

**Zoning Board of Appeals
September 22, 2021 Regular Meeting**

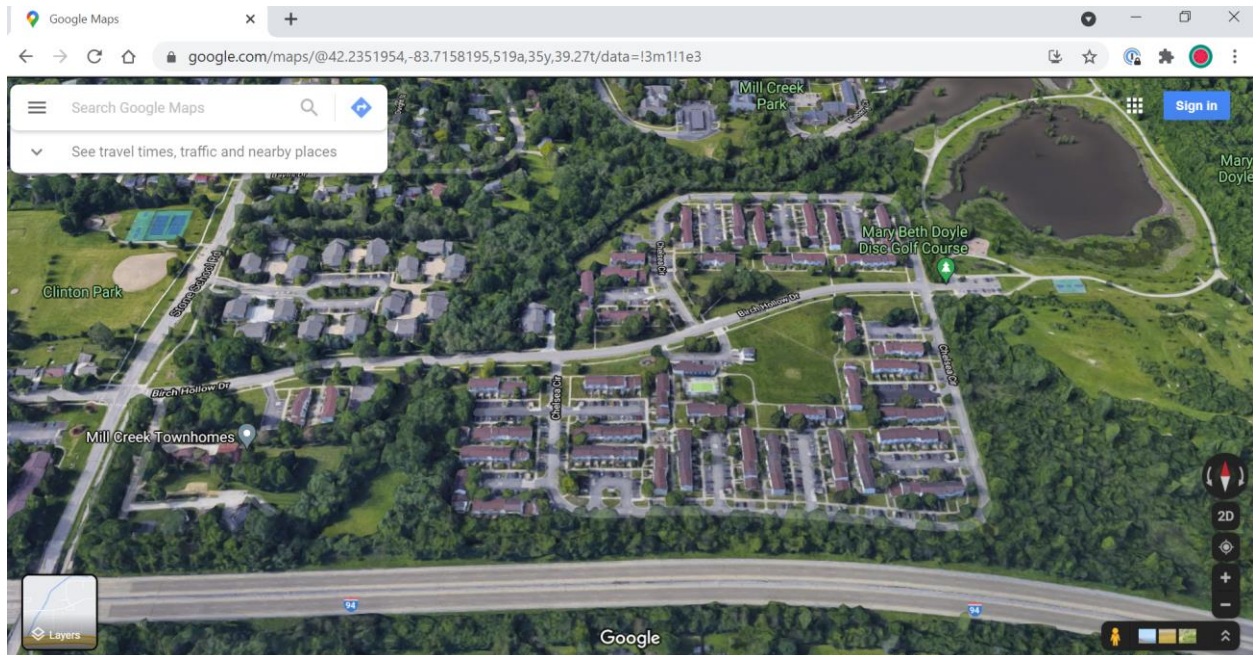
STAFF REPORT

Subject: ZBA 21-032; 3202 Chelsea Circle

Applicant: Darren McKinnon of First Martin Corporation, representing the property owner.

Summary:

A variance from Section 5.19.1 (A) Parking Standards Applicability is requested to apply electric vehicle parking space requirements to newly constructed parking areas and not to existing parking areas. The subject site is the 32.6-acre Mill Creek Townhomes, currently a 281-unit townhouse development zoned R3 (Townhouse Dwelling). The applicants have submitted to the Planning Commission and City Council a rezoning petition for R4B (Multiple-Family Dwelling) and a site plan application to develop an additional 102 apartments in four buildings, with new parking lots, and to demolish the existing clubhouse and rebuilt a community building and outdoor pool. (See project nos. Z21-005 and SP21-017)



Background:

The subject property is 32.6 acres on either side of Birch Hollow Drive, a public road, east of Stone School Road and north of I-94. It contains a 281-unit townhome development established in the 1970's, known as Mill Creek Townhomes. A site plan is proposed to construct an additional 102 apartment units in four buildings, and a rezoning petition is requested to change the designation from R3 (Townhouse Dwellings) to R4B (Multiple-Family Dwellings).

Electric vehicle parking for multiple-family dwellings in multiple-family zoning districts

are as follows:

10% EV-I (Installed) – having an installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, and an Electric Vehicle Charging Station (EVCS) capable of providing charge energy to an EV Parking Space(s).

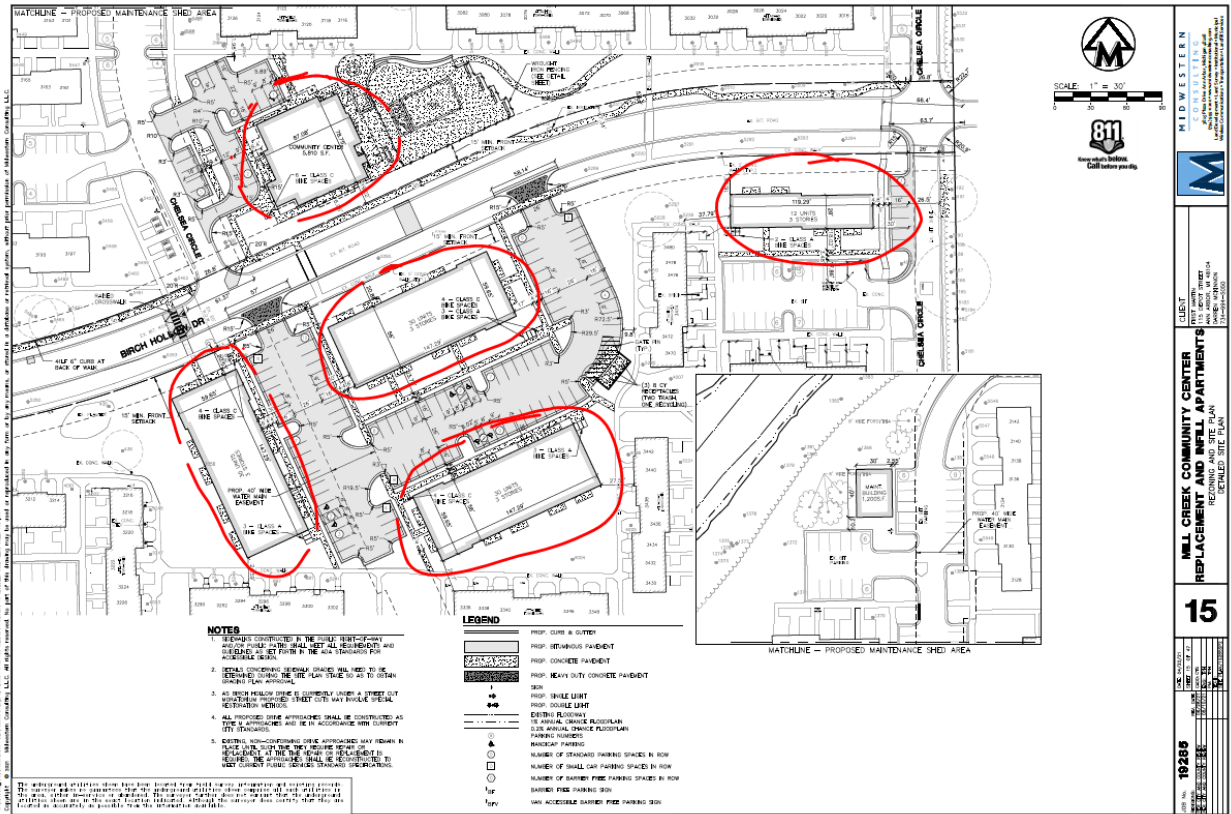
25% EV-R (Ready) – having an installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, terminated in an approved method in a junction box, for an EV Parking Space(s).

10% EV-C (Capable) – having an installed electrical panel capacity with a dedicated branch circuits(s) and cable/raceway that is capped for future EV Parking Space(s) (See Figure 1). The dedicated branch circuit panel space shall be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit.

Description:

Mill Creek Townhomes was annexed, zoned R3, and developed in the 1970s. The site currently contains a 281-unit townhome, 563-parking space development divided approximately in half by Birch Hollow Drive, a public road. Four new apartment buildings are proposed on the south side of Birch Hollow Drive in an open area of the site. The existing clubhouse, near this open area, will be demolished and a new community building with pool will be built on the north side of the road. A total of 106 additional parking spaces will be installed, most for the new apartment buildings and a small parking lot adjacent to the new community building.

The proposed buildings are circled in red and the new parking lots are shaded gray on the detailed site plan insert below.



Report:

The Zoning Board of Appeals has all the power granted by State law and by UDC Section 5.27.4, including authorizing variances pursuant to Section 5.29.12.

In accordance with Section 5.29.13.D.6, “in the case of an application for a variance from the parking requirements of Section 5.19, a variance may be granted if the variance is in harmony with the general purpose and intent of the requirements.”

The Zoning Board of Appeals [Application completed and submitted](#) by First Martin Corporation is attached.

Staff notes –

1. EV parking requirements apply to an entire site per Section 5.19.1 of the UDC. The applicants seek to limit the EV parking requirements to the newly constructed parking areas only, but double the number of EV-I spaces required for the newly constructed parking area from 12 to 24 installed charging stations along with the normal percentage of ready and capable spaces.

2. The table below has been clipped from the proposed site plan to illustrate the various existing and proposed parking elements.

