



TO: Mayor and Council

FROM: Tom Crawford, CFO
Craig Hupy, Public Services Area Administrator
Susan Pollay, Executive Director, DDA
Wendy Rampson, Planning Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 1/6/14

CA-1 – Resolution to Authorize the City Administrator to Enter into License Agreements for Third Party Cellular Antennae Facilities on City Properties

Question: What is the total amount of annual revenue for all these antennae licenses and how much of that annual revenue is earmarked for payment towards the courts/building/city hall? (Councilmember Lumm)

Response: For FY14 revenue is budgeted to be \$520k. All of this goes to pay debt service on the PD/Court building.

CA-2 – Resolution Authorizing the Payment of Sewer Connection Fees to Scio Township (\$46,806.67)

Question: Why is the connection fee the City's responsibility rather than the landowners? If this site were to be billed according to the City's connection and utility improvement fees, what would the cost be? Do sanitary lines already extend to the parcel, or will the Scio lines have to be extended? (Councilmember Warpehoski)

Response: The property that is connected is within the City of Ann Arbor and is a City of Ann Utilities customer. By connecting the parcel in the city to a preexisting Township

sanitary sewer, construction of a duplication of parallel sewers costing an estimated approximate \$225,000 is avoided. The city connection charge which the parcel has already paid to the city would be \$5,029. The parcel is a city customer, so the parcel pays the city fees. The City of Ann Arbor is the beneficiary by not having to invest in and maintain the infrastructure.

B – 1 - An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.88 Acres from ORL (Office Research Light Industrial District to R4D (Multiple- Family District), Traverwood Apartments Rezoning, 2025 Traverwood Drive (CPC Recommendation: Approval – 7 Yeas and 0 Nays) (Ordinance No. ORD-13-32)

Question: Since the impervious surface is 48%, should not the open space be 52% instead of 62%?

Impervious surface – The petitioner has calculated the impervious surface on the site to be 48%of the total site area. A minimum of 50% open space is required by City Code, and the plan provides a minimum of 62% open space. (Councilmember Kailasapathy)

Response: The numbers as stated are correct. The impervious surface total includes sidewalks and pond surface, both of which may be counted as usable open space for zoning purposes.

DC – 1 – Resolution to Approve a City Policy Regarding Removal of On-Street Metered Public Parking Spaces

Question: Kindly provide the operational guidelines set up by the DDA to segregate the funds received from the sale of parking spaces to be utilized for future capital expenditures? (Councilmember Kailasapathy)

Response: The DDA procedure will be to record the receipt of proceeds for removal of an on-street parking space as revenue and then transfer that amount from fund balance to restricted fund balance designated as “parking meter removals”. This restricted fund balance will be maintained by the DDA until such time in the future when a capital project is authorized.

DB – 1 – Resolution to Approve Traverwood Apartments and Wetland Use Permit and Development Agreement, 225 Traverwood Drive (CPC Recommendation: Approval - 7Yeas and 0 Nays)

Question: Will the constructed wetland be established prior to disturbance of the existing wetland? (Councilmember Warpehoski)

Response: Wetland mitigation is required to be part of the first phase of site development. The proposed wetland and temporary and permanent storm water

detention facilities are constructed in conjunction with the necessary tree removals and grading operations prior to the issuance of building permits (see Paragraph P-15 in the site development agreement).

Question: The resolution includes a whereas clause that states:

“Whereas, The Ann Arbor City Planning Commission, on November 6, 2013, recommended approval of the wetland use permit because issuance of the permit is in the public interest, the permit is necessary to realize the benefits of the development, and the activity is otherwise lawful;”

And a resolved clause that states:

“RESOLVED, That City Council approve the wetland use permit which will allow the removal of up to 1,800 square feet of wetland area, including construction of at least 2,700 square feet of new wetland, as well as restoration and monitoring of the entire wetland area;”

I am unable to find any reference in the City Code to a standard for granting wetland mitigation based on “public interest”, or “benefits of development” (Councilmember Eaton)

Response: Chapter 60 (Wetlands Preservation) regulates locally protected wetlands and supplements the state Natural Resources and Environmental Protection Act. In Section 5:212, Use Permit Standards and Criteria, the standards for city issuance of a wetland use permit are provided. Paragraph (1) states:

Except as provided in subsection (4) of this section [i.e., a noncontiguous wetland less than 2 acres in size], a permit for an activity listed in section 5:204 shall not be approved unless the city determines that the issuance of a use permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.

