



Legislation Text

File #: 15-0568, **Version:** 3

Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial - 1 Yeas and 7 Nays)

At the August 15, 2016th meeting, Council postponed this petition, after the developer indicated that they would consider contributing to the special assessments for road improvements for the properties along the unpaved section of Chalmers Road that lead to the development. The developer has now agreed to pay \$50,000 toward the special assessments for road paving and related improvements for these 16 properties. The South Pond Village Development Agreement has been revised to reflect this change in Paragraph 10 and Attachment A. The details are as follows:

- The updated, approximate cost of the estimated road project including paving, curb and gutter, sidewalks, green streets, and related stormwater is \$994,000. Working with the City Assessor, staff determined that a proposed special assessment district may include 177 parcels (88 parcels in Woodcreek, 73 in South Pond, and 16 along Chalmers). Estimated special assessments for each parcel would be \$5,616.
- The developer's \$50,000 contribution would offset the total special assessments for each of the 16 Chalmers parcels by \$3,125.
- The developer's contribution would not change the amount or share of special assessments for any other parcel, except if there is any remaining amount after paying the assessments of the 16 Chalmers parcels, the remaining amount would be credited to the total project cost.
- The City will return the \$50,000 to the developer if special assessments for the improvements are not made from 10 years from the date of issuance of the first certificate of occupancy.
- Staff recommends that City Council amend the resolution to approve the South Pond Village Development Agreement dated September 1, 2016.

Approval of this resolution will allow for the construction of 73 single-family homes with public streets on a vacant, 36.2 acre parcel zoned R1B (Single-Family Dwelling District).

Petition Summary:

- The Site Plan proposes 73 single-family homes with public streets, storm water controls and landscape buffers. The project will also include the dedication to the city of a one-acre public park. The total site is 36.2 acres, and a land division has been submitted that would divide the site from the 12.2 acres to the north for possible City acquisition or limited development in the future.
- A development agreement has been prepared to address utility and off-site improvements, public park dedication and construction sequencing.
- The original site plan was submitted in October 2014. This earlier version of the current plan was reviewed by the Planning Commission in January and February of 2015. That version of the plan was similar in layout and had all access to the site via the existing Right of Way along the southern boundary of Woodcreek exiting to Chalmers Road. That plan was recommended for approval by City Staff and was recommended for denial by the Planning Commission due

to concerns regarding the traffic impact to Washtenaw and Chalmers Roads.

- The petitioner proceeded to City Council in June 2015 for a public hearing and council discussion. In response to public and Council concerns regarding access, the developer prepared an alternative plan with access via a new road to the north connecting to East Huron River Drive. This plan was presented to City Council in August 2015. After discussion, the City Council referred the revised northern access (alternative) plan back to City Planning Commission for review and action.
- Prior to review by Planning Commission, the petitioner submitted a full site plan incorporating the northern access including the design details for the primary access road directly to the north (Huron River Drive) and a secondary connection to the west via the existing street stub of Algebe Way. This plan and subsequent revisions were reviewed by City Staff for compliance with development codes. After a complete staff review the plan was scheduled for Planning Commission action.
- The additional natural features impacts of the northern access plan required Michigan Department of Environmental Quality (MDEQ) approval of a permit for impact to the wetland. The permit is still under review by the MDEQ at this time. A Wetland Use Permit was also required from the City of Ann Arbor.
- After completing review of the northern access plan, staff recommended denial of this alternative because the plan would not limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land given that the alternative plan had significant impact to regulated natural features and the original plan did not.
- The alternative plan then proceeded to City Planning Commission at the February 17, 2016 meeting. Planning Commission discussion focused on the impact to the natural features. Planning Commission recommended denial of the northern access plan due to the impact on regulated natural features.
- In April 2016, the developer submitted a memo requesting that the original South Pond Village site plan (southern access to Chalmers) be considered for approval again by City Council.
- In May 2016, concerns were raised at City Council regarding public notice for a different project. Staff informed the developer of the issue. In order to ensure correct public notice, the petitioner chose to go back to City Planning Commission for another public hearing.
- The project was considered by the Planning Commission at their June 21, 2016 meeting. The plan was recommended for denial by the Planning Commission.

Attachments: June 21, 2016 Planning Staff Report
June 21, 2016 Planning Commission Minutes
February 17, 2016 Planning Staff Report
February 17, 2016 Planning Commission Minutes
April 4, 2016 Draft Development Agreement

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Reviewed By: Benjamin Carlisle, Interim Planning Manager
Derek Delacourt, Community Services Area Administrator

Whereas, Manchester Ann Arbor LLC has requested site plan approval in order to develop 73 single-family homes;

Whereas, A development agreement has been prepared to address utility and off-site improvements, public park dedication and construction sequencing;

Whereas, The Ann Arbor City Planning Commission, on June 21, 2016, recommended denial of the petition;

Whereas, The development would comply with the R1B 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 April 4, 2016;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development 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 South Pond Site Plan, upon the condition that 1) the Development Agreement be signed by all parties, and 2) all terms of the Development Agreement are satisfied.