

ANN ARBOR PLANNING DEPARTMENT STAFF REPORT

For Planning Commission Meeting of September 19, 2017

**SUBJECT: Weber Site Plan (2857 Packard Road)
File No. SP17-004**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weber Site Plan and Development Agreement, subject to recording of storm water easements.

STAFF RECOMMENDATION

Staff recommends that this site plan be **denied** because the development does not limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land applying the criteria for reviewing a natural features statement of impact as provided in City Code. Also, the site plan does not comply with the City Master Plan recommendation of protecting existing natural features.

PROJECT LOCATION

This site is located on the north side of Packard Road, east of Easy Street. This site is located in the South Area and located in the Malletts Creek Watershed.

PROJECT DESCRIPTION

Zoning Designation

The petitioner rezoned this 7.7-acre parcel from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District) in November 2016 with conditions. These conditions included a maximum of 52 dwelling units with five of the perimeter units ranch style, a 15-foot wide landscape buffer around the perimeter of the site to provide screening from adjacent neighbors, and attached garages not projecting more than 12 feet from the front of the house or 6 feet from the front of the porch.

Area Plan

The petitioner originally submitted an Area Plan, one of the options required when an amendment to the City Zoning Map is proposed [Chapter 57 5:121(1)]. The Area Plan showed open space areas along the southeast corner, south detention area and mid portion of the west property lines, preserving 14 Landmark trees and .79 acres of woodland trees*(see petitioner chart below).

The Area Plan showed proposed dwelling units on lots approximately 4,000 square feet with homes no greater than 2,000-square feet in floor area and arranged in a grid pattern. Internal vehicular circulation was proposed by a private internal loop drive accessed off two curb cuts leading to Packard Road

The majority of natural features are located on the southern half and mid-western portion of the site totaling approximately 3.66 acres of woodlands. Based on initial staff review, these woodlands may be mid to high level concern. There are approximately 73 landmark trees on site with a majority located within these woodlands. The staff Urban Forester, in the Area Plan review, stated "Staff review of the natural features on the Area Plan is constrained because an Area Plan is a conceptual drawing that does not contain many elements required on a Site Plan, including location of utilities, storm water management, and detailed information on natural features impacts and mitigation. The elements required on a Site Plan can significantly alter the site layout. Despite any approval of this Area Plan, the site layout would need to be changed during the Site Plan approval process to comply with natural features requirements." Staff also notes that Area Plans do not require application of the natural features statement of impact as required for Site Plans.

Site Plan

The proposed site plan shows removal of the farmhouse and several outbuildings with 51 dwelling units proposed in a grid pattern on this site. With the exception of the northwest corner lots, the lots are 4,000-square feet and allow for a maximum 2,000-square foot home. As required as part of the conditional rezoning, a 15-foot wide buffer is provided around the perimeter of the site.

Access is provided via a two-way drive entering off the southeast corner of the site with an internal loop accessing all of the lots and exiting off the same entrance drive. Mountable curbs with a concrete connection off Packard Road and the internal vehicular loop is proposed west of the main entrance to provide secondary emergency-only access.

Internal sidewalks are proposed along the inner and outer looping drive and connect with the existing sidewalk fronting Packard Road. As required by code for private drives, each dwelling requires an on street parking space. Thirty-one surface parking spaces are located off the entrance drive along with an additional 20 parallel parking spaces located along the looping drive.

100-year storm water detention is provided with three detention basins. Infiltration is proposed for first flush and bankfull events at these basins. In more severe storm events, stormwater from the central basin facing Packard Road will travel to the smaller basin to the west for storage and infiltration. Drainage easements are located around the majority of the perimeter along with additional easements over the eastern entrance drive and spine of the site leading to these detention basins.

The overall stormwater that leaves the site is significantly reduced due to the proposed on site storm water management system. This stormwater layout meets the most current WCWRC rules and was reviewed and preliminarily approved by WCWRC.

The petitioner submitted an original Area Plan along with four revised site plans for city staff review. Each subsequent review eliminated more landmark and woodland trees as shown in the petitioner's chart below.

	Existing	Area Plan	Initial Site Plan	Revised Site Plan	Revised Site Plan #2	Current Site Plan
LM Trees Preserved	51	14	12	11	8	7
LM Tree DBH Preserved	1,245 inches	405 Inches	361 inches	348 inches	221 inches	191 inches
Woodland Area Preserved	3.4 acres	.79 acres*	.77 acres*	.65 acres*	.32 acres*	.3 acres*
Woodland DBH >40% Health Preserved	1,623 inches	376 inches	361 inches	317 inches	268 inches	266 inches

* The removal of trees for this development will reduce the basal area of the woodlands to less than 30 square feet per ½ acre and the areas will no longer meet the woodlands definition of Chapter 57

As stated in the Urban Forester's attached comments there is a significant stand of Bur Oak trees on the west side of the property that include trees of the following sizes measured in DBH inches (DBH= diameter measured at 4.5 feet above the ground): 60", 41", 37", 35", 30", 25" and 20". This area contains several trees dating back to pre-settlement Ann Arbor and represents a native forest fragment, which is considered the highest priority for protection. The proposed plan removes this stand of Bur Oak trees and the other smaller woodland trees around it.

The site also contains woodlands in the middle of the site classified of as mid-level concern for protection. These urban woodlands are comprised of a mixture of landmark and woodland Black walnut and Honeylocust trees. The proposed plan removes these woodlands.

Staff has requested that the Petitioner alter lot sizes and building envelopes to preserve some of the high and mid-quality natural features on the site. Alternative site layouts provided by the Petitioner demonstrate layouts that better accomplish this than the selected layout and are attached.

A draft site Development Agreement is attached.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Single-family homes	R1B (Single-family Dwelling District)
WEST	Single-family homes & City Park	R1B & PL (Public Land District)
SOUTH	City Park and Church	R1C (Single-family Dwelling District)
EAST	Single-family homes	R1C

COMPARISON CHART

		EXISTING	PERMITTED/REQUIRED	PROPOSED	PERMITTED/REQUIRED
Zoning		R1C (Single-family Residential District)	R1C	R1E (Single-family Residential District)	R1E
Gross Lot Area		333,383 sq ft* (7.65 acres)	7,200 sq ft MIN/dwelling unit	326,469 sq ft* (7.49 acres)	4,000 sq ft MIN/dwelling unit
Lot Width		406 ft	60 ft	46 ft	34 ft
Setbacks	Front	125 ft	25 ft	25 ft	15 ft MIN
	Side	115 ft	5 ft	3 ft	3 ft
	Rear	620 ft	30 ft	20 ft	20 ft
Building Height		None	30 ft	30 ft**	30 ft MAX
Parking - Automobiles		2 spaces	1 space/dwelling MIN	56 spaces	1 space/dwelling MIN
Parking – Bicycles		None	None***	51***	51***

- * Net lot area is gross lot area minus Packard Road right-of-way.
- ** A minimum of 5 homes are to be ranch style.
- *** Bicycle parking located in future garages.

HISTORY

City records indicate the existing farmhouse on site was constructed in 1840. The property has been used historically for a single-family residence. An Area Plan and Conditional Rezoning of this site from R1C to R1E (Single Family Dwelling District) were approved in November 2016. Part of the conditional rezoning includes a 15-foot wide landscape buffer around the perimeter of the development along with a minimum of five ranch style houses located around the perimeter.

PLANNING BACKGROUND

The Master Plan: Land Use Element identifies this site as Site 8 and states this 7.9-acre site is located on the north side of the Packard, east of Easy Street. Single-family detached residential use is recommended.

DEPARTMENT COMMENTS

Systems Planning – The sanitary sewer mitigation calculations are approved. Flow equivalent to 55 GPM will need to be removed from the sanitary sewer system in order to mitigate new flow from the proposed development. Alternately, a payment may be made in lieu of performing actual flow removal as allowed by City Code.

Parks - A parkland contribution for improvements to Buhr Park/Cobblestone Farm for \$31,875 is requested.

Planning – There are constraints on this site due to natural features. The bulk of these natural features are located in the south central and southwest portions of the site. Many of the landmark trees and woodlands are of the high to mid-level concern. As stated in the Urban Forester's comments, it's likely some of the landmark Burr Oak trees are older than the City of Ann Arbor.

Staff supported the rezoning to increase density from R1C to R1E at the area plan stage due to the natural feature constraints on site and the benefits of increased density due to the proximity of nearby public transportation, existing utilities, and public parks. The original area plan showed open spaces protecting some high-level landmark trees and some mid-level woodlands located along the south central property line and along Packard Road. Since this initial area plan, each site plan submission has either reduced or removed these open space areas and their natural features. Staff recognizes the petitioner has reduced the number of units from 56 to 51 units, but this slight reduction was primarily to address storm water detention on site and not natural features preservation.

The petitioner provided alternative analysis showing fewer lots with more natural features preservation. Site Alternative #1 contains 40 lots and preserving additional natural features. While there are many constraints on site, any proposed development should be concentrated on the northern three-quarters portion of this site. This demonstrates an alternative plan that provides for a reasonable use of the property, with less impact to natural features.

Washtenaw County Water Resources Commissioner – The current design plans have been preliminarily approved by our office. To receive final site plan approval, the site plans must meet the additional criteria for construction plan approval, as outlined in the rules of WCWRC Office. Prior to construction, final design plan must be submitted to this office for review.

Solid Waste - A "No Parking on Service Day" sign will be required for any on-site street parking.

Neighborhood Concerns – Minutes of the most recent Citizen's Participation Meeting held on 2/22/17 are attached.

Malletts Creek Coordinating Committee – The petitioner attended the April 12, 2017 Malletts Creek Coordinating Committee meeting to discuss potential solutions to the previous comments provided by the committee. Notes from that meeting are attached.

Urban Forestry – The original Area Plan comments have not been addressed on the Site Plan submissions. Site plan review comments are attached. These comments detail the rationale for concluding that this site plan does not meet the following ordinance standard for site plan approval regarding natural features: *"The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this chapter."* (Chapter 57, 5:122(6)(b))

Natural Area Preservation – Staff visited the site and agrees with the Urban Forestry's comments and concerns.

Attachment: Zoning and Aerial Map
2016 Area Plan
3/1/17 Citizen's Participation Summary
Site Plan
Landscape Plan
Alternatives Analysis
8/4/17 Urban Forester's Comments
4/12/17 MCCC Meeting Notes
2/22/17 Citizen Participation Meeting
Draft Development Agreement

c: Petitioner: Peters Building Company – Jim Haeussler
172 S. Industrial
Saline, MI 48176

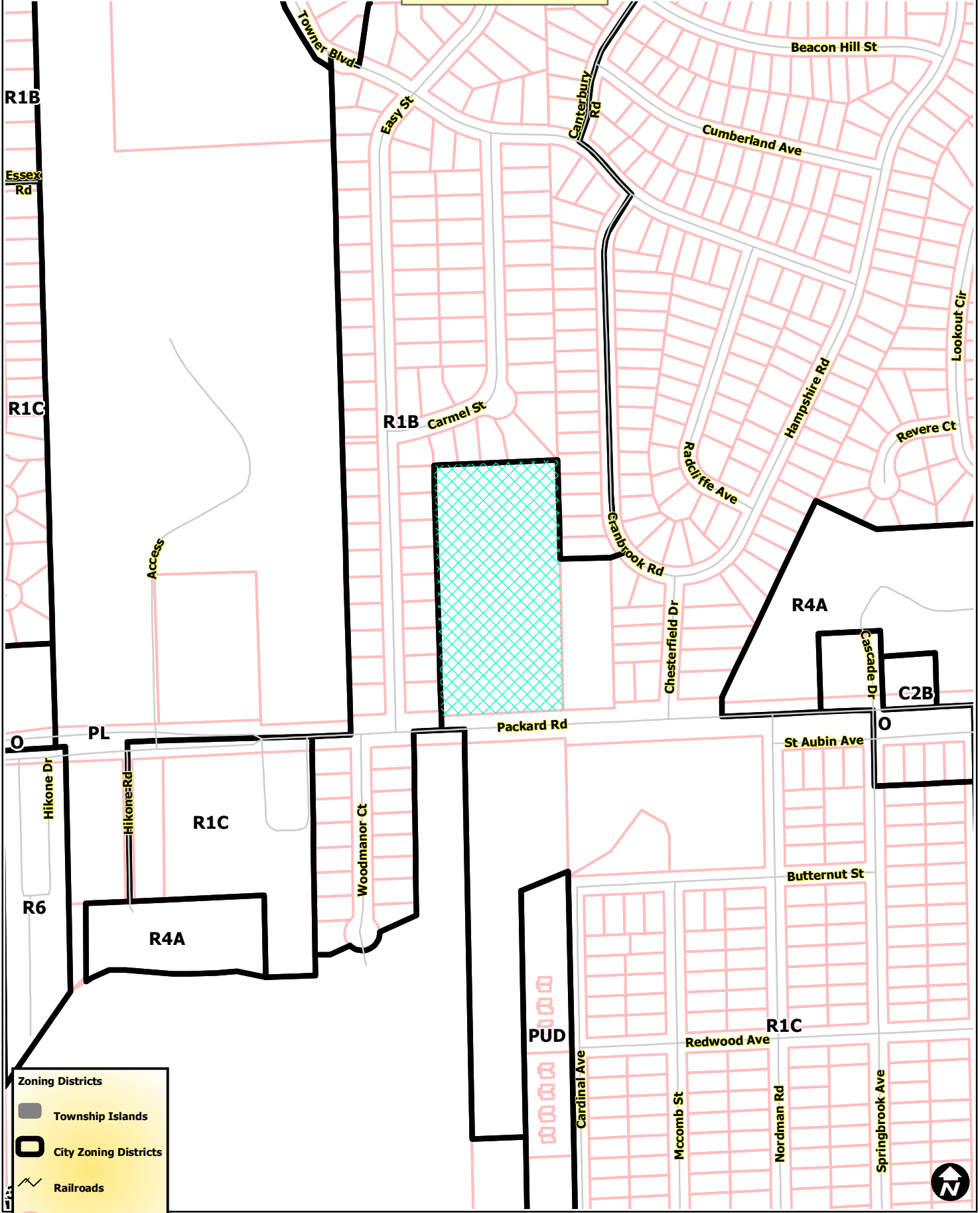
Petitioner's Agent: Tina R. Fix, RLA
Midwestern Consulting
3815 Plaza Drive
Ann Arbor, MI 48108