Vehicular Parking			
Required Parking	563 existing spaces (200 north / 363 south)	609 total parking spaces required	669 total parking spaces provided
Townhomes	281 du x 2 per du = 562 spaces required		
Multi-family		383 du x 1.5 per du = 575 spaces required	536 existing spaces + 98 proposed spaces = 634 total spaces provided
Community Recreation - Accessory Use	4405sf / 200 = 23 spaces required	1 per 200sf	15 existing spaces; 16 proposed spaces = 31 total spaces provided
Maintenance building - Accessory Use	600sf / 333 = 2 spaces required	5,810sf/200sf = 30 spaces required 1 per 333sf min; 1 per 250sf max 1200sf/333 = 4 spaces required	4 existing spaces provided
Electric Vehicle Charging Stations			
		For residential buildings: - Proposed development area = 102 units; - Proposed additional parking spaces for residential buildings = 98; - Number of EV-C, R, & I shall be equal to the number of proposed parking spaces For community center: - Proposed additional parking spaces for community center = 16; - Number of required EV-C, R, & I applied only to the number of additional spaces For maintenance building: - No additional parking spaces proposed - No EV-C, R, or I proposed for existing spaces	Required EV parking elements proposed to be provided for the development area only. Variance requested from requirement to provide new EV parking elements for all existing units.
Multifamily Residential		65% of 98 EV-C = 64 required	66 EV-C Provided
		25% of 98 EV-R = 24 required	16 EV-R Provided
		10% of 98 EV-I = 10 required	16 EV-I Provided
Community Center		0% of 16 EV-C = 0 required	0 EV-C Provided
		10% of 16 EV-R = 2 required	0 EV-R Provided
		10% of 16 EV-I = 2 required	8 EV-I Provided
Maintenance Building		15% of 0 EV-C = 0 required	0 EV-C Provided
(no new parking spaces proposed)		10% of 0 EV-R = 0 required	0 EV-R Provided
		10% of 0 EV-I = 0 required	0 EV-I Provided
TOTAL		64 EV-C required	66 EV-C provided
		26 EV-R required	16 EV-R provided
		12 EV-I required	24 EV-I provided

- Based on 383 total dwelling units (281 existing + 102 proposed), 575 parking spaces are required. Of those 575 total parking spaces, 67 must be EV-I, 168 must be EV-R, and 436 must be EV-C.
- The proposed site plan provides 24 EV-I spaces (12 more than required only for the new spaces, 43 less than total required), 16 EV-R spaces (equal to that required only for new spaces, 152 less than total required), and 66 EV-C spaces (equal to that required only for new spaces, 370 less than total required).
- The 106 proposed parking spaces are enough to accommodate the 67 required EV-I spaces for the entire development.
- The Mill Creek Townhouse development was designed and constructed in the typical style of the 1970s for low-rise, low density residential uses. Two-story buildings are arranged around drives and aisles with parking along side in a campus-like setting. There is not a single parking lot serving the entire development. Existing townhome buildings at the perimeter of the site are 500

feet “as the crow flies” from the new parking lot area.

7. As the Office of Sustainability and Innovations has noted, in response to another similar, recent variance request, the purpose of the EV readiness requirements is to prepare our community for what is expected to be very significant growth in EV ownership and usage in the region.

