

ANN ARBOR PLANNING DEPARTMENT STAFF REPORT

For Planning Commission Meeting of March 19, 2013

**SUBJECT: Hideaway Lane Planned Project Site Plan for City Council Approval
(2000 Traver Road)
File No. SP12-025**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hideaway Lane Planned Project Site Plan and Development Agreement.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby authorizes the disturbance of the natural features open space per submitted plans.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the alternative mitigation plan for 153 caliper inches of required tree replacement and 14% of required wetland mitigation.

STAFF RECOMMENDATION

Staff recommends that the planned project site plan be **approved**, because the proposed building separation modification will result in building placement with better pedestrian orientation and reduced need for infrastructure and impervious surface, and, with this modification, the contemplated development would comply with all applicable state, local, and federal law, ordinances, standards and regulations; and the development would not cause a public or private nuisance, limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, and would not have a detrimental effect on the public health, safety or welfare.

Staff recommends authorization of the disturbance to the natural features open space be **approved**, because the benefit which would reasonably be expected to accrue from the proposal is greater than the reasonably foreseeable detriments of the disturbance.

Staff recommends action on the alternative mitigation be **approved**, because it is consistent with the Guidelines for the Protection and Mitigation of Natural Features, it provides an overall ecological value to the site or City at least as beneficial as the required mitigation and, in the case of the woodland mitigation, provides funds for the management and restoration of important natural features on public land in the vicinity, and in the case of the wetland mitigation, restores and managements an important natural feature on the site.

STAFF REPORT

This petition was postponed by the Planning Commission at the February 5, 2013 meeting to allow additional time for staff and the petitioner to clarify natural feature impacts and mitigation requirements, as well as receive preliminary approval from the Water Resources Commissioner. Those outstanding issues have been addressed, as explained below, and the petition is ready for reconsideration. Please refer to the February 5, 2013 staff report for the project description, history, planning background, and planned project analysis, all of which remain unchanged.

Natural Feature Impacts and Mitigation

Woodlands – The previously approved Hideaway Lane Planned Project (2005) included 811.5 caliper inches of mitigation trees for woodland tree removal. The previous developer removed 30 caliper inches of invasive species for mitigation credit and planted 173.5 caliper inches of replacement trees on the site. The current petitioner is now responsible for the remaining 608 caliper inches of required mitigation. The petitioner proposes to plant an additional 455 caliper inches of new trees on the site and, as alternative mitigation, contribute \$12,280 for the remaining 153 caliper inches needed to complete the mitigation plan in full. City Code allows alternative mitigation for up to 50% of required mitigation instead of planting replacement trees on-site, and one of the acceptable alternatives is to contribute funds to purchase and plant trees elsewhere in the City. The alternative mitigation contribution is included in the development agreement.

Wetlands – The petitioner is responsible for mitigating a small amount of new wetland fill, for areas previously approved to be filled but not actually done by the previous developer. In addition, the petitioner will complete the remaining mitigation work required by the previous site plan approval for wetland fill done by the previous developer. In the end, over 9,400 square feet of wetland mitigation area will be constructed (traditional wetland mitigation), over 1,100 square feet of invasive species removal will be done within existing wetland areas (alternative wetland mitigation), and over 4,000 square feet of an existing, well vegetated wetland mitigation shelf surrounding the storm water pond will be preserved, enhanced and supplemented (alternative mitigation). This wetland mitigation scenario represents approximately 86% traditional mitigation and 14% alternative mitigation.

To alleviate concerns about the long term viability of the wetland shelf surrounding the storm water pond, the petitioner will conduct dredging and clean up of the pond upon final stabilization of the site. This will minimize any potential damage to existing wetland vegetation established and immediately repair any new impacts by the construction work. Also, the petitioner will provide a cash bond to be used in the event that the County Water Resources Commissioner does any maintenance work to the pond that causes damage to the surrounding shelf.

Natural Feature Open Space Disturbance – Wetlands and woodlands are required to have a surrounding 25-foot open space. Any disturbance must be found by the Planning Commission to be in the public interest, and that the benefit which would reasonably be expected to accrue from the proposal shall be greater than the reasonably foreseeable detriments of the activity [disturbance]. The proposed petition includes two instances of natural feature open space disturbance. First, much of the natural feature open space for the bioswale (considered to be an established wetland since being constructed in 2006) is proposed to be permanently disturbed. The footprint of two dwelling units encroach onto the bioswale's natural feature open space, disturbing 2,400 square feet of the approximately required 4,800-square foot natural

feature open space. Second, a much smaller portion (822 square feet, estimated to be 5 to 10%) of the natural feature open space adjacent to the wetland area surrounding the storm water management pond will be permanently disturbed.

The Planning Commission should consider these general criteria in determining authorization for natural feature open space impacts (Chapter 55 Section 5:51(6)(a)-(i)). Note that the “proposed activity” in this case is the two instances of permanent disturbance to wetland natural feature open space.

- a. The relative extent of the public and private need for the proposed activity.
- b. The availability of feasible and prudent 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 use to which the area is suited, including the benefits the natural feature and/or natural feature open space provides.
- d. The probable impact of the activity in relation to the cumulative effect created by other existing and anticipated activities in or near the natural feature to be protected.
- e. The probably impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and public health.
- f. The size and quantity of the natural feature open space being considered.
- g. The amount and quantity of the remaining natural feature open space.
- h. Proximity of the proposed activity in relation to the natural feature, taking into consideration the degree of slope, soil type and the nature of the natural feature to be protected.
- i. Economic value, both public and private, of the proposed activity and economic value, both public and private, if the proposed activity were not permitted.

UNIT COMMENTS

Land Development – Preliminary approval from the Washtenaw County Water Resources Commissioner has been received.

Natural Resources – All natural feature identification questions have been resolved. Some minor miscellaneous errors must be corrected before the approved plans are sealed, and the proposed *Pinus resinosa* (Red Pine) must be switched to a species native to this area of Michigan.

Planning – A development agreement has been prepared to replace the previous agreement.

Hideaway Lane
Page 4

Attachments: 2/5/13 Planning Staff Report
3/15/13 Draft Development Agreement

c: Petitioner: Trowbridge Homes of Hideaway, LLC
2614 Beacon Hill Drive
Auburn Hills, MI 48326

Petitioner's Agent: Bruce Michael
Ojibway Development, LLC
3270 Coolidge Highway
Berkley, MI 48072

Systems Planning
Project No. SP12-025

ANN ARBOR PLANNING DEPARTMENT STAFF REPORT

For Planning Commission Meeting of February 5, 2013

**SUBJECT: Hideaway Lane Planned Project Site Plan (2000 Traver Road)
File No. SP12-025**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hideaway Lane Planned Project Site Plan and Development Agreement.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby authorizes the disturbance of the natural features open space per submitted plans.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the alternative mitigation plan for 295 caliper inches of required tree replacement.

STAFF RECOMMENDATION

Staff recommends that the site plan be **postponed** until all outstanding issues have been addressed, including clarification of natural feature impacts and mitigation requirements and receipt of preliminary approval from the Washtenaw County Water Resources Commissioner.

Staff recommends authorization of the disturbance to the natural features open space be **postponed** until the quantity of the proposed impacts is more precisely determined and minimized as much as possible.

Staff recommends action on the alternative mitigation be **postponed** until the precise quantity of necessary alternative mitigation is determined.

LOCATION

This site is located in the Northeast planning area and the Traver Creek watershed.