Owner: Robert Weber
2857 Packard Rd.
Ann Arbor, MI 48104

Petitioner's Representative: Tina Fix & Tom Covert
Midwestern Consulting
3815 Plaza Dr.
Ann Arbor, MI 48108

Building
Engineering - Private Development
File Nos. SP17-004

2857 Packard Rd



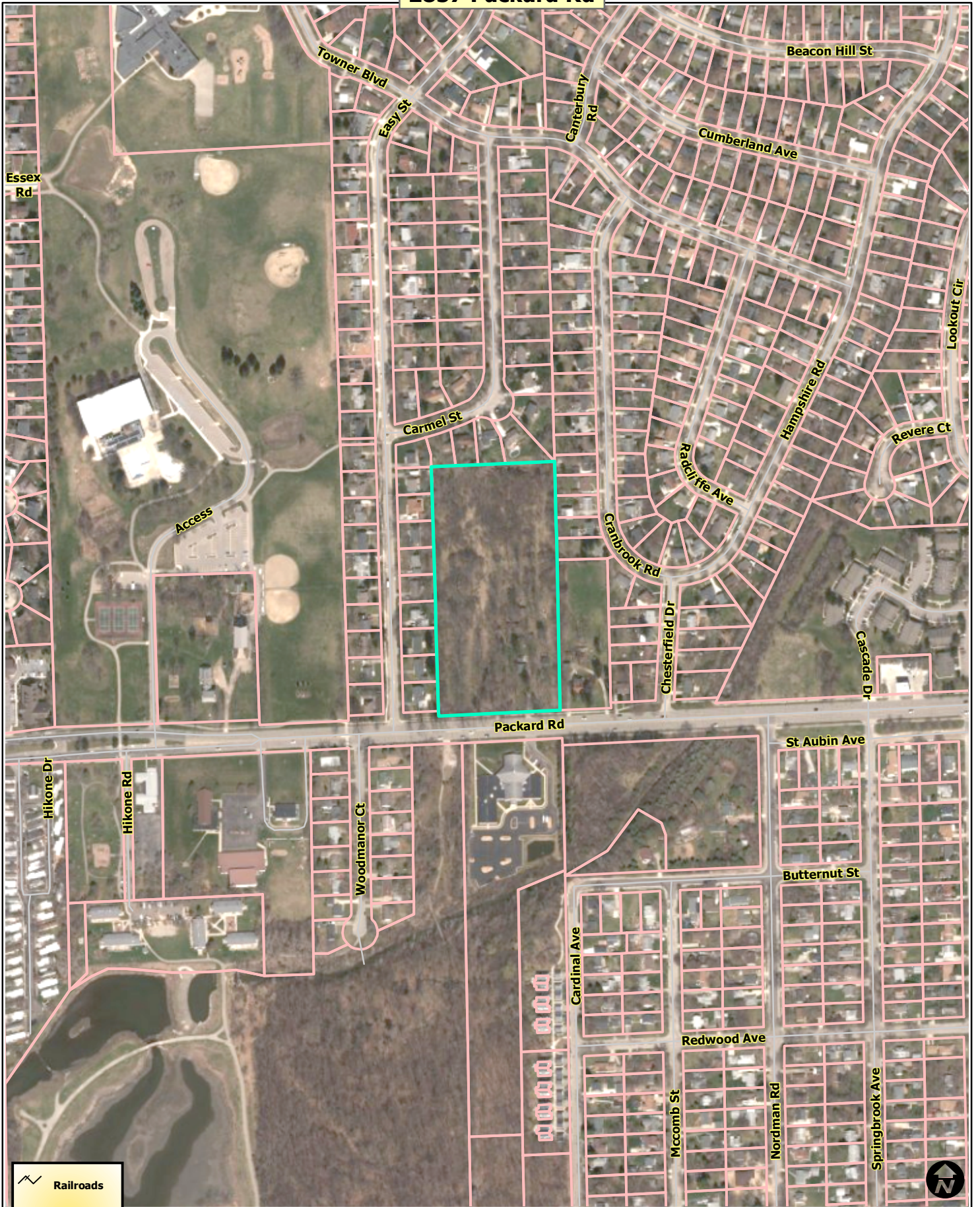
Zoning Districts

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



Map date 5/17/2016
 Any aerial imagery is circa 2015 unless otherwise noted
 Terms of use: www.a2gov.org/terms

2857 Packard Rd



-  Railroads
-  Parcels
-  Huron River



Map date 5/17/2016
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2857 Packard Rd

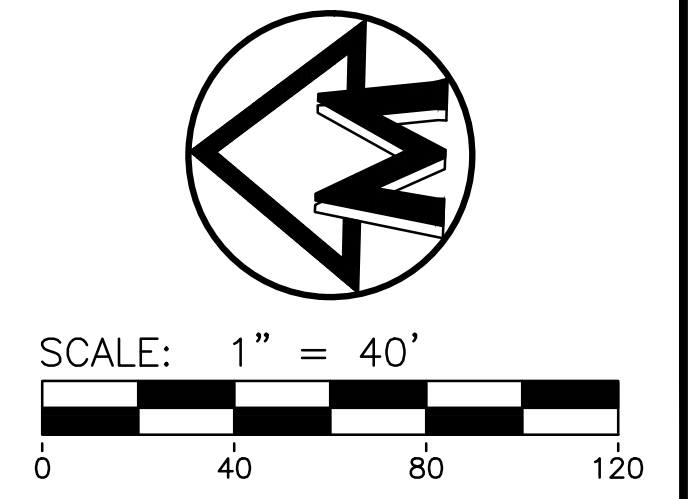


⚡ Railroads
○ Parcels
● Huron River



Map date 5/17/2016
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CRANBROOK (60' WIDE)



NATURAL FEATURES ANALYSIS

PER THE CITY OF ANN ARBOR ZONING ORDINANCE, R1E ZONING HAS A MAXIMUM DENSITY OF 10 UNITS PER ACRE. THE PROPOSED DEVELOPMENT HAS A DENSITY OF 7 DWELLING UNITS PER ACRE AND UTILIZES THE REDUCED LOT WIDTH AND LOT AREA FROM RIC TO DEVELOP SITE LAYOUT THAT PROVIDES OPEN SPACE AREAS FOR THE PRESERVATION OF APPROXIMATELY 1.0 ACRE OF WOODLAND AND A PORTION OF THE LANDMARK TREES ON THE SITE. ADDITIONALLY, FUTURE DESIGN REFINEMENT IN THE SITE PLAN PROCESS WILL INCLUDE THE EVALUATION OF DEVELOPMENT OPTIONS THAT MAY INCLUDE CHANGES TO DISTURBANCE TO REAR YARDS ALONG PROPERTY LINES TO PRESERVE TREES/WOODLAND, PRESERVATION OF TREES WITHIN BIOSWALE AND DETENTION/INFILTRATION AREAS, VARIATION TO LOT WIDTHS, AND REARRANGEMENT OF OPEN SPACE AREAS TO PRESERVE NATURAL FEATURES.

