

Downtown Area Citizens Advisory Council Meeting Minutes June 3, 2014  
City Council Work Room, 2<sup>nd</sup>. Floor, City Hall, October 1, 2013, 7:00 pm.

Members Present: Ray Detter, Hugh Sonk

Members Absent: Marsha Chamberlin , John Chamberlin, Kathleen Nolan, Joan French, Felicia Flores, Jim Kern, Sue Kern

Visitors: Cy Hufano, Christine Crockett, Changming Fan

Just a reminder to the members of the Downtown Development Authority and Staff that the Annual Downtown Neighbors Spring Party is tomorrow, June 5, starting at 6:30 pm. at 120 and 126 North Division. All indications are that this will be a well-attended downtown event. The weather will be 76 degrees and sunny. We hope you will join us.

At last night's CAC meeting, members and guests discussed two important downtown issues. We reaffirmed our support of City Council's wise decision in January to make changes in D1 zoning that will correct the mistakes that were made in the past. The Planning Commission has been instructed by City Council to provide recommendations to do that.

Last month some of us spoke at the Planning Commission meeting that voted unanimously to recommend changing the zoning of the South Main and William site from D1—180 feet to D2—60 feet. We objected, however, to another change, passed by a 6-3 vote that would allow a height of 100 feet along Main Street if a series of 10 foot set backs were provided at each floor above the Fourth Floor to the east of the residential houses on South Fourth. We believe that would be best done by allowing the possibility within a developer's application for a planned project. That approach was used successfully with approval of 618 South Main. CAC members will continue before to advocate for strengthening the power of the Design Review Board, Planning Commission and City Council to produce better designed buildings that do not have negative impacts upon their neighbors—particularly in scale and massing. We strongly support the hiring of a competent urban planning consultant firm to advise Council and the Planning Commission on ways to make the best decisions in shaping the final approval of recommended changes. In the future, at least one member of the Downtown Area CAC will attend Planning Commission Ordinance Revision Committee meetings to support and provide input on recommended City Council changes in downtown zoning.

Most of last night's CAC meeting was devoted discussion of ways in which the current Footing Drain Disconnection Ordinance lawsuit might effect the Downtown Area. The FDDP lawsuit was recently sent back to Washtenaw County's 22 circuit court, over objection from Ann Arbor's Attorneys.

The Footing Drain Disconnection Ordinance established a program under which property owners can be required to disconnect their footing drains from the city's sanitary sewer system . It's intent is to diminish the risk of sanitary overflows into the Huron River and sanitary sewage backups in homeowners' basements.

I can't go into detail, but the suit basically claims "inverse condemnation—taking of private property without just compensation. If the suit is decided against the City, the likely impact possibilities are:

FDDP is part of every developer agreement. Stopping FDDP halts the Developer Offset Mitigation Program (DOM) and the "FDD Credits" (\$10,000 each) are no longer available to developers.

A2's sanitary sewer system is closed to new development.

The issue of inadequate city sewers/infrastructure would have to be addressed.

413 and other projects cannot mitigate sanitary sewer inflow (above ground sewage storage is required?)

413 and other buildings under construction will not be able to obtain Certificate of Occupancy from the City.

New site plans could not be reviewed—no developer offset mitigation would exist.

The City would face further significant legal action. It might be necessary to request a Council Resolution directing the City Attorney and the Mayor to tender the case for defense by outside counsel. It would definitely be necessary to have the support of whatever agencies are currently responsible for City Liability insurance.

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