STAFF REPORT

The petitioners seek approval to construct 19 single-family dwellings on a 4.6-acre site, zoned R4A Multiple-Family Dwelling District. The site currently contains one single family-dwelling and

nine townhouse dwelling units. In addition to the existing buildings, the site has a central driveway, underground public utilities, and a storm water detention basin on the south side. These were installed as the first phase of another single-family dwelling development of the same name that was not completed and its site plan has since expired (see History section of this report).

Four perpendicular courts of single-family homes, three with three homes and the fourth with four homes, are proposed on the west side of the central driveway. On the east side of the central driveway, the homes are arranged parallel to the drive. The homes on the courts will be arranged for front doors to face one another or, for the homes on the perimeter, onto the side and rear yards of the site. Each home will have a two-car attached garage. Additional parking is available in parallel parking spaces along the central driveway and in the individual driveway aprons. The homes are all two stories and have either two or three bedrooms. They are spaced 10 feet apart. Since the Zoning Ordinance requires a minimum building spacing of 20 feet, planned project modifications have been requested.

The site is bordered along its western property line by Traver Creek. The Ann Arbor Railroad runs along the site's southern property line. At this time, the site's natural features include a watercourse and its 100-year floodplain, as well as wetlands and landmark trees. There is also a 25-foot natural features open space adjacent to Traver Creek. The plan proposes the filling of two small wetland areas that emerged after the construction work stopped on the previous development, and natural features open space encroachment in two places. Encroachment of 5 feet or less is proposed to accommodate unit 10, the most southwestern unit. Encroachment of about 15 feet is proposed to accommodate units 2 and 3. No other disturbances are proposed.

Ultimately, the previous site plan proposed a total of 6,560-square feet of wetland disturbance and 9,884-square feet of wetland mitigation. The approved wetland disturbances were generally located within the buildable area of the site. The mitigation areas were on the east side of the site (labeled as a bioswale on the proposed site plan), southwest of the townhouse building, and flanking a spillway that transports water from the railroad. The petitioner and staff continue to work together to confirm which wetlands were impacted, which wetland mitigation areas were completed and what mitigation remains to be done.

Similarly, the previous site plan identified six landmark trees and a pioneer woodland covering most of the site. The landmark trees were removed and the entire pioneer woodland was removed, except within the 25-foot natural feature open space along Traver Creek, as approved and permitted. A total of 1,646 caliper inches were approved to be removed and a total of 823 caliper inches of tree mitigation was required. Of the 823 caliper inches of tree mitigation, 528 caliper inches of trees were to be planted on site, 149 caliper inches of invasive species were to be removed from the site as one form of alternative mitigation, and a donation of funds to plant 113 caliper inches of trees in City parks as a second form of alternative mitigation. The petitioner and staff also are working together to determine how many trees were planted on site specifically for mitigation, how many still need to be planted, and whether the invasive species have been removed and the funds have been deposited. Further, because of the new housing style and layout of the proposed site plan, it may be necessary to adjust the number of trees planted on site and the alternative mitigation scheme.

A storm water detention basin has been constructed in the southern portion of the site. It has a wetland shelf that is well-vegetated and may have been intended as wetland mitigation. Another wetland mitigation area was created south of the detention basin and is bisected by a

riprap spillway that was constructed to stabilize an erosion problem from a large area on the east side of the railroad that ultimately drains across the tracks and into Traver Creek. A postcard notice was mailed by the petitioner to owners and occupants within 500 feet of the site when the project was submitted in early September 2012.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Leslie Park Golf Course	PL Public Land
EAST	Single-family Residential	Township
SOUTH	Ann Arbor Railroad, Truck Rentals (on Plymouth Road)	Township
WEST	Multiple-family Residential	R4A Multiple-family Residential

COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED
Zoning		R4A (Multiple-Family Dwelling District)	R4A	R4A
Gross Lot Area		199,069 sq ft	199,069 sq ft	21,780 sq ft MIN
Min. Lot Area Per Dwelling Unit		19,907 sq ft per unit	6,330 sq ft per unit average*	4,300 sq ft MIN*
Min. Usable Open Space in % Lot Area		Unknown	66%	65% MIN
Min. Active Open Space		Unknown	17,700 sq ft	300 sq ft per dwelling unit MIN (9,000 sq ft MIN)
Setbacks	Front	45 ft (existing townhouse bldg)	45 ft (existing)	15 ft MIN 40 ft MAX
	Side(s)	42 ft – west 20 ft – east	42 ft – west 20 ft – east	20 ft MIN
	Rear	760 ft	250 ft	40 ft MIN
Height		Approx 26 feet	30 ft	35 ft MAX
Parking - Automobiles		Approx 18 spaces	40 garage spaces 30 surface spaces	39 spaces MIN
Parking - Bicycles		Unknown	23 Class A 2 Class C	1 Class A, 1 Class C MIN

* The applicable minimum lot area per single-family dwelling unit is 7,200 square feet (R1C standards). The applicable minimum lot area per townhouse dwelling unit is 4,300 square feet (R4A standards). The proposed combination of units (21 single family @ 7200 sq ft per unit = 151,200 sq ft plus 9 townhouse @ 4300 sq ft per unit = 38,700 sq ft) requires a total lot area of 189,900 sq ft.

HISTORY

The majority of the site, 4.3 acres, was site planned as Traver Park, approved in 1965, for six townhouse buildings with a total of 49 units. Only one of the six buildings was constructed. At some point, the remainder of the site was haphazardly littered with construction site spoils and over time, a pioneer woodland emerged among the mounds of dirt, bricks and rubble.

On July 14, 2005, the Hideaway Lane Annexation, Zoning and Planned Project Site Plan petitions were approved. A 0.25-acre parcel adjacent to the original Traver Park site was annexed and zoned R4A and included in a site plan for four duplex units and 18 single-family dwellings, in addition to the existing 9-unit townhouse building. Mass clearing and grading of the site, installation of underground utilities and a central driveway, the storm water detention basin and wetland mitigation areas, and one single family dwelling were constructed shortly thereafter. The curblineline of Traver Road was also realigned by the previous developer, removing a cul-de-sac bulb and constructing a sidewalk across the site's frontage. The project stalled due to changed market conditions and eventually stopped altogether.

PLANNING BACKGROUND

This site is located in the Northeast planning area. The site has a specific future land use recommendation (Site 16 in the Northeast Area) for residential uses at a gross density of 8 to 10 dwelling units per acre, preferably including a mix of apartments, duplexes, and townhouses. The Master Plan: Land Use Element also emphasizes the need to develop new neighborhoods with the overall community in mind. Compact and clustered development, front porches, landscaping, a mixture of housing types, natural area protection, pedestrian/bicycle/transit connections, reduced setbacks and street facing entries are some of the specific community design techniques for neighborhoods.

PLANNED PROJECT STANDARDS FOR APPROVAL

According to Section 5:70 of the Zoning Ordinance, the City Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the Zoning Ordinance in the form of a planned project site plan, based upon the following standards (petitioner response in regular type, staff comments in *italics*):

Requested modifications:

- Modification to Section 5:30 – Requires a minimum building spacing of 20 feet.
The petitioner is requesting 10-foot building spacing.

How these modifications will help achieve the objectives of the development program and the standards for planned project approval: [We request these modifications] to allow development consistent with the previously installed infrastructure as part of the previously approved site plan.

1. **The lot(s) included in the planned project meet the minimum gross lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum gross lot size shall be the combined total of the minimum gross lot sizes for each dwelling on a parcel.**

The proposed combination of 21 single-family dwelling units and 9 townhouse units require a gross minimum lot size of 189,900 square feet. The 199,069-square foot site meets this requirement.

