



Legislation Text

File #: 11-1394, **Version:** 1

Resolution to Approve the Arbor Hills Crossing Brownfield Plan (BRC Recommendation: 3 Yeas, 0 Nays)

Approval of this resolution will approve a Brownfield Plan submitted by RSW Washtenaw, LLC for the proposed Arbor Hills Crossing retail center project at 3000, 3038-3040, 3060, and 3100-3120 Washtenaw Avenue.

The Arbor Hills Crossing property was identified as potentially eligible for brownfield financial incentives after a finding that the property contained contaminants in the soil exceeding state cleanup criteria. The petitioner is requesting City Council approval of a brownfield plan that includes \$6.7 million in tax increment financing that would be paid back over a period of 19 years. Of this total, \$5.4 million would reimburse the petitioner for eligible expenditures, and the remainder would cover administrative fees and Local Site Remediation Revolving Loan deposits.

The Brownfield Plan has been submitted and processed in accordance with the City of Ann Arbor Brownfield Program and Washtenaw County Brownfield Redevelopment Authority (WCBRA) procedures. The Brownfield Review Committee met on September 26, 2011 meeting and recommended that City Council approve the Brownfield Plan.

Both the Brownfield Plan and the related Arbor Hills Crossing Site Plan will be considered by City Council after holding public hearings on November 21, 2011. The Washtenaw County Brownfield Redevelopment Authority (WCBRA) will consider the plan on November 10, 2011 and the Washtenaw County Board of Commissioners will review the plan on January 18, 2012. If City Council makes any changes to the plan after it is reviewed by WCBRA, the plan will be sent back to WCBRA for consideration of the changes.

Attachments: Arbor Hills Crossing Brownfield Plan 09/27/11

Prepared by: Jill Thacher, City Planner

Reviewed by: Wendy Rampson, Planning Manager, Sumedh Bahl, Community Services Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, RSW Washtenaw, LLC has requested approval of the Arbor Hills Crossing Project Brownfield Plan in order to pursue tax increment financing through WCBRA;

Whereas, The Washtenaw County Board of Commissioners established the Washtenaw County Brownfield Redevelopment Authority (the "WCBRA") and adopted the Brownfield Redevelopment Plan for Washtenaw County (the "Plan"), which facilitates the implementation of plans relating to the identification and treatment of environmentally-distressed areas within the County of Washtenaw, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act");

Whereas, The Act requires the explicit consent of each local governmental unit to be included in the

Authority Zone, and that the County resolution included a provision that the Proposed Brownfield Redevelopment Zone will include all local governmental units within the County that pass a resolution approving the inclusion of the Brownfield Redevelopment Zone;

Whereas, The City of Ann Arbor Environmental Commission passed a resolution supporting the City's inclusion in the Washtenaw County Brownfield Redevelopment Authority Zone;

Whereas, The Ann Arbor City Council passed Resolution R-24-1-02 to include the City of Ann Arbor in the Washtenaw County Brownfield Redevelopment Authority; and developed the Brownfield Implementation Plan to describe the Brownfield process in the City;

Whereas, The Brownfield Implementation Plan allows for public participation and comment and allows the City of Ann Arbor to use a more restrictive clean up standard for each project based on the Current Part 201 Residential clean up standard of the Natural Resources and Environmental Protection Act ("NREPA") and a 10^{-6} (10 to the -6th power) risk level for carcinogens;

Whereas, The Developer conducted a public presentation of the Plan on February 16, 2011 which described site conditions and their intent to pursue tax increment financing for this project;

Whereas, The Arbor Hills Crossing property was identified as potentially eligible for Brownfield Financial Incentives after a finding that the property contained n-butylbenzene, chromium, lead, dichlorobenzenes, ethylbenzene, naphthalene, trimethylbenzene, n-propylbenzene, xylenes, tetrachloroethylene, and vinyl chloride in the soil exceeding the generic residential cleanup criteria of Part 201;

Whereas, In the expert opinion of the City Assessor and after physical inspection of the property conducted on June 16, 2011, a portion of the property commonly identified as 3000 Washtenaw Avenue is functionally obsolete and blighted and it is economically infeasible for the structure to be rehabilitated for its intended use, and the City Assessor has executed an Affidavit attesting to that determination;

Whereas, On September 26, 2011 the Brownfield Review Committee ("Committee") met to review the proposed Brownfield Plan and its associated agreements, and being fully apprised of the physical condition of the property, intended cleanup, and redevelopment and tax capture, recommended approval of the petition to City Council and WCBRA;

Whereas, The Developer has paid the Application Fee for City review of the application;

Whereas, The Plan would enable the Developer to seek tax increment capture on a portion of the project;

Whereas, It is understood that neither the initiation of the review process by the WCBRA for development of the Brownfield Plan nor the recommendation of the Brownfield Plan to WCBRA by the City is a guarantee that it will be approved by the Washtenaw County Board of Commissioners, the MDEQ or that financial incentives will be obtained;

Whereas The City Council held a public hearing on November 21, 2011 to receive public comment on the Brownfield Plan; and

Whereas The Committee recommends the Brownfield Plan for action by City Council;

RESOLVED, That City Council approve the Arbor Hills Crossing Brownfield Plan submitted by RSW Washtenaw, LLC dated September 27, 2011;

RESOLVED, That the City Clerk be directed to submit a copy of this Resolution to the Washtenaw County Board of Commissioners as documentation of the City's consideration and approval of the Brownfield Plan; and

RESOLVED, That any changes to the Brownfield Plan after the date of this Resolution will require review by the Committee and approval by City Council.