



City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
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Action Minutes City Planning Commission

Tuesday, December 15, 2009

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 794-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available on the Planning page of the City's website (www.a2gov.org) or on the 6th floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

CALL TO ORDER

Chair Bona called the meeting to order at 7:03 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.

1 ROLL CALL

Present 6 - Bona, Carlberg, Woods, Briggs, Westphal, and Giannola

Absent 3 - Pratt, Mahler, and Derezinski

Members Arriving: Derezinski, Mahler, Pratt

Staff Present: Cheng, Pulcifer

2 INTRODUCTIONS

None.

3 MINUTES OF PREVIOUS MEETING

None.

4 APPROVAL OF AGENDA

A motion was made by Briggs, seconded by Giannola, that the agenda be Approved.

A vote on the motion showed:

Yeas: 6 - Bonnie Bona, Jean Carlberg, Wendy Woods, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Absent: 3 - Evan Pratt, Eric A. Mahler, and Tony Derezinski

Motion carried.

5 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING AND DEVELOPMENT SERVICES MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

Enter Derezinski.

Enter Mahler.

Enter Pratt.

Present 9 - Bona, Pratt, Mahler, Carlberg, Woods, Derezinski, Briggs, Westphal, and Giannola

a City Administration

b City Council

Derezinski reported on the actions of the December 14 City Council meeting.

c Planning and Development Services Manager

Pulcipher announced a public meeting to be held Tuesday, December 16 at 7:00 p.m. She said the meeting will be used to introduce the Zoning Ordinance Reorganization Project (ZORO). She said the purpose of the project is to establish a new structure for the City Zoning Code to clarify and reorganize the ordinances.

d Planning Commission Officers and Committees

Pratt reported that the A2D2 Steering Committee would be meeting to discuss the design guidelines process the week of January 11.

e Written Communications and Petitions

- e-1** [09-1230](#) (1) Email from Concerned Citizen Regarding Arbor Dog Daycare

Special Exception Use Proposal - Distribute.

- e-2 [09-1231](#) (2) Letter from William Wroblewski regarding Arbor Dog Daycare Special Exception Use Proposal - Distribute.
- e-3 [09-1232](#) (3) Email from Barbara Excel regarding Arbor Dog Daycare Special Exception Use Proposal - Distribute.
- e-4 [09-1233](#) (4) Letter from Sandy Eiler regarding Arbor Dog Daycare Special Exception Use Proposal - Distribute.

6 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

None.

7 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

Bona announced the public hearings scheduled for the January 5, 2010 Planning Commission meeting.

8 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item (If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 8-1 [09-1234](#) a. Public Hearing and Action on Arbor Dog Daycare Special Exception Use, 6.46 acres, 2856 South Main Street. A request to amend the approved special exception use to increase the total floor area from 3,200 square feet to a maximum of 8,800 square feet, to add five parking spaces for a total of 13 spaces, to extend the hours of operation, and to allow a maximum of 125 dogs on site - Staff Recommendation: Postpone

Cheng explained the proposal.

Margaret Svoboda, owner of Arbor Dog Day Care, said she and her husband Jon were looking to expand their business. She stated that they were proud to employ local residents as well as students. She said they currently have nine employees and if the expansion was approved, they planned to employ up to 11 new employees. She explained that a dog daycare provides working people a place to bring their dogs during the day to allow the dog to run off energy and to socialize the dog. She said she and her husband had been major sponsors of the Humane Society of Huron Valley's Annual Walk and Wag fundraiser for the past three years. She said the dog daycare was also active with other rescues, and they spotlight rescued dogs to place them in good homes. She stated, in the past, their business had been active in placing past clients' dogs into new homes. She said the business was voted "Best Dog Daycare and Boarding Facility" favorite by Tails Magazine two years in a row. She said the purpose of the expansion was to provide exceptional care to more dogs and to help their business financially. She stated that the business had never received any formal complaints in the past three years. She said she had several letters of support from the surrounding community.

Elaine Davich, Residential Manager for Brookhaven Manor Senior Apartments, 401 West Oakbrook, spoke in opposition of the project as a representative of the owner and several residents. She said the concern was the design of the building, noise level and the smell of 125 dogs, which would affect the residents' use of their patios and balconies. She presented a signed petition from some of the residents for the Commission's record.

Sean Stayduhar, 1317 Minerva Road, spoke in support of the project and believed the daycare provided a benefit to the community.

Brad Mikus, 3202 Chelsea Circle, spoke in opposition of the project. He believed that 125 dogs would have a detrimental effect on the community and would be a violation of the Special Exception Use. He asked that someone address the conflict concerning the dog run at the proposed expansion site.