2. The proposed modifications of zoning requirements must provide one or more of the following:

- a. Usable open space in excess of the minimum requirement for the zoning district.
- b. Building or parking setback(s) in excess of the minimum requirement for the zoning district.
- c. Preservation of natural features that exceeds ordinance requirements, especially for those existing features prioritized in the land development regulations as being of highest and mid-level concern.
- d. Preservation of historical or architectural features.
- e. Solar orientation or energy conserving design.
- f. An arrangement of buildings that provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.
- g. Affordable housing for lower income households.
- h. A recorded conservation easement or similar binding instrument providing for permanent open space of 20 percent or more of the planned project.

Proposed modifications provide: a (excess usable open space), c (exceeding natural features preservation), and f (beneficial arrangement of buildings).

Staff agrees the requested modifications will enable the proposed development to provide for (f) an arrangement of buildings that provides pedestrian orientation and a reduced need for infrastructure. Staff believes that the proposed modifications do meet the intent of planned projects, namely the added degree of flexibility in the placement and interrelationship of the buildings within the planned project. When taken as a whole, the proposed modifications provide for a better design than if the standard requirements were applied with no flexibility. Infill residential projects, particularly in the 5-7 dwelling units per acre range and containing a variety of housing types, are expressly recommended by the draft Northeast Area Plan.

3. The planned project shall be designed in such as manner that traffic to and from the site will not be hazardous to adjacent properties.

[There will be] no new curb cuts to Traver Road.

4. The proposed plan modifications shall be consistent with the proper development and use of adjacent land and buildings.

[The] current plan is fundamentally the same as the previously approved plan for this property.

Because single-family detached uses in the R4A district are subject to the R1C district standards, and the minimum side setback requirement in the R1C district is 5 feet on each side, one could argue that the minimum building spacing requirement for the detached single-family

dwelling units is 10 feet. Staff does not believe the Zoning Ordinance should be interpreted in this manner, but it does illustrate that reducing the minimum building spacing requirement is in keeping with proper development. Traver Creek and the Ann Arbor Railroad are permanent features with very little possibility of being further altered or developed, so it is reasonable to assume that they can make up for lost side setback area.

5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 and 62.

All applicable ordinance provisions are met.

6. The standards for density, allowable floor area and required usable open space for the zoning district(s) in which the project is located must be met.

All applicable ordinance provisions are met.

7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

Proposed uses are permitted within the district.

UNIT COMMENTS

Land Development – Preliminary approval from the Washtenaw County Water Resources Commissioner is required prior to City approval of the site plan.

Natural Resources – Clarification is needed regarding the quantity of wetland impacts already done and newly proposed, as well as wetland mitigation. The same clarification is also needed regarding woodland impacts. Staff and the petitioner have had several discussions on these matters and are actively working together to resolve these issues.

Planning – New, modestly-size, single family homes in a compact setting will fill a gap in the City's available housing choices. Staff recommends the petition be postponed until the outstanding questions regarding the natural features impacts and mitigation can be resolved and preliminary approval from the Washtenaw County Water Resources Commissioner is received.

A revised development agreement will be prepared once the alternative mitigation measures are finalized and will be attached to the future staff report.

Prepared by Alexis DiLeo
Reviewed by Wendy Rampson
2/1/13

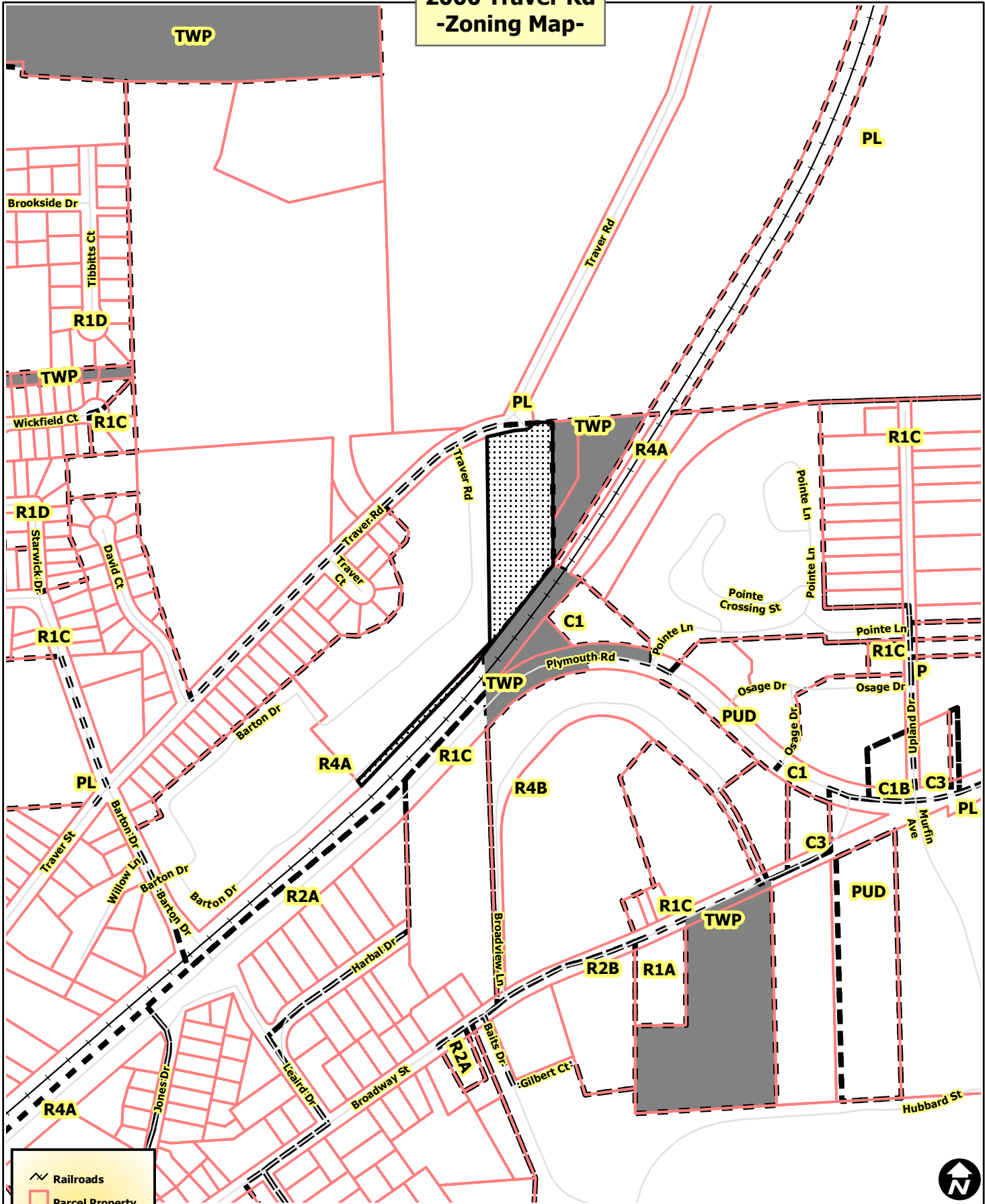
Attachments: Zoning Map
Aerial Photo
Site Plan

c: Petitioner: Trowbridge Homes of Hideaway, LLC
2614 Beacon Hill Drive
Auburn Hills, MI 48326

Petitioner's Agent: Bruce Michael
Ojibway Development, LLC
3270 Coolidge Highway
Berkley, MI 48072