Paragraph (2) of this section outlines how the decision-making body may determine if the wetland use is in the public interest and whether the permit is necessary to realize the benefits derived from the activity.

Section 5:213, Mitigation, allows the decision making body to impose conditions on a wetland use permit to mitigate the impact of a disturbance to a wetland.

Question: Could you inform me of how this standard was developed? (Councilmember Eaton)

Response: The Wetlands Preservation Ordinance grew out of the work of the Natural Features Ordinance Committee, which worked with the Planning Commission to develop natural features guidelines in the early 1990’s. The original ordinance was replaced with the current version in 1994.

Question: In what watershed is this development? (Councilmember Eaton)

Response: This development is located in the Traver Creek watershed.

Question: Also, how did the staff determine that it was not “feasible and prudent to avoid impacts” of removing the existing wetlands? (Councilmember Eaton)

Response: The existing wetland to be removed is area #2B (see site plan sheet 9 for the wetland labels and locations). This is a manmade swale that was constructed when the office building at the southeast corner of the site was constructed (around 1999-2000) as an overflow from area #2A to #2C. The existing swale will be enclosed in a pipe. The pipe will continue to be the outlet from the natural pond (wetland #2A) and will maintain the connection from #2A to #2C.

To provide safe vehicular and pedestrian access to the south portion of the site, a driveway has to cross the swale at some point. Locating buildings as shown on the site plan also allows the preservation of the hedgerow of landmark trees along the west edge of the site.

The petitioner is required to submit a Joint Use Permit Application to the Michigan Department of Environmental Quality (MDEQ). Environmental Consulting and Technology (ECT) is finalizing that application now. It includes the following description of the alternatives considered:

Numerous project layouts were considered and rejected in order to minimize resource impacts. Alternatives considered included a wide entrance drive with parking on both sides and would have involved regrading the western side of the existing natural pond (Wetland #2.A) and use of sheet piling. In the proposed project layout, wetland impacts were minimized by making the entrance drive one-way north with parallel parking on one side, such that the western side of the existing pond would be left intact. Wetland impacts of approximately 9,100 square feet were reduced to 1,800 square feet of permanent impact in the currently proposed project.

It is important to note that the proposed permanent wetland impact involves filling/enclosure of 307 linear feet of man-made overflow channel which developed into an incidental linear wetland. The outdated man-made overflow channel was always planned to be a temporary installation and later replaced with permanent underground storm sewer infrastructure. Temporary impact to the existing natural pond is for infrastructure removal from the wetland system and will result in the return to original grade and in-place wetland restoration. No other regulated wetland impacts are proposed. Great care was taken to locate proposed storm water outlets, inlets, and riprap overflows outside of regulated wetland boundaries.

Question: Finally, what is the expected capacity of the “underground piping system that will maintain the function of the previous channel”? For example, is it capable of handling the expected flow of a hundred year storm? (Councilmember Eaton)

Response: The proposed controlled outlet structure in the natural pond (wetland #2A) will allow a discharge of a 10-year storm. In the event of a 100-year storm, the pond will overflow both on the surface above the proposed storm line. That runoff then goes into the existing detention basin (wetland #2C). If #2C fills up, it will overflow to the west, into the existing drainage course through the golf course.

DB-2 – Resolution to Approve Montgomery Building Site Plan, 210-216 South Fourth Ave (CPC Recommendation: Approval – 9 Yeas and 0 Nays)

Question: While I understand that since this site is in the downtown special parking district, no vehicle parking is required, none is proposed as part of the plan and where is it expected the tenants will park their vehicles? Have any arrangements been worked out with the developer and the DDA? (Councilmember Lumm)

Response: Per the developer, if residents desire vehicle parking, it will be their responsibility to make necessary arrangements. The Downtown Development Authority offers evening/overnight monthly permits that are geared to downtown residents. These permits are valid from 3:30 pm to 9 am in most downtown parking structures.