

August 9, 2016

Woodcreek Homeowners Association Board of Directors Position Statement

The proposed South Pond Village is on land zoned R1B, and the Woodcreek Homeowners Association acknowledges that the developer has a right to build a development consistent with R1B zoning. However, having the right to build consistent with R1B zoning does not mean that the developer can build whatever the developer wants, because if that was the law then Site Plan Approval would be meaningless.

MCL 125.3501(5) says "(5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes."

The City of Ann Arbor in its ordinance with regard to site plan approval in section 5.122(6) says:

"(6) Standards for site plan approval. A site plan shall be approved by the appropriate body after it determines that:

- (a) The contemplated development would comply with all applicable state, local and federal law, ordinances, standards and regulations; and
- (b) 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; and
- (c) The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare."**

Even if the development complies with the underlying zoning, in this instance R1B, **it must still comply with these additional standards:**

These standards include the classification of streets. The roads in the Woodcreek Subdivision are 28 feet in width. Pursuant to the City's own Street Design standards, a 28 foot wide road can only be a Local road or a Minor Local road (a Minor Local road has a 24 foot minimum width).

The function of a Local road is designated to be "The sole function of these streets is to provide access to immediately adjacent properties. These streets shall carry maximum average daily traffic (ADT) of 1,000 trips/day, and in residential areas shall serve a maximum of 75 dwelling units..."

Accessing the proposed South Pond Village through Woodcreek violates the City's own Street Design standards in that the streets in Woodcreek would be being used to access properties not immediately adjacent, and would also exceed the maximum number of dwelling units. Pursuant to the City's own standards a Residential Collector road is required for this purpose and capacity.

Furthermore, with regard to the Algebe Way connection, any argument that this will only be used as a secondary connection is contradicted by the City Staff Comments in their Planning and Development Services Staff Report for the Planning Commission Meeting of January 21, 2015. Those Staff Comments state:

"Traffic - The site plan as submitted has a general purpose connection to Algebe Way. Traffic Engineering staff supports a general purpose connection as it would benefit the public providing for improved neighborhood connectivity, a reduction in vehicle-miles travelled . . ."

Therefore, even if it is being now called a secondary connection, staff and engineering clearly intend it to be used as a general purpose connection. And, not only used, but used often, as otherwise its use would not be reducing vehicle-miles travelled.

Additionally, Ann Arbor's ordinance specifically requires that City Council must determine that "The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare" to approve the plan.

This section requires an affirmative finding be made by the City Council. However, such a finding is not supported by the following facts:

1. Chalmers is a poorly maintained dirt road –barely two lanes, it is a winding road with no street lights and blind curves.
2. Chalmers soft-road surface will further deteriorate with the addition of traffic generated with the addition of South Pond Village. Chalmers can barely support current traffic.
3. On or about June 2, 2015, a section of Chalmers “washed out” exposing a gas line. The county repaired the wash out the first time by piling gravel over the road and onto a steep bank down to Mallet’s Creek. This same section of Chalmers washed out again June 13, 2015 leaving the gas line exposed. The more traffic on Chalmers, the more the road deteriorates and the more dangerous it becomes.
4. It is not unusual for drivers to slip into the ditch regardless of the weather conditions due to the poor condition of the road and poor site distance.
5. There was a traffic fatality at Chalmers and Huron River Drive in August 2014.
6. South Pond Village as proposed with a single egress/access point puts people at risk in the event of an emergency. The single access/egress point at Chalmers and Woodcreek creates a choke point at Woodcreek Boulevard and Chalmers which would hamper evacuation and access by emergency vehicles and personnel. The more densely populated the area, the greater the risk.
7. It is difficult and dangerous to exit Chalmers onto Washtenaw most of the day, seven days a week. There is no traffic light at this intersection and due to the proximity of a

traffic light at Pittsfield Boulevard and Washtenaw, an additional light at Chalmers is unlikely. There are long waits on Chalmers to enter Washtenaw and making a left hand turn is dangerous due to two lanes of westbound traffic and the proximity of the traffic light at Pittsfield Blvd. Additional traffic generated by South Pond Village residents and tertiary vehicles will make the conditions worse.

8. The traffic impact study prepared by the developer contradicts the study done for reimagine Washtenaw. The developer's traffic engineer concluded that the additional traffic from South Pond Village would be insignificant. Whereas the Reimagine Washtenaw study, page 13, shows average daily trips "East of Huron Parkway, is approximately 42,000 vehicles per day and at the US-23 interchange, traffic volumes are the greatest, with the average daily trips around 46,000 vehicles per day."
9. In her October 16, 2014 memo to Matt Kowalski, Cynthia Redinger, a traffic engineer for the City criticized the developer's traffic impact study by stating that "The traffic impact study in its current form does not concretely prove that the access to the site through the intersection of Washtenaw Avenue and Chalmers Drive will be either safe or convenient."
10. The South Pond Village petitioner has submitted this same site plan or one substantially similar to planning commission on two previous occasions. The first time the petitioner submitted the site plan, Planning Commission voted to deny approval of the site plan due to concerns that the single egress point via Algebe Way to the intersection of Woodcreek at Chalmers posed a risk to the health, safety, and welfare of residents. More recently on June 21, 2016, the Planning Commission again denied Petitioner's site plan. Thus, planning commission has reviewed a site plan on two separate occasions that is substantially the same or similar to the site plan Petitioner currently asks Council to approve. There is no basis for the Petitioner to bring the current site plan to City Council.
11. Not only has the Petitioner submitted the site plan to Planning Commission on two separate occasions, Petitioner previously asked the City Council to approve a site plan that is substantially the same or similar to the site plan Petitioner is asking Council to approve now. Then, Council asked city staff to work with the petitioner to find an alternative. Rather than cooperating with the builder, staff encouraged the builder to disregard the site plan with the alternate access point via Huron River Drive and to present the original.
12. It is a violation of city ordinance 5.122(6)(c) to recommend approval of the site plan before currently before City Council. It would be grossly negligent for the city to grant approval knowing the site plan poses a risk to the health, safety, and welfare of its residents.

Therefore, to comply with the City's own ordinances it would be appropriate and right for the Planning to deny the site plan in its current form.

Sincerely,

Kym London, President; Richard Mazzari, Treasurer; Michael Homel, Secretary; Jennifer Allan, Communications Chair; and Blair Gerdes, Ratib Al-Zoubi, and Linda Plona, Members at Large.