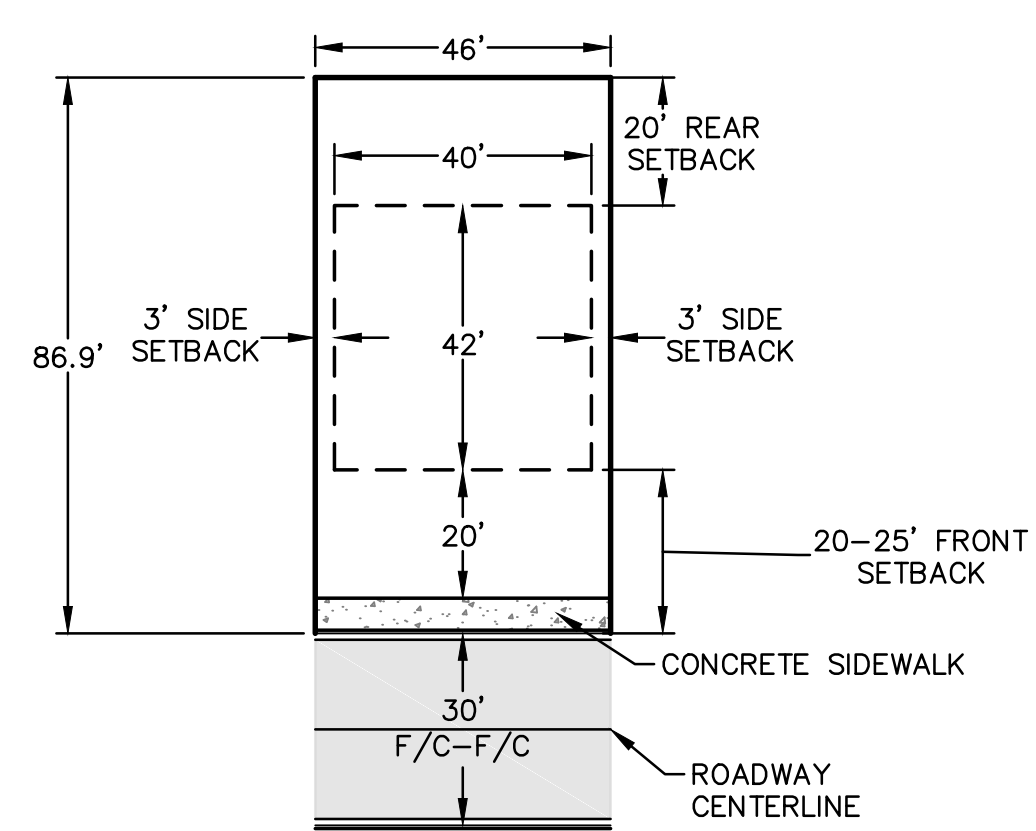
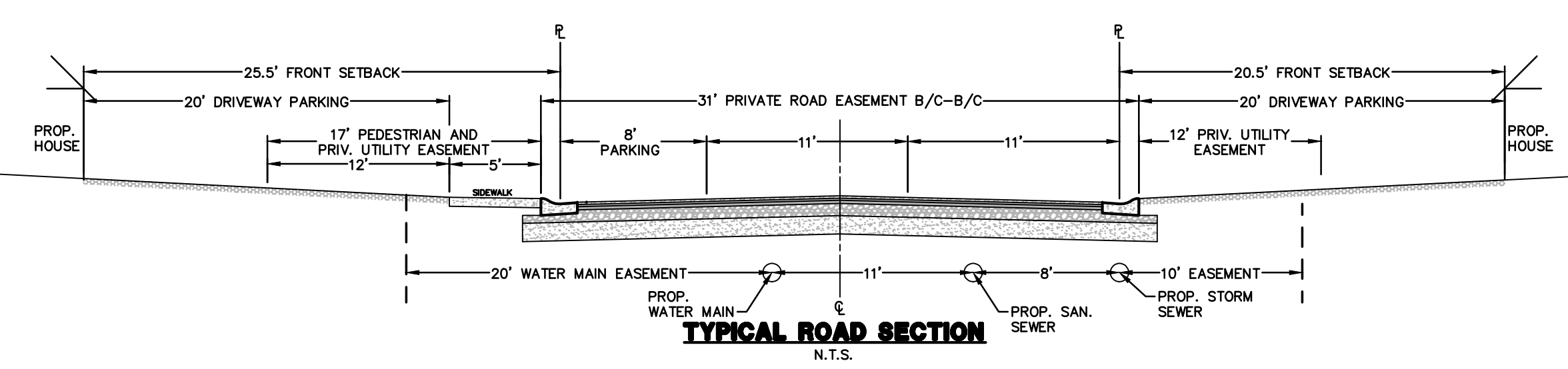
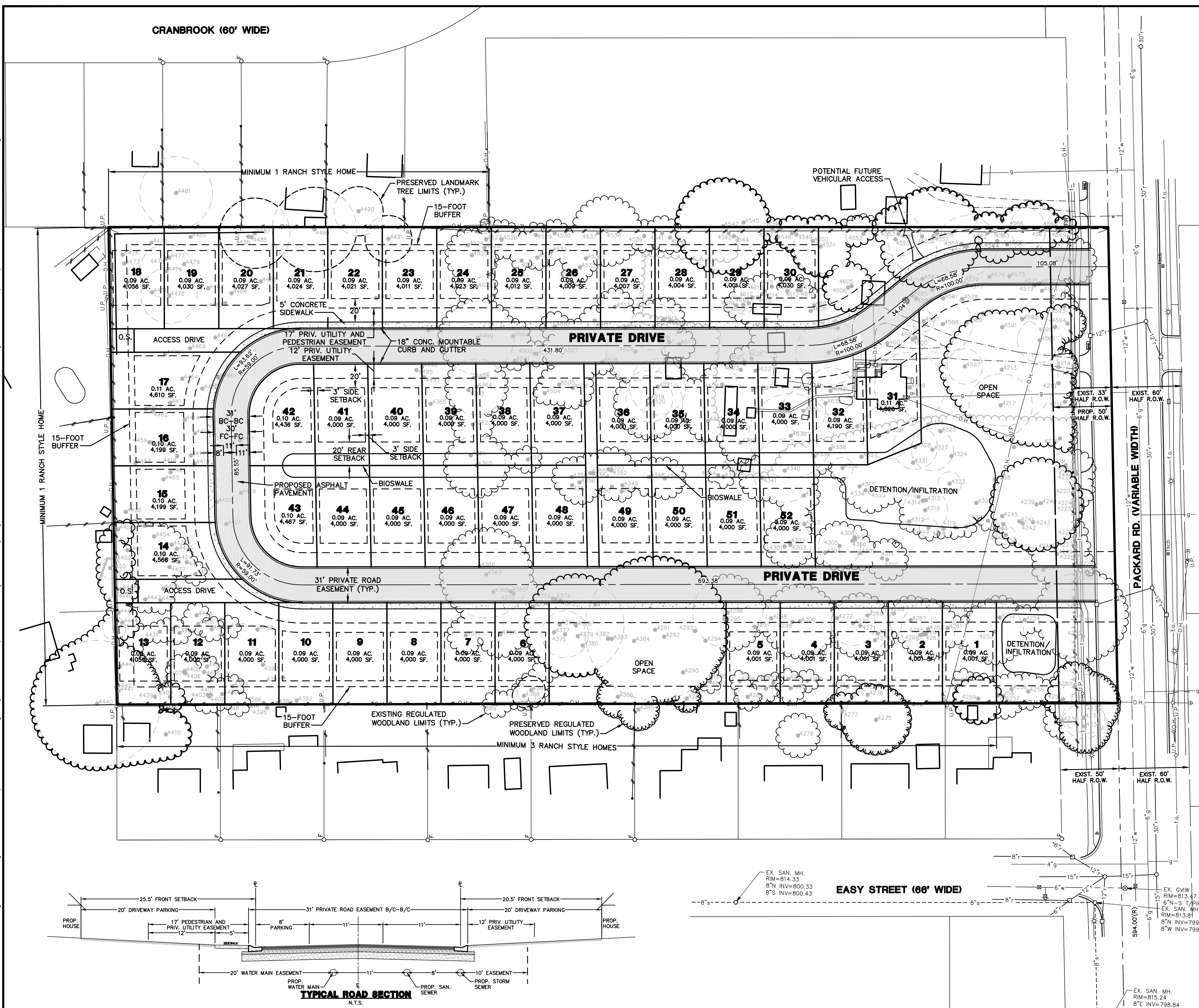
CURRENTLY, APPROXIMATELY 2.6 ACRES OF WOODLAND AND APPROXIMATELY 1,494" DBH OF WOODLAND TREES AND APPROXIMATELY 994" DBH OF LANDMARK TREES ARE PROPOSED TO BE REMOVED. APPROXIMATELY 1,170" DBH OF MITIGATION (468 TREES - 2.5" CAL.) WILL BE PROVIDED ON-SITE PER CITY OF ANN ARBOR STANDARDS.

NOTES

1. PARKING WILL BE PERMITTED ON ONE SIDE OF ROADWAY.
2. ALL PEDESTRIAN WALKWAYS WILL BE 5 FEET WIDE.
3. TRASH AND RECYCLING WILL BE PICKED UP PER INDIVIDUAL UNITS.
4. CURB RADIAL DIMENSIONS ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED. "E-E" DENOTES EDGE-TO-EDGE OF ASPHALT PAVEMENT (AKA EDGE-OF-METAL), AND "B-B" DENOTES BACK-TO-BACK OF CURB.
5. CURBS SHALL BE DROPPED AT INTERSECTION SIDEWALK RAMP, BUT SHALL BE FULL-HEIGHT MOUNTABLE CURB THROUGH DRIVEWAYS.

LEGEND

- PROP. ASPHALT PAVEMENT
- PROP. CONCRETE SIDEWALK
- EXISTING REGULATED WOODLANDS
- PRESERVED REGULATED WOODLANDS
- PRESERVED LANDMARK TREES



NOTE: DWELLING WILL NOT EXCEED 2,000 SF OF FLOOR AREA
TYPICAL LOT DIMENSIONS
(4,000SF MINIMUM)

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 SALINE, MI 48176
 JIM HAEUSSLER
 734-429-2440

WEBER PROPERTY
 WEBER PROPERTY
 SITE LAYOUT PLAN

04

DATE: 06/27/16	SHEET 04 OF 06
REV. DATE: 07/22/16	ADD: CTS
PER CITY COMMENTS: 08/19/16	ENG. JAM
PER CITY COMMENTS: 11/30/16	PM. JTC
PER CITY COMMENTS:	TECH: LMG
JOB No. 16070	16070SP1.dwg

MEMORANDUM

TO: Chris Cheng, City of Ann Arbor Planning
FROM: Tom Covert
RE: 2857 Packard Road Citizen Participation Meeting Summary
DATE: March 1, 2017
MIDWESTERN PROJECT NO.: 16070A

CITIZEN PARTICIPATION REPORT **2857 Packard Road Site Plan**

A Citizen Participation meeting was held for the proposed site plan for 2857 Packard Road in the SE ¼ of Section 03, on February 22, 2017. This was our third CPM meeting for this project. Notice of the meeting was mailed to all 132 people on a mailing list obtained from the City's Planning Department of all persons within 500 feet of the subject property. A copy of the Notice was provided to the Planning Department and a copy is submitted as an attachment to this report.

The meeting was scheduled for 6:30 to 8:00 PM in a meeting room at the Ann Arbor Pittsfield Branch Library. Submitted as an attachment to this report is the attendance sheets; 12 people signed in at the meeting. It appears that most of the participants were from the neighborhoods immediately adjacent to the site. The meeting convened at 6:34 PM. The Developer's representatives made a presentation which discussed the proposed site plan and the relationship between the site plan submittal and the approved conditional rezoning for the site. A slide presentation presented at the meeting is attached to this report. Participants asked questions and presented their views during the developer's presentation and the meeting opened for more questions and views from the participants after the presentation. The discussion was lively and many participants spoke both during the presentation and the comment period afterwards. The formal discussion period ended at 7:30PM, several participants remained afterwards to converse amongst themselves and to share individual comments with the developer's representatives. All participants vacated the meeting room at 7:50PM.

Below is a summary of the issues/concerns/comments that were discussed during the public participation meeting.

Target Audience

- A participant inquired as to who the target audience the homes are geared towards and at what price. There was concern expressed that the cost of the homes in relation to adjacent homes would cause a stop in construction prior to build out of the subdivision, particularly since there are homes of a similar size nearby available for less.

- The builder noted that the base price will probably be near \$300,000 but there will likely be a range between \$280,000 and \$350,000. The final cost will need to be evaluated in relation to construction costs during detailed design and has not yet been determined.
- The builder noted that there is not a particular demographic targeted but anticipate that there will be approximately 1/3rd moving from within 5 miles of the property, 1/3rd moving from within the Ann Arbor area, and 1/3rd moving from outside the Ann Arbor area with the desire to live in Ann Arbor. He thinks it will probably be a diverse group of homeowners, some with the desire to downscale but be close to downtown Ann Arbor.
- The builder noted that the houses can only be a Maximum of 2,000 square feet and that he doesn't think the lack of consistent buildout or lack of sales of adjacent condos is a similar comparison to the proposed development.

Layout

- One participant who lives near the northeast corner of the site noted that the northern 2/3rds of the site were corn field at one point in time and that there was more runoff toward their property. He appreciated that the site plan diverts the majority of the runoff away from their property. He noted that the proposed evergreens may grow too large overtime, particularly in relation to overhead wires along the northern property line of the site. Tom noted that the trees species are not final at this point in time but there are limited evergreen options as the mitigation trees are required to be native.
- A participant asked about the accessibility of the site by fire trucks and garbage trucks with the proposed street width. Tom noted that the streets are the standard width per ordinance and that a template has been run in CAD to verify the turning ability/access for trucks.
- A participant asked about the six alternatives in the site plan submittal and what their importance was. Tom noted that they alternative analysis is required for impacts to natural features and that the pros and cons of each alternative need to be identified.

Revisions from Area Plan to Site Plan

- A participant inquired as to why the retaining wall was removed from the area plan with the site plan submittal. The builder noted that the view out homes will serve as the retaining wall and that there will only be retaining walls near the ends of the shared driveways.
- One participant expressed a concern for the additional lots along the eastern property boundary on the proposed revised site plan versus the submitted site plan.

Relationship to adjacent properties

- A participant asked if the impact to schools had been evaluated, particularly Allen Elementary. The applicant noted that it has not been discussed at this time.
- Several participants noted that it is difficult to turn onto Packard Road from adjacent streets and expressed concern about the additional traffic on the road. Tom noted that the new layout being proposed has one access point on Packard that will align with the church across the street to minimize conflicts with other vehicles on Packard Road.
- Several participants inquired if the fences along the property line would remain and whom the fence belonged to and expressed concern that these existing fences provide privacy and containment for dogs throughout the subdivision. The builder noted that the owner of the fences depend on whose property they are located on. He has not yet determined if the fence

will remain or if it will be removed and he is open to discussion on the matter. He noted that there is a 15 foot landscape buffer around the property which limits the amount of impact the development will have on the area near the fence so there is potential for the fence to remain.

