration.

City staff used these standards to determine that the 2,600 square feet of impacted wetland, which has previously been farmed, was low quality

Question: For multifamily projects like this, is there a guarantee that the replacement trees promised on the landscape plan will live? How is this assured? Are there inspections or does it require citizen complaint? (Councilmember Westphal)

Response: All landscaping, on an approved site plan, must be maintained on the site in perpetuity, as a continuing obligation of the site plan (Chapter 62, 5:607(12); 5:611(1)). Initially, the landscaping is approved prior to issuance of Certificates of Occupancy. Future enforcement is complaint-driven, or if the site comes in for site plan changes, the landscape must be in compliance with the approved site plan.

Question: Does the city inspect the functioning of the detention outlets? How often? (Councilmember Westphal)

Response: The City does not inspect detention outlets following completion of a development, unless there is a complaint submitted to the City regarding a particular location.

Question: Can conservation easements be rescinded by the property owner? (Councilmember Westphal)

Response: No.

Question: Were green roofs discussed as a community benefit for this project? (Councilmember Westphal)

Response: Prior to the site plan being submitted, staff recommended that the developer consider a variety of environmentally friendly ways to improve the project including energy efficiency (e.g., insulation that exceeds minimum standards), green energy production (e.g., solar panels), and sustainable water systems (e.g., pervious pavement). Green roofs may or may not have been discussed at this time.

Question: The first resolved clause in DB-1 says, "That City Council approve the Development Agreement, substantially in the form of that attached, dated January 14, 2016." The most recent Development Agreement attached is dated Sept. 18, 2015. Can you please provide the January 14, 2016 version. (Councilmember Lumm)

Response: The Development Agreement, dated January 14, 2016 has been attached to the Council Agenda item. Besides the date of the Agreement changing from 2015 to 2016, and the name of the City Administrator being revised, the only paragraph that has changed since the previous version, dated September 18, 2015, is P-8 which clarifies that the easement shown on the site plan is a pedestrian easement and that it is of variable width and its final location may be modified, as necessary.

Question: The Sept. 18th Development Agreement (p-17) and the cover memo in DB-1 indicate that if (for whatever reason) the Toll Brothers development does not proceed, then Woodbury could receive certificates of occupancy (1) when the intersection improvements are completed or (2) January 1, 2019 – whichever comes first. Can you please confirm that means Woodbury Club occupancy could occur even if the intersection improvement isn't made at all, and, if that's the case, why would we permit that – we've always said there would be no development here unless the intersection is improved. Also, what happens to the developer's contribution in the event Toll Brothers does not proceed, the intersection isn't improved, but Woodbury Club is occupied on Jan. 1, 2019 – is the contribution amt. changed (i.e., to make up for the Toll Bros. shortfall), returned, or retained by the City? (Councilmember Lumm)

Response: Woodbury Club occupancy can occur even if the intersection improvement isn't completed. If Toll Brothers commences with the Nixon Farms projects, then the intersection will be completed by January 1, 2018. If not, then the City will retain the \$200,000 as funding for the intersection improvement. Currently, the City's CIP has the intersection improvement scheduled for 2018, and the Developer has agreed not to request certificates of occupancy until the end of that construction season to allow the City additional time to complete the intersection if the Nixon Farms project does not commence.

Question: P-17 of the Development Agreement describes the \$200,000 the developer contribution as the developer's "proportional" share of the intersection cost. While this very well may be what the developer has offered as a contribution, on what basis is it determined to be "proportional"? Under the terms approved as part of Nixon Farms, \$1M of the intersection cost will be borne by the developers and \$1M by AA taxpayers. Of the developers \$1M, Woodbury Club is paying \$200K or 24% of the \$825K Nixon Farms is paying even though Woodbury Club has 60% as many units (282 vs. 472). While I understand there may be nuances related to traffic volume generated from the types of units involved, it doesn't seem logical that would explain the large discrepancy between Woodbury's proportion of units (60%) vs. their proportion of contribution (24%). Both plan for 2 parking spaces a unit. Can you please explain. (Councilmember Lumm)

Response: Toll Brothers agreed to pay more than their proportional share of the intersection improvements based on traffic. The amount Toll Bros. is now required to pay, based on the conditional zoning, and site plan approval, is based on the 50% of the cost that the City would not be able to recover from state and federal grants when it built

the intersection improvement in 2017, as requested by Toll Brothers. Woodbury Club's contribution to the total traffic in the intersection is proportional to the total cost of the intersection.