Systems Planning
Project No. SP12-025

2000 Traver Rd -Zoning Map-

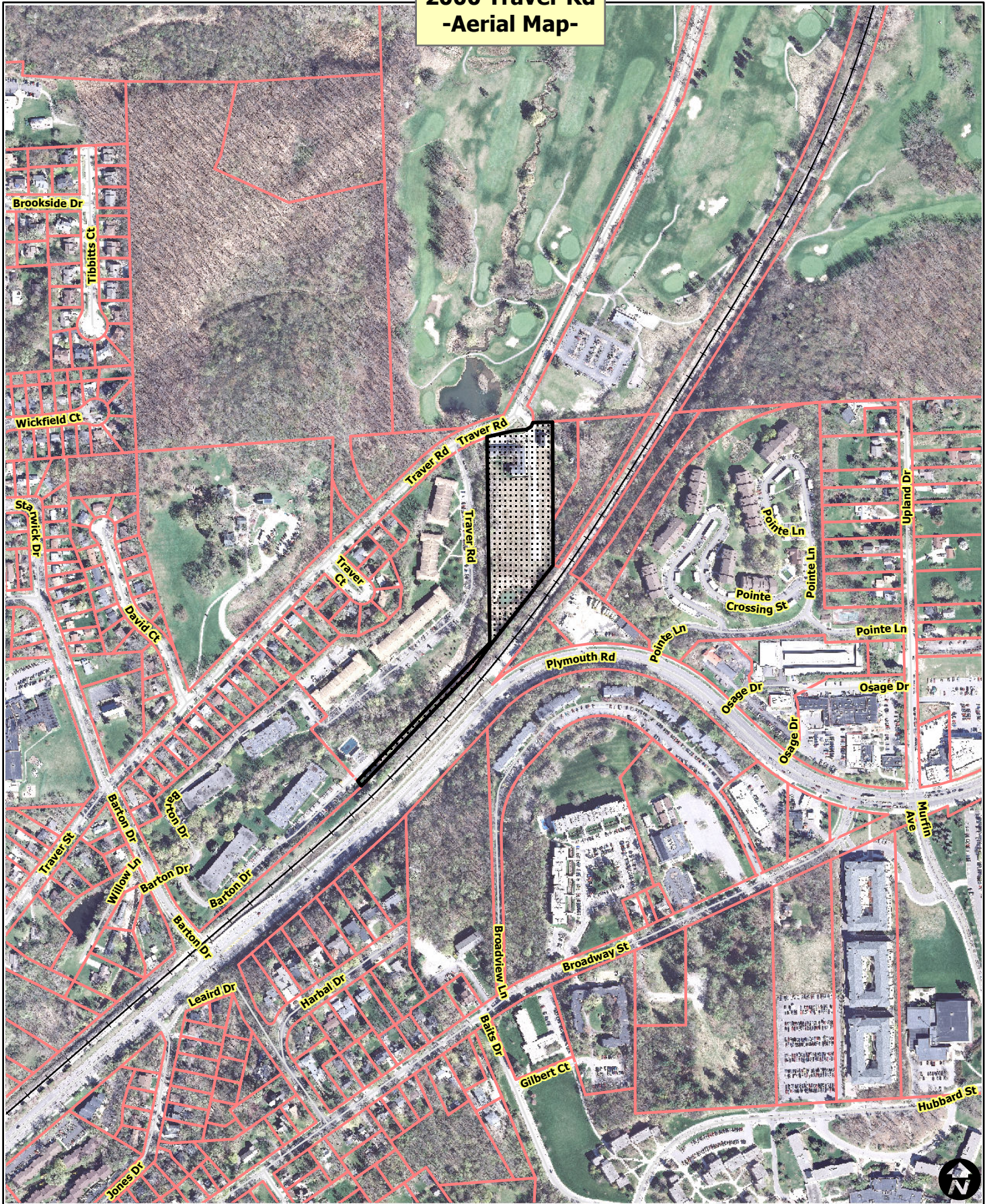


Railroads
 Parcel Property
Zoning
 Township
 Zoning



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 Map Created: 8/29/2012

2000 Traver Rd -Aerial Map-



- Railroads
- Parcel Property



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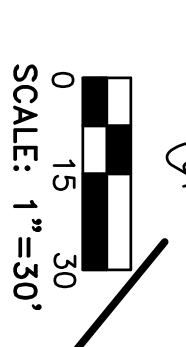
NORTHEAST CORNER
SECTION 21
T2S, R6E
CITY OF ANN ARBOR
WASHTENAW COUNTY

TREE CLEARING NOTES
EXCEPT FOR THE AREA ADJACENT TO THE TRAVER CREEK, EARLY BOTS AND AROUND 2004 WHEN THE SITE WAS DELETED TO ITS CURRENT CONDITION.

ZONING DISTRICTS
TOWNSHIP: R-4
CITY: R-4-A
R-4-A SINGLE FAMILY (URBAN RESIDENTIAL)
R-4-A MULTIPLE FAMILY DWELLING
R-4-A PUBLIC LANDS

BENCHMARKS:
BENCHMARK NO. 1
ARROW ON HYDRANT ALONG WEST SIDE OF HIDEAWAY LANE 4' +/- WEST OF WEST CURB LINE AND 250' +/- SOUTH OF MULTI-FAMILY BUILDING.
ELEVATION=832.77
BENCHMARK NO. 2
TOP OF EAST STEAMER VALVE ON HYDRANT LOCATED 125' +/- SOUTH OF THE EAST ENTRANCE TO TRAVER KNOLL AND 50' +/- NORTH-EAST OF THE NORTHEAST CORNER.
ELEVATION=832.04

BENCHMARKS:
VERTICAL INFORMATION BASED ON AAGRS NO. 2024 LOCATED AT THE CORNER OF PLYMOUTH ROAD AND BARTON ROAD.



LEASE COI COURSE
CITY OF ANN ARBOR
09-16-400-004
CITY OF ANN ARBOR

2022 TRAVER RD.
ANN ARBOR, MI 48106
ANN ARBOR TOWNSHIP

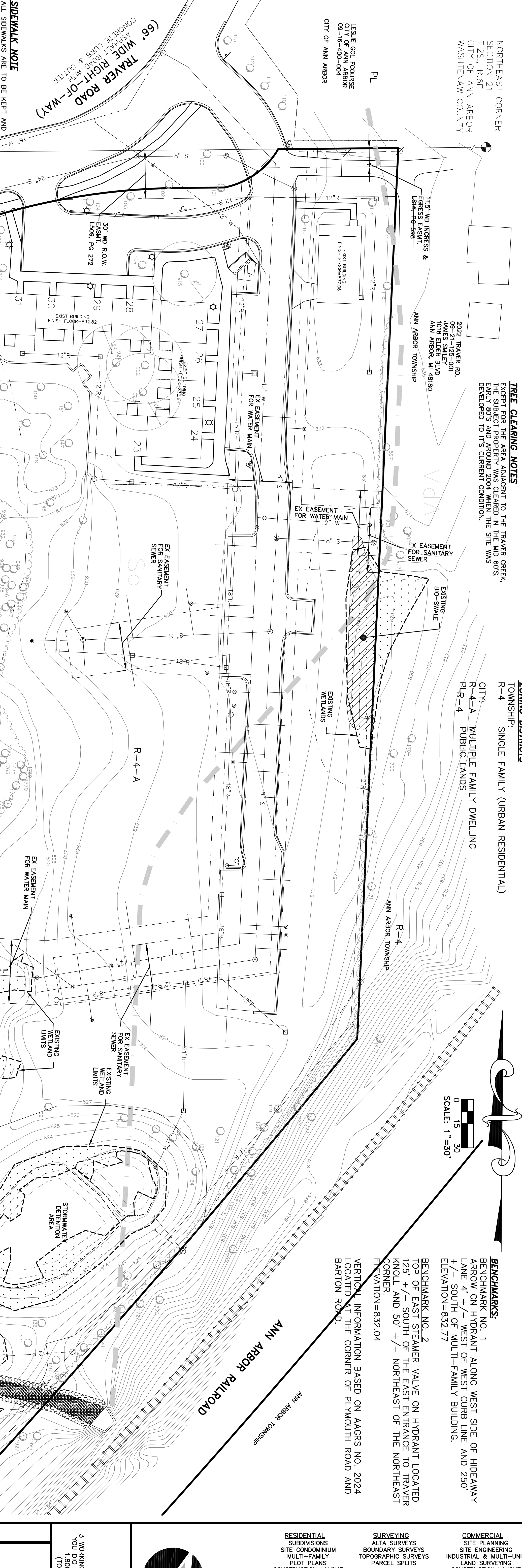
114' W. INGRESS &
EGRESS EASMT.
E816-P6-598