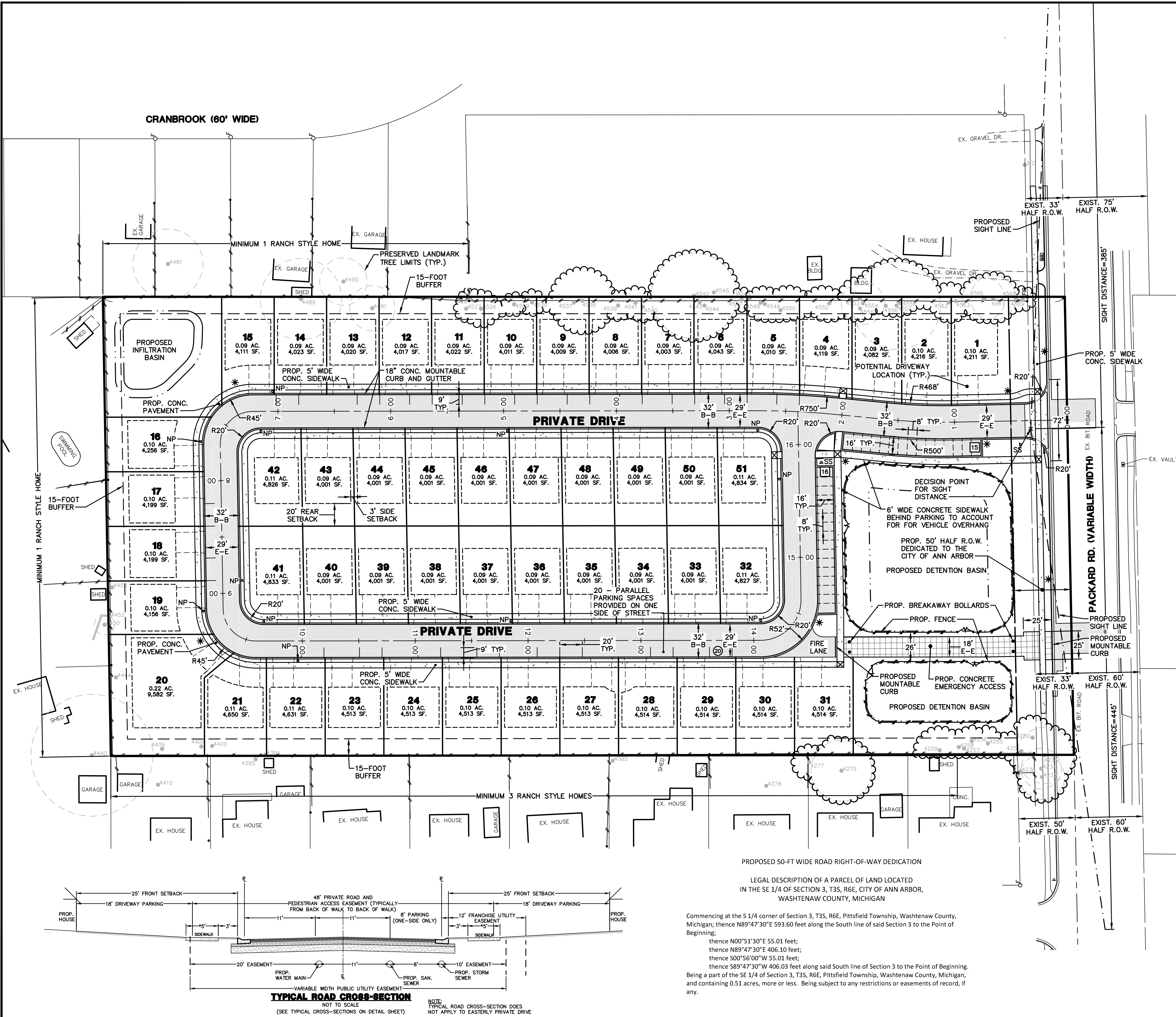
Historic House

- A participant stated that the existing house is a historic building from the mid-1800's (Greek revival home). She asked what will happen with the house and who she could talk to about potentially moving it. The builder noted that he cannot speak for the owner's intent on the house and that he did not purchase the home; the owner kept the rights to the home. He said that if the participant provided their contact information to him, he would be happy to forward their information to the owner and if the owner is interested, then he can contact her directly. (The contact information provided after the meeting has been forwarded to the owner.)

Process/Construction

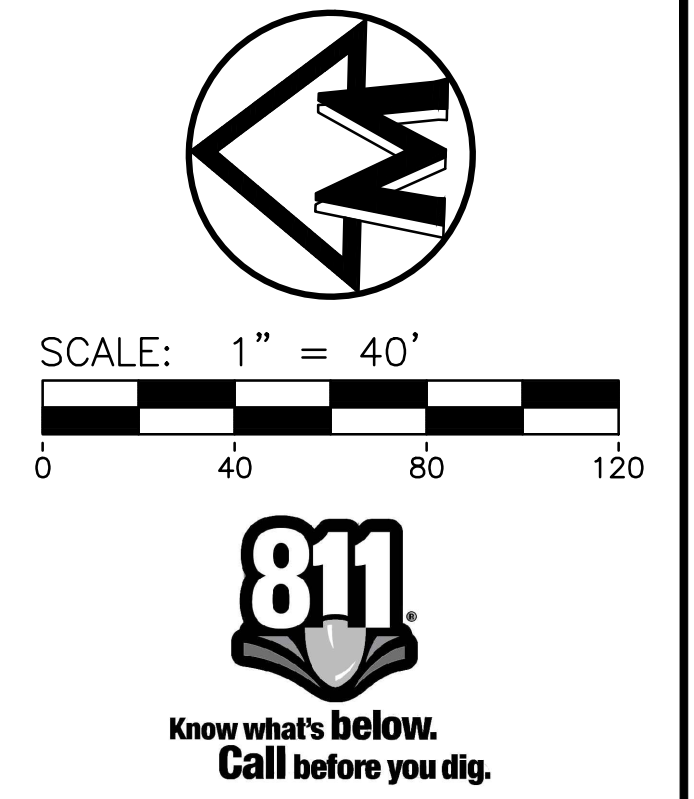
- A participant asked what the anticipated construction timeframe would be for the project. The builder noted that the earliest time to break ground is anticipated to be late summer/early fall but that the vertical homes cannot be built until the base coat of asphalt is installed. Therefore, it is likely that construction of the homes won't start until 2018. He then anticipates 2 years to finish. He roughly constructs a maximum of 80 homes per year and has other developments in process as well.
- A participant asked if there will be basements and if there will be cement trucks during construction. The builder answered yes to both but that there would be cement trucks whether there were basements or not.
- A participant asked what the next steps are for the project. Tom noted the following:
 - Utilize comments from City and citizen participation meeting to revise site plans and submit back to the City and to WCWRC.
 - City will review and provide additional comments
 - Project will go to Planning Commission and then to City Council, with an opportunity for public comment
 - A participant asked if they will be notified when these happen and Tom responded that they could sign up for City newsletters, check on e-trakit, or look at the calendar on the City website for additional information. He noted that there was comment in the past about a Homeowners Association nearby that posts on their website. The sign-in sheets from the meeting are given to the City but he did not think that the attendees are emailed specifically regarding upcoming meetings.

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LOT AREA TABLE

Number	Area (SF)	Area (AC)
1	4,211	0.10
2	4,216	0.10
3	4,082	0.09
4	4,119	0.09
5	4,010	0.09
6	4,043	0.09
7	4,003	0.09
8	4,006	0.09
9	4,009	0.09
10	4,011	0.09
11	4,022	0.09
12	4,017	0.09
13	4,020	0.09
14	4,023	0.09
15	4,111	0.09
16	4,256	0.10
17	4,199	0.10
18	4,199	0.10
19	4,158	0.10
20	9,582	0.22
21	4,650	0.11
22	4,631	0.11
23	4,513	0.10
24	4,513	0.10
25	4,513	0.10
26	4,513	0.10
27	4,513	0.10
28	4,514	0.10
29	4,514	0.10
30	4,514	0.10
31	4,514	0.10
32	4,827	0.11
33	4,001	0.09
34	4,001	0.09
35	4,001	0.09
36	4,001	0.09
37	4,001	0.09
38	4,001	0.09
39	4,001	0.09
40	4,001	0.09
41	4,833	0.11
42	4,826	0.11
43	4,001	0.09
44	4,001	0.09
45	4,001	0.09
46	4,001	0.09
47	4,001	0.09
48	4,001	0.09
49	4,001	0.09
50	4,001	0.09
51	4,834	0.11
Average	4,324	0.10

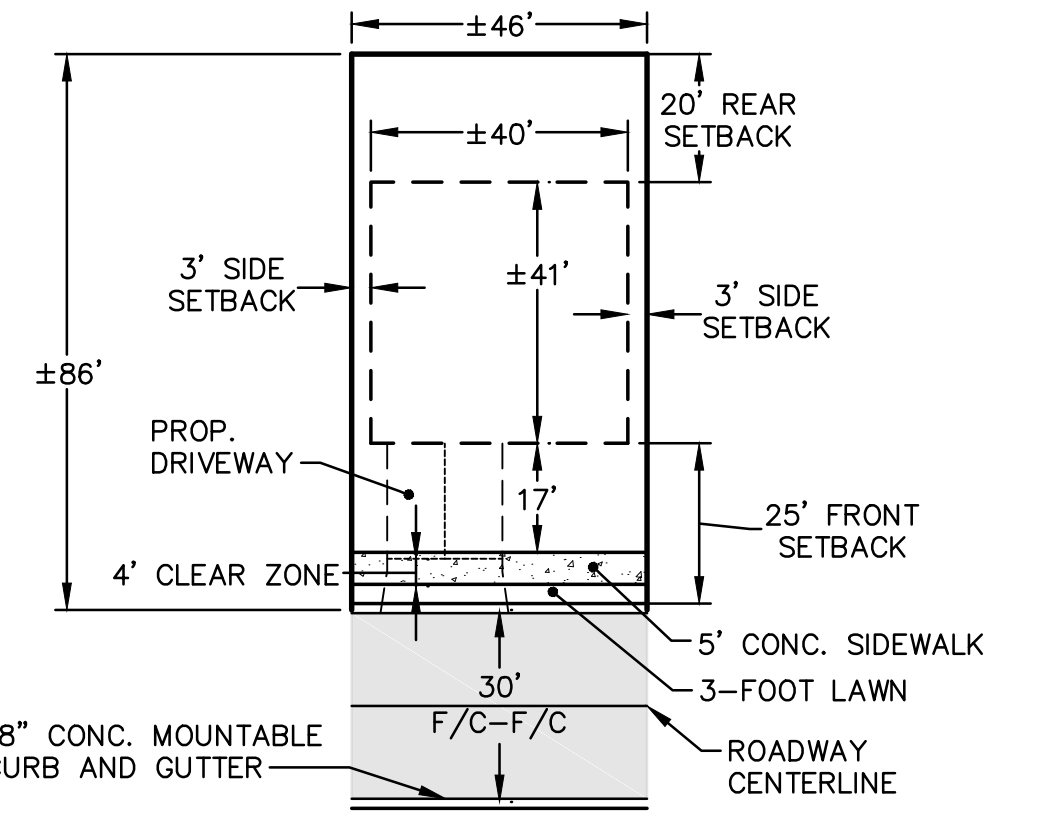


NOTES

- PARKING WILL BE PERMITTED ONLY ON ONE SIDE OF ROADWAY.
- ALL PEDESTRIAN SIDEWALKS WILL BE 5 FEET WIDE UNLESS OTHERWISE SPECIFIED.
- CURB RADIUS DIMENSIONS ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED. "E-E" DENOTES EDGE-TO-EDGE OF ASPHALT PAVEMENT (AKA EDGE-OF-METAL), AND "B-B" DENOTES BACK-TO-BACK OF CURB.
- SITE LIGHTING WILL BE PROVIDED ON THE GARAGES OF EACH HOUSE.
- THE PROPOSED 50 FEET OF HALF RIGHT-OF-WAY SHALL BE GRANTED TO THE CITY OF ANN ARBOR IN A MANNER TO BE DETERMINED BY THE CITY OF ANN ARBOR OFFICE ATTORNEY.

LEGEND

- PROP. ASPHALT PAVEMENT
- PROP. 4" CONCRETE SIDEWALK
- PROP. 6" CONCRETE PAVEMENT
- PRESERVED REGULATED WOODLANDS
- PRESERVED LANDMARK TREES
- EX. SIGN
- PROPOSED "MEDIAN RIGHT" SIGN (W6-1)
- PROPOSED "NO PARKING" SIGN
- PROPOSED "STOP" SIGN (R1-1)
- PROPOSED LIGHT POLE
- NUMBER OF STANDARD PARKING SPACES IN ROW
- NUMBER OF SMALL CAR PARKING SPACES IN ROW

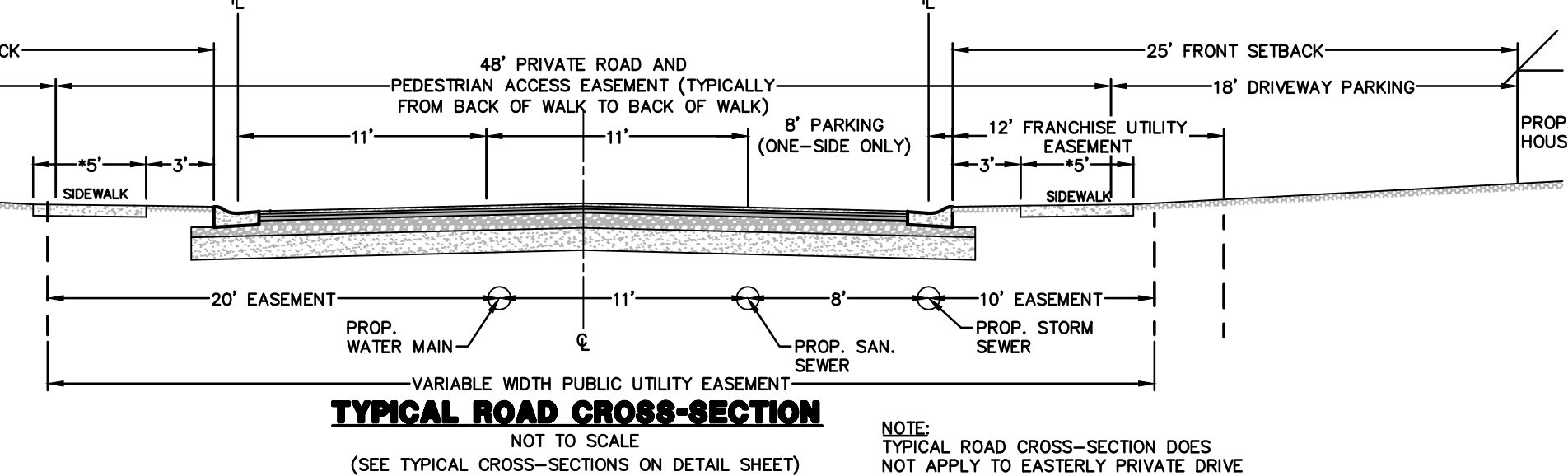


NOTE: DWELLING WILL NOT EXCEED 2,000 SF OF FLOOR AREA
TYPICAL LOT DIMENSIONS
(4,000 SF MINIMUM, LOT DIMENSIONS VARY)

PROPOSED 50-FT WIDE ROAD RIGHT-OF-WAY DEDICATION

LEGAL DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 3, T3S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

Commencing at the S 1/4 corner of Section 3, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence N89°47'30"E 593.60 feet along the South line of said Section 3 to the Point of Beginning;
 thence N00°51'30"E 55.01 feet;
 thence N89°47'30"E 406.10 feet;
 thence S00°56'00"W 55.01 feet;
 thence S89°47'30"W 406.03 feet along said South line of Section 3 to the Point of Beginning.
 Being a part of the SE 1/4 of Section 3, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, and containing 0.51 acres, more or less. Being subject to any restrictions or easements of record, if any.



