



TO: Mayor and Council

FROM: Milton Dohoney Jr., City Administrator

CC: Derek Delacourt, Community Services Area Administrator
John Fournier, Deputy City Administrator
Raymond Hess, Transportation Manager
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Tom Shewchuk, ITSU Director
Brian Steglitz, Interim Public Services Area Administrator

SUBJECT: October 3, 2022 Council Agenda Responses

DATE: September 29, 2022

CA-3 - Resolution to Authorize Access by Commercial Users to the City of Ann Arbor's Fiber Optic Network and to Conduct a Public Hearing in Compliance with Michigan's METRO Act

Question: It is exciting to see this network coming to fruition. I'd like to better understand how it may improve internet access, lower cost, and improve reliability for Ann Arbor residents. Are there areas of where residents will be able to access internet for free or must they subscribe to an ISP? (Councilmember Disch)

Response: Residents will need to subscribe to an ISP to access the Internet. In the future we plan to implement public Wi-Fi in certain areas around the city that will be available to the public at no cost.

Question: Is it anticipated that greater competition for internet customers would occur as new ISP's would be drawn to Ann Arbor by the dark fiber option and would then offer an alternative to Comcast and ATT? (Councilmember Disch)

Response: Yes, this is one of the goals and benefits of the new fiber network.

Question: Is the new city network likely to open up more ISP options for all areas of the city? Looking at the map, it looks like the northernmost parts of Wards 1 and 2 and the southeast part of Ward 3 are distant from the city fiber infrastructure. (Councilmember Disch)

Response: The “Technology Park” network is concentrated to the downtown area, but it connects to the other 2 networks so it can reach other parts of the city. Our closest fiber path to the northernmost parts of Ward 1 and 2 is Plymouth Road. To get further north, additional fiber would need to be installed. Our plan for the new network going from Ann Arbor to Ypsilanti is to install fiber through the southeast part of Ward 3 on its way to Ypsilanti.

CA-9 – Resolution to Approve Amendment of the 907 & 913 S. Main Street Development Agreement to Modify Sequence of Construction

Question: As currently written, is the sequence of construction (requiring construction of the water main first) the norm for these development agreements? (Councilmember Nelson)

Response: Yes, the current language is the conventional sequence. The petitioner is seeking to receive building permits before upsizing the water main. There is sufficient fire coverage now for them to get a building permit.

Question: Will the City be receiving any compensation for temporary use of the water main? (Councilmember Nelson)

Response: The existing water main is already in use and any water use is metered.

Question: Will the temporary connection be metered? (Councilmember Nelson)

Response: If a temporary connection is required, it will be metered.

CA-10 – Resolution to Approve Third Amendment to State Street Lofts Development Agreement to Remove Parking Requirements and Terminate Parking Agreement

Question: Am I reading correctly that this cancels a contract for 21 spaces? (Councilmember Nelson)

Response: Yes, the proposed amendment eliminates the requirement for 21 spaces and the corresponding parking agreement that was the mechanism to provide them.

Question: Please describe the process for submitting/requesting an amendment to a parking agreement. E.g. What was the timeline, cost, and requirements for the owner of State Street Lofts to request this change? (Councilmember Nelson)

Response: As the parking standard was referenced in a Development Agreement, the request is made via letter, a \$1,250 application fee. There is not specific timeframe required/specified, but most requests would likely take a few months.

Question: Has any other entity like State Street Lofts begun the process of requesting a similar amendment to a parking agreement? If yes, which ones? (Councilmember Nelson)

Response: No.

Question: How many (total) parking spaces in our public garages are reserved/included in parking agreements of this type, for multi-unit residential developments? Please map the locations that have reserved off-site parking spots through similar parking contracts. (Councilmember Nelson)

Response:

Existing Contracts at Liberty Square (28 standard)

- Corner House Lofts (205 S State)
 - Standard parking permits at the Liberty Square Structure
 - Up to 76, no less than 21
- The Varsity (425 E Washington)
 - Standard parking permits at the Liberty Square Structure
 - 7 permits required

Existing Contracts at Forest (53 standard & 45 off peak)

- Arbor Blu (624 Church)
 - Standard parking permits at the Forest Structure
 - 48 permits required
- Vic Village North (1107 S University)
 - Standard* and off-peak permits** at the Forest Structure
 - 5 standard and 45 off peak required

Pending at Liberty Square (15 off peak)

- Circa Trova (514 E Washington)
 - Original request was for 15 off peak permits at Liberty Square. This is under construction and a contract isn't yet in place.