ANN ARBOR TOWNSHIP

ANN ARBOR TOWNSHIP

ANN ARBOR TOWNSHIP

ANN ARBOR TOWNSHIP



SIDEWALK NOTE
ALL SIDEWALKS ARE TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY THE OWNER OF THE LAND ADJACENT TO AND BORDERING THE SIDEWALK. THE CITY OF ANN ARBOR WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE OR REPAIR OF SIDEWALKS IN NEED OF REPAIR MUST BE STANDARDS.

SOILS INFORMATION
GENERAL SOILS INFORMATION TAKEN FROM THE US DEPARTMENT OF AGRICULTURE, SURVEY FOR WASHTENAW COUNTY, MI
MVA - MATHERTON SANDY LOAM, 0-4% SLOPES
SLOPES GRASS SOIL IS IN DEPRESSIONS ALONG DRAINAGE WAS OF OUTWASH PLAINS, VALLEY TRAINS, AND TERRACES. IT HAS A SEASONAL HIGH WATER TABLE AND NEARBY LEVEL AREAS ARE SUBJECT TO FLOODING. THE HAZARD OF EROSION IS SLIGHT.

LEGAL DESCRIPTION
COMMENSING AT THE N 1/4 CORNER OF SECTION 21, T2S, R6E, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, THENCE 188.22' OF 0.638:18 FEET ALONG THE NORTH LINE OF SAID SECTION 21 TO THE POINT OF BEGINNING, THENCE 211.10 FEET FROM THE NW CORNER OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21;
THENCE CONTINUING ALONG THE NORTH LINE OF SAID SECTION 21 188.22' OF 0.638:18 FEET TO THE POINT OF BEGINNING, THENCE 449.22 FEET ALONG THE NORTHWESTERLY ROW LINE OF THE RAILROAD, RADUS 6681:12 FEET TO THE RIGHT, WITH A CENTRAL ANGLE OF 355:23", AND A BEARING OF S410:58"W, 449.18 FEET;
THENCE N49:09"E, 835.92 FEET ALONG THE WEST LINE OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21; THENCE 156.66 FEET ALONG THE SOUTHERLY ROW LINE OF TRAVER CREEK ROAD, RADUS 415.00 FEET TO THE RIGHT, WITH A CENTRAL ANGLE OF 213:74";
THENCE N89:29"E OF 27.00 FEET ALONG SAID SOUTHERLY ROW, THENCE 42.27 FEET ALONG SAID ROW, RADUS 50.00 FEET TO THE LEFT, WITH A CENTRAL ANGLE OF 48:26:29", AND A BEARING OF N54:34:33"E, 41.03 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE SOUTHERLY ROW LINE OF TRAVER CREEK ROAD, RADUS 127.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD IF ANY.

TAG NO	DBH (IN)	Common Name	Botanical Name	Condition
100	3	Hackberry	Celtis occidentalis	good
101	3	Hackberry	Celtis occidentalis	good
102	3	Hackberry	Celtis occidentalis	good
103	3	Hackberry	Celtis occidentalis	good
104	3	Hackberry	Celtis occidentalis	good
105	3	Hackberry	Celtis occidentalis	good
106	3	Hackberry	Celtis occidentalis	good
107	3	Hackberry	Celtis occidentalis	good
108	3	Hackberry	Celtis occidentalis	good
109	3	Hackberry	Celtis occidentalis	good
110	3.5	Red Maple	Acer rubrum	good
111	3.5	Red Maple	Acer rubrum	good
112	3.5	Red Maple	Acer rubrum	good
113	3.5	Red Maple	Acer rubrum	good
114	3.5	Red Maple	Acer rubrum	good
115	3.5	White Pine	Pinus strobus	good
116	3.5	White Pine	Pinus strobus	good
117	3.5	White Pine	Pinus strobus	good
118	3.5	White Pine	Pinus strobus	good
119	3.5	White Pine	Pinus strobus	good
120	3.5	White Pine	Pinus strobus	good
121	3.5	White Pine	Pinus strobus	good
122	3.5	White Pine	Pinus strobus	good
123	3.5	White Pine	Pinus strobus	good
124	3.5	White Pine	Pinus strobus	good
125	3.5	White Pine	Pinus strobus	good
126	3.5	White Pine	Pinus strobus	good
127	3.5	White Pine	Pinus strobus	good
128	3.5	White Pine	Pinus strobus	good
129	3.5	White Pine	Pinus strobus	good

TAG NO	DBH (IN)	Common Name	Botanical Name	Condition
130	3	Burr Oak	Quercus macrocarpa	good
131	3	Burr Oak	Quercus macrocarpa	good
132	3	Burr Oak	Quercus macrocarpa	good
133	3	Burr Oak	Quercus macrocarpa	good
134	3	Burr Oak	Quercus macrocarpa	good
135	3	Burr Oak	Quercus macrocarpa	good
136	3	Burr Oak	Quercus macrocarpa	good
137	3	Burr Oak	Quercus macrocarpa	good
138	3	Burr Oak	Quercus macrocarpa	good
139	3	Burr Oak	Quercus macrocarpa	good
140	3	Burr Oak	Quercus macrocarpa	good
141	3	Burr Oak	Quercus macrocarpa	good
142	3	Burr Oak	Quercus macrocarpa	good
143	3	Burr Oak	Quercus macrocarpa	good
144	3	Burr Oak	Quercus macrocarpa	good
145	3	Burr Oak	Quercus macrocarpa	good
146	3	Burr Oak	Quercus macrocarpa	good
147	3	Burr Oak	Quercus macrocarpa	good
148	3	Burr Oak	Quercus macrocarpa	good
149	3	Burr Oak	Quercus macrocarpa	good
150	3	Burr Oak	Quercus macrocarpa	good
151	3	Burr Oak	Quercus macrocarpa	good
152	3	Burr Oak	Quercus macrocarpa	good
153	3	Burr Oak	Quercus macrocarpa	good
154	3	Burr Oak	Quercus macrocarpa	good
155	3	Burr Oak	Quercus macrocarpa	good
156	3	Burr Oak	Quercus macrocarpa	good
157	3	Burr Oak	Quercus macrocarpa	good
158	3	Burr Oak	Quercus macrocarpa	good
159	3	Burr Oak	Quercus macrocarpa	good
160	3	Burr Oak	Quercus macrocarpa	good