TYPICAL ROAD CROSS-SECTION
NOT TO SCALE
(SEE TYPICAL CROSS-SECTIONS ON DETAIL SHEET)
NOTE: TYPICAL ROAD CROSS-SECTION DOES NOT APPLY TO EASTERLY PRIVATE DRIVE

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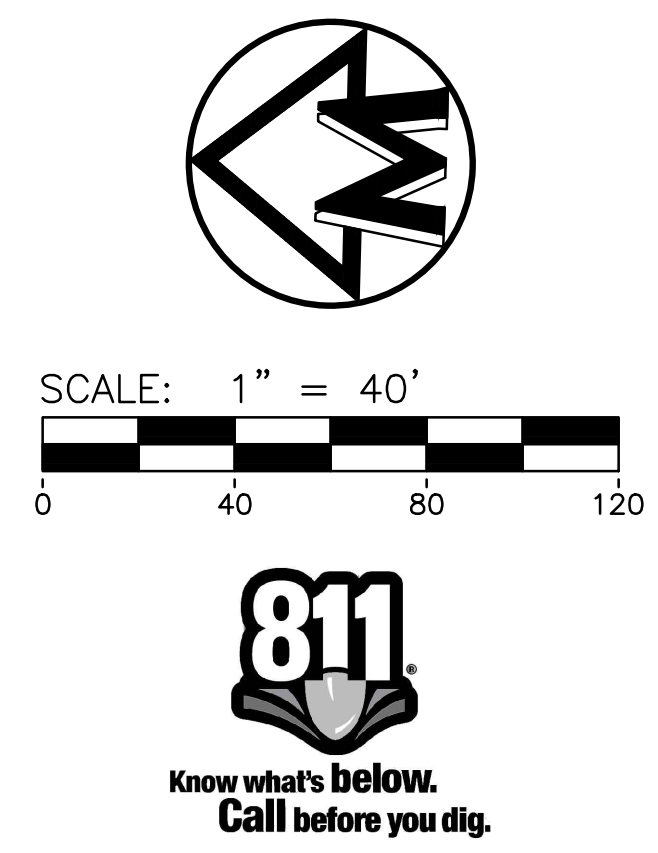
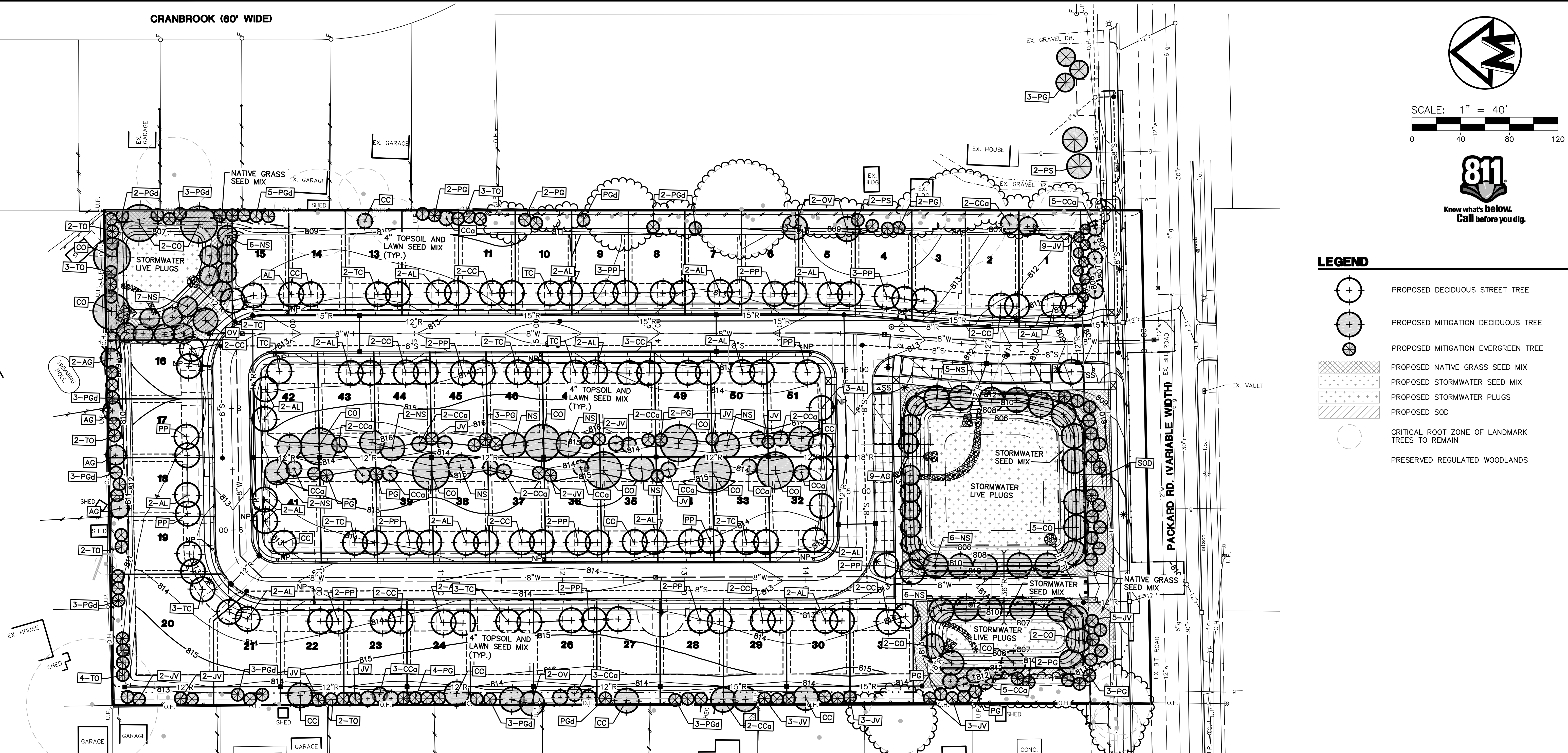
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2857 PACKARD ROAD
SITE PLAN
SITE LAYOUT PLAN

16070

DATE: 07/30/17
SHEET 06 OF 25
REV. DATE: 3/14/17
1. REV. PER CITY & WORK REVIEW
2. REV. PER CITY & WORK REVIEW
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LEGEND

	PROPOSED DECIDUOUS STREET TREE
	PROPOSED MITIGATION DECIDUOUS TREE
	PROPOSED MITIGATION EVERGREEN TREE
	PROPOSED NATIVE GRASS SEED MIX
	PROPOSED STORMWATER SEED MIX
	PROPOSED STORMWATER PLUGS
	PROPOSED SOD
	CRITICAL ROOT ZONE OF LANDMARK TREES TO REMAIN
	PRESERVED REGULATED WOODLANDS

PLANT SCHEDULE

Total	Street Tree	Screening/ Mitigation	Code	Scientific Name	Common Name	Root	Size	Spacing	Notes
14		14	AG	Amelanchier grandiflora 'brilliantissima'	Autumn Brilliance Serviceberry	B&B	8' ht	15' o.c.	Tree form (assume 2.5" cal. Eq.)
39	39		AL	Amelanchier laevis 'JFS Arb'	Spring Flurry Serviceberry	B&B	2" cal.	15' o.c.	Tree form
28	22	6	CC	Carpinus caroliniana	American Hornbeam	B&B	2.5" cal.	15' o.c.	
21		21	CO	Celtis occidentalis	Northern Hackberry	B&B	3"	As shown	
37		37	Cca	Cercis canadensis 'Ace of Hearts'	Ace of Hearts Eastern Redbud	B&B	8' ht	12' o.c.	Tree form (assume 2.5" cal. Eq.)
44		44	JV	Juniperus virginiana	Eastern Red Cedar	B&B	8' ht	10' o.c.	Full
39		39	NS	Nyssa sylvatica 'Wildfire'	Wildfire Tupelo	B&B	2.5" cal.	20' o.c.	Single Stem
5		5	OV	Ostrya virginiana	Hop Hornbeam	B&B	2.5" cal.	20' o.c.	Single Stem
26		26	PP	Parrotia persica	Persian Parrotia	B&B	2.5" cal.	15' o.c.	
36		36	PG	Picea glauca	White Spruce	B&B	8' ht	10' o.c.	Full
31		31	PGd	Picea glauca 'densata'	Black Hills Spruce	B&B	8' ht	10' o.c.	Full
4		4	PS	Pinus strobus	Eastern White Pine	B&B	8' ht	10' o.c.	Full
18		18	TO	Thuja occidentalis	Arbovitae	B&B	8' ht	10' o.c.	Full
19		19	TC	Tilia cordata 'Chancole'	Chancellor Linden	B&B	2" cal.	15' o.c.	
347	106	241							

Stormwater Live Plantings - Species to be planted as a mixed composition at bottom of basin to first flush elevation

Qty	Infiltration Basin			Scientific Name	Common Name	Root	Size	Spacing	Notes
	SE Basin (11,080 sf)	SW Basin (2,090 sf)	Basin (5,075 sf)						
760	462	87	211	Aster novae-angliae	New England Aster	Plug	24" o.c.		Quantity per flat varies by supplier
1351	820	155	376	Carex hystericina	Porcupine Sedge	Plug	18" o.c.		Quantity per flat varies by supplier
1351	820	155	376	Carex vulpinoidea	Fox Sedge	Plug	18" o.c.		Quantity per flat varies by supplier
549	462	87	0	Glyceria striata	Fowl Manna Grass	Plug	24" o.c.		Quantity per flat varies by supplier
211	0	0	211	Eupatorium maculatum	Joe pye weed	Plug	24" o.c.		Quantity per flat varies by supplier
760	462	87	211	Helelenium autumnale	Sneezeweed	Plug	24" o.c.		Quantity per flat varies by supplier
1351	820	155	376	Juncus effusus	Soft Rush	Plug	18" o.c.		Quantity per flat varies by supplier
6331				total					

NATURAL FEATURES MITIGATION SUMMARY

MITIGATION FOR TREE AND WOODLAND REMOVALS ARE PROPOSED WITHIN THE 15 FOOT LANDSCAPE BUFFER ALONG THE PERIMETER OF THE SITE TO PROVIDE ADDITIONAL SCREENING BETWEEN THE DEVELOPMENT AND ADJACENT RESIDENTS, IN THE REAR YARD OF THE HOMES IN THE CENTRAL PORTION OF THE SITE TO PROVIDE SCREENING, AND WITHIN OPEN SPACES ON THE SITE. APPROXIMATELY 51.7% OF THE REQUIRED MITIGATION IS PROPOSED ON-SITE WITH THE REMAINDER OF THE MITIGATION TO BE PROVIDED THROUGH CONTRIBUTION TO THE CITY OF ANN ARBOR STREET TREE PLANTING FUND.

NATURAL FEATURES MITIGATION TIMING SCHEDULE

MITIGATION PLANTINGS WILL BE INSTALLED UPON COMPLETION OF CONSTRUCTION OF THE DEVELOPMENT AND PRIOR TO CONSTRUCTION OF INDIVIDUAL HOMES. STORMWATER MANAGEMENT BASINS SHALL BE CONSTRUCTED PRIOR TO INSTALLATION OF THE MITIGATION PLANTINGS.