*standard parking permits provide parking 24/7

**off peak parking permits provide parking from 3:30pm-9:00am Monday-Saturday and all-day Sunday & holidays

Staff is still working on the requested map and will add once completed.

Question: Please confirm if I am understanding this correctly. State St Lofts development was meeting its minimum parking requirement by renting space in a parking deck. Now that Council has voted to eliminate minimum parking requirements (to align parking policy with affordability and A2Zero goals), this development wants to terminate this rental agreement. Was the space rental driven more by regulatory mandate than by its residents' needs? Or put differently, did the parking minimum standard require the developer to overprovide parking? By approving this consent agenda item, is it the case that Council will create a model that can be used in similar situations? Would each of those instances need to be voted on as well? (Councilmember Disch)

Response: Yes, the spaces were minimum parking space requirements of code, and the changes to the parking ordinance no longer require this provision. The developer has been obligated to lease more parking spaces than resident demand existed for. There are numerous ways in which parking may be included in a development approval, but yes, this provides one model of how such situations could be addressed.

C-1 – An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 190 Parcels in the W Stadium and N Maple Area to TC1 (Transit Corridor District), City-Initiated Rezoning, (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Question: The map for this zoning district appears to include 540 & 580 Burwood but those addresses are not listed among those rezoned. Did the commission discuss or acknowledge the mid-block boundary line at this location or at Collingwood? If so, please explain the reasoning behind those mid-block boundary lines. (Councilmember Nelson)

Response: These parcels are currently zoned R2A (Two-Family Dwelling district) and are not included on the proposed rezoning map or list. Only parcels currently zoned for mixed use or special purposes are proposed for rezoning to TC1. The Planning Commission maintained the presented recommendation, despite the communications received (540 and 580 Burwood asked to be included, and 210-230 Collingwood asked to be removed).

Question: Does this proposal take into account any of the specific requests/concerns submitted or shared by property owners and neighborhood residents, as described in the June staff memo? Were any adjustments made to setback requirements in response to safety concerns raised in discussion at Planning Commission? (Councilmember Nelson)

Response: In addition to the note in response above, the Planning Commission discussed proposed setback adjustments did not resolve to pursue any amendments. This was determined in part by discussion and confirmation that any curb cut is reviewed by City staff to ensure appropriate safety/visibility provisions are included in any development.

Question: Re: setbacks: if safety concerns around visibility at driveways are to be taken care of later, what would that process look like, how would that issue be resolved in the future? (Councilmember Nelson)

Response: If initiated, the process would be consideration of proposed text amendments, a public hearing and recommendation by the Planning Commission, and a public hearing and determination by the City Council.

Question: Would a change in the setback requirements at this corridor require amendment to the TC-1 ordinance that also applies to State/Eisenhower? (Councilmember Nelson)

Response: It depends how any amendment was realized. If it were simply modified broadly across the district, then it would automatically apply to any area zoned TC1.

Question: Did the Planning Commission raise or discuss any similar concerns regarding setbacks/visibility/driveways/safety hazard at State/Eisenhower? (Councilmember Nelson)

Response: No, the ROW characteristics in that area are distinct from Stadium.

Question: This is a city-initiated re-zoning, but what is the process for owner-initiated request for re-zoning? Please describe the paperwork/filings, expense, timeline, sequence of consideration and approval by whom. (Councilmember Nelson)

Response: Application for a rezoning by a property owner is stipulated by the UDC and involves the following steps: 1) A Citizen Participation Meeting, 2) A Pre-Submittal Meeting with staff, 3) Submission of an application, 4) Technical review of the application by staff, 5) A recommendation by the Planning Commission, 6) A Decision by the City Council. This process, depending on the scope of project, takes 6-12 months and an application fee of \$1,395 in addition the costs associated with the site plan.

