



## MEMORANDUM

TO: Mayor and City Council  
FROM: Howard S. Lazarus, City Administrator  
DATE: February 5, 2018  
SUBJECT: Rainbow Child Care Site Plan – 2600 Nixon Road

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I am forwarding this memorandum in response to the numerous questions that have arisen regarding the proposed development of the Rainbow Child Care Site Plan at 2600 Nixon Road.

### **Was the AAPSS notified of the proposed petition?**

Yes. In this case, the petitioner was provided with mailing addresses for all property owners within 500 feet of the proposed development. This list included 519 addresses. Additionally, in advance of the public hearing held at the Planning Commission, notices were sent to all property owners within 300 feet of the proposed development. This incorporated 126 property addresses. Both lists included the following addresses:

- Ann Arbor Public Schools Administrative Office – 2555 S. State, Ann Arbor, MI 48104
- Clague Middle School, 2616 Nixon Road, Ann Arbor, MI 48105

In addition to petitioner's obligation to provide notice, City staff shared information and provided a link to the proposed site plan and a question regarding sidewalk connections between Clague and the proposed child care facility in July 2017.

### **Did the Planning Commission make a determination without all of the necessary information?**

The Planning Commission was in receipt of the petitioner's traffic study, and staff present at the October responded to questions from the Commissioners. City traffic engineers had verbally approved the traffic study prior to October 3<sup>rd</sup>, and the engineers' written approval was forwarded in writing on October 18, 2017, prior to Council's consideration of the site plan.

However, some of the information that the developer provided to the Planning Commission was incorrect. The extent of the access easement to the site over Clague Street was misrepresented on the existing conditions survey submitted to the City as part of the site plan petition. The survey, which was signed and sealed by a professional surveyor, shows that the property can be accessed from two entrances on Clague Street with a recorded easement, but the recorded easement only provides access to the first entrance near the northwest corner of the property. Furthermore, documents submitted to the City in support of the site plan and special exception use petitions, including the traffic report, rely on these two access points. For example, the developer indicated in its response to the City's special exception standards that:

“Clague Street should act as a stacking area for traffic entering onto Nixon Road minimizing traffic back-up. There is also access to Bluett Drive from Clague Street allowing for bi-directional ingress and egress to the subject property.” Also, the traffic report indicates that site access via two driveways to Clague Street will remain as part of the development.

Given that the staff recommendation, as well as the Planning Commission’s recommendation are based on incorrect information that was provided by the developer, I recommend that Council refer the site plan back to the Planning Commission, so that staff and the Planning Commission can provide a revised recommendation based on accurate information. During this time, the developer could revise the site plan to accurately reflect access easements, and if necessary, acquire any additional easements or clarify rights regarding underlying easements with the Ann Arbor Public Schools. Depending on how these issues are resolved, the Planning Commission may want to reconsider their approval of the special exception use.

### **How was traffic analyzed?**

In accordance with City guidelines, a traffic impact study was drafted, amended, and ultimately approved by City traffic engineers, based on the proposed use. The scope of the traffic study evaluated the public road network surrounding the site, and utilized a conservative approach that presumed all trips to the facility would be new trips to the area (i.e. no vehicle trips that currently exist in the area from residential, school, or other uses would stop at the daycare facility). Based on this analysis, the proposed development will have the following impacts on traffic in the area:

- The child care center may add two additional trips to Bluett Drive during both the morning and afternoon peak hours.
- The study indicated an increased delay of an estimated 47 seconds during the morning peak hour may occur on Bluett Drive at the westbound leg of the Nixon Road/ Bluett Drive intersection.
- The study indicated an increased westbound delay of 24.5 seconds may occur during the morning peak hour at the Nixon Road/Clague Street intersection.
- The study indicated an increased westbound delay of 11.2 seconds may occur during the afternoon peak hour at the Nixon Road/Clague Street intersections.
- The study provided that other proposed impacts to the network surrounding site are anticipated to range from no change to delays of up to 7.7 seconds during some peak hours.

### **What are AAPSS concerns?**

The AAPSS have expressed concerns about the developer overstating the access granted by the recorded easement. They also question whether the recorded easement would be overburdened by the additional cars coming onto Clague Street to access the child care center. The AAPSS Board and Superintendent Swift also expressed significant concerns about student safety with the introduction of additional cars into the area immediately adjacent to Clague Middle School, particularly at the times of morning drop off and evening pick up. Clague Middle School is already on AAPSS’s list of ‘hot spots’ in the district where they have been working to improve congestion, traffic flow and safety.

cc: S Postema, City Attorney  
K McDonald, Assistant City Attorney  
D Delacourt, Community Services Area Administrator  
B Lenart, City Planning Manager