LANDSCAPE CALCULATIONS

	Required	Proposed		
Street Trees	1 per 30lf			
	Total 106 trees	106 trees		
Mitigation Trees	1383" DBH		DBH	
			3" cal. Deciduous = 21 trees	63"
			2.5" cal. Deciduous = 101 trees	252.5"
			8' ht Evergreen (3" eq) = 133 trees	399"
			Total	714.5"
				51.7%
			Proposed mitigation through contribution to City Street Tree Planting Fund	
			Required Mitigation (1383" - 784")	668"
			2" caliper trees	334
			291 trees x \$200 per tree	\$66,800

STREET TREE ESCROW CALCULATIONS

Packard Road - 604 linear feet x \$1.30 per linear foot = \$785.20

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.

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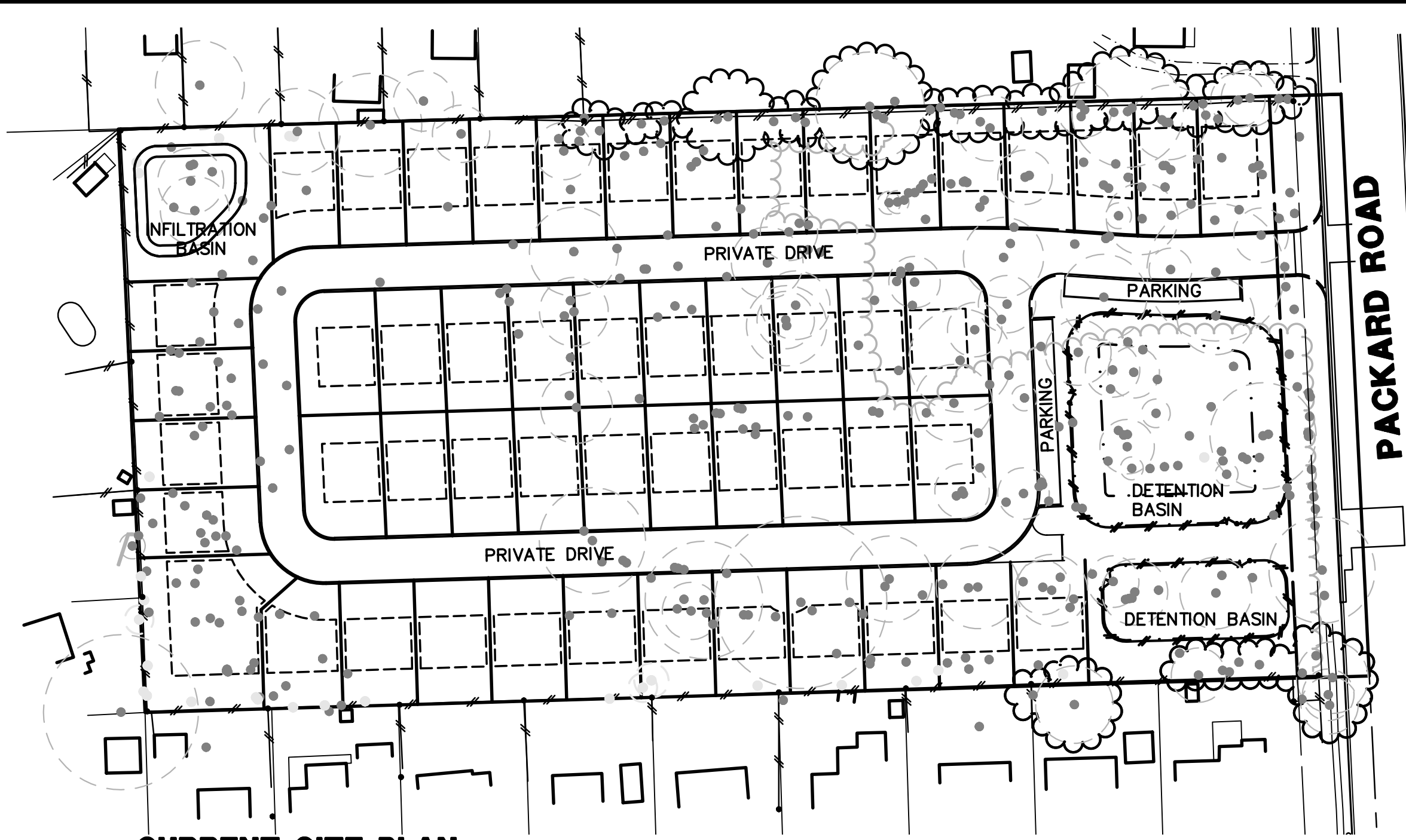
2857 PACKARD ROAD
 SITE PLAN
 LANDSCAPE PLAN

16

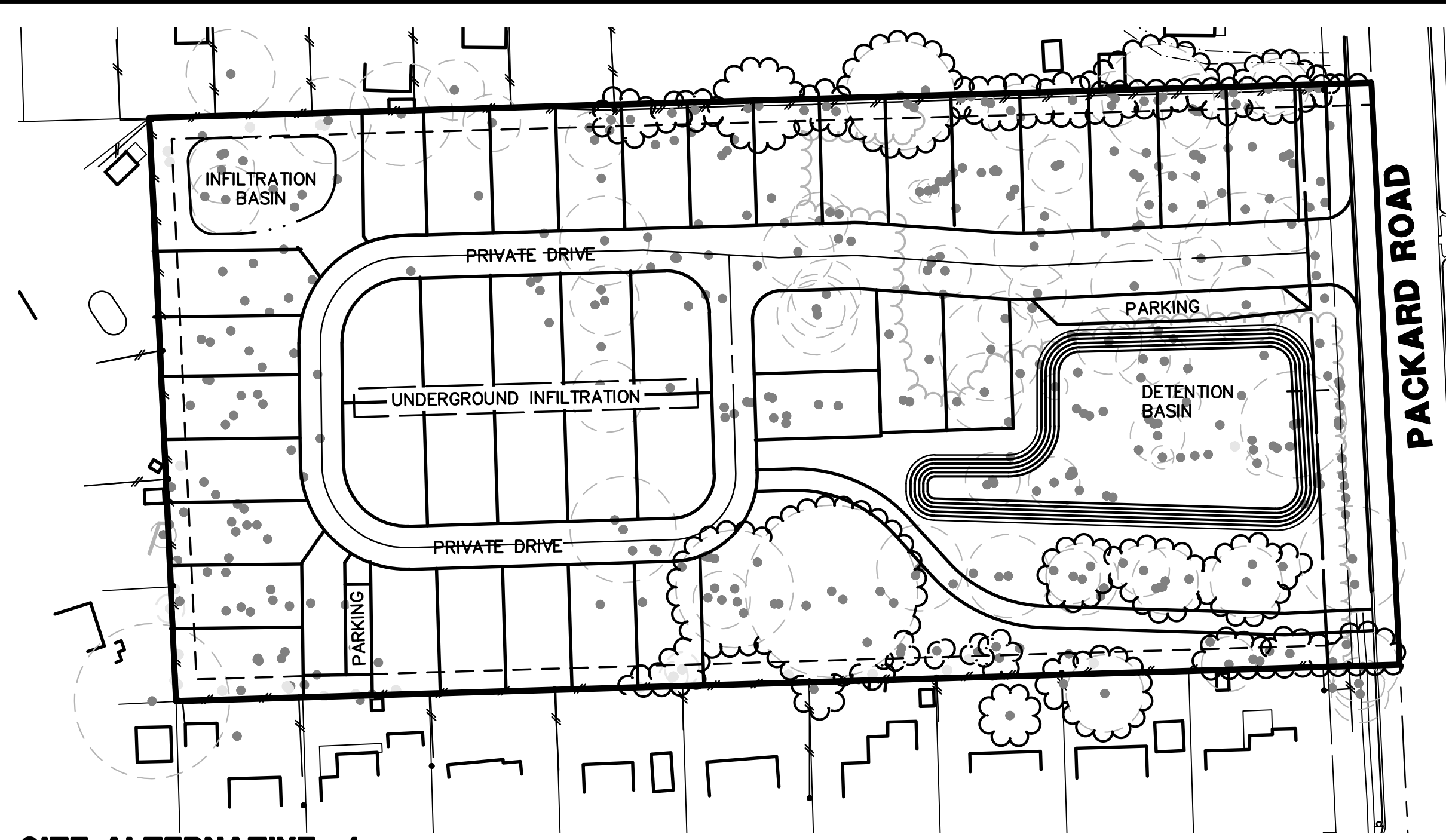
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 3. REV. PER CITY & WQRC REVIEW: 10/20/17 Ldwg

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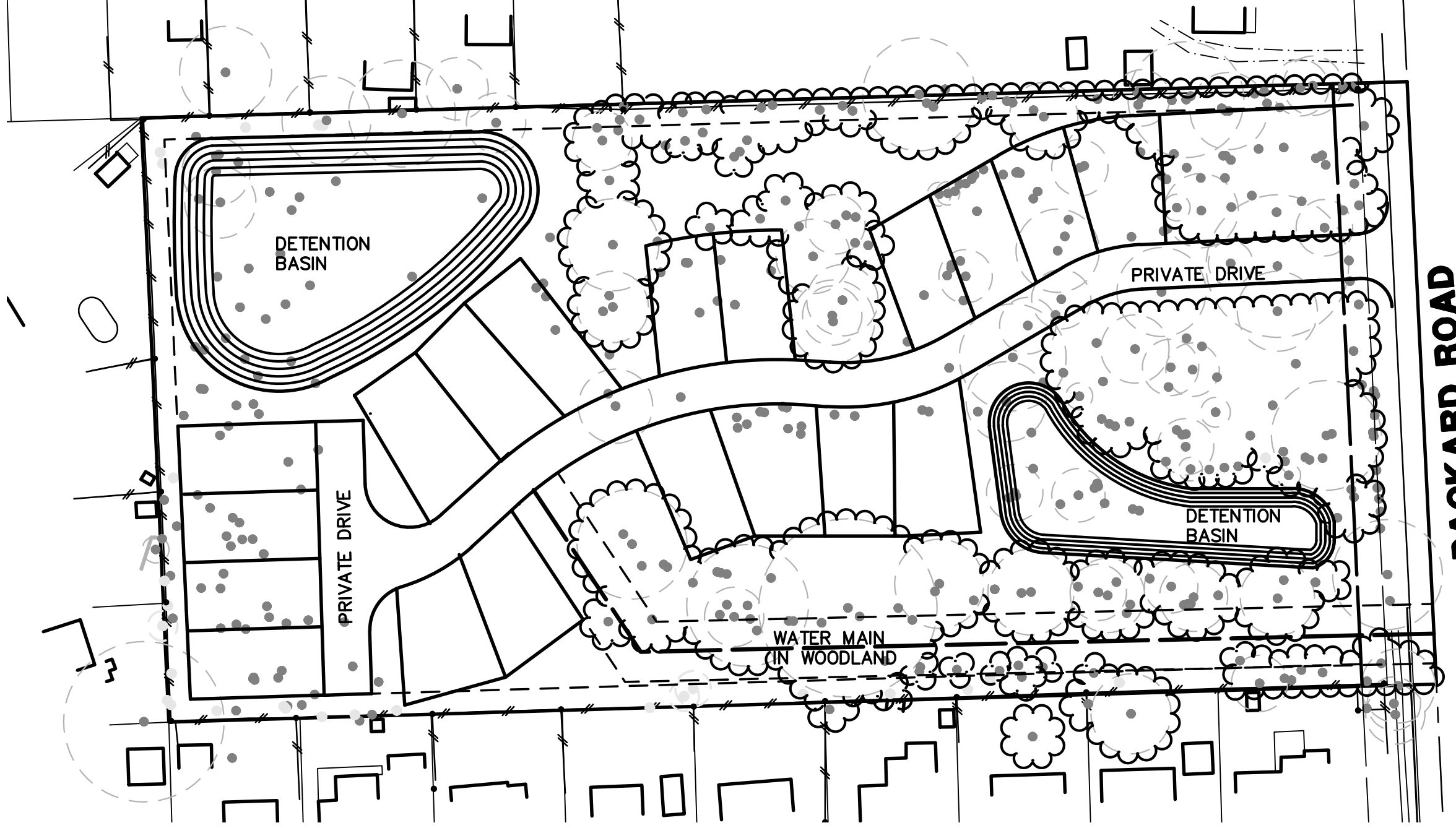
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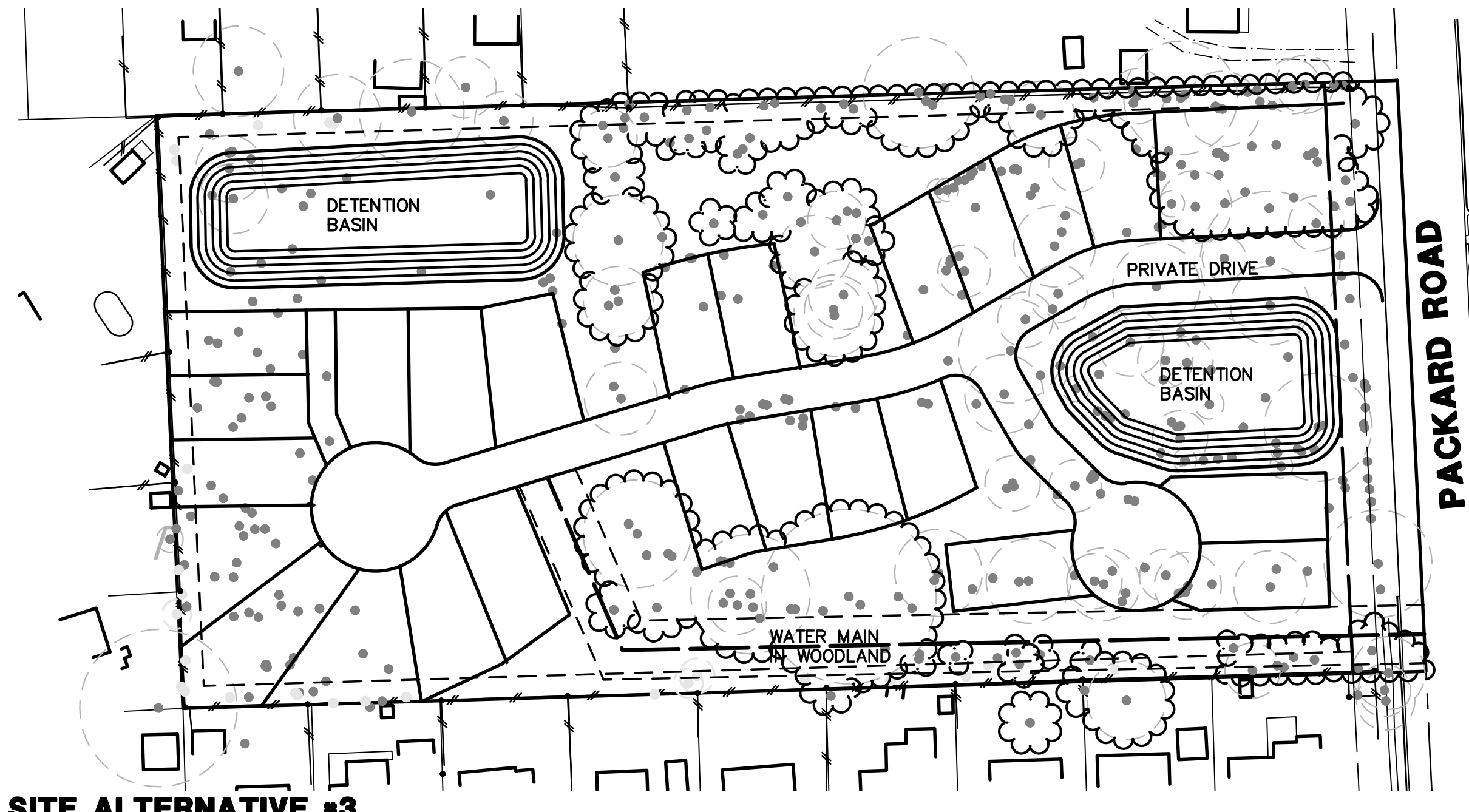
CURRENT SITE PLAN