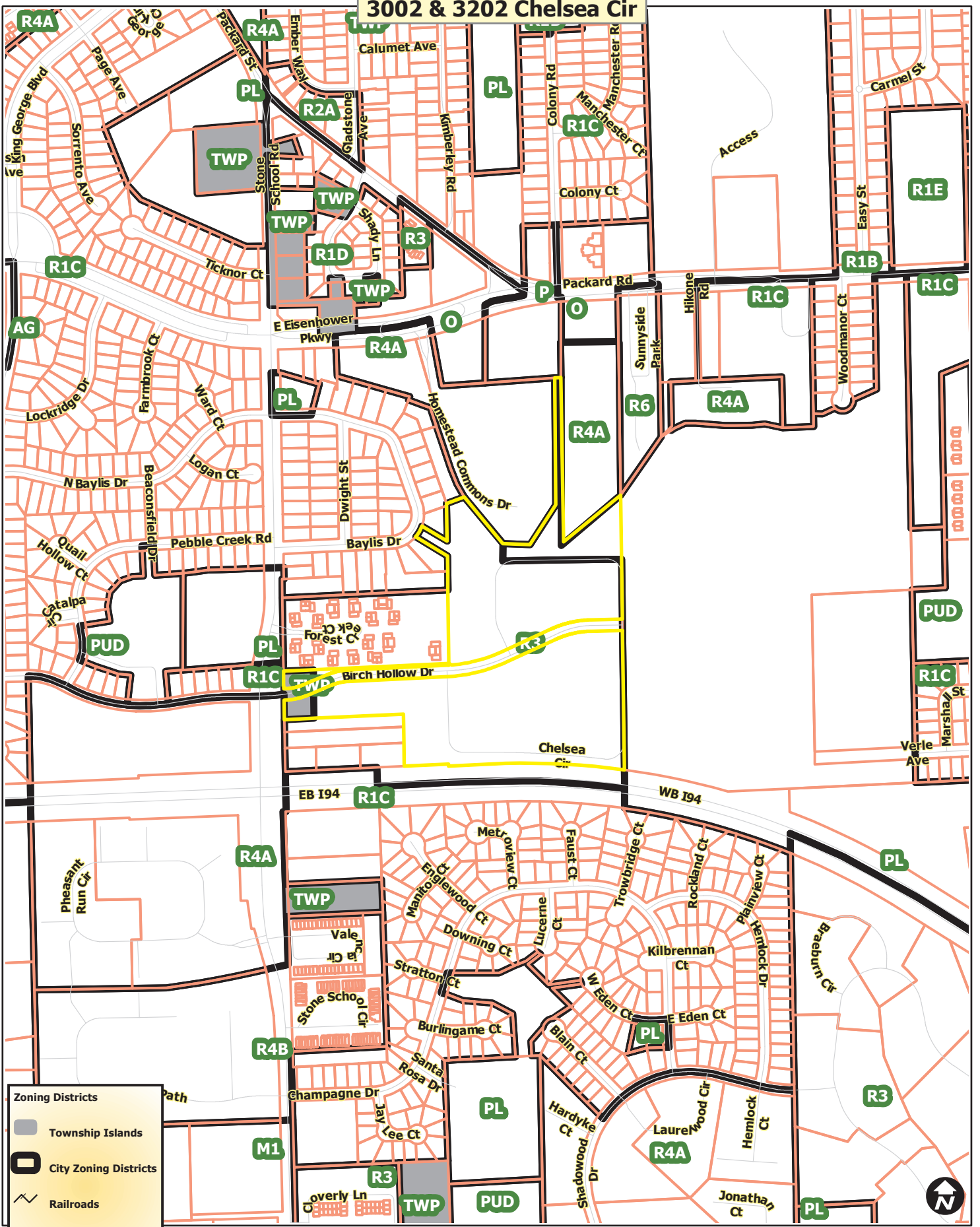
Respectfully submitted,

Alexis DiLeo

Alexis DiLeo, AICP
City Planner

Attachment: Application ZBA21-032

3002 & 3202 Chelsea Cir



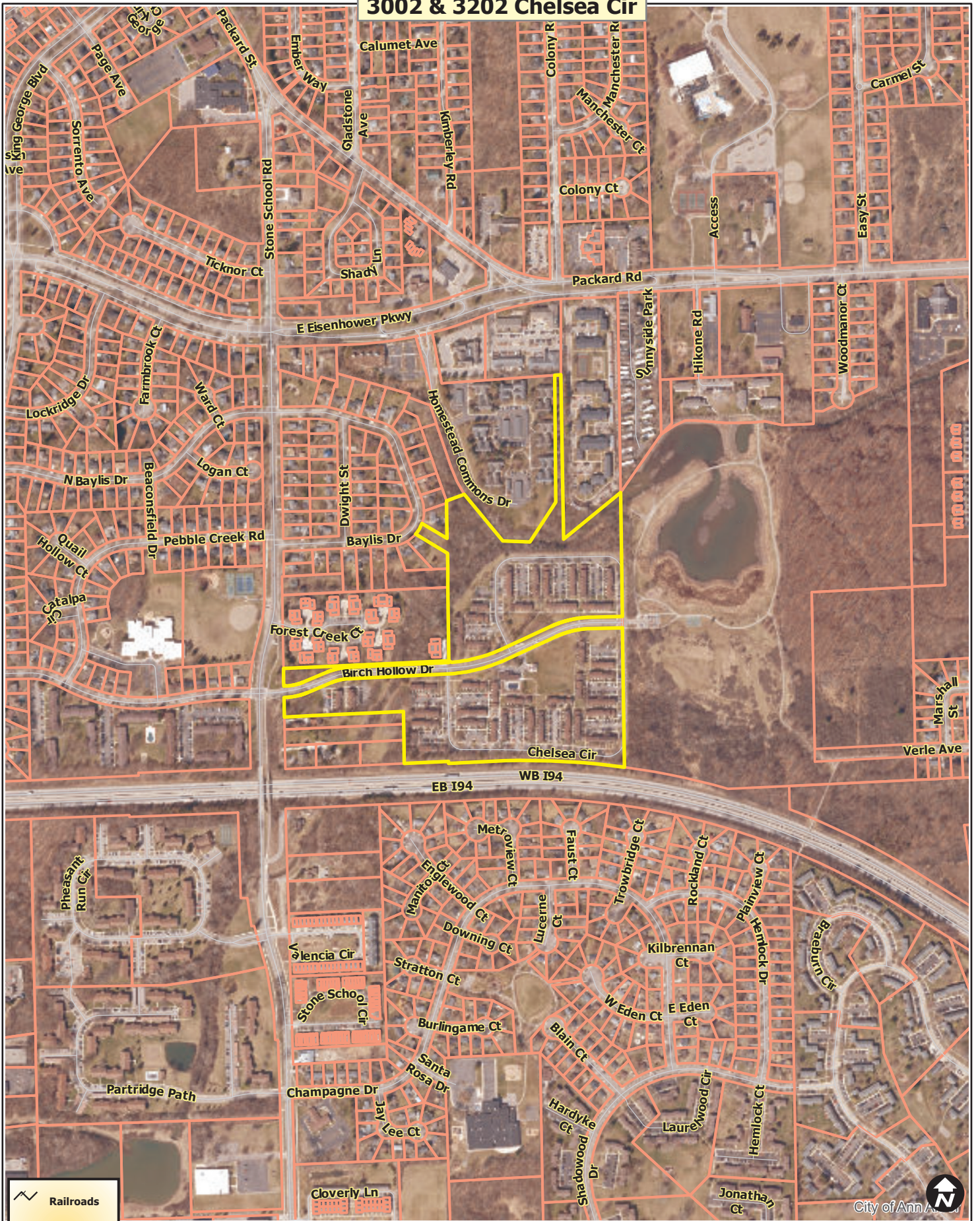
Zoning Districts

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



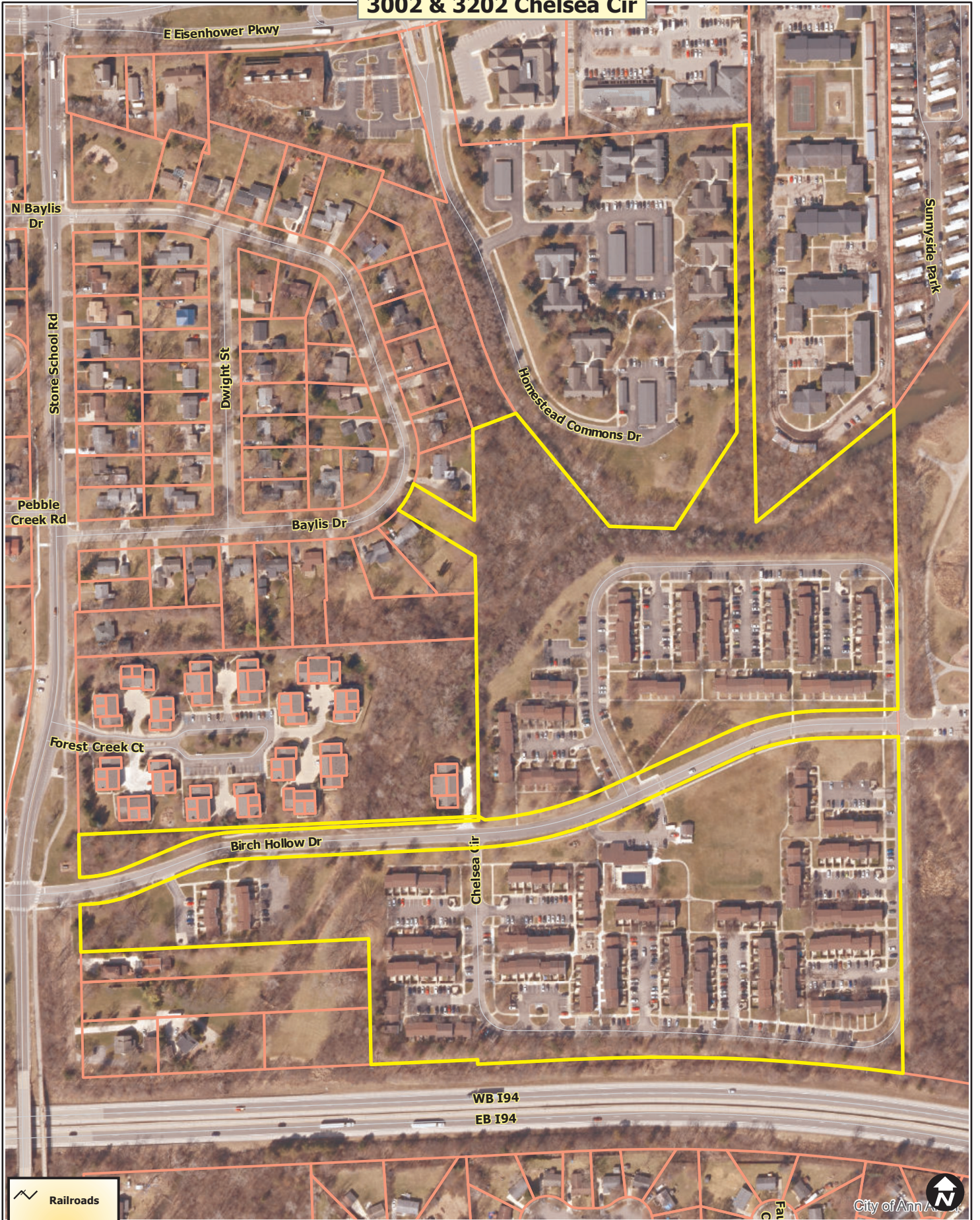
Map date: 2/17/2021
 Any aerial imagery is circa 2020 unless otherwise noted
 Terms of use: www.a2gov.org/terms

3002 & 3202 Chelsea Cir



Map date: 2/17/2021
 Any aerial imagery is circa 2020 unless otherwise noted
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3002 & 3202 Chelsea Cir



- Railroads
- Huron River
- Tax Parcels



Map date: 2/17/2021
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms



ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY 3202 / 3002 Chelsea Circle		ZIP CODE 48108
ZONING CLASSIFICATION R3	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> Mill Creek One, LLC (3202 Parcel), Mill Creek II Associates Limited Partnership (3002 Parcel)	
PARCEL NUMBER 09-12-10-201-011, 09-12-10-201-009	OWNER EMAIL ADDRESS mcmartin@firstmartin.com	

APPLICANT INFORMATION

NAME First Martin Corporation - Darren McKinnon			
ADDRESS 115 Depot Street	CITY Ann Arbor	STATE MI	ZIP CODE 48104
EMAIL dmckinnon@firstmartin.com		PHONE 734-994-5050	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner authorized agent			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.

OFFICE USE ONLY

Fee Paid: ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: _____

Date: _____

8-25-2021

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Article IV, Section 5.19.2; 5.19.8 - Electric Vehicle Charging Station requirements

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Infill housing project of 102 homes, demolition of existing club house and construction of a new community center with associated site elements/infrastructure including parking. The requested variance is to limit electric vehicle charging infrastructure to the proposed in-fill development area and not the existing historically developed area.

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

Existing units were built in the 1970's with different engineering standards and there would be significant spatial challenges, site disruption, and cost associated with installation of EV parking infrastructure while maintaining setbacks and protection within the existing parking/living areas.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

The existing power infrastructure will not be able to support the additional loading necessary to accommodate the required EV infrastructure. Substantial improvements to entire distribution system would be required.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

The Mill Creek development currently offers attainable rental rates, providing housing opportunities in the City for a diverse demographic. There would be significant cost to retrofit EV infrastructure into an aged building/site infrastructure with insufficient power availability. These costs can't be meaningfully spread across a small infill project of this size. The costs incurred to provide the necessary new electric infrastructure would kill the proposed project entirely. Allowing the variance would result in justice being done to increase opportunities for a more diverse population in the City, as well as added diversity in housing typology. The EV stations that are currently proposed within the development area would benefit the Mill Creek community as they would be accessible to all community residents.

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty.

The requirement for electric vehicle charging stations for the existing 281 dwelling units is not self-imposed and is a result of Unified Development Code modifications effective in February 2021, which came after concepting, project evaluation, and review with City representatives including the Planning Commission for this proposed project.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. For the proposed development area, UDC requires 12 EV installed, 27 EV Ready, and 65 EV capable spaces. The developer is proposing to double the number of EV Installed spaces to 24 while still providing 16 EV Ready and 67 EV Capable. This fast-tracking of installed chargers provides a community that currently has no chargers with what is likely more than enough to serve residents in the immediate and near-term future. The requested variance is simply to not require the retrofitting of the EV charging infrastructure into the previously developed areas, and only provide them in the development in-fill area to a number consistent with the new units being proposed.

April 20, 2021

Midwestern Consulting, LLC
3815 Plaza Drive
Ann Arbor, MI 48108

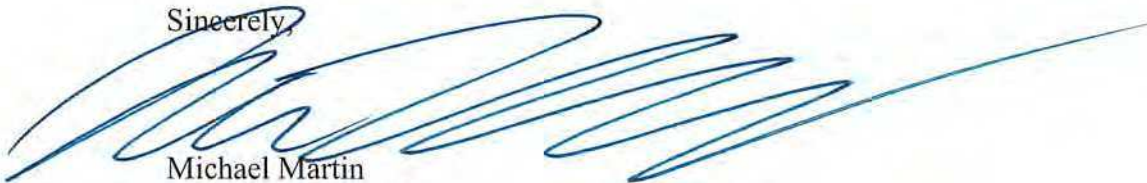
Re: Applications for Mill Creek Community Center Replacement and Infill Apartments

To Whom It May Concern:

Mill Creek One, LLC owns the parcel located at 3202 Chelsea Circle (the "Property") and described on Washtenaw County Tax Maps as parcel 09-12-10-201-011.

Mill Creek One, LLC hereby authorizes First Martin to make applications to City of Ann Arbor, agencies of Washtenaw County, the State of Michigan, and all other applicable regulatory bodies for the purpose of seeking approvals and permits to develop the Property.