Question: With approval of this district, how many buildings/parcels would be defined as nonconforming? Please include a list and show on a map. (Councilmember Nelson)

Response: To answer this comprehensively, a measured survey drawing would be required for each parcel of all existing improvements, which has not been done. From the proposed rezoning action, no existing building would immediately become a nonconforming structure due to location in the TC1 Zoning District (the TC1 standards will apply to new construction or expansion of existing buildings). Based on the attached table, it is anticipated that 50 lots will become non-conforming from a use perspective based on the following current principal uses:

- 3 lots with surface parking
- 3 lots with one or two family residential

- 18 lots with automobile-oriented businesses (auto sales, auto repair, gas stations, transportation services)
- 20 lots with appropriate uses, but including drive-throughs (which are not permissible in TC1)
- 6 lots with manufacturing/storage/other uses

The requested map is attached.

Question: If approved, are owners of nonconforming structures in this district eligible to petition the Zoning Board of Appeals if, for instance, they ever wish to make substantial improvements to these properties (without bringing them into compliance)? (Councilmember Nelson)

Response: Yes, for non-conforming structures. This remedy is not available to expand non-conforming uses.

Question: Please describe the process related to filing a petition with the Zoning Board of Appeals (paperwork/filings, expense, timeline, sequence of consideration and approval by whom). (Councilmember Nelson)

Response: A petition with the Zoning Board of Appeals includes: 1) pre-application meeting with staff, 2) Submission of Application, 3) Review of Application by Staff, 4) Decision on the Application by Zoning Board of Appeals. This process typically takes about 1 ½ months and costs \$1,000 application fee.

DC-1 – Resolution to Restrict Turns on Red Downtown

Question: Some constituents have objected to this ordinance on the grounds that right turn on red reduces idling time, fossil-fuel burning, and, thereby, greenhouse gas emissions. I remember reducing fuel costs being emphasized as a rationale for right on red laws when they were introduced back in the 1970s, in the context of the “oil crisis” that escalated fuel costs (few people were worried about climate change at that time). Could staff speak to the trade-offs between pedestrian safety and emissions reductions? Or might this be a false trade-off because greater safety for pedestrians and cyclists has the potential for even greater emissions savings if more people feel safe to walk and bike around downtown instead of driving? (Councilmember Disch)

Response: Staff anticipates a no turn on red restriction would have negligible impacts on vehicle emissions. As to the trade-off between pedestrian safety and emission reductions, there is no direct correlation between the two from which staff can draw a conclusion. The trade-off is a policy decision informed by the “Moving Together Towards Vision Zero” Transportation Master Plan and the “A2Zero” Carbon Neutrality Plan which set safety, active forms of transportation, and reduction of vehicle miles travelled as policy goals.

DC-2 – Resolution Recognizing the Mitchell School Parent- Teacher Organization, Inc. as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Question: Would approving this resolution permit a one-time raffle or does it grant a more permanent status? (Councilmember Disch)