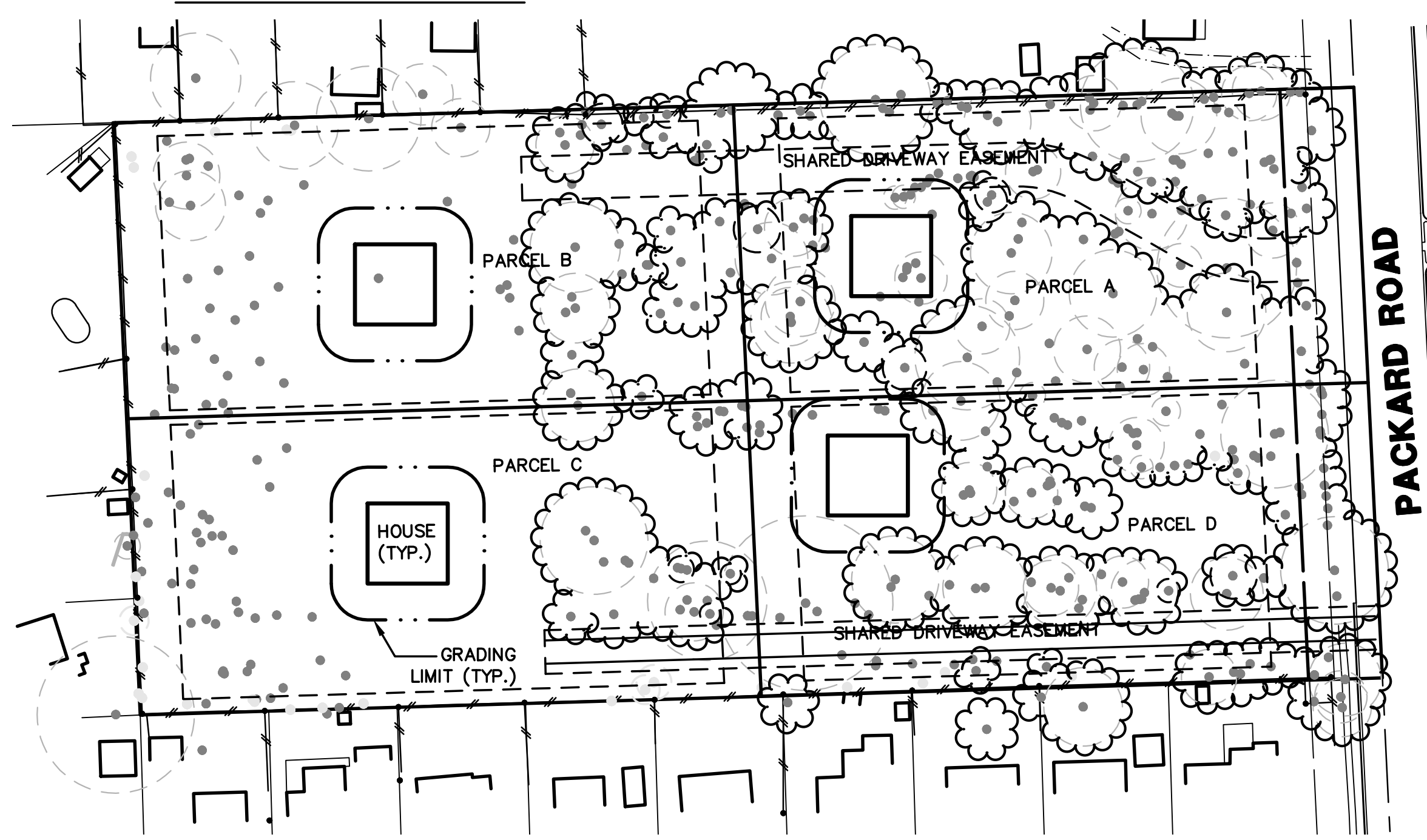
SITE ALTERNATIVE #1



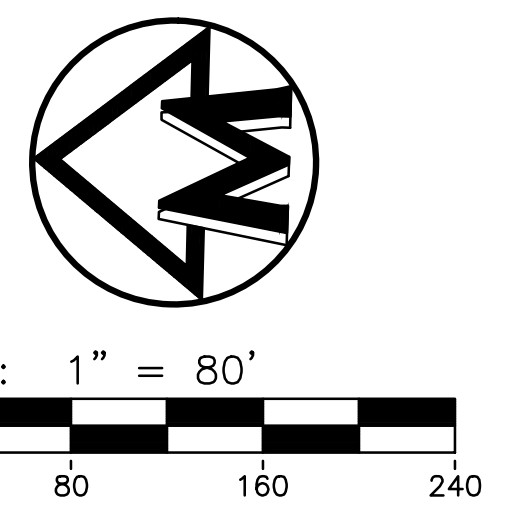
SITE ALTERNATIVE #2



SITE ALTERNATIVE #3



SITE ALTERNATIVE #4



SITE ALTERNATIVE COMPARISON CHART

With our alternatives analysis we explored a number of variations of the project and summarize them as follows:

	Existing	Current Site Plan	Area Plan	Initial Submittal Plan	Revised Site Plan #1	Revised Site Plan #2	Site Alternative 1	Site Alternative 2	Site Alternative 3	Site Alternative 4
LM Trees >16 health to be preserved*	51	>16 health	14	12	11	8	14	32	17	41
LM Trees >16 health dbh to be preserved*	1245" dbh	191" dbh	405" dbh	361" dbh	348" dbh	221" dbh	393" dbh	835" dbh	507" dbh	997" dbh
Woodland Area to be preserved	3.4 acres	0.3 acres	0.79 acres	0.77 acres	0.65 acres	0.32 acres	0.8 acres	2.25 acres	1.46 acres	2.6 acres
Woodland dbh >40% health to be preserved*	1623" dbh	266" dbh	376" dbh	361" dbh	317" dbh	268" dbh	357" dbh	982" dbh	665" dbh	1303" dbh
Wetlands / Water Courses	None	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts
Floodplains	None	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts
Steep Slopes	None	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts	No Impacts
Private Roadway	None	1578 lf	1,672 lf	1,692 lf	1578 lf	1578 lf	1309 lf	923 lf	883 lf	None
Dead Ends	None	No	No	No	No	No	No	Yes	Yes	NA
Dual Access per fire access	None	Yes 2	Yes 2	Yes 2	No 1	Yes 2	Yes 2	No 1	No 1	NA
Single Access per City traffic	None	Yes	No	No	Yes	Yes	Yes	Yes	Yes	NA
Shared Drives	None	No	Yes	Yes	Yes 2	Yes 2	Yes 2	No	Yes 1	Yes 2
Water Main Loop Max. Distance	None	Yes emerg. access	Yes	Yes	No	Yes emerg. access	Yes emerg. access	Yes Bore in woodland	Yes Bore in woodland	None (leads)
Stormwater - County Compliant	None	Yes	No	Yes	No	Yes	Yes	Yes	Yes	NA
At Grade	None	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA
Underground	None	No	No	No	No	No	Yes	Yes	Yes	NA
Slope	None	1 3	1 3	1 3	1 5	1 3	1 3	1 5	1 5	NA
Infiltration	None	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	NA
Loading Ratio per County	None	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	NA
At grade	None	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA
Below grade	None	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	NA
Bioswale	None	No	Yes	No	No	No	No	No	No	NA
Meeting groundwater separation	None	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	NA
Perimeter Landscape Buffers - 15 ft. min	None	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA
Homes / Lots	1	51	52	52	52	52	40	19	24	4
Financially Feasibility (Land cost; Infrastructure costs; Lot yield)	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No

*Note: Critical Root Zone impacts to trees to remain are not included in the calculations
**Previous submittal preservation numbers updated to reflect DTE impacts to woodland and landmark trees

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2857 PACKARD ROAD
 SITE PLAN
 ALTERNATIVE ANALYSIS PLAN

16070
 DATE: 01/30/17
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-MEMORANDUM-

TO: Chris Cheng
 Planning and Development Services Unit

FROM: Kerry Gray, Urban Forest and Natural Resource Planning Coordinator

DATE: August 4, 2017

SUBJECT: **Site Plan:** 2857 Packard
Location: 2857 Packard
Plans Dated: July 14, 2017
Project Number: SP 17-004

The revised site plan has been reviewed and staff recommend **denial**.

Natural Features

1. The chart below details the existing natural features on the site and the proposed impacts to them:

WOODLANDS	NATURAL FEATURES EXISTING CONDITIONS	NATURAL FEATURES IMPACTS Revised Site Plan	NATURAL FEATURES PRESERVED Revised Site Plan
Woodland (acres)	3.40 Acres		
Woodlands DISTURBED (acres)		3.40 Acres*	
Woodlands PRESERVED (acres)			0 acres*
Woodland Trees (>6" DBH) DBH = Diameter at 4.5' above ground	align="center">215 trees** (2171" DBH)	align="center">183 Trees Removed*** (1835" DBH)	13 Trees Preserved w/ critical root zone impacts (147" DBH)
			12 Trees Preserved w/ no impacts (121" DBH)
Landmark Trees	align="center">51 trees (1227" DBH)	align="center">43 trees Removed (1036" DBH)	5 trees Preserved w/ critical root zone impacts (152" DBH)
			2 trees Preserved w/ no impacts (39" DBH)

*The removal of trees for this development will reduce the basal area of the woodlands to less than 30 square feet per ½ acre and the areas will no longer meet the woodlands definition of Chapter 57.