TAG NO	DBH (IN)	Common Name	Botanical Name	Condition
161	3	Burr Oak	Quercus macrocarpa	good
162	3	Burr Oak	Quercus macrocarpa	good
163	3	Burr Oak	Quercus macrocarpa	good
164	3	Burr Oak	Quercus macrocarpa	good
165	3	Burr Oak	Quercus macrocarpa	good
166	3	Burr Oak	Quercus macrocarpa	good
167	3	Burr Oak	Quercus macrocarpa	good
168	3	Burr Oak	Quercus macrocarpa	good
169	3	Burr Oak	Quercus macrocarpa	good
170	3	Burr Oak	Quercus macrocarpa	good
171	3	Burr Oak	Quercus macrocarpa	good
172	3	Burr Oak	Quercus macrocarpa	good
173	3	Burr Oak	Quercus macrocarpa	good
174	3	Burr Oak	Quercus macrocarpa	good
175	3	Burr Oak	Quercus macrocarpa	good
176	3	Burr Oak	Quercus macrocarpa	good
177	3	Burr Oak	Quercus macrocarpa	good
178	3	Burr Oak	Quercus macrocarpa	good
179	3	Burr Oak	Quercus macrocarpa	good
180	3	Burr Oak	Quercus macrocarpa	good
181	3	Burr Oak	Quercus macrocarpa	good
182	3	Burr Oak	Quercus macrocarpa	good
183	3	Burr Oak	Quercus macrocarpa	good
184	3	Burr Oak	Quercus macrocarpa	good
185	3	Burr Oak	Quercus macrocarpa	good
186	3	Burr Oak	Quercus macrocarpa	good
187	3	Burr Oak	Quercus macrocarpa	good
188	3	Burr Oak	Quercus macrocarpa	good
189	3	Burr Oak	Quercus macrocarpa	good
190	3	Burr Oak	Quercus macrocarpa	good

TAG NO	DBH (IN)	Common Name	Botanical Name	Condition
191	3	Burr Oak	Quercus macrocarpa	good
192	3	Burr Oak	Quercus macrocarpa	good
193	3	Burr Oak	Quercus macrocarpa	good
194	3	Burr Oak	Quercus macrocarpa	good
195	3	Burr Oak	Quercus macrocarpa	good
196	3	Burr Oak	Quercus macrocarpa	good
197	3	Burr Oak	Quercus macrocarpa	good
198	3	Burr Oak	Quercus macrocarpa	good
199	3	Burr Oak	Quercus macrocarpa	good
200	3	Burr Oak	Quercus macrocarpa	good
201	3	Burr Oak	Quercus macrocarpa	good
202	3	Burr Oak	Quercus macrocarpa	good
203	3	Burr Oak	Quercus macrocarpa	good
204	3	Burr Oak	Quercus macrocarpa	good
205	3	Burr Oak	Quercus macrocarpa	good
206	3	Burr Oak	Quercus macrocarpa	good
207	3	Burr Oak	Quercus macrocarpa	good
208	3	Burr Oak	Quercus macrocarpa	good
209	3	Burr Oak	Quercus macrocarpa	good
210	3	Burr Oak	Quercus macrocarpa	good

CLIENT: TROWBRIDGE HOMES OF HIDEAWAY, LLC.

EXISTING CONDITIONS PLAN

SECTION: 21

HIDEAWAY LANE
TOWNSHIP: 2 S
CITY OF ANN ARBOR
WASHTENAW COUNTY
MICHIGAN

RANGE: 6 E

REVISIONS:

DATE: 8-27-12

CHECKED BY: D.L.

DRAWN BY: D.L.

SCALE: 1" = 30' FT.

12-142

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG (1.800.482.7171) (TOLL FREE)

ANC Engineering, Inc.
Civil Engineers & Land Surveyors

RESIDENTIAL SUBDIVISIONS
SITE CONDOMINIUM MULTI-FAMILY PLOT PLANS CONSTRUCTION LAYOUT

SURVEYING ALTA SURVEYS BOUNDARY SURVEYS TOPOGRAPHIC SURVEYS PARCEL SPLITS

COMMERCIAL SITE PLANNING SITE ENGINEERING INDUSTRIAL & MULTI-UNIT CONSTRUCTION LAYOUT

4091 HIGHCREST BRIGHTON, MICHIGAN 48116 Phone: (248) 921-3942

- NOTES:**
- 1) THE PROPOSED DEVELOPMENT SIGN MUST MEET ALL REQUIREMENTS OF CHAPTER 61 SEPARATE SIGN PERMIT TO BE OBTAINED WHEN SIGN IS DESIGNED. DEVELOPMENT SIGN SHALL NOT BE PLACED IN A LOCATION THAT WOULD CREATE A SIGHT DISTANCE HAZARD.
 - 2) ALL PARKING SPACES ALLOW FOR TWO (2) FEET OVERHANG BEYOND CURB.
 - 3) NO PARKING - FIRE LANE" SIGNS SHALL BE LOCATED ON ALL DRIVE/ROAD AREAS AND ARE TO BE PERPENDICULAR TO THE DRIVE/ROAD. SIGN TO CERTIFICATE OF OCCUPANCY (CO) BEING ISSUED.
 - 4) TRASH COLLECTION FOR THE PROPOSED UNITS TO BE GARAGE KEPT ROLL AWAY BINS WITH CURB SIDE COLLECTION. ALL TRASH WILL BE STORED INDOORS.
 - 5) ADDITIONAL SIGHT LIGHTING TO BE PROVIDED VIA A WALL MOUNTED COACH LIGHT ON EACH OF THE GARAGE DOORS.
 - 6) ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF INTERIOR CURB AND WALK OR EDGE OF MATERIAL UNLESS OTHERWISE NOTED.
 - 7) PERPENDICULAR TO THE EAST PROPERTY LINE UNLESS OTHERWISE NOTED.
 - 8) PER CHAPTER 49, SECTION 4.58 OF THE CITY CODE, ALL SIDEWALKS ARE TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY THE OWNER OF THE LAND ADJACENT TO AND ABUTTING THE SAME. PRIOR TO ISSUANCE OF OCCUPANCY FOR THIS SITE, ALL EXISTING SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN ACCORDANCE WITH CITY STANDARDS.

- GENERAL NOTES:**
- 1 ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF INTERIOR CURB AND WALK OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 - 2 ALL IMPROVEMENTS ARE TO BE PARALLEL OR PERPENDICULAR TO THE LOCATION THAT WOULD CREATE A SIGHT DISTANCE HAZARD.
 - 3 ALL PARKING SPACES ALLOW FOR TWO (2) FEET OVERHANG BEYOND CURB.
 - 4 "NO PARKING - FIRE LANE" SIGNS SHALL BE POSTED ON BOTH SIDES OF ALL DRIVE/ROAD AREAS AND ARE TO BE PERPENDICULAR TO THE DRIVE/ROAD. SIGN TO CERTIFICATE OF OCCUPANCY (CO) BEING ISSUED.
 - 5 UNIT DIMENSIONS SHOWN ARE EXTERIOR BUILDING DIMENSIONS. PORCH AREAS EXTEND BEYOND BUILDING AREAS.
- DUMPSTER ENCLOSURE:**
- AS PART OF THE SITE PLAN APPROVAL, APPLICANT SHALL MAKE THE FOLLOWING IMPROVEMENTS TO THE EXISTING DUMPSTER ENCLOSURE:
- 1 PROVIDE A FOUR FOOT ADDITIONAL SPACE AT THE BACK AND ON ONE OF THE SIDES OF THE EXISTING DUMPSTER ENCLOSURE TO ALLOW FOR THE PLACEMENT OF 6 ADDITIONAL RECYCLING CARS.
 - 2 PROVIDE A 3' WIDE PEDESTRIAN ACCESS GATE ON ONE OF THE SIDES OF THE ENCLOSURE.
 - 3 INCREASE THE EXISTING TRASH DUMPSTER FROM A 6 CUBIC YARD DUMPSTER TO AN 8 CUBIC YARD DUMPSTER.

