



TO: Mayor and Council

FROM: Milton Dohoney Jr., City Administrator

CC: Derek Delacourt, Community Services Area Administrator
John Fournier, Deputy City Administrator
Jennifer Hall, Executive Director, AAHC
Raymond Hess, Transportation Manager
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Brian Steglitz, Interim Public Services Area Administrator

SUBJECT: November 10, 2022 Council Agenda Responses

DATE: November 3, 2022

CA-3 - Resolution to Prohibit On-Street Parking on the West Side of South Seventh Street from Scio Church Road to Lawton Elementary School and Incorporate Additional Speed Management and/or Traffic Calming

Question: Does this proposal conform to the City's transportation plan? (Councilmember Nelson)

Response: Yes.

Question: I appreciate that our city streets are categorized by type—how are these sections of Seventh and Greenview categorized in our Transportation plan? (Councilmember Nelson)

Response: Pages 61-62 of the Transportation Plan identify this section of Seventh Street as an All Ages and Abilities Route on a minor road.

Question: How many streets of the same type as Seventh/Greenview (south of Scio Church) surround other elementary schools? (Councilmember Nelson)

Response: Very few. Most of the All Ages and Abilities Routes are identified on Major Streets – which may be adjacent to a school (e.g. Ann Arbor Open on Miller). There are some local streets identified in the Plan to make connections and create a network. Seventh falls into this category and other such roads are identified in blue on page 62 of the Plan – examples include Crest, Delaware, Fernwood/Lorraine, St. Francis/Crestland, Newport, and Runnymede to name a few.

Question: If we were to set a precedent for buffered bike lanes surrounding all elementary schools, what other neighborhoods would be impacted? In other words, what other elementary schools in the city are located on local neighborhood side streets like Lawton? (Councilmember Nelson)

Response: Each project would be evaluated on the unique characteristics of the area. Seventh is somewhat unique because this road is unusually wide for a neighborhood local street. This width allows for different types of facilities to be considered including a buffered or protected bike lane. But the plan affords flexibility on facility type as described starting on page 63. With this in mind, staff does not believe that whatever is installed on Seventh creates a precedent for every other local street identified in the Plan as an All Ages and Abilities Bike Network.

Question: Has the school community of Lawton Elementary been consulted about the impact of removing this parking? (Councilmember Nelson)

Response: Ann Arbor Public Schools has indicated they are not taking a position on the design.

Question: Has the issue been shared/discussed with the AAPS school board? (Councilmember Nelson)

Response: Not to our knowledge.

Question: Does this proposed buffered bike lane connect to a broader network of bicycle infrastructure? (Councilmember Disch)

Response: Yes. This facility would connect to the existing buffered bike lanes on Seventh north of Scio Church. The Plan also calls for an All Ages and Abilities Bike route to extend to the south.

Question: If on-street parking is prohibited, are there alternative provisions for pick up and drop off at Lawton Elementary? (Councilmember Disch)

Response: Transportation Commission's recommendation was to remove parking on just one side of the road. So, parking would still remain along Seventh (on one side). Additionally, all adjacent neighborhood streets allow for on street parking.

Question: Please explain how staff evaluated the negative impact on student safety when considering the prohibition of on street parking for Lawton School, especially for evening special events. (Councilmember Griswold)

Response: Staff does not anticipate any negative impact on student safety.

CA-8 – Resolution to Appropriate \$5,132,882 from the Affordable Housing Millage Fund Fund Balance and to Amend the FY23 Budget (8 Votes Required)

Question: Please remind me of the purpose of this appropriation (might it be to retire the debt on the old Y lot?) (Councilmember Disch)

Response: The funding for 350 S. 5th is to pay for the due diligence & pre-development work to get through site plan approval, including architect, engineer, traffic study, environmental assessment, Geotech, survey, title search, appraisal etc.

