



Legislation Text

File #: 15-0953, **Version:** 2

Resolution to Approve Nixon Farm North Site Plan and Development Agreement with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 3381 Nixon Road (CPC Site Plan Recommendation: Denial - 5 Yeas and 2 Nays) (CPC Modifications and Wetland Use Permit Recommendation: Approval - 7 Yeas and 0 Nays)

Approval of this resolution will allow for the construction of the Nixon Farm North residential development.

Petition Summary:

- This project includes several related petitions, including annexation (approved), R4A With Conditions zoning (pending), and a site plan.
- The Site Plan petition includes a request for landscape modifications, a wetland use permit, authorization for activity in the natural features open space, a development agreement and a traffic mitigation agreement.
- The Site Plan proposes construction of 208 attached dwelling units, each with a two-car garage incorporated into the front of the unit, on a private drive network. The units are grouped into 51 buildings, most having four or five units each. The density of the proposed development is 3 dwelling units per acre. Sixty-five percent of the site, 48 of the 64.5 total net acres, is proposed as open space.
- Two Chapter 62 Landscape Modifications have been requested. A conflicting land use buffer modification is requested to allow the existing woodland area along the west side of the site to serve as the conflicting land use buffer. An interior landscaping modification is requested to allow the driveways within the development to be treated as a private street, with the associated street tree requirements, rather than a vehicular use area.
- A combined wetland use permit has been submitted for this development, Nixon Farm North, and its sister development, Nixon Farm South, to place 2,271 cubic yards of fill in 0.43 acres of wetland; excavate 536 cubic yards from 0.14 acres of wetland; enclose 170 linear feet of two separate unnamed stream tributaries of Traver Creek for road crossing utilizing a 13 feet wide by 4 feet high box culvert buried 1 foot; install at southern stream location a 36-inch diameter reinforced concrete culvert buried 6 inches; construct an 8-foot wide prefabricated pedestrian bridge to span approximately 20 feet over an existing stream; construct 6 separate storm water detention basins for pretreatment of storm water. Utilities will be directional bored or open trenched under wetlands in 11 locations. The Michigan Department of Environmental Quality has approved a draft permit and the final permit will be issued upon City approval of the site plan.

- The proposed development includes nine areas of activity in the Natural Feature Open Space due to grading work for the dwelling units, retaining walls or detention ponds, the proposed crossing of the Traver Creek tributary, and a proposed wetland mitigation area immediately adjacent to the existing wetland in the south part of the site. Natural feature open space is a 25-foot buffer surrounding a wetland or watercourse. Any disturbance within that 25-foot area is considered an “activity” and requires specific authorization from the Planning Commission, who approved the activity on December 16, 2014 (7 Yeas, 0 Nays).
- A total of 16 acres of parkland will be added to the City’s parkland system with the proposed development. The developer will donate 5.9 acres of parkland, the amount that corresponds to the Parks, Recreation and Open Space Plan dedication recommendation for the number of dwelling units proposed by Nixon Farm North and its sister development, Nixon Farm South, combined. The Developer has agreed to sell the remaining 10.1 acres to the City for the parkland system.
- Annexation of the site was effective on May 8, 2015. First reading of the proposed zoning designation of R4A (Multiple-Family Dwelling District) was passed by Council on July 20, 2015. Shortly after that, the petitioner offered to place conditions on the zoning designation to bind the requested zoning with the proposed site plan and reconfiguration of the Nixon Road, Green Road and Dhu Varren Road intersection. First reading of the proposed R4A With Conditions zoning designation was passed by Council on October 19, 2015.
- The R4A With Conditions zoning designation will zone the site R4A if four conditions occur, summarized as: (1) an easement for public right-of-way is granted to allow the reconfiguration of the Nixon Road-Green Road-Dhu Varren Road intersection; (2) the developer pays half of the estimated cost of the intersection reconfiguration, up to \$1,025,460.00; (3) the Nixon Farms North and South Site Plans as approved by City Council are constructed with no additional dwelling units; and (4) no certificates of occupancy will be issued before April 1, 2017 and no more than 50 will be issued before October 30, 2017.
- A Conditional Zoning Statement of Conditions has been prepared that fully describes and documents the four offered conditions. The Statement of Conditions will be signed by the developer and owner of the property and will be recorded in the chain of title. If the first three conditions are not satisfied by November 17, 2017, the site will revert to its former zoning classification - Ann Arbor Township’s General Agricultural District or the City of Ann Arbor’s AG (Agricultural-Open Space) District - until the City initiates a rezoning petition to another designation.
- A Traffic Mitigation Agreement has been prepared to address the specific details to carry out the two zoning conditions related to the intersection improvements. These details include: the developer will deposit \$1,025,460.00 in escrow within 5 business days of City Council approval of the site plan; and the money will be released to the City immediately after the developer closes on the acquisition of the land, which shall be no later than April 30, 2016. The Traffic Mitigation Agreement also sets forth the timing for the grant of the necessary easements for the intersection improvements.
- A development agreement has been prepared to address the construction of on-site and off-

site utilities, parkland dedication, the granting of an easement for Nixon road right-of-way, and reference to the Traffic Mitigation Agreement provisions.

- Although considered, the site plan has not been revised by the petitioners to address Planning Commission concerns. Some Commissioners felt the site plan did not propose enough dwelling units to meet the intent of the Master Plan recommendation for the site nor provide enough density to support public transit.

The City Planning Commission, at its meeting of December 16, 2014 recommended denial of this request.

Attachments: October 21, 2014 and December 16, 2014 Planning Staff Reports
 October 21, 2014 and December 16, 2014 Planning Commission Minutes
 November 12, 2015 Draft Development Agreement
 November 12, 2015 Traffic Mitigation Agreement

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Reviewed By: Benjamin Carlisle, Interim Planning Manager
 Larry Collins, Community Services Area Interim Administrator

Whereas, The Toll Brothers, Inc. has requested site plan approval, including modifications to Chapter 62, Landscaping and Screening Ordinance, and a Wetland Use Permit, in order to develop Nixon Farm North;

Whereas, A development agreement has been prepared to address on-site and off-site utilities and public improvements;

Whereas, A traffic mitigation agreement has been prepared to address the reconfiguration of the Nixon Road, Green Road, and Dhu Varren Road intersection;

Whereas, The Ann Arbor City Planning Commission, on December 16, 2014, recommended denial of the petition;

Whereas, The Ann Arbor City Planning Commission, on December 16, 2014, authorized activity in the natural feature open space;

Whereas, The development would comply with the R4A With Conditions (Multiple-Family Dwelling District) zoning established pursuant to the requirements of Chapter 55, and with all applicable local, state, or federal laws, ordinances, standards and regulations;

Whereas, 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 Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety and welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated November 13, 2015; and the Traffic Mitigation Agreement, substantially in the form of

that attached, dated December 18, 2015,

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement, and the Traffic Mitigation Agreement, after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Nixon Farm North Site Plan with authorized activity in the natural feature open space, including Modifications to Chapter 62 Landscape and Screening Ordinance and Wetland Use Permit, upon the condition that 1) the Development Agreement is signed by all parties, 2) the Traffic Mitigation Agreement is signed by all parties, and 3) all terms of the Development Agreement and Traffic Mitigation Agreement are satisfied.