

**TOWNSHIP OF SCIO  
WASHTENAW COUNTY, MICHIGAN  
RESOLUTION #2024-24**

**Resolution To Deny Arbres Grove SP#21021**

At a Regular Meeting of the Township Board of Scio Township, Washtenaw County, Michigan, Held at the Scio Township Hall, 827 N Zeeb Road, in said Township on September 10, 2024, at 7:00 p.m.

Members Present: Hathaway, Flintoft, Kerry, Knol, Reiser.

Members Absent: Palmer, Brazeau.

The following preamble and resolution were offered by Trustee Knol and supported by Clerk Flintoft.

WHEREAS, Innovant Group, LLC (applicant) is requesting site plan approval for a 35 unit townhome development proposal (Arbres Grove) located on the east side of Zeeb Rd between Park Rd and the Polo Fields. The site is adjacent to Parkwood condominiums, Parkwood is in a flood plain and has experienced flooding issues.

WHEREAS, The August 29, 2024 report from the Township Planner documents that the parcel has a significant number of natural features, including trees and wetlands. The Arbres Grove development proposal requests permission to clear cut the portion of the site dedicated for construction, cutting down approximately 471 trees, including 33 landmark trees. The two wetlands would also be impacted.

WHEREAS, The proposed density of the development would be 7.4 dwelling units per acre, which would include five buildings. There would be connections to municipal water/sewer and an underground infiltration basin to capture the storm water runoff.

WHEREAS, The Amended and Restated Stormwater Easement Agreement between the Parkwood Condominium Association, the Innovant Group, LLC, and Arbres Grove LLC is dated 8/9/24 and outlines construction, operation, management and maintenance of the Arbres Storm system. The proposed storm water drainage plan requires that Parkwood grant an easement through a common element on the Parkwood property.

WHEREAS Scio Township is referenced several times in the easement agreement, although the township is not a party to this agreement.

WHEREAS, The Amended and Restated Stormwater Easement Agreement has been recorded by Parkwood at the Washtenaw County Register of Deeds.

WHEREAS, Scio Township is a party to the Stormwater Management and Long Term Maintenance Agreement with Arbres Grove and the Parkwood Condominium Association.

WHEREAS, The Parkwood Master Deed and Bylaws, Article 4 provides “that neither the Board nor the Association shall, by act or omission, abandon partition, subdivide, encumber, sell or transfer the common elements, or any of them, unless at least sixty-seven (67%) percent of the mortgagees (based upon one vote for each mortgage owned) and (67%) percent of the members in number and value have consented thereto. The granting of easements for public utilities or for other public purposes consistent with the intended use of the common elements by the Condominium, shall not be deemed a transfer for these purposes.”

WHEREAS, The easement does not serve a public purpose and is solely a private easement for private benefit.

WHEREAS, It appears that the easement has been granted without proper authority under The Parkwood Master Deed and Bylaws Article 4, as stated above.

WHEREAS, The August 29, 2024 report from the Township Planner states that an open action item for the Arbres Grove project is approval of the tree mitigation plan by the Scio Township Board of Trustees.

WHEREAS, The August 29, 2024 report from the Township Planner also documents that soil limitations exist on the site. The report requests that the applicant demonstrate how the soil limitations will be overcome.

WHEREAS, The August 29, 2024 planning report suggests that the applicant consider “a product that will allow for a more compact development in order to maintain more of the site’s natural features.” It is noted that the applicant has refused to consider a less dense and more environmentally sensitive plan.

WHEREAS, The applicant is proposing connection to the existing 16 inch water main and an 8 inch sanitary sewer line along the east side of Zeeb Rd. The applicant is also proposing an underground infiltration basin to capture what is expected to be extensive stormwater runoff in the area, adjacent to a flood plain. There will be a bypass overflow pipe, which will drain into the U of M Lake Drain.

WHEREAS, The capacity of the U of M Lake Drain is not documented, but it is assumed to be finite. It is expected that global climate change will impact stormwater in Scio Township.

WHEREAS, Section 36-1 of the Scio Township Zoning Ordinance sets forth general purposes of the zoning ordinance. These include (a) Promoting and protecting the public health, safety and general welfare; (c) Promoting and regulating growth of the township to obtain orderly and beneficial development; (d) Conserving life, property, and natural resources.

WHEREAS, The Scio Zoning Ordinance contains the criteria for site plan review in Section 36-

180. The Ordinance states that "the site plan shall be reviewed and approved upon a finding that the following criteria are met."

WHEREAS, The Scio Zoning Ordinance requires that all of the criteria in Section 36-180 are met for site plan approval. For the Arbres Grove site plan, the following criteria have not been met:

- (a) The proposed use will not be injurious to the general health, safety and welfare of the township and surrounding neighborhood.
- (b) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- (e) Site planning and design of specific improvements will accomplish, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including associated shrubs, small trees, and ground cover.
- (f) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
- (h) A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
  - (1) The rules of the county drain commissioner's standards shall be used for the review and approval of all stormwater management systems.
  - (2) The county drain commissioner's office shall provide review comments on the stormwater management system of all site plans for the consideration of the planning commission. Comments shall be provided for all site plans.
  - (3) Site plan approval shall not be granted until approval or notice of no jurisdiction is granted by the drain commissioner's office with regard to the stormwater management plan.
- (j) Sites which include storage of hazardous materials waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, to the air, to groundwater or to nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- (k) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- (l) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

WHEREAS, The proposed site plan does not sufficiently protect natural features such as wetlands, floodplains, groundwater, and trees as required by Section 36-180.

WHEREAS, The criteria under Section 36-180 are not met. The proposed site plan does not respect the natural topography sufficiently because it requires extensive cutting of 471 trees, grading and filling some of the property, and a massive seven foot retaining wall around a wetland located in the northeast of the property.

WHEREAS, The presence of hazardous substances and/or petroleum on the parcel was documented in the ASTI Environmental Report dated June 28, 2021. A Baseline Environmental Assessment (BEA) was recommended in this Report. No documentation of this further assessment has been submitted.

WHEREAS, Section 36-180 requires that sites that contain hazardous materials, waste, fuels, or chemicals must be designed to prevent spills and discharge of these materials to the surface of the ground, or to nearby water bodies, with a specific plan incorporated into the site plan.

NOW, THEREFORE, BE IT RESOLVED THAT, for the reasons stated above, the Scio Township Board finds that denial of the Arbres Grove detailed engineering plan SP#21021 (site plan) is appropriate.

AND BE IT FINALLY RESOLVED THAT, the Arbres Grove detailed engineering plan SP#21021 (site plan) is denied.

**ROLL CALL VOTE:**

**YES:** Flintoft, Kerry, Knol, Reiser.

**NO:** Hathaway.

**ABSENT:** Palmer, Brazeau.

**ABSTAIN:** None.

**RESOLUTION DECLARED ADOPTED.**



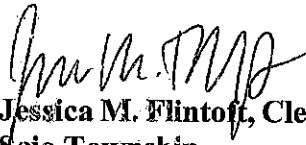
Jessica M. Flintoft, Clerk

Scio Township

**DATED: September 10, 2024**

**CERTIFICATE**

I, Jessica M. Flintoft, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Scio Township, County of Washtenaw, State of Michigan, at a Regular Meeting held on September 10, 2024 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

A handwritten signature in black ink, appearing to read 'Jessica M. Flintoft', is written over the printed name.

Jessica M. Flintoft, Clerk  
Scio Township

**DATED:** September 13, 2024