Sincerely,



Michael Martin
Mill Creek One, LLC

April 20, 2021

Midwestern Consulting, LLC
3815 Plaza Drive
Ann Arbor, MI 48108

Re: Applications for Mill Creek Community Center Replacement and Infill Apartments

To Whom It May Concern:

Mill Creek Phase II Associates Limited Partnership owns the parcel located at 3002 Chelsea Circle (the "Property") and described on Washtenaw County Tax Maps as parcel 09-12-10-201-009.

Mill Creek Phase II Associates Limited Partnership hereby authorizes First Martin to make applications to City of Ann Arbor, agencies of Washtenaw County, the State of Michigan, and all other applicable regulatory bodies for the purpose of seeking approvals and permits to develop the Property.

Sincerely,



Michael Martin
Mill Creek II, LLC



Mill Creek Community Center Replacement and Infill Apartments ZBA Variance Request – Site Photos

The site photos below are representative of existing conditions in the parking bays with two to three existing buildings directly adjacent. The parking areas have 16 to 16.5 foot parking spaces with 6 foot sidewalks directly adjacent, which include the 2 foot car overhang.



Mill Creek – ZBA Variance Request

June 2, 2021

Page 2

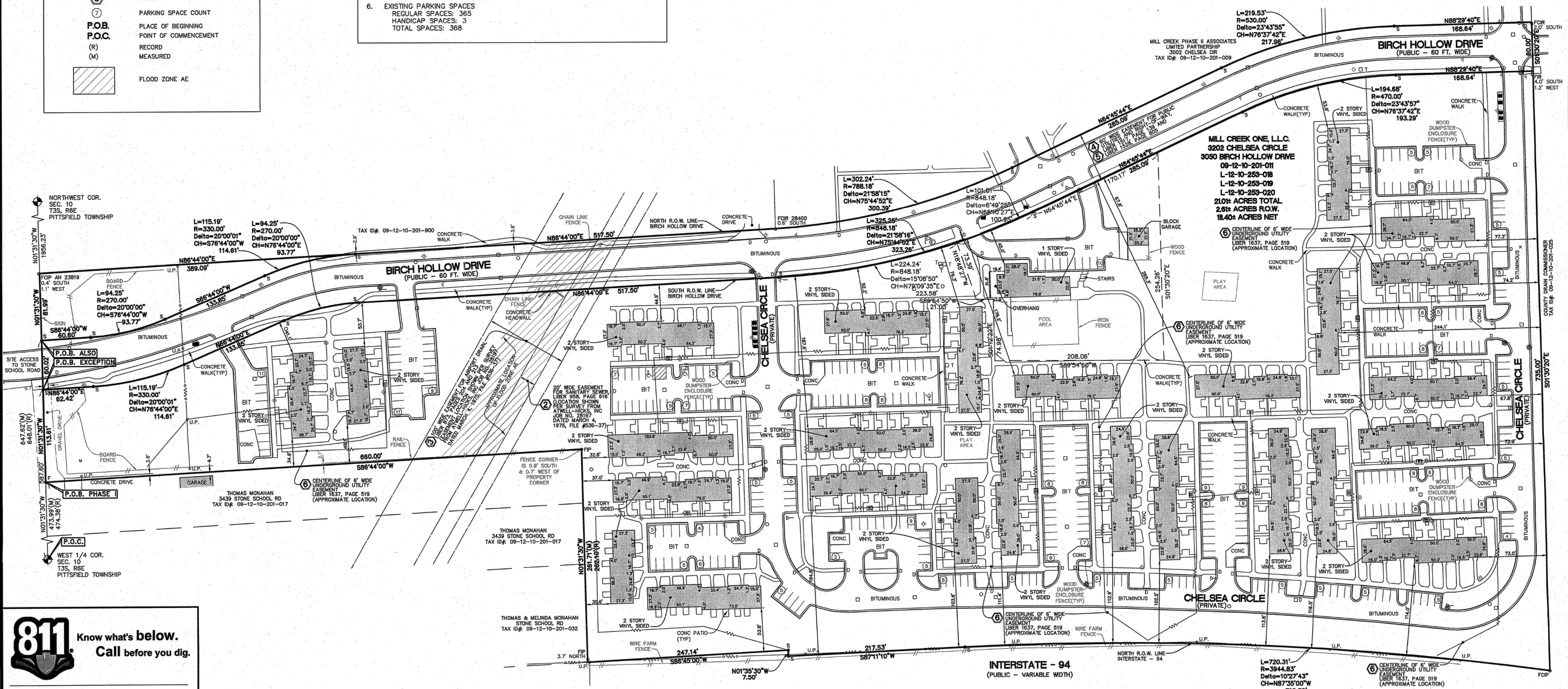
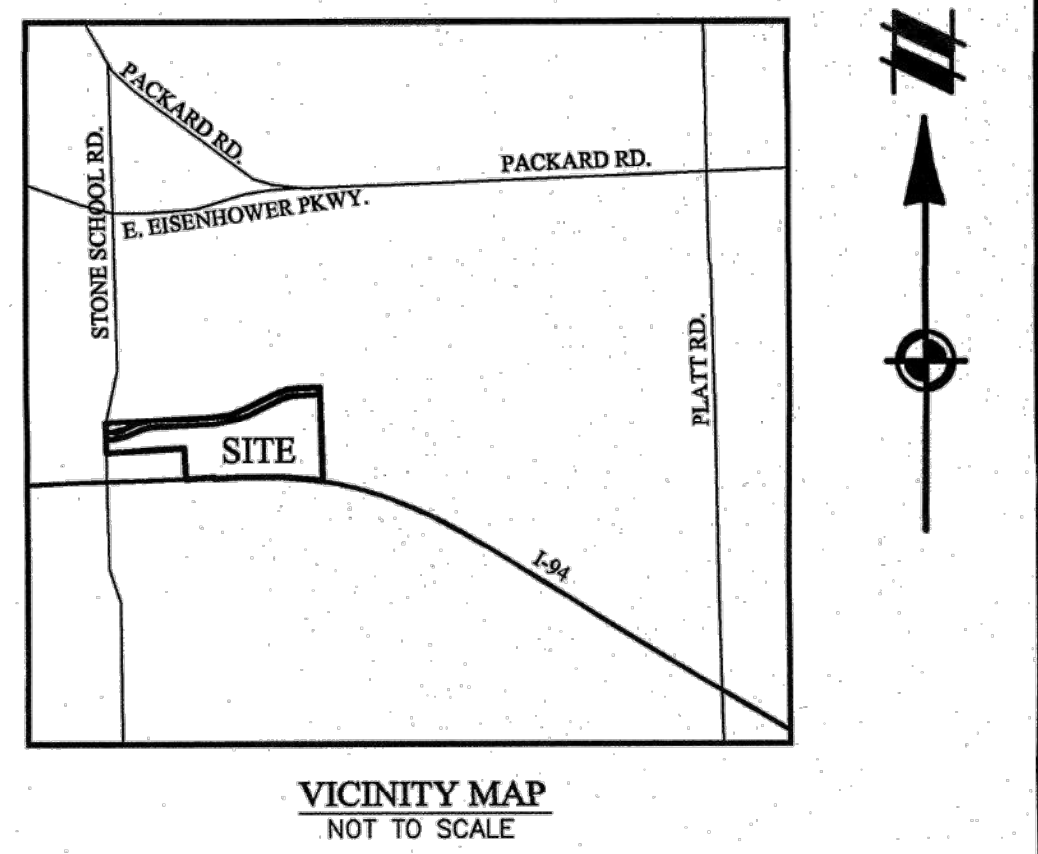


ALTA/ACSM LAND TITLE SURVEY

LEGEND	
	EXIST. MANHOLE
	EXIST. VALVE
	EXIST. HYDRANT
	EXIST. GUY WIRE
	EXIST. UTILITY POLE
	EXIST. OVERHEAD ELECTRIC
	EXIST. UNDERGROUND ELECTRIC
	EXIST. CURB AND GUTTER
	EXIST. FENCE LINE
	EXIST. CURB DUB/CUT
	EXIST. TELEPHONE RISER
	EXIST. ELECTRIC TRANSFORMER
	EXIST. ELECTRIC RISER
	EXIST. MAILBOX
	RIGHT-OF-WAY
	EXIST. SIGN
	EXIST. LIGHT POLE
	FOUND IRON PIPE
	FOUND CAPPED IRON PIPE
	FOUND CAPPED IRON ROD
	FOUND IRON ROD
	SECTION CORNER
	SCHEDULE B EXCEPTION
	PARKING SPACE COUNT
	PLACE OF BEGINNING
	POINT OF COMMENCEMENT
	RECORD
	MEASURED
	FLOOD ZONE AE

NOTES:

- BEARINGS ARE BASED ON THE TITLE DESCRIPTION.
- THE SITE IS ZONED: R3 - TOWNHOUSE DWELLING DISTRICT
REQUIRED BUILDING SETBACKS:
FRONT - 40 FEET
SIDE - 20 FEET, TOTAL 40 FEET
REAR - 40 FEET
MAXIMUM HEIGHT - 30 FEET
- THE SUBJECT SITE LIES WITHIN FLOOD ZONE "AE" AND ZONE "X" PER THE FEMA FIRM MAP OF THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, PANEL NUMBER 260213 0011 C, MAP REVISED DATE OF JANUARY 2, 1992.
ZONE "AE" - SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD. BASE FLOOD ELEVATIONS DETERMINED.
ZONE "X" - AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
- THERE IS NO INDICATION OF CHANGES TO STREET RIGHT-OF-WAY LINES.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, RECENT BUILDING CONSTRUCTION, SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL ON THIS SITE.
- EXISTING PARKING SPACES
REGULAR SPACES: 365
HANDICAP SPACES: 3
TOTAL SPACES: 368