Question: The benefit indicated as justification for the over-maximum building height (39.3 feet proposed vs. 35 foot max.) is it allows for clustering of buildings and more open space. Can you please explain how an additional 4 feet allows for clustering that would not be available otherwise and what the developer would propose if the 35 foot maximum height was adhered to – less units, smaller units, less open space? (Councilmember Lumm)

Response: The additional 4 feet in height allows a pitched roof which is preferred by the developer. Pitched roofs generally convey a more residential appearance than flat roofs and are easier to maintain. The 39.3 foot height allows 3-story buildings instead of 2-story buildings, which allows the units to be more clustered while maintaining the residential appearance of the project. The developer would likely propose flat roofs if they were not allowed to build pitched roofs.

Question: Several neighborhood groups are concerned about the stormwater impacts of developing this site – impacts on the wetlands on the property as well as impacts on their developments (Arbor Hills and Barclay Park). Compared with the current undeveloped site, how much more water will enter the wetlands, what will be the resulting impacts and is there any potential risk of additional stormwater runoff to Barclay Park and Arbor Hills? Could we also take another look at the location and birming of the south detention pond that is located close to the Barclay Park pump (a pump that the Barclay Park homeowners indicate runs 24/7/365 and pumps 15-17,000 gallons/hour) and located in an area where trees have been negatively impacted by stormwater? Neighbors have questioned the location of this detention pond because overflow runoff from this pond would potentially affect the Barclay Park pumps/ability to manage stormwater runoff. (Councilmember Lumm)

Response: With regards to stormwater drainage, the Woodbury Club site currently drains to the east, toward the existing lake, and then to the north under M-14/US-23. This drainage flow then comes back under the expressway onto the northwesterly corner of the Woodbury Club site and then under Nixon Road toward the Nixon Farms North site and ultimately into Traver Creek. The proposed development would continue this pattern. The existing site and the proposed development do not drain toward the Barclay Park site to the south, with one exception: if the lake fills up with more than 1-½ feet of water above the standing water level (which would require an extreme rain event to do so), the lake can also outlet to the south, through the east end of Barclay Park in a drainage course that existed before Barclay Park was site planned and developed, and which would not affect buildings on the Barclay Park site. A culvert was provided under Barclay Way as part of the Barclay Park development to accommodate this possibility.

Additional detail on proposed grading will be required on the construction drawings, submitted and reviewed by city staff prior to issuance of a grading permit, to ensure that all water is directed to the proposed stormwater management system.

The discharge rate of the proposed detention basins were designed in accordance with Washtenaw County standards. The detention discharge rate of the proposed development into the wetlands will be lower than the current rate from the undeveloped site.

Question: There have been several traffic studies and some confusion on the Nixon Road traffic volumes (before and after the proposed developments). Please provide the average daily trips on Nixon Road today and how many ADT's Nixon Farms (N&S) and Woodbury Club are projected add. Also, please provide the same data for peak AM and peak PM times. (Councilmember Lumm)

Response: The 2015 Average Daily Traffic (ADT) for Nixon Road just south of Dhu Varren and Green: 7371 vehicles per day.

The Nixon Farms (North and South) total Average Daily Trips, as reported in the development's traffic impact assessment is 2486 vehicles per day. This number of trips represents all trips, regardless of what direction they will take. Many of these trips will not travel on Nixon Road. Anticipated volumes for all sections of Nixon will be determined as part of the City's corridor study.

The Woodbury Club total Average Daily Trips, as calculated by staff, not reported in traffic impact assessment is 1542 vehicles per day. Again, this number of trips represents all trips, regardless of what direction they will take. Many of these trips will not travel south on Nixon Road through the Nixon/Dhu Varren/Green intersection.

Question: Can you also please provide a status update on the Nixon Corridor Traffic study? Also can you please confirm that the easements and rights-of-way reflected in this agreement are sufficient to accommodate the potential actions (adding lane, etc.) that could come out of the Corridor Study? (Councilmember Lumm)

Response: The RFP (Request for Proposals) process is in the selection phase. It is anticipated that a resolution to award the Professional Services Agreement for this work will be brought to City Council in March. The site plan shows an additional 27 feet of right-of-way being granted to the City by the developer, which will bring the minimum right-of-way from the Nixon Road centerline to 50 feet along the Woodbury frontage, which is sufficient for potential recommendations of the study.

