

**Ann Arbor City Council Regular Session: September 3, 2013  
Email Redactions List Pursuant to Council Resolution R-09-386**

	A	B	C	D	E	F	G
1	<u>Received</u>						
	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:18 PM		Jacqueline Beaudry	Sabra Briere			
3	7:21 PM		Sabra Briere	Jacqueline Beaudry			
4	8:05 PM		City Council Members(All), Jacqueline Beaudry	Chuck Warpehoski			
5	8:07 PM		City Council Members(All), Jacqueline Beaudry	Chuck Warpehoski			
6	8:34 PM		City Council Members(All), Steve Powers, Stephen Postema, Anissa Bowden	Jacqueline Beaudry			
7	9:19 PM		Dave Askins, Ryan Stanton	Chuck Warpehoski		Email	Privacy
8	9:34PM			Chuck Warpehoski		Email	Privacy
9	10:49 PM		Margie Teall	Mike Shriberg		Email	Privacy

**Alexa, Jennifer**

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**From:** Briere, Sabra  
**Sent:** Tuesday, September 03, 2013 7:18 PM  
**To:** Beaudry, Jacqueline  
**Subject:** Fwd: Please join the review of Dioxane criterionfinal\_review.pdf

I'm sorry, Jackie.

I expect to offer this substitute resolution as DC2 - but I don't have the right format available.

Can you access this? I have written copies.

Sabra Briere  
First Ward City Council  
Ann Arbor  
734-995-3518  
734-277-6578 (cell)

Sent from my iPad

Begin forwarded message:

**From:** "SABRA BRIERE ([Acrobat.com](http://Acrobat.com) Invitations)" <[acrobat.com-invitations@acrobat.com](mailto:acrobat.com-invitations@acrobat.com)>  
**Date:** September 3, 2013, 5:45:51 PM EDT  
**To:** [sbriere@a2gov.org](mailto:sbriere@a2gov.org)  
**Subject:** Please join the review of Dioxane criterionfinal\_review.pdf  
**Reply-To:** [sbriere@comcast.net](mailto:sbriere@comcast.net)

I've shared the document [Dioxane criterionfinal\\_review.pdf](#) with you.

You are invited to review the document "Dioxane criterionfinal\_review.pdf". You need Adobe Acrobat 9 or Adobe Reader 9, or later, to review this document.

Open the document in Acrobat or Adobe Reader and make your comments using the Comment & Markup tools. When you are finished, click Publish Comments to automatically return your comments to the author and all other reviewers.

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Alexa, Jennifer

---

**From:** Beaudry, Jacqueline  
**Sent:** Tuesday, September 03, 2013 7:21 PM  
**To:** Briere, Sabra  
**Subject:** RE: Please join the review of Dioxane criterionfinal\_review.pdf

Got it. Do you want me to send copies when you make the proposal or now?

**Jacqueline Beaudry, City Clerk**

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104  
734.794.6140 (O) · 734.994.8296 (F) |  
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**Subject:** Please join the review of Dioxane criterionfinal\_review.pdf  
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**Alexa, Jennifer**

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**From:** Warpehoski, Chuck  
**Sent:** Tuesday, September 03, 2013 8:05 PM  
**To:** Beaudry, Jacqueline; \*City Council Members (All)  
**Subject:** Fwd: shell station

\_\_\_\_\_  
Chuck Warpehoski  
Ann Arbor City Council, Ward 5  
[cwarpehoski@a2gov.org](mailto:cwarpehoski@a2gov.org)  
c: 734-972-8304

Visit [www.chuckwarpehoski.org](http://www.chuckwarpehoski.org) for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

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**From:** Warpehoski, Chuck  
**Sent:** Tuesday, September 03, 2013 8:07 PM  
**To:** Beaudry, Jacqueline; \*City Council Members (All)  
**Subject:** Fwd: shell station  
**Attachments:** SHELL SERVICE STATION.pdf; ATT7978894.htm

\_\_\_\_\_  
Chuck Warpehoski  
Ann Arbor City Council, Ward 5  
[cwarpehoski@a2gov.org](mailto:cwarpehoski@a2gov.org)  
c: 734-972-8304

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Begin forwarded message:

SHELL SERVICE STATION/CONVENIENCE STORE REVISED PUD ZONING  
(2679 ANN-ARBOR-SALINE ROAD)

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART OF CHAPTER 55 OF  
TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

COM AT E 1/4 COR SEC 6, T3S, R6E, TH S 18 MIN 35 SEC E 818.68 FT ALNG EL OF SEC 6 TO POB, TH S 18 MIN 35 SEC E 501.69 FT, TH N 46 DEG 28 MIN 10 SEC W 347.15 FT, TH N 43 DEG 32 MIN 25 SEC E 361.43 FT TO POB, PRT OF SE 1/4 SEC 6 AND PRT OF LOT 3 CRANBROOK SUB CONTAINING 1.44 AC

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached Shell Service Station/Convenience Store PUD Zoning District Supplemental Regulations, which are hereby adopted and incorporated into the Shell Service Station Convenience Store PUD zoning ordinance.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

**DRAFT**

**7/9/13**

**Shell Service Station/Convenience Store PUD Zoning District**

**Supplemental Regulations**

**Section 1: Purpose**

It is the purpose of City Council in adopting these regulations to create a more functional set of PUD regulations for this parcel. These regulations will create additional convenience retail options on this site, as well as create the opportunity for additional employees. These regulations will support design guidelines for this visible gateway site.

**Section 2: Applicability.**

The provisions of these regulations shall apply to the property described as follows:

COM AT E 1/4 COR SEC 6, T3S, R6E, TH S 18 MIN 35 SEC E 818.68 FT ALNG EL OF SEC 6 TO POB, TH S 18 MIN 35 SEC E 501.69 FT, TH N 46 DEG 28 MIN 10 SEC W 347.15 FT, TH N 43 DEG 32 MIN 25 SEC E 361.43 FT TO POB, PRT OF SE 1/4 SEC 6 AND PRT OF LOT 3 CRANBROOK SUB CONTAINING 1.44 AC

Otherwise known as 2679 Ann Arbor-Saline Road. Ann Arbor, MI 48103

These regulations are intended to supplement only those provisions in Ann Arbor City Code ("City Code") that may be modified as a part of a PUD and shall not be construed to replace or modify other provisions or regulations in City Code.

**Section 3: Findings**

The beneficial effects of the proposed site plan and supplemental PUD regulations are as follows:

- (A) The expansion of convenience retail options at this site will benefit the surrounding neighborhoods.
- (B) The architectural design standards set by the PUD will ensure appropriate development of this gateway site.
- (C) Additional job opportunities within the City limits will result from the expansion of the retail store and drive thru.



(D) The Mallets Creek watershed will be protected and enhanced by the expanded storm water management system within the development.

(E) A Gateway pedestrian sitting area offers a pleasing amenity to area residents and to visitors.

~~(F) A convenient access to residents and patrons to food and drink without the need to park or leave their vehicle.~~

~~(G)~~(F) An outdoor eating area with convenient pedestrian access.

~~(H)~~(G) The parcel described above meets the standards for approval as a PUD, and the regulations contained herein constitute neither the granting of special privilege nor deprivation of property rights.

#### **Section 4: PUD Regulations**

(A) Permitted principal uses shall be:

(1) Those principal uses permitted in the C1 (Local Business District) as set forth in the Zoning Ordinance of City Code.

(2) Gasoline service station

~~(3) Car wash~~

(B) Permitted accessory uses shall be:

(1) Those accessory uses permitted in the C1 (Local Business District) as set forth in the Zoning Ordinance of City Code.

(2) Temporary display and sales of merchandise sold by the principal use, subject to a maximum of 180 days per calendar year, occupying an area 10% of the size of the principal building or use, not located in any required open space, and maintaining adequate pedestrian and vehicular circulation.

(3) Vending machines, merchandise and display areas are not to be located within the sidewalk perimeter around the building and are not to be located in front of the building.

(4) Single lane drive thru and associated service window.

(C) Required Site Elements shall be:

(1) A pedestrian amenity at the Northeast Corner of Ann Arbor Saline Road and Eisenhower, consisting of a minimum of 200 square feet in area, surfaced with brick pavers, and including a public seating area.

(2) An outdoor eating area, consisting of a minimum of 180 square feet in area, with at least two tables and seating for eight. The outdoor eating area shall be located within an interior landscape island of at least 1,100 square feet.