811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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SECTION 10
TOWN 3 SOUTH, RANGE 6 EAST
CITY OF ANN ARBOR
WASHTENAW COUNTY, MICHIGAN

CLIENT
FIRST MARTIN CORPORATION
ALTA/ACSM LAND TITLE SURVEY
OF A 21.01 ACRE PARCEL OF LAND
LOCATED IN

DATE
NOVEMBER 23, 2010

REVISIONS

ATWELL

SCALE 0 30 60
1" = 60 FEET

DR. ME CH. JRC
P.M. J. CECIL

BOOK
CAD FILE: 10002005AS-01
JOB 10002005
FILE CODE: AS-0-01
SHEET NO. 1 OF 2

ALTA/ACSM LAND TITLE SURVEY

COMMITMENT ISSUED BY LIBERTY TITLE AGENCY
 FILE NUMBER: M95036, REVISION NO. 4
 COMMITMENT EFFECTIVE DATE: NOVEMBER 22, 2010

**SCHEDULE C
 PROPERTY DESCRIPTION**

Property located in the City of Ann Arbor and the Township of Pittsfield, County of Washtenaw, State of Michigan and described as follows:

PHASE I:
 Commencing at the West 1/4 corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 01 degrees 31' 30" West 474.38 feet (473.99 feet measured) along the centerline of Old Stone School Road and the West line of said Section 10 for a **Place of Beginning**; thence continuing along said centerline and said West line North 1 degrees 31' 30" West 113.61 feet; thence North 86 degrees 44' East 62.42 feet; thence 115.19 feet along the arc of a circular curve to the left, radius 330.00 feet, subtended by a chord which bears North 76 degrees 44' East 114.61 feet; thence North 66 degrees 44' East 133.85 feet; thence 94.25 feet along the arc of a circular curve to the right, radius 270.00 feet; subtended by a chord which bears North 76 degrees 44' East 93.77 feet; thence North 86 degrees 44' East 517.50 feet; thence 325.25 feet along the arc of a circular curve to the left, radius 848.18 feet; subtended by a chord which bears North 75 degrees 44' 52" East 323.26 feet; thence North 64 degrees 45' 44" East 285.09 feet; thence 194.68 feet along the arc of a circular curve to the right, radius 470.00 feet, subtended by a chord which bears North 76 degrees 37' 42" East 193.29 feet; thence North 88 degrees 29' 40" East 168.64 feet; thence South 1 degrees 30' 20" East 735.00 feet; thence along the North line of the I-94 Expressway in the following courses: 720.31 feet along the arc of a circular curve to the left, radius 3944.83 feet; subtended by a chord which bears North 87 degrees 35' West 719.30 feet, South 87 degrees 11' 10" West 217.53 feet, North 1 degrees 35' 30" West 7.50 feet, South 86 degrees 45' West 247.14 feet; thence North 1 degrees 31' 30" West 262.10 feet (261.71 feet Measured) along a line 660.00 feet East of and Parallel to the West line of said Section 10 to an iron pipe; thence South 86 degrees 44' West 660.00 feet, along the North line of land described in Liber 1325, page 698, Washtenaw County Records, Washtenaw County, Michigan to the Place of Beginning.

ALSO:
 Commencing at the West 1/4 corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 1 degrees 31' 30" West 648.01 feet (647.62 feet measured) along the centerline of Old Stone School Road and the West line of said Section 10 for a **Place of Beginning**; thence continuing along said centerline and said West line North 1 degrees 31' 30" West 81.99 feet; thence North 86 degrees 44' East 389.09 feet; thence 115.19 feet along the arc of a circular curve to the left, radius 330.00 feet, subtended by a chord which bears South 76 degrees 44' West 114.61 feet; thence South 66 degrees 44' West 133.85 feet; thence 94.25 feet along the arc of a circular curve to the right, radius 270.00 feet; subtended by a chord which bears South 76 degrees 44' West 93.77 feet; thence South 86 degrees 44' West 60.60 feet, to the Place of Beginning.

EXCEPTING THEREFROM BIRCH HOLLOW DRIVE, EAST:
 Commencing at the West 1/4 corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 1 degrees 31' 30" West 587.60 feet along the centerline of Old Stone School Road and the West line of said Section 10 for a **Place of Beginning**; thence continuing along said centerline and said West line North 1 degrees 31' 30" West 60.02 feet; thence North 86 degrees 44' East 60.60 feet; thence 94.25 feet along the arc of a circular curve to the left radius 270.00 feet, subtended by a chord which bears North 76 degrees 44' East 93.77 feet; thence North 66 degrees 44' East 133.85 feet; thence 115.19 feet along the arc of a circular curve to the right, radius 330.00 feet, subtended by a chord which bears North 76 degrees 44' East 114.61 feet; thence North 86 degrees 44' East 517.50 feet; thence 302.24 feet along the arc of a circular curve to the left radius 788.18 feet, subtended by a chord which bears North 75 degrees 44' 52" East 300.39 feet; thence North 64 degrees 45' 44" East 285.09 feet; thence 219.53 feet along the arc of a circular curve to the right, radius 530.00 feet, subtended by a chord which bears North 76 degrees 37' 42" East 217.96 feet; thence North 88 degrees 29' 40" East 168.64 feet; thence South 1 degrees 30' 20" East 60.00 feet; thence South 88 degrees 29' 40" West 168.64 feet; thence 194.68 feet along the arc of a circular curve to the left, radius 470.00 feet, subtended by a chord which bears South 76 degrees 37' 42" West 193.29 feet; thence South 64 degrees 45' 44" West 285.09 feet; thence 325.25 feet along the arc of a circular curve to the right, radius 848.18 feet, subtended by a chord which bears South 75 degrees 44' 52" West 323.26 feet; thence South 86 degrees 44' West 517.50 feet; thence 94.25 feet along the arc of a circular curve to the left, radius 270.00 feet, subtended by a chord which bears South 76 degrees 44' West 93.77 feet; thence South 66 degrees 44' West 133.85 feet; thence 115.19 feet along the arc of a circular curve to the right, radius 330.00 feet; subtended by a chord which bears South 76 degrees 44' West 114.61 feet; thence South 86 degrees 44' West 62.42 feet to the Place of Beginning, being a part of the Northwest 1/4 of said Section 10.

**SCHEDULE B - SECTION II
 EXCEPTIONS**

2. Right of Way in favor of The City of Ann Arbor, a Michigan Municipal Corporation for the construction and maintenance of a sanitary sewer as set forth in instrument dated August 1, 1961 and recorded August 17, 1961 in Liber 958, page 616, inclusive, Washtenaw County Records, and as shown on survey prepared by Michael D. Embree of Atwell, LLC, dated November 23, 2010, last revised February 16, 2011 being Job No. 10002005. **AFFECTS SUBJECT PROPERTY - LOCATION SHOWN PER SURVEY FROM ATWELL-HICKS, INC JOB NO. 28197 DATED MARCH 4, 1975, FILE #536-37**

3. Right of way in favor of The Drain Commissioner of the County of Washtenaw to locate, establish, construct, and maintain a drain as set forth in Liber 873, page 204 and Liber 873, page 213, inclusive, and Liber 873, page 192, Washtenaw County Records, and as shown on Atwell-Hicks Survey Job No. 28197. **LIBER 873, PAGE 204 - AFFECTS SUBJECT PROPERTY - LOCATION SHOWN PER SURVEY FROM ATWELL-HICKS, INC JOB NO. 28197 DATED MARCH 4, 1975, FILE #536-37**

LIBER 873, PAGE 192 - DOES NOT AFFECT SUBJECT PROPERTY

4. Easement Agreement between Mill Creek Village Limited Dividend Housing Association, a Michigan Limited Partnership, and William C. Martin, dated July 16, 1975, and recorded July 16, 1975, in Liber 1517, page 139, inclusive, Washtenaw County Records. **AFFECTS SUBJECT PROPERTY - AS SHOWN**

5. Easement granted by Mill Creek Village Limited Dividend Housing Association, a Michigan Limited Partnership to The City of Ann Arbor, a Michigan Municipal Corporation for the purpose of constructing, maintaining and installing water mains, storm sewers, and sanitary sewer systems as set forth in instrument dated August 26, 1975 and recorded October 27, 1975, in Liber 1528, pages 805, inclusive, Washtenaw County Records. **AFFECTS SUBJECT PROPERTY - AS SHOWN**

6. Agreement, Easement and restrictions as recorded in Liber 1522, page 135, Washtenaw County Records; Re-recorded in Liber 1637, page 519, Washtenaw County Records. **PORTIONS OF DOCUMENT ILLEGIBLE - AFFECTS SUBJECT PROPERTY APPROXIMATELY AS SHOWN**

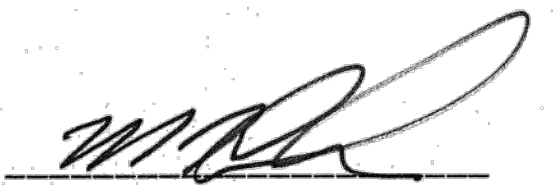
8. Property has no direct access to Highway I-94.