Jody Simpson, 230 West Oakbrook Drive in Balmoral Park Condominiums, spoke on behalf of several neighbors in opposition of the project. She stated their concerns as being the inconvenience, noise levels and smell of the business.

Jon Svoboda, co-owner of Arbor Dog Daycare, stated that the sound study done showed that the noise level created by the dogs would be less than the noise level of Main Street. He said he never had any issues regarding the smell. He added that all of the dog waste was bagged, sealed and placed in the dumpster. He said the business held two separate meetings at their facility for the public to attend and voice their concerns. He said only one person attended the two meetings held. He stated that he personally made sure that all of the employees cleaned up properly after the dogs and any other debris in the area surrounding the building. He did not believe that the expansion would have a negative effect on the Balmoral Park Condominiums.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Pratt seconded by Carlberg, that the Ann Arbor Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to: 1) limiting the size of the operation to a maximum of 10,000 square feet; 2) limiting the hours of operation from 6:00 a.m. to 8:00 p.m. Monday through

Friday and 8:00 a.m. to 8:00 p.m. on weekends and allowing indoor boarding during the hours the day care is closed; and 3) limiting the number of dogs to 125; and therefore, approves the Arbor Dog Day Care Special Exception Use.

Pulcipher said if the proposal was postponed then the public hearing would be continued at that time. She stated the public hearing would not be re-noticed but electronic mail notification would be sent to anyone who signed the request form located on the front table during tonight's meeting.

Bona stated anyone watching from home can check the City's website or call the Planning and Development office for further information.

Cheng spoke to the question of the previous approval of the special exception use relative to whether or not the petitioner could have a dog run in the current fenced area. He said he spoke with the petitioner and the daycare used the northern area of Cranbrook Park. He stated that there was also a fenced-in area used for the dog's outdoor time.

Bona asked for clarification regarding if the vote taken by the Commission would be final and not a recommendation forwarded to City Council.

Pulcipher said that was correct.

Carlberg asked what the standards were regarding the space per animal and staff per animal.

Cheng said the City did not have any industry standards or any codes on the books. He stated he was relying on the petitioner and his knowledge regarding industry standards regarding how much space per dog and employee per dog. He added that information was used from an evaluation performed by Karnik Pet Lodge regarding parking and staff per dog counts.

Carlberg said she was not concerned about parking, but she was concerned with the number of dogs inside. She asked the petitioner to give information regarding industry standards.

Jon Svoboda stated their business had used the standards from Pet Smart a national chain for dog boarding and daycare, which was 22 square feet per dog. He said their goal is to stay substantial higher.

Carlberg asked the petitioner to speak about the frequency and types of exercise the dogs would receive.

Margaret Svoboda stated that the dogs were walked a minimum of four times per day and any other necessary instances to help keep the dog waste accidents in the daycare to a minimum.

Carlberg asked the petitioners if they took the dogs to the north area of the site.

Margaret Svoboda said the dogs were usually taken to the field in the north area of the site, but sometimes a couple dogs were allowed to eliminate in the play area.

Carlberg asked about the number of dogs taken out at one time.

Margaret Svoboda stated that each employee can walk no more than two dogs at a time. She added during walking times there may be two or three employees out with two dogs each.

Carlberg asked if the petitioner had any comments regarding barking.

Margaret Svoboda said the daycare had never received a single complaint including the businesses next door.

Carlberg said the business next door would be the most logical to complain about the noise. She asked if the petitioner had any complaints about the smell.

Margaret Svoboda said the daycare had never received a single complaint until the expansion process began.

Carlberg asked if 18 to 20 employees would allow for proper care of the animals.

Margaret Svoboda stated that if it became an issue that they did not have enough employees to walk the number of dogs at the facility, adjustments would be made.

Carlberg asked if the dogs always eliminated outside of the building.

Margaret Svoboda said sometimes there are accidents within the building, but it would be cleaned immediately. She also said when the dogs eliminate outside, the dog waste was cleaned immediately.

Carlberg asked if the petitioner had received any complaints from the Parks Department about their dogs being in the City's parks.

Margaret Svoboda replied no and added that the dogs were rarely walked in the City's park.

Carlberg stated that she was in the area earlier today and she heard only a slight sound of barking from the corner, but when she went past the area, she could not hear barking anywhere else. She said she assumed that if neighbors were complaining, it would be when the dogs were outside.

Margaret Svoboda said barking may happen when dogs are outside, but usually when they are being walked they are not barking.

Mahler asked staff what information had they requested from the petitioner and if the information would affect any of the elements for the special exception use standards.