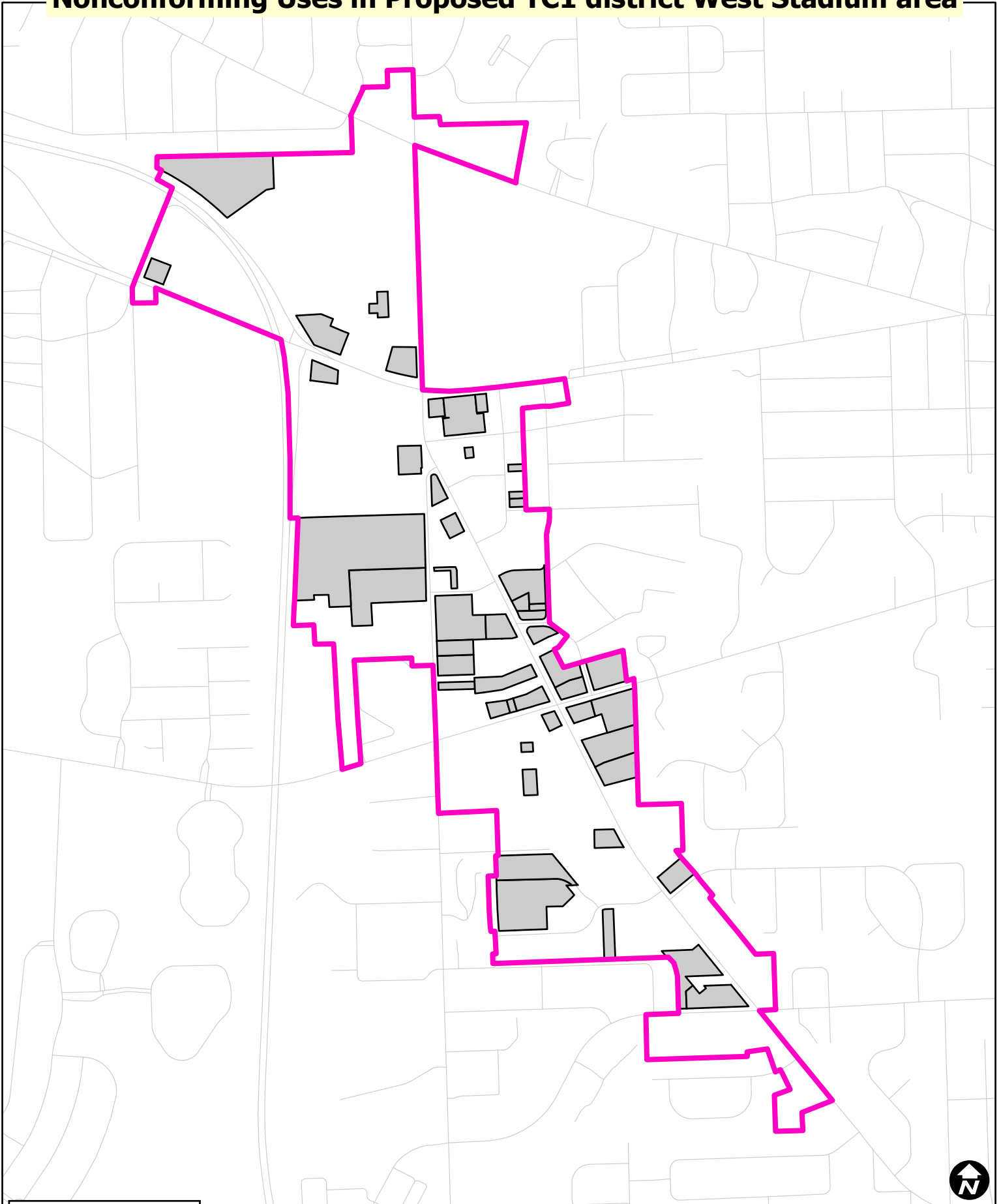
Response: Public Act 382 of 1972 allows for the issuance of charitable gaming licenses to many types of organizations, including local civic organizations. The requirements for qualifying as a local civic organization include a stipulation that the organization is recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities. Most non-profit and civic organizations come to the City with a specific charitable gaming event in mind, but the resolution by Council allows the organization to apply for a variety of charitable gaming permits from the State of Michigan, once qualified. The resolution by City Council is required only for the initial qualifying application to the State.



DC-4 – Resolution to Revise Chapter 40 – Rights of Way, Street Trees, Vegetation Management

Question: How much time does City staff anticipate needing to review and finalize revisions to Chapter 40? What is involved in the process? (Councilmember Disch)

Response: Chapter 40 governs landscaping in the lawn extension and to a lesser extent on private property. This is a "complicated, multifaceted" issue, as the resolution acknowledges, due to the need to balance safety aspects regarding pedestrian and vehicular visibility on streets and sidewalks with the desire to allow residents to plant natural features that are alternatives to grass. The City Attorney's Office has received feedback from staff from Traffic, Engineering, Systems Planning, Urban Forestry, Natural Areas Preservation, and Community Standards regarding requirements for an enforceable ordinance. We estimate that an additional 25-30 hours of attorney time will be needed to complete a revised draft ordinance incorporating both staff recommendations and those of the Environmental Commission. Additional time will also be needed for further staff review, and for review of the Environmental Commission. This work can be completed by the first meeting in November.

Nonconforming Uses in Proposed TC1 district West Stadium area



-  Nonconforming use Parcels
-  Transit Corridor Zones



Map date 9/29/2022
Any aerial imagery is circa 2020
unless otherwise noted
Terms of use: www.a2gov.org/terms