9. Easement for use of recreational facilities as disclosed by Amended and Restated Easement Agreement dated _____ and recorded in Liber _____, page _____, Washtenaw County Records. **AFFECTS SUBJECT PROPERTY**


CERTIFICATE

The undersigned hereby certifies to:
 Berkadia Commercial Mortgage LLC, Federal Home Loan Mortgage Corporation, and respective successors and assigns, Mill Creek One, L.L.C., a Michigan limited liability company, First Martin Corporation, Liberty Title Agency, and Stewart Title Guaranty Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005 and includes items 1, 2, 3, 4, 6, 7(a), 8, 9, 10, 11(a), 13, 16, 17 AND 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further states that in my professional opinion, as a land surveyor registered in the State of Michigan, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.


 Michael D. Embree
 Registered Professional Surveyor No. 56860
 Two Towne Square, Suite 700
 Southfield, Michigan 48076
 248.447.2000

2-16-2011
 Date



811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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SECTION 10
 TOWN 3 SOUTH, RANGE 6 EAST
 CITY OF ANN ARBOR
 WASHTENAW COUNTY, MICHIGAN

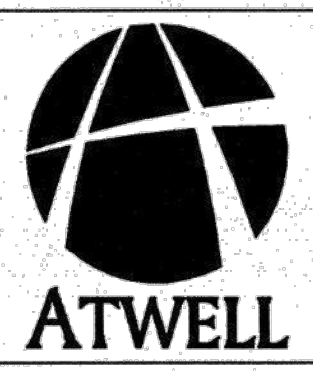
CLIENT
FIRST MARTIN CORPORATION
 ALTA/ACSM LAND TITLE SURVEY
 OF A 21.01 ACRE PARCEL OF LAND
 LOCATED IN

DATE
 NOVEMBER 23, 2010

1-10-2011
 PER ATTORNEY COMMENTS

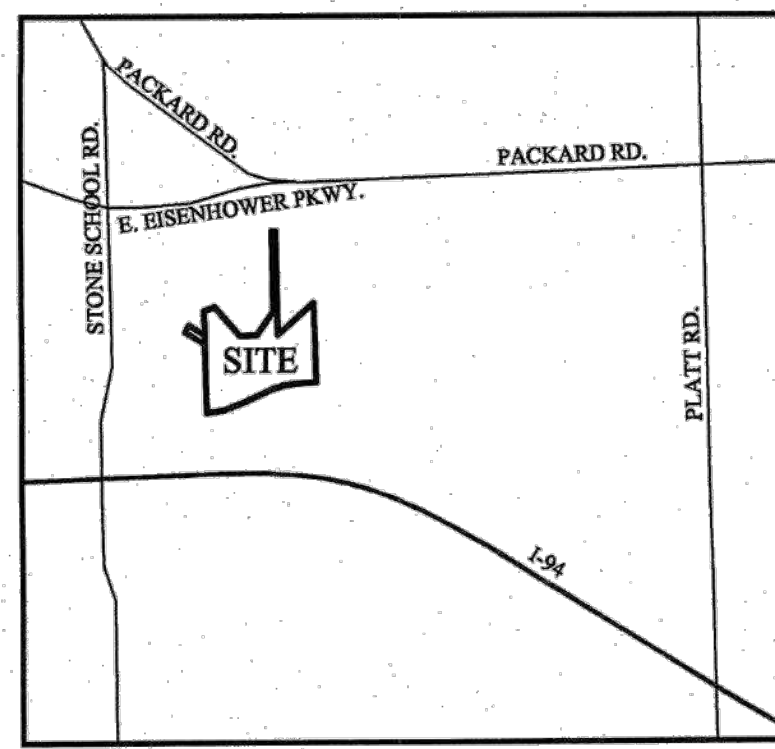
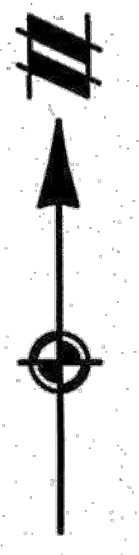
2-10-2011
 NEW TITLE/ATTORNEY COMMENTS

REVISIONS


ATWELL

DR.	ME	CH.	JRC
P.M.	J. CECIL		
BOOK	---		
CAD FILE:	0002005AS-01		
JOB	10002005		
FILE CODE:	AS-0-01		
SHEET NO.	2 OF 2		

ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP
NOT TO SCALE

LEGEND

- EXIST. MANHOLE
- ⊙ EXIST. VALVE
- ⊕ EXIST. HYDRANT
- ⊕ EXIST. GUY WIRE
- ⊕ EXIST. UTILITY POLE
- EXIST. OVERHEAD ELECTRIC
- EXIST. UNDERGROUND ELECTRIC
- EXIST. CURB AND GUTTER
- EXIST. FENCE LINE
- EXIST. CURB DUB/CUT
- EXIST. TELEPHONE RISER
- EXIST. ELECTRIC TRANSFORMER
- EXIST. ELECTRIC RISER
- EXIST. MAILBOX
- R.O.W.
- EXIST. SIGN
- EXIST. LIGHT POLE
- FOUND IRON PIPE
- FOUND CAPPED IRON PIPE
- FOUND CAPPED IRON ROD
- FOUND IRON ROD
- SECTION CORNER
- ⑥ SCHEDULE B EXCEPTION
- P.O.B. PLACE OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- (R) RECORD
- (M) MEASURED
- (7) PARKING SPACE COUNT
- ▨ FLOOD ZONE AE

NOTES:

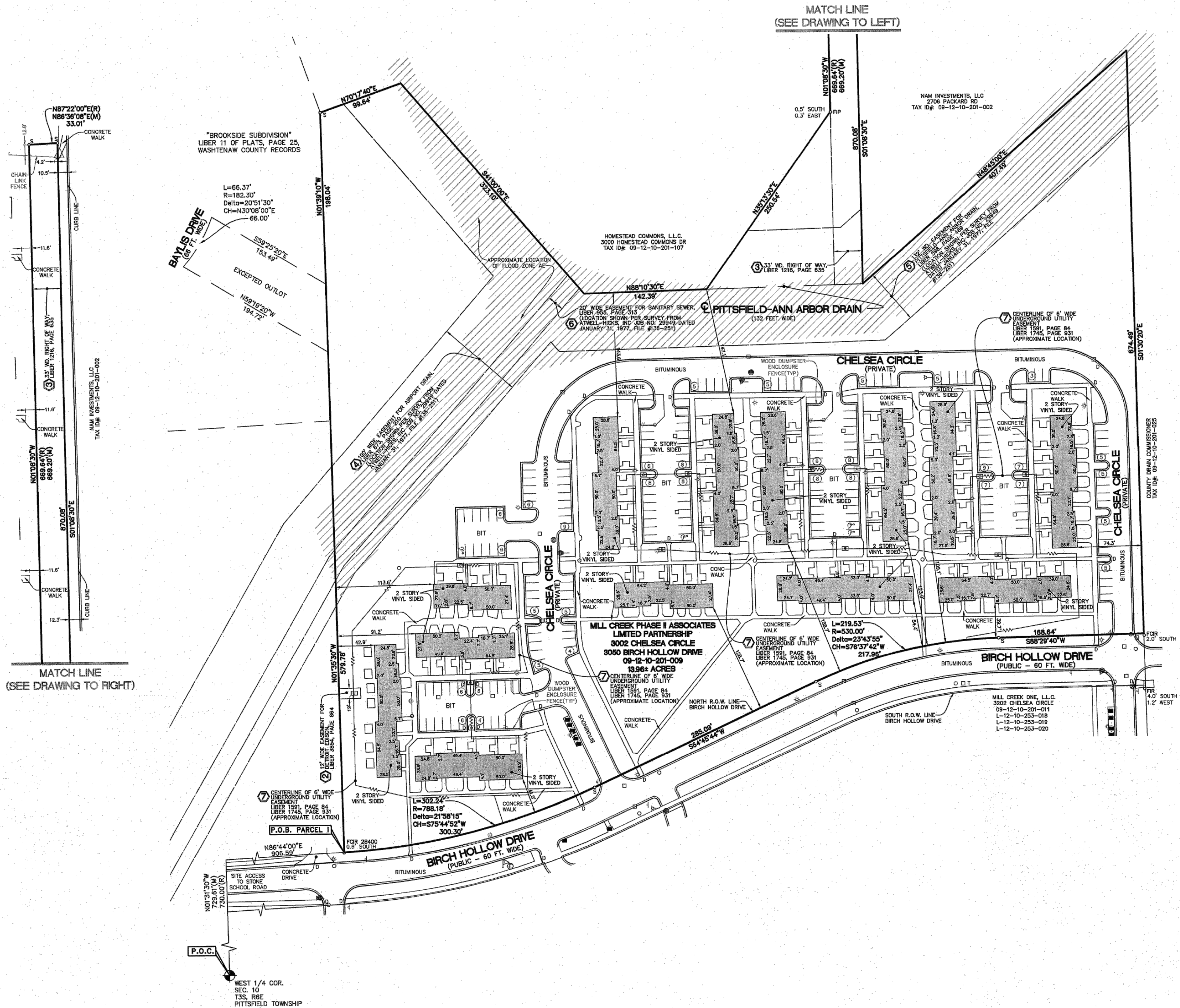
- BEARINGS ARE BASED ON THE TITLE DESCRIPTION.
- THE SITE IS ZONED: R3 - TOWNHOUSE DWELLING DISTRICT
REQUIRED BUILDING SETBACKS:
FRONT - 40 FEET
SIDE - 20 FEET, TOTAL 40 FEET
REAR - 40 FEET
MAXIMUM HEIGHT - 30 FEET
- THE SUBJECT SITE LIES WITHIN FLOOD ZONE "AE" AND ZONE "X" PER THE FEMA FIRM MAP OF THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, PANEL NUMBER 280213 0011 C, MAP REVISED DATE OF JANUARY 2, 1992.
ZONE "AE" - SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD. BASE FLOOD ELEVATIONS DETERMINED.
ZONE "X" - AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
- THERE IS NO INDICATION OF CHANGES TO STREET RIGHT-OF-WAY LINES.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, RECENT BUILDING CONSTRUCTION, SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL ON THIS SITE.
- EXISTING PARKING SPACES
REGULAR SPACES: 197
HANDICAP SPACES: 4
TOTAL SPACES: 201