Cheng said the reason for the postponement request was his waiting for the Engineering Department to respond to the fire hydrant coverage for the site. He said currently the one hydrant on site only covers approximately 15 feet of the building and the Engineering office would like the entire building covered. He said because this is an existing building, there was some current debate that anyone could move in that was not a special exception use and staff would not have any authority to review the hydrant issue. He said staff was seeking to have the hydrant requirement waived until the petitioner had submitted a site plan. He said the other issue was with the property owner, who had a bike path and a sanitary sewer easement that needed to be recorded with the City.

Derezinski asked if the building sound report from 2006, which found that there was no noise level issues beyond the perimeter of the property would continue to be the case with the proposed increase in the number of dogs at the daycare.

Jon Svoboda said he expected the 2006 sound report findings to remain the same.

He added that there may be occasional barking outside, but he did not expect an increase in the noise level.

Derezinski asked if the sound study was completed before the Balmoral Park Condominiums were built.

Jon Svoboda replied yes.

Derezinski asked for the petitioner's response to the previous noise level comments.

Jon Svoboda said the noise level from the inside would remain the same, but there was a risk that a dog could bark outside. He said staff would do their best and that he did not believe the noise level from their dogs would increase. He said there was a short cut often used near their property by other dog owners and sometimes their dogs bark and eliminate near their property. He said their employees clean up after those dogs as well.

Giannola asked what percentage of the dogs were boarded overnight and whether or not they were taken outside during the night.

Jon Svoboda said the percentage varies. He said the range was between one to 20 dogs. He said a staff member would stay overnight at the facility whenever there was a dog being boarded.

Margaret Svoboda said the dogs were walked between 7:30 p.m. and 8 p.m. and a minimum of one more time per night. She added that if it was necessary after these two times then the staff member would take one dog out at a time, but they are not taken to the dog run.

Giannola asked the petitioner if the expansion was approved, if they planned to board up to 125 dogs overnight.

Margaret Svoboda replied no. She added that the business was mainly a dog daycare.

Briggs asked if there was sleeping quarters provided for the overnight shift staff member.

Margaret Svoboda replied no.

Briggs asked if staff was required to be awake for the whole shift.

Margaret Svoboda replied yes.

Jon Svoboda said they have large playrooms inside the facility where most of the dog activities take place. He said the dogs go outside mainly to relieve themselves. He added that the dogs were separated into playrooms by temperament and size.

Westphal asked if the facility doors or windows were open during warm temperatures.

Margaret Svoboda said occasionally when the weather was nice the facility door could be opened, but normally the air conditioning would be running. She said some of their dogs are heat sensitive so the air conditioning was also used for that purpose.

Westphal asked the petitioner if they were aware of any facilities such as theirs that

had a sound barrier that would help contain the noise level of the dog run or play area regionally.

Jon Svoboda said the facility had 44 by 72 foot fenced area with a substantial amount of brush placed at the playroom and dog run location so that the existing landscape would not be disturbed and to help with noise level concerns.

Westphal said it was well documented that decibel level was only a small portion of noise problems and that intermittent background noise such as dogs barking, babies crying, or horns honking can be most disturbing to neighbors. He stated that he would like to see more communication addressing the noise level concerns of the neighbors.

Woods said if the proposal was postponed she would like to see pictures of the inside of the facility. She asked if, in the past, the City had used other facilities to determine the standards for parking and if this was the appropriate standard to use.

Cheng said the Planning staff met to discuss what the parking requirements would be since there were no requirements in code. He said staff decided to refer back to Karnik Pet Lodge to look at the parking calculations for the animals per parking space and asked the petitioner to give staff a parking count. He said the petitioner reported one parking space per every 9.6 animals vs. Karnik Pet Lodge providing one parking space per every 11.5 animals. He stated that staff had not received any complaints regarding the parking. He added that the petitioner had done his own parking counts and also had his employee time how long it would take for drop off and pick up, which was between 45 seconds and 2 and a half minutes per animal. He believed parking would not be an issue since the cars would be cycling through dropping off the animals.

Woods said the parking would work well if everything went smoothly, but on bad weather days or if everyone wanted to pick up at the same time parking could become an issue. She had a concern with the noise level and wondered how the noise level would remain the same with an additional 100 dogs. She said she would be supportive of postponement of the proposal to allow for the petitioner to meet with the neighbors and hopefully address their concerns.

