



## Legislation Text

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### **EXECUTIVE SESSION - FEBRUARY 10, 1992**

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The executive session of the Ann Arbor City Council was called to order at 6:35 p.m. in the City Hall Council Chamber by Mayor Elizabeth S. Brater.

#### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Larry Hunter, Ingrid B. Sheldon, Robert C. Grady, Nelson K. Meade, Mark Ouimet, Robert Eckstein, Mayor Elizabeth S. Brater, 7.

ABSENT : Councilmembers Ann Marie Coleman, Kirk D. Dodge, Kurt Zimmer, Thais Anne Peterson, 4.

#### **MOTION TO CONVENE**

Councilmember Hunter moved that an executive session be convened for the purpose of considering the City Administrator's performance evaluation.

On a voice vote the Chair declared the motion carried.

#### **ADJOURNMENT**

Councilmember Coleman moved that the executive session be adjourned.

On a voice vote the Chair declared the motion carried and the meeting adjourned at 7:40 p.m.

Janet L. Chapin

Acting Clerk of the Council

Recording Secretary

### **PUBLIC HEARING AND WORKING SESSION -**

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### **FEBRUARY 10, 1992**

The public hearing and working session of the Ann Arbor City Council was called to order at 7:40 p.m. in the City Hall Council Chamber by Mayor Elizabeth S. Brater.

#### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Larry Hunter, Ann Marie Coleman, Ingrid B. Sheldon, Kirk D. Dodge, Robert C. Grady, Nelson K. Meade, Kurt Zimmer, Mark Ouimet, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11.

ABSENT : 0.

#### **PUBLIC HEARING**

Mayor Brater introduced the members of the Natural Features Ordinance Committee.

**NATURAL FEATURES PRESERVATION ORDINANCE (ORDINANCE NO. 11-92)**

A public hearing was conducted on the proposed amendment to Title V of the Ann Arbor City Code by adding a new Chapter 60 - Natural Features Preservation Ordinance. This ordinance would provide for the protection, management, enjoyment, identification, and controlled use of watercourses, wetlands, woodlands and landmark trees. Notice of public hearing was published February 9, 1992.

The following persons appeared:

Bettie Bahen, 927 Sylvan, spoke in favor of the proposed ordinance. Ms. Bahen stated

that regulations concerning private property are necessary to preserve the quality of the community and that regulating the removal of landmark trees is not an infringement on the property rights of landowners.

Peggy Sorvala, 425 S. Main St., representing Detroit Edison, expressed concern that the proposal would significantly impact Edison's line clearance program, which includes trimming and removal of trees that pose hazards to overhead lines. Ms. Sorvala stated that Detroit Edison is presently studying the ordinance.

Steven Rogers, 2916 Exmoor Rd., spoke in support of efforts to protect wetlands and woodlands, but objected to the restrictive measures that the proposed ordinance imposes Council - February 10, 1992 3

on residential property owners. Mr. Rogers stated that permit application requirements for tree removal are very cumbersome and will be expensive for homeowners who are quite capable of caring for trees on their own property.

Daniel Fufeld, 440 Highland Rd., spoke in opposition to the ordinance because it would prevent development by imposing excessive building costs, thereby reducing the tax base.

Mr. Fufeld stated that more information is needed on the ordinance's impact on the tax base, City services, the school district budget, and the housing supply. Mr. Fufeld expressed concern that the proposal is unconstitutional since it limits private owners' use of their property without just compensation.

Nancy Shiffler, 2877 Sorrento Ave., spoke in favor of the proposal. Ms. Shiffler stated that the ordinance would provide a structure to bring environmental concerns into the cost benefit calculations of property development and would shift the burden of loss to the responsible individuals. Ms. Shiffler further stated that the City cannot afford to lose any more significant natural features and that adoption of the ordinance would be a gift to future generations.

Ethel Potts, 1014 Elder Blvd., representing Citizen Association for Area Planning (CAAAP), spoke in favor of the proposed ordinance to relieve the public of the burden of organizing and lobbying for the preservation of natural features for each new development. Ms. Potts stated that the ordinance is needed because the present natural features guidelines are not working.

Len Keeney, 3549 Burbank Dr., representing the Chapel Hill Condominium Association, expressed concern with the size of the buffer zone for wetlands provided in the ordinance, and urged Council to consider extending the buffer zone.

Sandra Meltzer, 2215 Blueberry Ln., spoke in support of the proposed ordinance and expressed dismay with the numerous violations to natural features during construction of the Foxfire development, which could have been avoided under such an ordinance. Ms. Meltzer stated that the creek and landmark trees remaining on the development site could still be saved by the proposed ordinance.

Joseph Conen, 779 Lans Way, spoke in opposition to the proposal and stated that the issue of landmark trees on residential property is one of aesthetics and landscaping and should be left to the private homeowner. Mr. Conen further stated that the ordinance attempts to solve a nonexistent problem by establishing a level of bureaucracy and administration that would fall heavily on individual homeowners.