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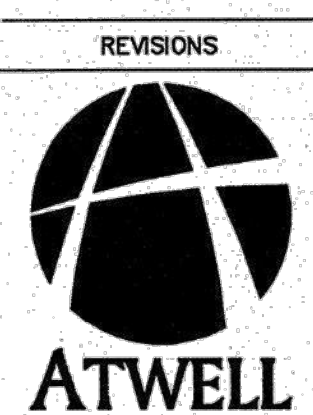


SECTION 10
TOWN 3 SOUTH, RANGE 6 EAST
CITY OF ANN ARBOR
WASHTENAW COUNTY, MICHIGAN

CLIENT
FIRST MARTIN CORPORATION
ALTA/ACSM LAND TITLE SURVEY
OF A 13.96 ACRE PARCEL OF LAND
LOCATED IN

DATE
DECEMBER 02, 2010

REVISIONS



SCALE 0 30 60
1" = 60 FEET
DR. ME CH. JRC
P.M. J. CECIL
BOOK ---
CAD FILE: 10002005AS-02
JOB 10002005
FILE CODE: AS-0-02
SHEET NO. 1 OF 2

ALTA/ACSM LAND TITLE SURVEY

COMMITMENT ISSUED BY LIBERTY TITLE AGENCY
 FILE NUMBER: M95038, REVISION NO. 2
 COMMITMENT EFFECTIVE DATE: NOVEMBER 22, 2010

LEGAL DESCRIPTION (PER TITLE COMMITMENT No. M95038)

PARCEL I:
 Commencing at the West 1/4 corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence North 1 degrees 31' 30" West 730.00 feet (measured as 729.61 feet) along the West line of said Section and the centerline of Stone School Road; thence North 86 degrees 44' East 906.59 feet for a **Place of Beginning**; thence North 1 degrees 35' 30" West 579.78 feet; thence North 59 degrees 19' 20" West 194.72 feet along the Northeastly line of Lot 57 in Brookside Subdivision, as recorded in Liber 11 of Plats, page 25, Washtenaw County Records; thence Northeastly along the arc of a circular curve to the left, radius 182.30 feet, subtended by a chord which bears North 30 degrees 08' East 66.00 feet along the Southeastly line of Baylis Drive; thence South 59 degrees 25' 20" East 153.49 feet along the Southwesterly line of Lot 15 in said Brookside Subdivision; thence North 1 degrees 39' 10" West 198.04 feet along the easterly line of said Brookside Subdivision; thence North 70 degrees 17' 40" East 99.64 feet; thence along the centerline of the Pittsfield-Ann Arbor Drain South 41 degrees 00' East 323.10 feet; thence continuing along said centerline North 88 degrees 10' 30" East 142.39 feet; thence North 35 degrees 13' 30" East 250.54 feet; thence North 1 degrees 08' 30" West 669.64 feet; thence North 87 degrees 22' East 33.01 feet; thence South 1 degrees 08' 30" East 870.08 feet; thence along the centerline of the Pittsfield-Ann Arbor Drain North 48 degrees 45' East 407.49 feet; thence South 1 degrees 30' 20" East 674.49 feet; thence South 88 degrees 29' 40" West 168.64 feet; thence 219.53 feet along the arc of a circular curve to the left radius 530.00 feet; chord South 76 degrees 37' 42" West 217.96 feet; thence South 64 degrees 45' 44" West 285.09 feet; thence 302.24 feet along the arc of a circular curve to the right, radius 788.18 feet; chord South 75 degrees 44' 52" West 300.30 feet to the Place of Beginning, being part of the Northwest 1/4 of said Section 10.

Excepting therefrom Outlot, Brookside Subdivision, being in the Northwest 1/4 of Section 10, Town 3 South, Range 6 East, Pittsfield Township, Michigan, as recorded in Liber 11 of Plats, page 25, Washtenaw County Records.

PARCEL II:

Easement for use of recreational facilities as disclosed by Easement Agreement dated _____ and recorded in Liber _____ page _____ Washtenaw County Records.

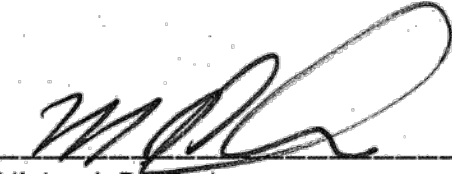
**SCHEDULE B - SECTION II
 EXCEPTIONS**

2. Detroit Edison Easement as recorded in Liber 3854, page 864, Washtenaw County Records. **AFFECTS SUBJECT PROPERTY - AS SHOWN**
3. Easement for Right of Way purposes as contained on Warranty Deed, as recorded in Liber 1216, page 635, Washtenaw County Records. Said easement is reserved to a 33 foot strip over a portion of subject premises as described in said Warranty Deed and as shown in Survey prepared by Atwell-Hicks, Inc., being Job 29949 and dated as of January 31, 1977. **AFFECTS SUBJECT PROPERTY - AS SHOWN**
4. Airport Drain Right of Way granted to Drain Commissioner of County of Washtenaw, as recorded in Liber 873, page 204, and in Liber 873, page 210, Washtenaw County Records, and as shown in survey prepared by Atwell Hicks, Inc., being Job 29949 and dated as of January 31, 1977, and as revised May 30, 1978. **LIBER 873, PAGE 204 - DOES NOT AFFECT SUBJECT PROPERTY**
LIBER 873, PAGE 210 - AFFECTS SUBJECT PROPERTY - LOCATION SHOWN PER SURVEY FROM ATWELL-HICKS, INC JOB NO. 29949 DATED JANUARY 31, 1977, FILE #136-251
5. Pittsfield-Ann Arbor Drain Right of Way granted to Drain Commissioner of County of Washtenaw to locate, construct, and maintain a drain as set forth in Liber 596, page 489, Washtenaw County Records and as shown in survey prepared by Atwell Hicks, Inc., being Job 29949 and dated January 31, 1977 and as revised May 30, 1978. **AFFECTS SUBJECT PROPERTY - LOCATION SHOWN PER SURVEY FROM ATWELL-HICKS, INC JOB NO. 29949 DATED JANUARY 31, 1977, FILE #136-251**
6. Sanitary Sewer Right of Way granted to the City of Ann Arbor, a Michigan Municipal Corporation for the construction and maintenance of a Sanitary Sewer as set forth in Liber 955, page 313, Washtenaw County Records, and as shown in survey prepared by Atwell-Hicks, Inc., being Job 29949 and dated January 31, 1977 and as revised May 30, 1978. **AFFECTS SUBJECT PROPERTY - LOCATION SHOWN PER SURVEY FROM ATWELL-HICKS, INC JOB NO. 29949 DATED JANUARY 31, 1977, FILE #136-251**
7. Terms, conditions and restrictions of an Agreement with The Detroit Edison Company and the Michigan Bell Telephone Company regarding easements for the installation and maintenance of equipment to provide electric and telephone services to all lots in the proposed Mill Creek Village Phase II as set forth in Liber 1591, page 84, Washtenaw County Records and Re-recorded in Liber 1745, page 931, Washtenaw County Records. **PORTIONS OF DOCUMENT ILLEGIBLE - AFFECTS SUBJECT PROPERTY APPROXIMATELY AS SHOWN**
9. Terms, conditions and provisions of Easement Agreement dated _____ and recorded _____ in Liber _____ page _____ Washtenaw County Records and described herein as Parcel II. **AFFECTS SUBJECT PROPERTY**

CERTIFICATE

The undersigned hereby certifies to:
 Berkadia Commercial Mortgage LLC, Federal Home Loan Mortgage Corporation, and respective successors and assigns, Mill Creek Phase II Associates Limited Partnership, a Michigan limited partnership, First Martin Corporation, Liberty Title Agency, and Stewart Title Guaranty Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005 and includes items 1, 2, 3, 4, 6, 7(a), 8, 9, 10, 11(a), 13, 16, 17 AND 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further states that in my professional opinion, as a land surveyor registered in the State of Michigan, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.