Mahler stated that on page two of the staff report on the second line from the bottom says "All facilities shall be completely enclosed in a sound proof building in such a way as to produce no objectionable odors at the lot lines," but he believed that it was speculative that the noise level would be contained ahead of the time the number of dogs were actually in the facility. He said he was willing to give the petitioner's the benefit of the doubt stating that if the facility did not meet the noise level standards, there are mechanisms within the zoning ordinances to handle those situations. He also believed that the special exception use standard number four "will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property" was speculative stating that it was difficult for the Commission to know whether this would be true even with the commentary received. He added that it would be difficult for him not to support the proposal based on what may occur. He asked how the comment on page four of the staff report "Neighbors have been contacted by the petitioner to discuss the proposal. Letters of support have been included along with neighborhood meeting results" responded to the fourth standard and stated that this response may speak to the fact that there was not a concrete way of knowing if the standards would be met in advance. He asked staff to clarify how this particular comment responded to the special exception use standard or how it would help them make an informed decision as the Planning Commission.

Cheng stated that at the time the staff report was written, the only information he had was the neighborhood meeting minutes from the petitioner and the first complaints he had heard about were tonight. He said he also received a few letters that had been added to the meeting packet. He said he did not know of any negative or detrimental effects such as the problems regarding "the peaceful enjoyment of the neighborhood" at the time of publishing the staff report and he was not aware of many of the issues stated tonight.

Mahler said he was satisfied with the petitioner's comments regarding the two community meetings that were held, where the petitioners received little participation and that tonight was their first time hearing any negative feedback. He agreed with Commissioner Westphal that it was unfortunate that some of these concerns were not dealt with at an earlier time to be included in the meeting packet, which would have allowed the Commission to make a more informed decision. He did not believe there would be more information available by postponement regarding the standard of how economic property would fall in value and added that he would have to take the comment as speculative. He said he was willing to postpone the proposal strictly to address the issues staff raised regarding the easement and fire hydrants.

Bona said she would be supporting postponement for the reasons Commissioner Mahler had stated. She stated that she would also like to support a growing business. She encouraged the petitioner to try to engage with the neighbors concerning the issues that had been received since the staff report was published. She said she was not sure if any agreements the petitioner and the neighbors made would necessarily change how the Commission would react, but believed it would be helpful to both parties if they addressed the concerns together as a community. She stated that even with the special exception use standards; there was also a nuisance ordinance that could be helpful to the neighbors. She added that the City had a way to look at problems in regards to any use being a nuisance to the community. She asked staff to comment regarding the nuisance ordinance.

Cheng said in cases of excessive noise a complaint could be reported to the Police Department. He said if it was a zoning violation someone from the zoning staff would do an inspection. He confirmed that there was zoning compliance with any project and particularly with a special exception use project.

Bona asked that the petitioner provide a clear definition regarding the dog run and the fenced area before the next proposal was presented before the Commission. She added that she did not have any preconceived ideas regarding the size of the outdoor use space or whether it should be fenced or not. She stated, in the staff report relative to the outdoor use, there was a recommendation of the use of a vegetative buffer from the Mallets Creek Coordinating Committee that may address some of the issues. She cautioned the neighbors that if a complete visual barrier was constructed, it could also mean that people could hide behind it and if someone was out walking a dog there could be a suspicious activity on the other side of the street that they would no longer see. She said it is important to be able to see the neighbors so that others can see that there are other people around and that there are not hiding places. She also believed there should be a definition regarding the number of dogs that can be outside at any given time and if the number became a nuisance, the number would need to be reduced.

Carlberg suggested that the petitioner be proactive while the proposal was postponed and speak to the neighbors in the developments that have expressed concerns about both noise and smell. She said it would be helpful to gain an understanding of what the neighbors were experiencing and how the petitioners can ameliorate the project. She asked staff if originally there was a proposal for a dog run or if the dog run was

built illegally without a permit. She suggested that the petitioner and neighbors keep an open dialogue during the time of postponement.

Cheng replied no. He said as far as he knew, the petitioner was using and calling the open space to the left of the building a dog run, which was being used for the dogs to run and relieve themselves. He said the petitioner had built a fenced area of 44 by 72 feet to contain the dogs, for which the petitioner pulled permits.

Briggs said she visited the site today and the building was not soundproof. She said she could hear the dogs from the driveway area. She asked for the definition of a soundproof building since it currently was not. She asked if in terms of the expansion, the petitioner would be moving into building C, D and E and would not be making changes to the outside of the buildings.

Cheng said that was correct.

Briggs said in terms of compliance, some of the letters received stated concerns that the facility was housing more than the 25 dogs the petitioner was currently permitted. She asked what inspections were conducted and if the Commission could ensure the petitioner would be compliant with the current standards.