**Does not include Landmark Trees that are also considered Woodland Trees—see Landmark Trees

***Does not include 7 woodland trees, counted in the existing conditions, removed by DTE Energy with permission from property owner.

2. **All Natural Features:** Per Chapter 57, 5:129, when determining if proposed natural features impacts are limited to the minimum necessary to allow the reasonable use of the site, the following criteria shall be applied by the approving body. Staff have reviewed each criteria below and detailed why the disturbance to the natural features on the current proposed plan is **not** the minimum necessary to accomplish the reasonable use of the site.

- a. The importance and overall value of natural features, both on the site on the site and on a city-wide basis. In general, the importance of the natural feature increases with the rarity, size, age and condition.
 - i. There is a significant stand of Bur Oak trees on west side of the property that include trees of the following sizes measured in DBH inches (DBH= diameter measured at 4.5 feet above the ground): 60", 41", 37", 35", 30", 25" and 20". A 55" DBH Bur Oak on the University of Michigan campus was estimated to be between 250-300 years old.

This area with several trees dating back to pre-settlement Ann Arbor represent a native forest fragment which is considered the highest priority for protection. The proposed plan removes this stand of Bur Oak trees and the other smaller woodland trees around it.

- ii. The site also contains woodlands in the middle of the site classified of as mid-level of concern for protection. These urban woodlands are comprised of a mixture of landmark and woodland Black walnut and Honeylocust trees. The proposed plan removes these woodlands.
 - iii. Tree canopy provides important environmental and ecological functions to the community, including improving the quality and quantity of stormwater run-off; improving air quality; reducing energy usage; providing wildlife habitat and ameliorating summer temperatures. The Mallet's Creek creekshed, which includes this site, has a tree canopy of 28% (based on a 2010 city-wide tree canopy study), which is below the City average of 33% tree canopy cover. More specifically this site and the surrounding neighborhoods have an average tree canopy cover of 31%.

The City's Urban and Community Forest Management Plan (UCFMP), adopted by City Council in 2014, recommends residential areas strive to reach a target canopy cover of 60%. This area is well below this target and the removal of most of the canopy on this site will reduce the canopy cover in the area below 30%, moving in the opposite direction of the UCFMP targets. It will take the mitigation trees a minimum of 20-30 years to begin to achieve the canopy cover that was lost on this site, and the benefits that this canopy provides to the site and the surrounding areas.

- iv. Staff has requested that the Petitioner alter lot sizes and building envelopes to preserve some of the high and mid-quality natural features on the site. Alternative site layouts provided by the Petitioner demonstrate layouts that better accomplish this than the selected layout.
- b. The existence of overlapping natural features. Overlapping natural features increase the importance and overall value for presentation of the area.
 - i. The following overlapping natural features are present on the site, woodlands and landmark trees. Both of these natural features are proposed to be removed and/or disturbed for the construction of the homes and infrastructure on this site.

- c. The impact of the proposed disturbance on the integrity of the ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between features should be preserved.
 - i. The removal of trees for this development will eliminate all of the woodlands that currently exist on the site. The tree removals reduce the basal area of the woodlands to less than 30 square feet per ½ acre and the areas will no longer meet the woodlands definition of Chapter 57. This will have an impact on the trees remaining because they lose the structure and support of neighboring woodland trees, which can lead to storm damage and increase their susceptibility to insect/diseases.
- d. The amount of disturbance in relation to the scale of the proposed development and to that permitted by Chapter 55 (Zoning).
 - i. This proposed site plan does not preserve any high or mid-level of concern woodland or landmark trees. The site plan proposes preservation of 7 landmark trees on the eastern property line with 5 of these trees having impacts into their critical root zone; a 19" Boxelder with a health and condition score of 14 out of 30 is one of the trees to be preserved. The petitioner did not consider the quality of natural features that they chose to preserve on the site (see chart and site plan).
- e. The adequacy of the mitigation plan.
 - i. The petitioner provided all of the landmark and woodland tree mitigation in the Washtenaw County Water Resources Commissioners (WCWRC) easements.
 - 1. When future stormwater management system maintenance needs to be performed in these easements by the homeowners association or WCWRC, mitigation trees will need to be removed. As the timing of maintenance is uncertain, some of the trees that need to be removed may be large and their removal will bring the area back to the condition that existed immediately after development, and the area will lose the benefits the mitigation trees provided. In addition, the some mitigation trees may have reached landmark tree status themselves and their removal may require additional mitigation beyond just replanting per the approved site plan.
 - 2. The roots of the trees that are planted within the easement and near the stormwater management system may cause future maintenance issues to the system.
 - ii. The site, as currently designed, cannot fit all required mitigation trees (1383"), and the petitioner has proposed alternative mitigation, contribution to the street tree fund, for 48% of their required mitigation.

- M E M O R A N D U M -

TO: Chris Cheng, Planning and Development Services Unit

FROM: Malletts Creek Coordinating Committee
Comments compiled by Jerry Hancock – Stormwater and Floodplain Programs
Coordinator, Systems Planning Unit, Public Services Area

DATE: May 23, 2017

SUBJECT: Weber (2857 Packard) Site Plan
2857 Packard Road
Project Number SP17-004

The petitioner attended the April 12th, 2017 Malletts Creek Coordinating Committee meeting to discuss potential solutions to the previous comments provided by the committee. Notes from that meeting are attached to these comments.

The majority of the Committee's original comments remain applicable to the revised plans dated 5/4/17. Some issues that were brought up at the committee meeting have been reiterated in the 5/17/17 comments from the Washtenaw County Water Resources Commissioner's Office.

Previous MCCC Comments:

At the February 8, 2017 Malletts Creek Coordinating Committee Meeting the proposed site plan, dated 1-30-17, was reviewed. The following recommendations are suggested to the petitioner:

Storm Water Management

1. The committee discussed that the proposed detention basin slopes, in excess of 5:1, which are driving the necessity to have a fence around the detention basin, are not desirable from a stormwater management standpoint. Reducing the impervious area and the disturbance area of the proposed development to the point that the detention basin or basins can be constructed with side slopes that would allow for non-fenced basins is preferable.
2. The committee discussed that the proposal includes a considerable amount of fill and grade manipulation. It appears that the existing drainage patterns surrounding the site may be negatively impacted. Revising the development and grading plan to more closely follow the existing grades of the site is preferable. This would help to avoid natural features impacts and avoid interrupting the natural drainage patterns in the area.
3. The committee discussed that several of the proposed alternative layouts, presented in the plan set, would preserve more natural features and would allow for a more efficient and effective stormwater management system. These alternative layouts are preferable to the extent that they minimize the natural features impact and lessen the stormwater impacts of this development.

Weber 2857 Packard – Malletts Creek Coordinating Committee Review Comments (3)

WEBER SITE DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2017, 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 Peters Building Company, with principal address at 172 S. Industrial Drive, P.O. Box 577, Saline, MI 48176, hereinafter called the DEVELOPER, witnesses that:

WHEREAS, the DEVELOPER owns certain land in the City of Ann Arbor, described below and site planned as Weber Property, located at 2857 Packard Road, and

WHEREAS, the DEVELOPER has caused certain land in the City of Ann Arbor, described below to be surveyed, mapped and site planned as Weber Site Plan as above, and desires site plan for City Council approval and development agreement approval thereof, and

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

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

THE DEVELOPER(S) HEREBY AGREE(S):

(P-1) To prepare and submit to the CITY for approval plans and specifications ("the Plans") prepared by a registered professional engineer for *construction of public water and sanitary sewer mains, public and private storm water management systems, public streets, sidewalks and streetlights* ("the Improvements") provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-2) To 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 DEVELOPER fails to construct the improvements, the CITY may send notice via first class mail to the DEVELOPER 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 DEVELOPER, if the DEVELOPER 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 DEVELOPER'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-5) To provide, prior to the issuance of building permits, a signing plan to the Fire Department and install all street name signs according to CITY specifications and to provide and install such temporary warning signs during the construction period as are appropriate to protect the health, safety and welfare of the public.

(P-6) Prior to issuance of building permits for the *condominium* units, to install the *condominium* monuments and *condominium* corners or provide escrow funds to insure placement of monuments and *condominium* corners in accordance with section 125 of Public Act No. 288, Subdivision Control Act, for all *condominium units* and assign *condominium unit* numbers in the master deed that conform to those on the approved site plan.

(P-7) To install all water mains, storm sewers, and sanitary sewers, 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 on private streets shall be completed prior to the issuance of any certificate of occupancy on the site.

(P-8) To be included in a future special assessment district, along with other benefiting property, for the construction of additional improvements to Packard Road, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths, street lights, and the planting of trees along Packard 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 *Packard Road*, each unit shall be assessed its pro rata share of the cost of improvements allocable to the Property.

(P-9) To convey to the CITY, prior to the issuance of any permits and subject to acceptance by the Ann Arbor City Council, fifty feet of right-of-way for Packard Road, an easement for the existing and proposed off-site 8-inch sanitary sewer that fronts parcel address 2873 Packard Road, and public water main and sanitary sewer pipe near the entrance *to be conveyed as shown on Attachment A...(if necessary)*.

Liability insurance

(P-10) 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 DEVELOPER, 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-11) 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-12) Existing woodland, landmark, and/or street trees shown on the site plan as trees to be saved shall be maintained by the DEVELOPER *or 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 lot or 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 lot or unit*, shall be replaced by the DEVELOPER as provided by Chapter 57 of the Ann Arbor City Code.

(P-13) For the benefit of the residents of the DEVELOPER'S development, to make a park contribution of \$31,875 to the CITY Parks and Recreation Services Unit prior to the issuance of certificates of occupancy for improvements to Buhr Park or Cobblestone Farms.

(P-14) To complete an archaeological study for the site, as required by CITY ordinance or regulations, which is acceptable to the CITY prior to issuance of a grading permit and to follow the recommendations of the report.

(P-15) To create an association composed of all owners of 2857 Packard Road condominium, hereinafter called the "Association", in which membership shall be required by covenants and restrictions recorded as part of the master deed. 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-16) To construct, repair and/or adequately maintain on-site storm water management system. If the DEVELOPER fails to construct, repair and/or maintain the private storm water management system, the CITY may send notice via first class mail to the DEVELOPER 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 DEVELOPER if the DEVELOPER does not complete the work within the time set forth in the notice.

(P-17) 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 DEVELOPER or Association, as appropriate, fails to maintain any portion of the

system, the CITY may send notice via first class mail to the DEVELOPER, 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 DEVELOPER or Association if the DEVELOPER 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 DEVELOPER in the master deed.

(P-18) 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-19) To prepare and submit to the Planning and Development Services Unit one copy of the Master Deed, along with the required review fee, prior to issuance of building permits.

(P-20) 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, DEVELOPER 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-21) 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-22) No unit in 2857 Packard may be divided such that an additional building parcel is created.

(P-23) DEVELOPER 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 DEVELOPER has (have) legal authority and capacity to enter into this agreement for DEVELOPER.

(P-24) 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 DEVELOPER complies with the approved site plan and/or the terms and conditions of the approved development agreement. The DEVELOPER 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-25) In addition to any other remedy set forth in this Agreement or in law or equity, if DEVELOPER 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-26) 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 2857 Packard, Weber Property, *project*.

(C-2) To use the park contribution described above for improvements to Buhr Park or Cobblestone Farms.

(C-3) To provide timely and reasonable CITY inspections as may be required during construction.

(C-4) To record this agreement with the Washtenaw County Register of Deeds.

(C-5) Other items as needed.

GENERAL TERMS

Both the DEVELOPER 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 DEVELOPER, 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:

COM AT THE S 1/4 OF SEC 3, T3S, R6E; TH N 89 DEG 47' 30" E 594 FT IN S LINE OF SEC FOR POB; TH N 0 DEG 51' 30" E 853.56 FT; TH N 89 DEG 56' 30" E 407.13 FT; TH S 0 DEG 56' W TO S LINE OF SAID SEC; TH S

89 DEG 47' 30" E IN S LINE OF SEC TO POB, BEING PART OF W 1/2 OF THE SE 1/4 OF SEC 3, T3S, R6E, 7.9 ACRES +-

(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 DEVELOPER, 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 DEVELOPER in writing that the DEVELOPER has satisfactorily corrected the item(s) the DEVELOPER 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.

Witnesses:

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

By: _____
Christopher Taylor, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Howard S. Lazarus, City Administrator

Approved as to Form:

Stephen K. Postema, City Attorney