PEAK HOUR TRIPS:

(TRIP GENERATION MANUAL, 8TH EDITION)

SINGLE FAMILY DETACHED RESIDENTIAL	22 PEAK HOUR TRIPS
21 D.U. * 1.01 TRIPS/D.U. =	
MULTI FAMILY ATTACHED TOWNHOMES	5 PEAK HOUR TRIPS
9 D.U. * 0.52 TRIPS/D.U. =	
TOTAL =	27 PEAK HOUR TRIPS

KEY NOTES:

- 1 EXISTING BITUMINOUS PAVEMENT - STANDARD DUTY
- 2 EXISTING BITUMINOUS PAVEMENT - HEAVY DUTY
- 3 PROPOSED BITUMINOUS PAVEMENT - STANDARD DUTY (STD)
- 4 CONCRETE PAVEMENT - STANDARD DUTY
- 5 CONCRETE CURB AND GUTTER
- 6 INTERIOR CONCRETE CURB AND WALK
- 7 TYPE 'W' DRIVE APPROACH
- 8 WALK FLUSH WITH DRIVE
- 9 EXISTING DETENTION BASIN
- 10 EXISTING RIP RAP CHANNEL
- 11 PROPOSED CONCRETE SEGMENT UNIT RETAINING WALL
- 12 PROPOSED LIGHT POLE
- 13 EXISTING WETLAND MITIGATION AREA
- 14 PROPOSED BIKE PARKING
- 15 GRASS PAVERS

HIDEAWAY LANE SQUARE FOOTAGE COMPUTATIONS

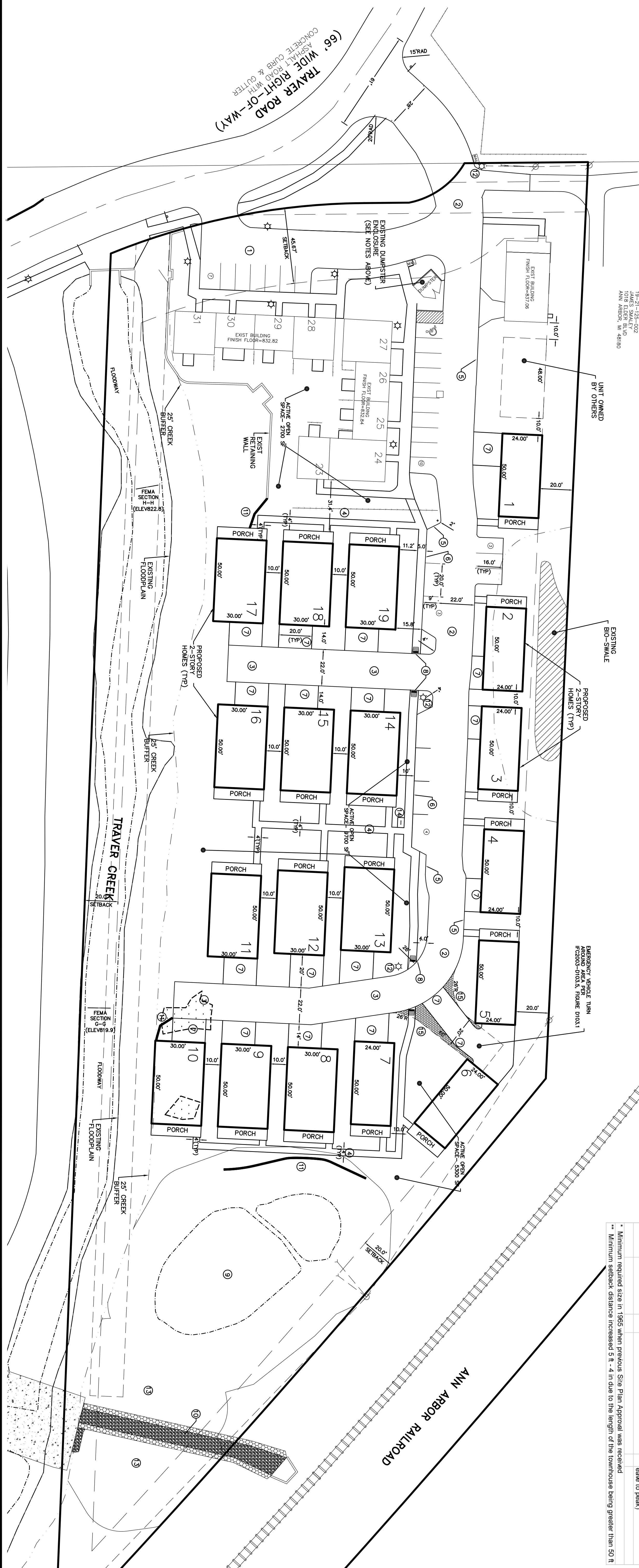
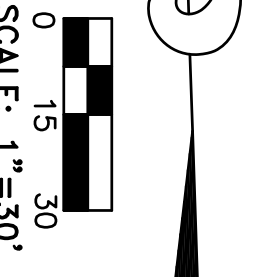
Unit Type	# Units	SF/Unit	Total SF
Existing Townhomes Type 1	5	1,200	6,000
Existing Townhomes Type 2	4	1,008	4,032
Existing 3 BR single family	1	1,728	1,728
Existing Vacant Home Site *	1	0	0
Prop 3 BR single family	7	2,246	15,722
Prop 4 BR single family	12	3,425	41,100
Total Square Footage			68,582

* Owned by Existing single family home owner.
 ** Square footages exclude outside porches, garages, basements, etc.
 *** Proposed units assume bonus attic rooms are habitable space and included in total square footage computations

COMPARISON TABLE

Component size:	Existing/Required/Permitted	Proposed
City Zoned R44	199,069 sf - 4.57 Acres	199,069 sf - 4.57 Acres
Planned Project - PP	Planned Project - PP	Planned Project - PP
Dwelling Units	1 Existing Unit	1 Existing Unit
1 1/2 to 2 Story, 3 bedroom Single Family Dwelling Units	1 Unit	1 Unit
Vacant Home Site owned by Existing single family homeowner	1 Unit	1 Unit
Exist. 2 Story Townhomes, 1 and 3 bdrm	19 Units	19 Units
Proposed 2 & 3 BR Single Family Dwelling Units	30 Units Total	30 Units Total
Min. Lot/Dwelling Unit	Single Family Dwelling Units - 7,200 sqfta	
	= 21 x 7,200 sqft = 151,200 sqft	
Townhome Dwelling Units = 9 x 4,300 sqft = 38,700 sqft		
Total Required = 189,900 sqft		Total Provided = 199,069 sqft
% Min. Usable Open Lot Areas	65%	66%
Parking	Vehicle Multiple Family - Zoned R44 Two Spaces per Dwelling Unit = 2 * 9 Units = 18 Spaces	40 Garage Spaces 29 Standard Spaces 1 Barrier Free Space 70 Spaces
One Family Dwelling Unit	One Space per Dwelling Unit = 1 * 21 Units = 21 Spaces	
Bicycle Multiple Family - Zoned R44 Two Spaces per 5 Dwelling Units / 5 = 2 Spaces Type A = 50% Type C = 50%	33 Spaces	
One Family Dwelling Unit	None	23 Type A - Covered Spaces 2 Type C - Open Space
Setbacks	Front Yard 45ft - 7in * Side Yard 20 ft Least One 40 ft Rear Yard 40 ft	45ft - 7in 20 ft 55 ft 295 ft
Height	Existing Single Family Dwelling Proposed Single Family Dwelling	27 ft - 7 1/4 in 30 ft (to point mid way from eave to peak)