(D) Setbacks:

Front: North (Ann Arbor – Saline Road) – 10 feet MINIMUM

South (West Eisenhower Boulevard) – 10 feet MINIMUM

Rear: None

(E) Height: 50 feet MAX

(F) Lot Size: The size of the PUD zoning district shall be a minimum of 60,000 sf.

(G) Floor Area Ratio: Allowable floor area in percentage of lot area for the PUD shall be 150% MAX

(H) Parking: Vehicular and bicycle off-street parking shall be provided as required by City Code.

(I) Storm Water Requirements: All requirements of City Code, Chapter 63 shall apply, with a minimum of 700 cubic feet of additional storm water detention capacity.

(J) Architectural Design:

The exterior site and building features shall be consistent with the following design guidelines, as determined by the Planning Manager:

Design of the building on the site shall contain a dominant architectural feature that serves as a focal point for this gateway site.

Driveways, access points, loading docks and outdoor sales areas shall be located to minimize impact on pedestrians and maintain pedestrian safety, circulation and comfort.

Locate and sufficiently screen mechanical systems to minimize visual impacts from the right-of-way and adjacent buildings.

Principal exterior materials of all sides of buildings shall be of a permanent quality, such as masonry, cultured stone, glazed tile, or textured concrete block. Roof areas visible from ground level shall be surfaced with standing seam metal or metal cap.

Building facades shall be detailed to provide architectural relief, accent materials, fenestration, and varied rooflines.

Prepared by Chris Cheng

## Alexa, Jennifer

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**From:** Beaudry, Jacqueline  
**Sent:** Tuesday, September 03, 2013 8:34 PM  
**To:** \*City Council Members (All); Powers, Steve; Postema, Stephen; Bowden (King), Anissa  
**Subject:** DC-2 substitute  
**Attachments:** DC-2 substitute.doc

### **Jacqueline Beaudry, City Clerk**

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor • Ann Arbor • MI • 48104  
734.794.6140 (O) • 734.994.8296 (F) |  
[jbeaudry@a2gov.org](mailto:jbeaudry@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



Think Green! Please don't print this e-mail unless absolutely necessary.

Whereas, thousands of residents of The City of Ann Arbor and neighboring municipalities including Scio Township, Ann Arbor Township, have been working for over 20 years for the protection of the surface and ground waters of the State from the continuing threat and actual contamination from 1,4-dioxane contamination originating at the Pall/Gelman Sciences, Inc. ("PGSI") Wagner Road facility, and for effective containment and proper treatment of waters already impacted by the contamination;

Whereas, The Michigan Department of Environmental Quality (MDEQ) establishes generic cleanup criteria for hazardous substances under the authority of Part 201 of the Michigan Natural Resources and Environmental Protection Act, that are intended to be protective of human health and the environment from a variety of exposure pathways;

Whereas, These criteria are used by MDEQ in enforcement actions against polluters and other liable parties;

Whereas, The current MDEQ 1,4-dioxane generic residential drinking water cleanup criterion was set a number of years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) residual cancer risk;

Whereas, In 2010, US EPA published a toxicological review of 1,4-dioxane recommending a steeper cancer slope factor, effectively lowering the drinking water residual cancer risk levels to 35 ppb for 1 in 10,000 and 3.5 ppb for 1 in 100,000;

Whereas, The US EPA has categorized 1,4-dioxane as a non-threshold carcinogen;

Whereas, California and Illinois lowered their drinking water guidance levels to 1 ppb, while Massachusetts set its guidance at 0.3 ppb;

Whereas, The MDEQ missed its self-imposed deadline of December 2012 to set new standards or cleanup criteria for 1,4-dioxane, which were to be based on the EPA toxicological review;

Whereas, The MDEQ's deadline for revising the cleanup criteria administrative rules was extended until December 31, 2013; however it appears to be unlikely that the MDEQ will meet that deadline;

Whereas, The Pall-Gelman plume has been of ongoing concern to Ann Arbor and surrounding communities given the risks to public, human health and the environment;

Whereas, The footprint of the Pall-Gelman 1,4-dioxane plume continues to expand, although the extent of that expansion is not clearly defined;