Cheng said there had been a couple of inspections. He said the building inspector did one and found that there were 26 dogs and, as far as he knew, no ticket was written.

Briggs asked what the penalties were for non-compliance.

Cheng said he was sure the inspectors could write a ticket for violation of the code, but he was unsure of the fines assessed. He was unsure if a ticket would be written for having one dog over the permitted amount.

Briggs stated that she was concerned with the standard that Commissioner Woods brought up in regards to allowing the petitioner to determine what the industry standard should be concerning space, parking and animal welfare. She was concerned whether or not the space was compatible for up to 125 dogs on a daily basis without any real outdoor space considering the vast majority of time being spent indoors. She asked what the City's standards concerning the animal welfare component of the proposal was and if the special use should be granted from that prospective.

Cheng stated there was nothing as far a zoning code addressing a dog daycare so staff was relying upon what the petitioner provided regarding industry standards and by comparing it with Karnik Pet Lodge, which was a project that was recently approved.

Briggs asked if other organizations such as the Humane Society or People for the Ethical Treatment of Animals (PETA) had been contacted to suggest what they believed the standards should be for this type of facility.

Cheng said staff had not looked into these organizations for feedback, but would be open to the suggestion or have the petitioner provide the new information when the project returns before the Commission.

Briggs asked if this standard was discretionary in regards to how the Commission was to interpret the information provided.

Cheng said there could be limitation numbers added to the motion regarding the

special exception use on items such as hours, number of dogs or open space per dog and then include them as part of the approval.

Pratt agreed with Commissioner Westphal concerning the sound issue and also with Commissioner Bona regarding clearly identifying information in the motion in terms of outdoor activities. He would like specification regarding how many animals could be outside at any one time. He agreed with the idea of also identifying the activities related to the business that would be allowed outdoors along with a map that graphically depicts where those activities would take place. He believed that a map would be helpful to the inspectors as well as the neighbors, since there was a lot of space on the site, in terms of bringing clarity that any outdoor activities would not be adjacent to the property lines where residential neighbors live. He said the area closest to Main Street would be within the community's best interest or any area that would be the farthest away from the residential area. He believed it would be beneficial to work out an agreement regarding restrictions such as limiting the hours or the number of dogs out at one time with the two complexes next door to the dog daycare instead of the Commission trying to determine what was reasonable for both parties. He believed that the primary protection for the benefits and that the nuisance ordinance could be used as a support, but would not be the best way to enforce the low decibel sounds that may occur.

Woods stated she appreciated the communication from the public concerning projects and she believed it was important for the Commission to receive any comments or concerns.

Westphal asked if there would be any recourse if the building was later found to have noise levels excessive to the approved standards.

Cheng replied that if the noise level was not registering 25 feet beyond the property line, the Police Department would probably not write a ticket. He stated, according to the current language in the special exception use standards, the noise level requirement would be left up to interpretation with regards to someone standing closer than 25 feet of the building.

Westphal believed the noise emanates throughout the day. He stated he would not be comfortable unless language was included that would require the facility to be soundproof to insure fairness to an individual's expectation of moving into an area where the code says it had to be so.

Mahler requested a definition of "sound proof" be included in the staff report before the proposal was back before the Commission.

Bona suggested that staff revisit the sentence on page 2, second paragraph that says "All facilities shall be completely enclosed in a sound proof building in such a way as to produce no objectionable odors at the lot lines." She believed that the sentence may be two sentences that were combined in error. She said that both odor and noise concerns should be addressed.

Mahler said he read the sentence to mean the facility needed to be both noise and odor proof.

Bona clarified that the Commission was concerned with the facility being both sound and odor proof.

A motion was made by Carlberg, seconded by Pratt, to postpone action on the main motion.

A vote on the motion showed:

Yeas: 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Motion to postpone carried.

8-2 09-1235

b. Public Hearing and Action on FY 2011-2016 Capital Improvements Plan (CIP). The FY2011-2016 CIP is comprised of updated financial data for FY2011 contained in the approved FY2010-2015 CIP. Upon adoption by the City Planning Commission, the CIP becomes a supporting document for the City's master plan. The CIP is also used as the source document for the City's capital budget planning - Staff Recommendation: Approval

Cresson Slotten explained the proposal.

Woods asked if there was a street that needed work that was a trunk line; for example, Jackson Avenue, would the State fund any construction or would there be a combination of City and State funds.