Question: At a meeting Friday, the developer indicated there are several possibilities for building/developing a portion of the east parcel, but there is no formal proposal at this time for Council to consider. Given that, and the fact that a the possibility of a conservation easement has been raised recently, would it make more sense to act on

the zoning for the west parcel (where there is a proposal) and wait on the zoning for the east parcel until there is a formal proposal or definitive plan? (Councilmember Lumm)

Response: The developer has submitted a site plan for the entire site and the proposed density depends on the entire site. The developer can combine the parcels now that they have been annexed. Staff requires that the parcels be combined prior to submitting construction drawing for building permits. Staff recommends approving the R4A zoning and site plan for the entire site once all of the outstanding issues have been addressed.

Question: There is confusion about open space and density calculations. It sounds like current (and future) density is being calculated across both parcels and will not exceed zoning. However the petitioner is getting credit for clustering buildings and preserving open space when there may be some development in the future on the eastern parcel. Is that potentially developable area giving open space credit that may not last? (Councilmember Westphal)

Response: The site includes a total of 54 acres. The R4A zoning allows a total of approximately 540 dwelling units for this acreage. The petitioner is proposing 282 dwelling units at this time. The site is currently two parcels that will be required to be combined prior to building permits being issued. It is possible for the developer to propose additional units elsewhere on the site at a future time as long as the total number of dwelling units does not exceed the allowable density for the site, and as long as all other requirements of City ordinance and the planned project approval are met. If development were to be proposed on the eastern parcel/portion of the site in the future, a revised site plan would need to be submitted to the City for consideration.

Question: Site plan sheet #2 shows much of the elevations for Buildings 2-3 dropping towards the south. Is this correct and where will the water go? (Councilmember Westphal)

Response: Additional detail on proposed grading will be required on the construction drawings, and will be reviewed by City staff during the grading permit application process. The addition of a swale will be required along the south property line to ensure that run-off is captured in the proposed stormwater system.

Question: South Pond proposes 4800 sq ft of wetland fill for a road and staff do not recommend it. How is half the fill okay for parking that could be east of the clubhouse with no fill? (Councilmember Westphal)

Response: The current South Pond plan with access off of Huron River Drive, is not supported by City staff because the area contains ALL FIVE of the natural features regulated by the City of Ann Arbor, woodlands, landmark trees, natural features open space, floodplain and steep slopes; and there is a viable alternative for access off of Chalmers Road. Areas of overlapping high-quality natural features are of greatest concern for protection, per Chapter 57.

The Woodbury Club development is primarily staying within the previously farmed area, and is proposed to impact (fill-in) approximately 2,600 square feet of low-quality wetland, on the southwestern edge of Wetland #3.

Question: On 8/12/13, Kerry Gray asks: "Please provide the full Wetland Determination and Site Characteristics Report. A full wetland review cannot be completed without the report." Where is this report? (Councilmember Westphal)

Response: The wetland report, site photos, wetland maps and the supplemental wetland assessment were provided and posted to eTrakit on August 29, 2013.

Question: If senior housing is being considered enough that Planning Commission wanted concept plans, why aren't sidewalk and road design anticipating bus stops and A Ride? (Councilmember Westphal)

Response: The developer has not proposed senior housing at this time. If the developer were to propose senior housing or any other new residential development, the developer would need to apply for site plan approval that would need to be approved by City Council.

Question: Will non-motorized access to the east parcel be planned with the easement? (Councilmember Westphal)

Response: The developer is showing a non-motorized access easement from Nixon Road to the western edge of the eastern parcel and the proposed parkland dedication on the western parcel. A barrier-free sidewalk system is shown on the site plan within the access easement.

Question: Given the circumstances that led to tree loss between Barclay and Windemere, is it possible or advisable to request bonds from the petitioner to cover costs that may result from errors in their storm water flow calculations? Or are there other ways surrounding neighborhoods can hold them liable post construction? (Councilmember Westphal)

Response: All landscaping, on an approved site plan, must be maintained on the site in perpetuity, as a continuing obligation of the site plan (Chapter 62, 5:607(12); 5:611(1)). Initially, the landscaping is approved prior to issuance of Certificates of Occupancy. Future enforcement is complaint-driven, or if the site comes in for site plan changes, the landscape must be in compliance with the approved site plan.

Any private property issues that arise between two adjacent property owners are handled as a private matter.