Whereas, Additional data and modeling, are needed to help define and predict the areas, direction and rate of expansion of its 1,4-dioxane plume;

Whereas, Ann Arbor has been unsuccessful in its efforts to be considered by the Circuit Court for Washtenaw County as an interested party in the lawsuit brought by the Michigan Attorney General on behalf of the MDEQ against Pall-Gelman regarding the Pall-Gelman 1,4-dioxane plume and its cleanup;

Whereas, Pall-Gelman has not been required by the MDEQ and the Circuit Court for Washtenaw County to predict with sufficient accuracy the areas, direction and rate of expansion of its 1,4-dioxane plume; and

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to **act responsibly and** protect the public health and environment of Michigan under the authority delegated to the State under the Clean Water Act;

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to use the best science now available from EPA, including but not limited to the classification of 1,4-dioxane as a non-threshold carcinogen, to set cleanup criteria that are protective of public health and the environment for 1,4-dioxane and other chemicals;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with the MDEQ to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with and petitioning the EPA to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume, and to cooperate with other local units of government to ensure protection of public health and the environment; and

RESOLVED, That a copy of this resolution be sent to the Washtenaw County delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality and Congressman John D Dingell.

Sponsored by Briere, Warpehoski and Hieftje

**Alexa, Jennifer**

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**From:** Warpehoski, Chuck  
**Sent:** Tuesday, September 03, 2013 9:19 PM  
**To:** Dave Askins; Ryan Stanton; [REDACTED]  
**Subject:** Fwd: revised text of resolution  
**Attachments:** Dioxane criterionfinal\_review.pdf; ATT7984313.htm

here's the amended resolution

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Chuck Warpehoski  
Ann Arbor City Council, Ward 5  
[cwarpehoski@a2gov.org](mailto:cwarpehoski@a2gov.org)  
c: 734-972-8304

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Whereas, These criteria are used by MDEQ in enforcement actions against polluters and other liable parties;

Whereas, The current MDEQ 1,4-dioxane generic residential drinking water cleanup criterion was set a number of years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) residual cancer risk;

Whereas, In 2010, US EPA published a toxicological review of 1,4-dioxane recommending a steeper cancer slope factor, effectively lowering the drinking water residual cancer risk levels to 35 ppb for 1 in 10,000 and 3.5 ppb for 1 in 100,000;

Whereas, The US EPA has categorized 1,4-dioxane as a non-threshold carcinogen;

Whereas, California and Illinois lowered their drinking water guidance levels to 1 ppb, while Massachusetts set its guidance at 0.3 ppb;

Whereas, The MDEQ missed its self-imposed deadline of December 2012 to set new standards or cleanup criteria for 1,4-dioxane, which were to be based on the EPA toxicological review;

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RESOLVED, That a copy of this resolution be sent to the Washtenaw County delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality and Congressman John D Dingell.

Sponsored by Briere, Warpehoski and Hieftje



## Alexa, Jennifer

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**From:** Warpehoski, Chuck  
**Sent:** Tuesday, September 03, 2013 9:34 PM  
**To:** [REDACTED]  
**Subject:** Fwd: DC-2 substitute  
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**Date:** September 3, 2013, 8:34:04 PM EDT  
**To:** "\*City Council Members \\\(All\\)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>, "Powers, Steve" <[SPowers@a2gov.org](mailto:SPowers@a2gov.org)>, "Postema, Stephen" <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>, "Bowden \\\(King\\), Anissa" <[ABowden@a2gov.org](mailto:ABowden@a2gov.org)>  
**Subject:** DC-2 substitute

**Jacqueline Beaudry, City Clerk**

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Sponsored by Briere, Warpehoski and Hieftje

**Alexa, Jennifer**

---

**From:** Mike Shriberg [REDACTED]  
**Sent:** Tuesday, September 03, 2013 10:49 PM  
**To:** Teall, Margie  
**Subject:** Divestment Resolution

Hi Margie. As a constituent, energy commission member, environmental professional and lead drafter of the divestment resolution, I would like to talk with you about your unexpected opposition tonight. I'd be happy to sit down over coffee and try to understand what hesitancy you may have to position Ann Arbor with other leading cities by advising our pension and retirement fund administrators to consider divestment. Please let me know when you have some availability.

Sincerely,  
Mike Shriberg