Slotten stated in terms of CIP projects, such as the projects included in the packet regarding a resurfacing project or a major road reconstruction, they would be funded and constructed by the State Department of Transportation. He said when Washtenaw Avenue was resurfaced, the City received a lot of calls and informed a lot of people, but the project was run by the State. He said the State hired the contractor and inspected the work and the road belongs to the State. He stated that the State contracts with the City on the day-to-day operations of the road in regards to snow removal or pothole repair. He added that the street crews and field crews perform any maintenance. He said the maintenance was done by the City for efficiency and because the State did not have the employees to do the maintenance throughout the whole state. He added that any major Capital Improvement done by the State was not included in the CIP plan.

Brad Mikus, 3202 Chelsea Circle, stated that Jim Mogensen had made a suggestion at a meeting last year regarding the CIP and he asked if there was a meeting planned this spring to receive input from the community about citizen project ideas. He wondered if the Commission was the proper body to recommend approval of the CIP plan to Council since the information was financial and did not consist of site plans. He believed there should be a financial committee to approve a financial plan.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Derezinski, seconded by Mahler, that the Ann Arbor City Planning Commission hereby approves the following resolution:

Whereas, Section 1:185 of the Ann Arbor City Code requires that the City Planning Commission annually prepare a Capital Improvements Program for the ensuing six fiscal years;

Whereas, The FY 2010-2015 Capital Improvements Plan (CIP), which was adopted by the Ann Arbor City Planning Commission on December

16, 2008 and approved by the Ann Arbor City Council on January 20, 2009 provided the basis for the FY2010/2011 Capital budget;

Whereas, The second year of the FY 2010-2015 CIP has been adjusted based on current conditions as the FY2011-2015 CIP to form the basis of the adjusted FY 2011 Capital Budget to be approved by the City Council; and

Whereas, A duly-noticed public hearing was held by the City Planning Commission on December 15, 2009,

Resolved, That the City Planning Commission hereby approves the FY2011-2015 Capital Improvements Plan as a supporting document for the City's Master Plan.

Slotten stated staff had struggled with how to include the public in the CIP plan process. He said he had been involved in varying degrees with the CIP plan for many years and recalled a time when the City held neighborhood meetings; and, as an example of citizen participation, at one of the meetings, staff outnumbered the public five to one and the one citizen was not seeking to attend that particular meeting. He said the Capital plan was so broad that it was difficult for people to focus until there was a project in their neighborhood or a project that directly affected them personally; that was when their involvement peaked. He realized, since he has been the lead person of the CIP program, that a lot of the projects had been identified from the Master Plan efforts. He said public participation in regards to the City's Master Plan was used as a resource when incorporating the Capital Improvement Plan. He believed that public participation was included, but not directly.

Pratt agreed with staff and added that the public process on a project usually occurs at three different levels. He said initially the public would help identify problems during the Master Plan process; the second was at Capital Improvement Plan or Budget approval time when people had an opportunity to object to Council regarding items placed in the budget, while other people came forward with their suggestions on other items. He stated ultimately, if a project was funded and moved forward, there was a project-specific public participation process that the City adhered to, and when a project was proposed in a particular neighborhood, there were always people who believed they had not been informed; but generally there was a good faith effort to get people to attend public meetings. He added that essentially every project that occurs in the City goes through some type of public participation to allow a detailed level of public involvement. He said the Planning Commission's charge is to see that the items identified in the Master Plan are covered in the CIP. He stated that not one Commissioner could list every goal, but collectively they try to determine that the Capital Improvements Program agreed with the Master Plan, which was the way the Planning Commission is required by State Law to recommend the Capital Improvement Plan because the CIP is the execution of the Master Plan.

Carlberg asked about the Burton Street project.

Slotten stated that Burton Street is a graveled road that would be improved and included in the plan because it is a city asset and a public street. He said the street was shown to be funded by non-City funding because it had been funded by the Developer of Burton Commons as part of their site plan approval. He added, since the Burton Street project was not moving forward, the last CIP plan had the project included in fiscal year 2010, so an adjustment had been made to include the project in a future budget.

Carlberg asked if the Burton Commons project did not move forward if the improvement to Burton Street would be done.

Slotten said that the improvements would not be done if the project did not move forward.

Pratt commented that a hundred million dollars sounds like a lot of money and it is, but the City's infrastructure is the most valuable asset that any community has. He said a lot of times people do not take into consideration that if the City did not perform maintenance to small issues, it would cause greater expenses in the future. He stated that the value of assets the City has is greater and made it easy to forget that the hundred million dollars is a small, but critical step to essentially ensure that taxpayers over the next twenty years would not be hit with larger expenses that could have been avoided if proper maintenance had been done sooner. He stated he was in a Committee meeting the other day and it asked that the State Street corridor study, that Planning Commission had discussed, move forward and the Nixon Road Corridor study be moved back because the Committee did not believe that the Nixon Road corridor had as many pressing issues as the State Street corridor. He said the State Street corridor represented some opportunities that would be impeded if the City did not get a better handle on the impact of any zoning changes and how they could mitigate the road.