 Michael D. Embree
 Registered Professional Surveyor No. 56860
 Two Towne Square, Suite 700
 Southfield, Michigan 48076
 248.447.2000

2-16-2011
 Date



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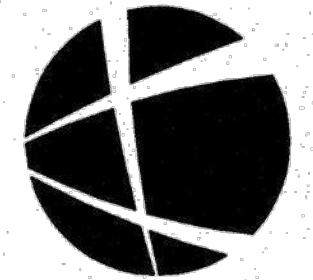
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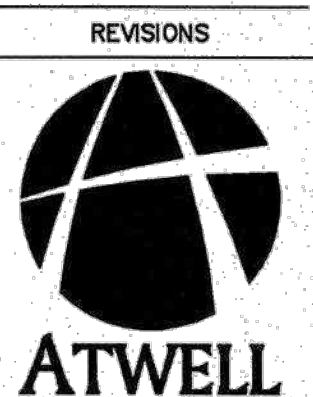
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SECTION 10
 TOWN 3 SOUTH, RANGE 6 EAST
 CITY OF ANN ARBOR
 WASHTEENAW COUNTY, MICHIGAN

CLIENT
FIRST MARTIN CORPORATION
 ALTA/ACSM LAND TITLE SURVEY
 OF A 13.96 ACRE PARCEL OF LAND
 LOCATED IN

DATE
 DECEMBER 02, 2010
 PER ATTORNEY COMMENTS
 1-10-2011
 2-16-2011
 NEW TITLE/ATTORNEY COMMENTS



DR. ME | CH. JRC

P.M. J. CECIL

BOOK ---

CAD FILE:
 10002005AS-02

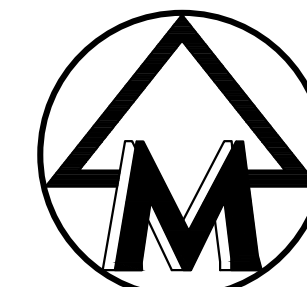
JOB 10002005

FILE CODE: AS-0-02

SHEET NO.

2 OF 2

MA:\CIVIL\132_Proj\19285\Site Plan\19285_Site Plan_13 OVERALL SITE PLAN_MLCC PDF.ppt3
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SCALE: 1" = 60'
0 60 120 180

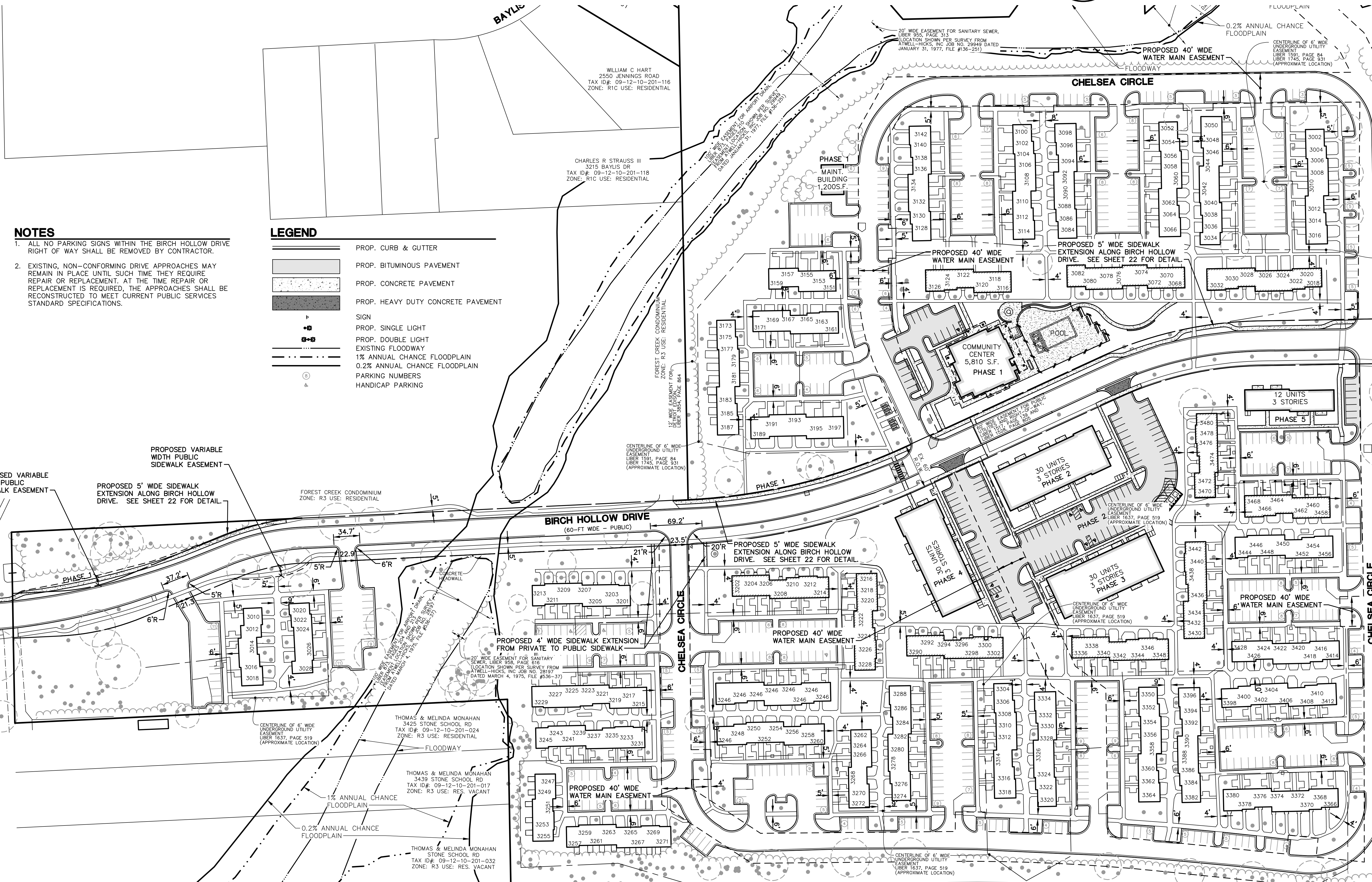


COUNTY DEAN COMMISSIONER
TAX ID# 09-12-10-201-025
ZONE: PL USE: PUBLIC LAND

CENTERLINE OF 6' WIDE UNDERGROUND UTILITY EASEMENT LIBER 1745, PAGE 931 (APPROXIMATE LOCATION)

COUNTY DEAN COMMISSIONER
TAX ID# 09-12-10-201-025
ZONE: PL USE: PUBLIC LAND

COUNTY DEAN COMMISSIONER
TAX ID# 09-12-10-201-025
ZONE: PL USE: PUBLIC LAND



- NOTES**
1. ALL NO PARKING SIGNS WITHIN THE BIRCH HOLLOW DRIVE RIGHT OF WAY SHALL BE REMOVED BY CONTRACTOR.
 2. EXISTING, NON-CONFORMING DRIVE APPROACHES MAY REMAIN IN PLACE UNTIL SUCH TIME THEY REQUIRE REPAIR OR REPLACEMENT. AT THE TIME REPAIR OR REPLACEMENT IS REQUIRED, THE APPROACHES SHALL BE RECONSTRUCTED TO MEET CURRENT PUBLIC SERVICES STANDARD SPECIFICATIONS.

- LEGEND**
- PROP. CURB & GUTTER
 - PROP. BITUMINOUS PAVEMENT
 - PROP. CONCRETE PAVEMENT
 - PROP. HEAVY DUTY CONCRETE PAVEMENT
 - SIGN
 - PROP. SINGLE LIGHT
 - PROP. DOUBLE LIGHT
 - EXISTING FLOODWAY
 - 1% ANNUAL CHANCE FLOODPLAIN
 - 0.2% ANNUAL CHANCE FLOODPLAIN
 - PARKING NUMBERS
 - HANDICAP PARKING

PROPOSED VARIABLE WIDTH PUBLIC SIDEWALK EASEMENT

PROPOSED 5' WIDE SIDEWALK EXTENSION ALONG BIRCH HOLLOW DRIVE. SEE SHEET 22 FOR DETAIL.

FOREST CREEK CONDOMINIUM
ZONE: R3 USE: RESIDENTIAL

BIRCH HOLLOW DRIVE
(60-FT WIDE - PUBLIC)

PROPOSED 5' WIDE SIDEWALK EXTENSION ALONG BIRCH HOLLOW DRIVE. SEE SHEET 22 FOR DETAIL.

PROPOSED 4' WIDE SIDEWALK EXTENSION FROM PRIVATE TO PUBLIC SIDEWALK

PROPOSED 40' WIDE WATER MAIN EASEMENT

PROPOSED 40' WIDE WATER MAIN EASEMENT

CENTERLINE OF 6' WIDE UNDERGROUND UTILITY EASEMENT LIBER 1637, PAGE 519 (APPROXIMATE LOCATION)

THOMAS & MELINDA MONAHAN
3425 STONE SCHOOL RD
TAX ID# 09-12-10-201-024
ZONE: R3 USE: RESIDENTIAL

THOMAS & MELINDA MONAHAN
3439 STONE SCHOOL RD
TAX ID# 09-12-10-201-017
ZONE: R3 USE: RES. VACANT

THOMAS & MELINDA MONAHAN
STONE SCHOOL RD
TAX ID# 09-12-10-201-032
ZONE: R3 USE: RES. VACANT

The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

I-94

CENTERLINE OF 6' WIDE UNDERGROUND UTILITY EASEMENT LIBER 1637, PAGE 519 (APPROXIMATE LOCATION)

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FIRST MARTIN
115 DEPOT STREET
ANN ARBOR, MI 48104
DARREN MCKINNON
734-994-5050

MILL CREEK COMMUNITY CENTER REPLACEMENT AND INFILL APARTMENTS
REZONING AND SITE PLAN
OVERALL SITE PLAN

13

JOB No.	19285
REV. DATE	06/28/21
ADD: CTS	
ENG: TPH	
PK: TPH	
TECH:	
SITE PLAN/19285P1	

DATE: 04/22/21
SHEET 13 OF 47