* Minimum required size in 1965 when previous Site Plan Approval was received
 ** Minimum setback distance increased 5 ft - 4 in due to the length of the townhouse being greater than 50 ft



<p>CLIENT: TROWBRIDGE HOMES OF HIDEAWAY, LLC.</p> <p>SECTION: 21</p> <p>REVISIONS:</p>	<p>HIDEAWAY LANE</p> <p>TOWNSHIP: 2 S</p> <p>CITY OF ANN ARBOR</p> <p>WASHTENAW COUNTY</p> <p>MICHIGAN</p> <p>RANGE: 6 E</p>	<p>3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1.800.482.7171 (TOLL FREE)</p>	<p>ANC Engineering, Inc.</p> <p>Civil Engineers & Land Surveyors</p> <p>4091 HIGHCREST BRIGHTON, MICHIGAN 48116 Phone: (248) 921-3942</p>
<p>DATE: 8-27-12</p> <p>DRAWN BY: D.L.</p> <p>CHECKED BY: D.L.</p>	<p>11-26-12 Per City Review</p>	<p>SCALE: 1"=30' FT</p> <p>3</p>	<p>RESIDENTIAL SUBDIVISIONS SITE CONDOMINIUM MULTI-FAMILY PLOT LAYOUT CONSTRUCTION LAYOUT</p> <p>SURVEYING ALTA SURVEYS BOUNDARY SURVEYS TOPOGRAPHIC SURVEYS PARCEL SPLITS</p> <p>COMMERCIAL SITE PLANNING SITE ENGINEERING INDUSTRIAL & MULTI-UNIT CONSTRUCTION LAYOUT</p>

Hideaway Lane DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2013, 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 *Ojibway Development, LLC*, a Michigan Limited Liability Corporation, with principal address at 3270 Coolidge Highway, Berkley, Michigan, 48072, hereinafter called the PROPRIETOR, witnesses that:

WHEREAS, the PROPRIETOR owns certain land in the City of Ann Arbor, described below and site planned as Hideaway Lane Planned Project Site Plan, and

WHEREAS, the PROPRIETOR has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as Hideaway Lane Planned Project Site Plan, and desires planned project 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 utilities such as 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 construct all improvements set forth in Paragraph P-1 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. Every owner of a portion of the property, including co-owners of condominium units, shall pay a pro-rata share of the cost of the work. That portion of the cost of the work attributable to each condominium unit shall be a lien on that Property and may be collected as a single tax parcel assessment as provided in Chapter 13 of the Ann Arbor City Code.

(P-3) To furnish, within 30 days of completion, an engineer's certificate that the construction of the public improvements set forth in Paragraph P-1 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-4) Prior to the issuance of building permits and recording the master deed, 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-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 last certificate of occupancy on the site.

(P-9) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to Traver Road, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along Traver Road, frontage when such improvements are determined by the CITY to be necessary. A provision shall be included in the master deed of the project stating that if the CITY undertakes to establish a special assessment district to improve Traver Road each unit shall be assessed its pro rata share of the cost of improvements allocable to the Property.

(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 woodland, landmark, street trees shown on the site plan as trees to be saved shall be maintained by the PROPRIETOR or each condominium unit owner in good condition for a minimum of three years after acceptance of the public improvements by the CITY or granting of Certificate of Occupancy or final approval of the unit. Existing woodland, landmark, 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 or final approval of the unit, shall be replaced by the PROPRIETOR or owners as provided by Chapter 57 of the Ann Arbor City Code.

(P-16) For the benefit of the residents of the PROPRIETOR'S development, to make a park contribution of \$11,780.00 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to Leslie Science and Nature Center and Leslie Park Golf Course, and/or other parks within a reasonable walking distance of the site.

(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-xx) To provide, prior to issuance of the final certificate of occupancy, a cash bond in the amount of \$4000, or the amount necessary to cover the estimated cost of repairing any impacts to the wetland mitigation shelf immediately surrounding the storm water management pond on the site. Such cash bond will minimize any potential damage to that existing wetland vegetation established and ensure immediate mitigation of any impacts from the PROPRIETOR's construction activity or subsequent maintenance work done by the Washtenaw County Water Resources Commissioner's office.

(P-xx) To deposit, prior to the issuance of the first certificate of occupancy, \$12,280.00 to the City street tree planting program for alternative mitigation of 153 caliper inches of trees which could not be planted on-site for the management and restoration of important natural features on public land in the vicinity of the site.

(P-19) To create an association(s) composed of all owners of *insert name of development* condominium, hereinafter called the "Association", in which membership shall be required by covenants and restrictions recorded as part of the master deed for *insert name of association*. The association(s) shall be responsible for and shall execute the appropriate documents insuring perpetual maintenance and ownership of the *landscape materials, exterior lighting, seating structures, driveways, on-site storm water management system*, and all other common elements.

(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-21) After construction of the private on-site storm water management system, to maintain it until non-developer co-owners elect one or more directors to the Association's board of directors. Thereafter, by provision in the master deed, the Association shall own and maintain the storm water management system. Any proposed changes to the system must be approved by the City of Ann Arbor Systems Planning and Planning and Development Services Units. If the PROPRIETOR or Association, as appropriate, fails to maintain any portion of the system, the CITY may send notice via first class mail to the PROPRIETOR, or Association, at the address listed above, requiring it to commence and complete the maintenance 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 or Association if the PROPRIETOR or Association does not complete the work, as appropriate, within the time set forth in the notice. If the CITY completes the work, and the costs remain unpaid by the Association for 60 days after notice via first class mail, the CITY may bill each condominium unit for the pro rata share of the total cost, or assess the pro rata share of those costs to each condominium unit as a single tax parcel assessment as provided in Chapter 13 of Ann Arbor City Code. Provisions for maintenance and responsibility for the storm water management system, as well as the pro rata share of each condominium unit shall be included by the PROPRIETOR in the master deed.

(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-24) Prior to the issuance of any permits, to submit to the CITY Land Development Coordinator for review and approval a Wetland Monitoring Plan, to implement the plan concurrently with construction of the site improvements, and to submit an annual report regarding implementation of the Wetland Monitoring Plan recommendations to the CITY following issuance of certificates of occupancy.

(P-14) To prepare and submit to the Planning and Development Services Unit one copy of the Master Deed, along with the required review fee of \$3,500.00, prior to issuance of building permits.

(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 6 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"). 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 in accordance with the Guidelines. The PROPRIETOR, however, 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.

(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 Hideaway Lane Planned Project Site Plan.

(C-2) To use the park contribution described above for improvements to the Leslie Science and Nature Center, Leslie Park Golf Course, or other nearby park.

(C-3) To use the street tree planting funds for management and restoration of important natural features on public land in the vicinity of the site.

(C-4) To provide timely and reasonable CITY inspections as may be required during construction.

(C-5) 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) to be inserted here

(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

Witnesses:

301 East Huron Street
Ann Arbor, Michigan 48107

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