Slotten said, as a point of reference to those without the spreadsheet in front of them, the State Street and Nixon Road corridor are planned for improvements in future years. He said the focus would be on adjusting fiscal year 2011, but next fall, when looking at the six year plan, the City would be looking at those corridors to prioritize them because they definitely needed to be weighed into the plan.

Derezinski stated obviously the Stadium bridge project had been moved up, given the issues that have arisen, but he asked when Geddes Road near the Devonshire dead end would be repaired. He stated there is a sinkhole where a portion of the bank was crumbling and a lot of citizens have asked about its repair.

Slotten stated that on Geddes Road there are eight or nine separate identified needs in this plan, noting the one as Geddes curves and follows the railroad was included under the other transportation plan. He added that the most pressing issue was the gap in the sanitary system at that location. He stated that properties that front Geddes Road are on failing private septic systems that need to be replaced. He said the need was made known to the City awhile back, had been in the plan for some time and was moving forward. He said in regards to public involvement, staff was taking a different approach in implementing steps to the CIP, identifying overlaps as part of a corridor approach. He said he, along with other staff, including staff in the Project Management Unit, were looking at that corridor and involving the public on identifying and prioritizing any needs, finding solutions with the initial driver being the sanitary sewer project, which was programmed in the sanitary section near the back of the spreadsheet. He stated that the initial funding was for this fiscal year to allow the City to implement the appropriate public process plan and completely figure out what the priorities are to streamline the public process even further.

Derezinski asked if the Geddes Road project would include the area where the bank is deteriorating.

Slotten replied yes, and said staff was made aware of the problem a little over a year ago and staff had tried to get some outside funding. He said because the project would not be the roadway itself, but greatly affected the roadway, the City may receive funding. He added that was one of the troubling areas as far as there being a lack of the direct funding available because the City's dollars were stretched very thin on maintaining the road surface itself and there was not a ready funding source that

could be applied. He said staff had tried for grants, including a safety grant to demonstrate the safety issues with the guard rails, and were not initially successful, but staff was still trying.

Derezinski asked if there was any possibility that the gas tax that the State was considering would affect some of the plans.

Slotten said Eli Cooper, the Transportation Planning Manager in the Systems Planning Unit, may be more aware of how the possible gas tax could possibly help fund projects. He stated funding would be a large issue for the entire state and nation when using a system that was established in the 1930's to calculate the formulas for funding.

Mahler asked, in regards to the City parks, how a project would be determined to be Capital versus Operations and Maintenance. He asked if playground maintenance or improvements would be taken from the general fund.

Slotten said the most recent parks mileage that was approved by the voters was a combined mileage to go towards both operations; of the facilities as well as capital projects. He said there are ranges for both operations, for each year there was a minimum and maximum for operations and maintenance as well as capital. He said the fund would be available for both purposes and those capital projects would come from the same fund. He stated the charts and spreadsheets had been simplified to show one single funding source.

Mahler stated that it would be helpful if the funding source was referenced in some way on the spreadsheet, otherwise it would be assumed that funding was coming from the general fund and if it was not he would like to know.

Slotten said Fund 71 in the charts and graphs represented the parks mileage. He stated that in reference to how to differentiate between projects, the easiest way was to consider if a contractor had to be hired or plans had to be prepared for bid documents to hire a contractor that would be on the end of capital, if there was heavy maintenance that could fall into a capital project, but if it was a project for extending the useful life of an item that can be capitalized.

Mahler asked if playground improvements and recreation facilities renovation would be done by the Parks Department.

Slotten stated that those items may be headed by a Parks staff member, but a contractor would be hired to do the work.

Woods asked staff to explain how an item would be categorized as being urgent, important or desirable.

Slotten stated that the urgent category was in regards to life, health and safety (ex.; bridges falling down), and another area would be compliance with regulations or federal requirements. He said items that were in the important category would be an asset that was still functioning, but was headed towards the end of its useful life if it was a replacement type of project. Also, there would have to be some benefit to the community, but not to the order of life, health or safety where people would be at risk; it could be convenient or improve the level of a service. He stated that in the desirable category were projects where there was a need generally or something that could increase a level of service; however, most often these projects would be strapped for funding. He said the projects are included in the plan and deemed desirable to undertake when funding became available; at that point they would be

bumped up to a higher category and implemented.