B-1 - An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 190 Parcels in the W Stadium and N Maple Area to TC1 (Transit Corridor District), City-Initiated Rezoning, (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (ORD-22-16)

Question: Please refer to attached one-page excerpt from the 7/6/21 Agenda question responses. Maximum heights were given by staff in response to the question posed then, but staff did not mention anything about the option to increase those heights by up to 30% higher in this response. Given that this option was on the same agenda, why was this not included in the answer? Please see the agenda items B-1 and B-2 from the 7/6/21 agenda: <https://a2gov.legistar.com/View.ashx?M=A&ID=829774&GUID=02AB333F-6A45-40F4-87F0-16D6B021D884> (Councilmember Griswold)

Response: Similar to all zoning districts city-wide, the 30% height is only eligible to developments that meet the required sustainability or affordability requirements, so it would not be permissible in all circumstances.

Question: Please verify the maximum heights for each of the four categories identified on the attached 7/6/21 agenda questions response memo should an applicant seek to use the options available in the UDC. (Councilmember Griswold)

Response: Please see below.

District Standard	Height Limit per Table 5.17-4	Additional Height permitted by Section 5.18.4.D for Affordable or Sustainable Developments
Proposed Zoning District		
TC1 District: Buildings within 80 feet of R district	55 feet	71.5 feet
TC1 District: Buildings between 80-300 feet of R district	75 feet	97.5 feet
TC1 District: Buildings between 300-1000 feet of R district	120 feet	156 feet
TC1 District: Buildings more than 1000 feet of R district	300 feet	390 feet

Question: Was this discussed at any of the meetings (City Planning Commission, CPC Ordinance Review Committee, City Council, stakeholder meetings, public meetings, etc.) regarding the creation of TC1 or the mass rezoning of approximately 68 parcels at State and Eisenhower or the mass rezoning of approximately 190 parcels at Stadium and Maple? If so, which ones? (Councilmember Griswold)

Response: The affordable housing and sustainability bonus appeared on the same agenda as the City Council consideration of the creation of the TC1 Zoning District. It was not discussed at subsequent meetings regarding State/Eisenhower, or Stadium/Maple as the provision was previously enacted at that time.

Question: Was this information included in any planning documents created and/or distributed by the planning department? Was this information included in any notices sent to stakeholders or the general public? If so, which documents were distributed and when? (Councilmember Griswold)

Response: The information is included in the City’s Unified Development Code. While publicly accessible and available, the entirety of the UDC was not included in notices sent to invite participants to participate in hearings associated with rezonings to TC1.

Question: Please comment on each of the "Requests" raised in the letter from Brixmor Property Group dated 10/21/22 and provide any relevant notes on the recent discussion between Mayor Taylor, CM Disch and Brixmor representatives. (Councilmember Griswold)

Response: Here are issues raised in the 10/21 letter referenced. The core tension to many of the issues raised are that the physical form and prototype of this shopping center are distinct from the goals of the TC1 District. Although the fundamental question before the Council is whether the Maple Village Shopping Center should be considered part of

the West Stadium/North maple corridor, most of the specific issues raised are about the TC1 district standards being too strict. Addressing those concerns must be done by proposed text changes or modifications to the TC1 Zoning District, which is not under consideration this currently.

Brixmor Requirement/Issue/Request regarding drive-through facility not permitted

Drive-through facilities will not be unique to Brixmor and any discussion about allowing them should be discussed district-wide. As noted in its general intent statement, “Pedestrian-friendly designs are critically important in this district...”. Any drive-through facilities should be located farther away from the transit corridor.

Brixmor Requirement/Issue/Request regarding minimum 2-story buildings

Brixmor may honor their long-term leases when zoned TC1 without any impact to those existing tenants. As new retailers are considered, the owner and tenant can craft future leases to adapt to changing regulations. Future retailers could also then choose to be located inside new buildings, with potentially improved proximity and visibility to the corridor. Larger sites have likely more opportunity to infill in and around existing development.