Ronald Freedman, 1404 Beechwood Dr., President of the University Senior Faculty and Staff Housing Association, spoke in opposition to the proposed ordinance. Mr. Freedman 4 Council - February 10, 1992

expressed concern that the housing project being developed by his association would be barred by the proposed ordinance, even though the building would be sited to preserve the

wooded character of the area. Mr. Freedman stated that the project is in the public interest and that the planning was done in good faith before the ordinance was known.

Griffith Dick, 600 Westwood Ave., spoke in opposition to the proposal. Mr. Griffith stated that trees have always been valued by the people of this community and that it would be unfair to burden individual homeowners with more bureaucracy and costs. Mr. Griffith expressed concern that the people who made this City green would be treated as potential criminals who do not value their property.

Warren Attarian, 3490 Gettysburg Rd., spoke in favor of the proposed ordinance to prevent further loss of significant natural features. Mr. Attarian stated that natural features contribute to the economic well-being and quality of life in Ann Arbor. Mr. Attarian further stated that the ordinance does not pose too great a burden or inconvenience when measured against its benefits, and that it would contribute to the community's high building standards.

Christopher Graham, 725 Peninsula Ct., spoke in opposition to the proposed ordinance, but favored its concept of preservation of woodlands and wetlands. Mr. Graham expressed concern that the proposal focuses on landmark trees rather than woodlands, and objected to pest-type trees being on the protection list. Mr. Graham stated that the proposal needs to address plant communities and encourage and educate people to protect oak/hickory woods.

Andrew Gulvezan, 19801 Wasson Rd., Gregory, MI., stated that the bus stop at Briarwood Mall should be enclosed.

Francis Cullen, 1401 Traver Rd., spoke in opposition to the proposed ordinance. Mr. Cullen stated that the people of Ann Arbor have been doing a good job of preservation without government interference, and expressed concern that the ordinance is too restrictive on the private homeowner.

Ken Staples, 1208 Linwood Ave., representing the Homebuilders Association of Washtenaw County, spoke in opposition to the proposal. Mr. Staples stated that the ordinance would increase housing costs and inhibit development of affordable housing. Mr. Staples further stated the ordinance in its present form would be challenged and that City Council should study the issue further.

Carl Hueter, 304 Virginia Ave., stated that the ordinance is necessary but expressed concern with the hardships it would create for private property owners. Mr. Hueter stated that the ordinance discriminates economically against lower and middle-income residents  
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because of the high costs to develop sites. Mr. Hueter suggested that the ordinance allow homeowners to "bank" trees by planting trees on a site to replace those being removed.

Mary Branch, 2979 Hickory Ln., spoke in support of proactive measures to preserve natural features, but expressed concern that the ordinance would inhibit the building of affordable housing. Ms. Branch questioned Council's haste to adopt the ordinance and urged an in-depth study of the issue.

John Russell, 415 Longshore Dr., spoke in support of the ordinance and stated that adoption of such a proposal is long over due. Mr. Russell further stated that the ordinance would encourage people to take a closer look at sites and would provide a valuable model for the townships. Mr. Russell stated that most homeowners would not be threatened by the ordinance's restrictions and that it would not adversely affect affordable housing.

A written communication was received from Paul Rentschler, Executive Director of the Huron River Watershed Council, in support of the proposed ordinance. (Letter, dated February 20, 1992, on file in the City Clerk's Office)

There being no one else to speak the Chair declared the hearing closed.

### **WORKING SESSION**

A working session with the Natural Features Ordinance Committee was held to consider the proposed Natural Features Preservation Ordinance (Ordinance No. 11-92).

Mayor Brater stated that there will be ample opportunity for public input in the process, and that other public hearings are scheduled before the Planning Commission on February 25 and again before City Council prior to second reading.

Councilmember Eckstein acknowledged the concerns of placing residential property under the ordinance, and explained that it is necessary to include all property in order to sustain the ordinance in court. Councilmember Eckstein further explained that most reasons for eliminating trees on residential property are allowed under the ordinance with no replacement charges.

Councilmember Peterson suggested that the ordinance include language to allow for construction of affordable housing, as well as to allow for removal of trees for plant management.

Mayor Brater stated that the ordinance should encourage cluster development and  
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requested that the Planning Commission develop "density bonuses" to further encourage natural features preservation and provide affordability.

Councilmember Sheldon requested that the Planning Commission also consider transfer of development rights for people owning other pieces of property in the City.

Council and Committee members agreed to thoroughly review the ordinance to insure protection of the City's natural features through appropriate enforcement and incentives, without placing unreasonable burdens on property owners.

### **ADJOURNMENT**

There being no further business to come before Council, it was moved by Councilmember Grady that the meeting be adjourned.

On a voice vote the Chair declared the motion carried and the meeting adjourned at 10:27 p.m.

Janet L. Chapin  
Acting Clerk of the Council  
Recording Secretary