Westphal asked if this plan was viewed through future scenarios in terms of volatility; for example, petroleum based products or financial situations. He asked whether or not a project might change categories if staff and the Commission played out a scenario that the budget shortfalls would continue at a similar rate as last year to this year and for the next six years. He also asked if each department might consider different scenarios to try to forecast what an item might be categorized in the coming years.

Slotten stated that historically it had been very compartmentalized where individuals were tasked with three projects that had been in the plan; a project manager would look at the projects and update them to put it back in the plan. He said two individuals may have looked at the same plan and come up with slightly different categories for the projects inclusion in the plan, but the City had moved away from these procedures. He said that last year it was a fully collaborative process where cross-functional staff of our operating units, project staff that build, construct and design plans, as well as financial staff worked as a group regarding projections.

Westphal asked if it would be wise to anticipate from a sustainability standpoint; for example, when the gasoline spiked and there was a shift to transit and other relative types of situations.

Slotten stated that the biggest piece to Commissioner Westphal's question was in the area of alternative transportation where there was a lot more focus on transit whether it be rail, bus or non-motorized transportation from the aspect of sustainability; more broadly even than with assets management sustainability, the alternative transportation area was the main focus, but tended to spill over into other areas again as staff was in discussion with other groups. He said, based on current prices, staff did their best to make proper projections.

Bona asked how staff determined which projects were eliminated.

Slotten stated that projects were eliminated if there was clearly no funding for certain items this year, but they would still be included in the program. He said a lot of the eliminated items were pieces or segments of bigger projects that would not be done this year or fiscal year 2011, but the programs would not be eliminated.

Bona stated, we as a country, had and would be acquiring more infrastructure than we can afford to maintain and asked staff to explain how that concept related to how well the City managed its assets to help put that into perspective.

Slotten said asset management was a term used in the industry of local government, utilities, and infrastructure. He stated that it was within their line of thinking how the City was going to sustain its systems that are aging, as we continue to build more, but are we really setting ourselves up with the programs in place to manage them day to day, putting money away for those replacements, and also manage how we expand them and whether or not they should be expanded. He said the City was working towards that, in fact, the Systems Planning Unit where he works had managed assets as a main charge for the group along with their other daily items and annual programs such as the CIP. He said one of biggest accomplishments in Systems Planning was the approach taken from last year's CIP of knowing how we would maintain our systems, and the people that would be maintaining the systems so that they can be more proactive in regards to the people doing the projects. He said this would allow staff to communicate instead of being off in their own areas doing what they do day-to-day with blinders on. He believed fundamentally this

mindset and the way it had evolved made a big step towards allowing other units to become involved in problem solving in advance.

Bona stated that the City was officially built out, but may not be built efficiently. She said as a road and sewer system, there would not be a lot of expansion so the primary issue would be maintenance; and a lot of our capital projects would actually be redoing projects, not doing a project for the first time. She added that even though it would be a small percentage of the City's assets, it still appears to be a big number and when looking at the list at what had not been done, you start to believe we will never get there. She asked if the pedestrian traffic control near the YMCA at Huron and Chapin would be funded.

Slotten said yes, by the State Department of Transportation.

Briggs asked if the information could be received sooner for review by the Commissioners.

Slotten said he could attend a work session that would be less formal and give a presentation with an opportunity for more involved questions.

Mahler asked for staff to clarify the item under the solid waste wind energy installation project with the cost of \$260,000. He asked if a wind energy project would only cost \$260,000.

Slotten stated that the wind energy project would only provide power to the new recycle drop off station. He said it was in the original plan, but had been moved back because the drop off station itself had been moved back since it is a collaborative project with the surrounding townships.

A vote on the motion showed:

Yeas: 9 - Bonnie Bona, Evan Pratt, Eric A. Mahler, Jean Carlberg, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, and Diane Giannola

Nays: 0

Motion carried unanimously.

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c. Adoption of 2010 City Planning Commission Work Program.

Bona stated that this item should have been removed from the agenda. She said for clarification the By-Laws did not say that the Commission had to adopt the work program, although there would be a revised version of the program given to the Planning Commission members. She added that the Commission did meet its obligation to discuss the work program with staff at the working session held December 8.

9 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)

None.

10 COMMISSION PROPOSED BUSINESS

Pratt stated that there would be an Ann Arbor Discovering Downtown meeting held the week of January 11 with the design guidelines process as the topic.

11 ADJOURNMENT

Bona declared the meeting adjourned at 9:52 p.m.

**Wendy L. Rampson, Planning Manager
Planning and Development Services**

Kirk Westphal, Secretary

**Prepared by Carol King
Management Assistant
Planning and Development Services**