Brixmor Requirement/Issue/Request regarding minimum 60% transparency on first floor

This concern is also shared by ground floor tenants in the D1 district, where this is also required. As with other development standards applied to nonconforming structures, existing buildings may be maintained, renovated, and refreshed. Existing facades at Maple Village Shopping Center may be renovated with new doors, windows, and surface treatments as long as the current transparency percentage is not reduced. “Rebuilding” any building is subject to all applicable provisions of the UDC including provisions for nonconformities. It is worth noting, however, that the transparency requirement only applies to exterior street-facing walls and not to any interior, side or rear walls, and it appears that many retail fronts at Maple Village both street-facing and parking lot facing are already 60% transparent or greater.

Brixmor Requirement/Issue/Request regarding minimum 75% frontage

Existing buildings at Maple Village would be “expanded” as any nonconforming building can be with permission from the Zoning Board of Appeals to alter a nonconforming structure, and frontage standards apply only to new buildings.

Brixmor Requirement/Issue/Request regarding blocks of 250 feet

Staff is open to discussing a variety of amendments to the TC1 district standards. The requirement for blocks no more than 250 feet is based on the known comfort of the downtown block bounded by Main, Huron, Fourth and Washington. This is certainly not the only comfortable block dimension for pedestrians and a greater block size can

certainly be considered if it maintains the purpose and intent of the TC1 district and remains pedestrian-friendly.

Brixmor Requirement/Issue/Request regarding parking maximum of 1/250SF

First, for clarity, the number of parking spaces is regulated by Section 5.19 Parking Standards where maximum parking limitations have been in place for a long time. Rezoning to the TC1 district will add an additional requirement to limit the area of a site used for parking spaces in proportion to the area of the site used for buildings. For any site with nonconforming parking, the number of parking spaces and the area of parking can remain unchanged with building additions and new buildings (subject to all other standards and procedures) but no more parking can be installed until the correct standards are met.

Second, as mentioned, there is already a maximum parking limitation for the shopping center. Maple Village currently has 1,243 parking spaces and 263,317 square feet of floor area. Prior to September 4, 2022, the parking requirements for a shopping center up to 300,000 square feet was a minimum of 1/310 square feet and a maximum of 1/265 square feet. Maple Village was over the maximum limitation by 250 spaces. On September 4, 2022, parking standards were changed to eliminate minimum requirements and consolidate shopping center categories into single limitation of 1/250 square feet. Maple Village is currently over the maximum limitation by 190 spaces. If rezoned to TC1, the site will be in a special parking district that limits parking to 1/333 square feet and subject to a development standard that the size of the parking lot be no more than 125% of the building(s) footprint. Maple Village would then be over the parking limit by 453 spaces and its parking area would be 323,299 square feet more than allowed.) While the degree of nonconformities has varied, Maple Village must address nonconforming parking no matter its zoning designation.

Brixmor Requirement/Issue/Request regarding parking lots on side or rear yards

This standard is already in place city-wide per Section 5.19. Current provisions for nonconforming parking design must be followed regardless of the current or proposed zoning designation.

Brixmor Requirement/Issue/Request regarding maximum 2 driveways per lot

The number of curb cuts allowed is currently based on length of street frontage, not size of site. As land use patterns in the corridor shift to reduced automobile miles traveled, less curb cuts will be necessary. As curb cuts are retained or increased, this land use shift will be hindered.

C-1 – An Ordinance to Amend Sections 4:58 and 4:59 of Chapter 49 (Sidewalks) of Title IV (Streets and Sidewalks) of the Code of the City Relative to Responsibility to Repair of Adjacent Sidewalks

Question: Can you attach the red-lined version of this ordinance to Legistar? I can't find it and cannot identify proposed amendments. (Councilmember Nelson)

Response: The redlined version has been attached to the Legistar file.

DC-2 – Resolution to Approve Amendments to the Council Rules

Question: Is there any precedent for an outgoing Council to approve new rules at their final meeting? (Councilmember Nelson)

Response: We have reviewed the last ten years of Council records and have not found an instance of consideration or approval of Rule amendments at the final meeting of a sitting Council. The Rules do allow for this amendment to be considered at this meeting.

Chapter 40

Question: When will staff post the proposed Chapter 40 revisions to the agenda? (Councilmember Griswold)

Response: We anticipate that proposed Chapter 40 revisions will be added to the agenda on Tuesday, November 8th.