

**From:** Scott Trudeau <[scott.trudeau@gmail.com](mailto:scott.trudeau@gmail.com)>

**Sent:** Monday, August 31, 2020 3:52 PM

**To:** Planning <[Planning@a2gov.org](mailto:Planning@a2gov.org)>

**Subject:** comments on Lockwood (Ellsworth edition) & Work Plan

Hi Planning Staff & Commission,

I am writing in support of the proposed Lockwood PUD on Ellsworth Rd. We desperately need more senior and more affordable housing to accommodate our aging population. This project fits in nicely and more than justifies the incremental density increase with the addition of 65 <50% AMI units. Given likely traffic patterns of senior residents, I also am not at all concerned about traffic generation from this site, which seems to be the most likely complaint.

I am also particularly happy to see on the work plan education on the intersection of race & equity with land use established as a goal--though I'd like to see those TBD's get filled in!

Also, as someone who lives on a (very) nonconforming lot in a very nonconforming neighborhood and in a very nonconforming zoning district (R4C), I'm also happy to see nonconformities as a line item on the list. Small lot size (mine is 25' wide) with little to no parking are great and there is no good reason not to allow more smaller subdivided lots. Neighborhoods like mine are proof that a lot of small lots can make for a dense, charming and diverse in character (both income, racial & built environment) are possible and it is a shame we disallow the kind of small incremental changes that were once permitted and created some of our oldest and most treasured neighborhoods.

Scott

**From:** RICHARD PLEWA <[rplewa@aol.com](mailto:rplewa@aol.com)>

**Sent:** Monday, August 31, 2020 3:18 PM

**To:** Planning <[Planning@a2gov.org](mailto:Planning@a2gov.org)>

**Cc:** Taylor, Christopher (Mayor) <[CTaylor@a2gov.org](mailto:CTaylor@a2gov.org)>; Van Harrison <[rvh@med.umich.edu](mailto:rvh@med.umich.edu)>

**Subject:** Comments on Proposed Floodplain Zoning Overlay Ordinance for 9/1/20 Meeting of Ann Arbor Planning Commission

Could Planning Department staff please confirm by return e-mail that these written comments have been received and will be sent to Planning Commission members for their meeting tomorrow evening on 9/1/2020? Thank you!

August 31, 2020

**To:** Members of the Ann Arbor Planning Commission

**From:** Pumping Station #2 Condominium Association Property Owners on

Mulholland Avenue, Old West Side Historic District

**Subject:** Lack of Outreach to Affected Property Owners in Connection with Proposed Floodplain Zoning Overlay Ordinance

**We are writing to express our serious concern about the lack of any significant and substantive outreach to - and engagement with – existing property owners across the city who would be significantly impacted by the city’s plans to adopt a floodplain zoning overlay ordinance.** While we are supportive of the need to manage and mitigate risks associated with existing and future development in the city’s floodplains, a properly conceived and executed planning process would, we believe, recognize the importance of broadly communicating these major regulatory changes to those most directly affected by them and then engaging with those property owners to hear and respond to their questions and concerns.

**In fact, when City Council defeated a resolution in December 2015 that would have placed a floodplain overlay ordinance on the Planning Commission’s list of priorities, it did so because it reasoned that a zoning change that would affect hundreds of property owners needed to be the product of a robust public engagement process which had not yet occurred.** In response to a letter sent to Mayor Christopher Taylor by twenty-two Mulholland and Murray Avenue property owners prior to that Council meeting, the mayor wrote back on 12/9/2015 that although Ann Arbor’s future response to its storm water challenges might eventually involve a zoning overlay ordinance,

**“I can promise you this, it absolutely will not move forward without broad, substantial, and painstaking outreach.”**

**As of this writing, this robust outreach process has not taken place. This is especially true with respect to affected property owners in the floodplains who will bear the major burdens under the proposed regulations via new and often very expensive compliance obligations and reduced property rights and asset values, at a minimum.** No mail notifications were sent to the hundreds of owners whose properties will be affected. Very few of us patrol the city's webpages regularly looking for meeting announcements or agendas that might portend relevant regulatory actions that may be coming. Most of us do not subscribe to – or even know about – the Washtenaw Legal News publication in which some City meetings are apparently noticed. **Accordingly, amidst the unprecedented distractions of these pandemic times, it is highly probable that many or even most affected property owners are not aware that this regulatory initiative is occurring and moving forward at great haste without their input.**

We hope that this is an oversight rather than a deliberate strategy on the part of the Planning Department. But we do have cause to wonder. After conducting no discussions at all with affected property owners in the period since 12/2015, the City simply announced a webinar on its website on 6/30/2020 and held the webinar on 7/16/2020 to present highly selective information on the proposed new ordinance to a wide array of stakeholders with highly varied interests and agendas. The material presented did not even attempt to anticipate and address in any balanced way the questions and concerns of affected property owners as a group. Planning Department staff actually prevented some of our own association members who were on the webinar call from submitting questions related to key definitions and provisions of the ordinance so that we could begin to understand its effects upon us.

All questions had to be submitted via the Chat function in Zoom, and Planning staff – having received an indication of the issues we wished to discuss in the Q&A via the Chat - informed us in a private Chat response that the webinar was not the appropriate place for these issues to be brought up. When we inquired when and where a subsequent forum in which to raise these issues would be held, we were quickly informed that the next stop would be the Planning Commission. Jerry Hancock, the City's Floodplains Coordinator, kindly agreed to meet with owners privately after the webinar to hear and answer specific questions. This he has graciously and helpfully done to the best of his ability, and some of our feedback to him has already resulted in changes to ambiguous provisions in the initial draft of the proposed ordinance. **Other key questions and issues, however, remain unresolved as of this writing, and the speed at which the process is moving forward has prevented even Jerry from being as responsive as he would like.**

Lastly, with no means – so far - for affected property owners to know and/or to hear about the issues which other owners have raised, we have no way of knowing what the full range of concerns might look like if the planning process were truly open to citizen inquiry and input. **Surely, Ann Arbor’s interests are not well served by pushing forward a major regulatory initiative of this type without a thorough engagement with the regulated parties that enables all to understand how they will be affected.** Even now, many property owners across the city are making long-term decisions about investments in their homes and about insurance and mortgage financing issues that should be informed by a complete understanding of the coming regulations. Are we a city that only espouses full public participation and transparency in our policy-making and regulatory processes, or do we actually deliver them?

Among many issues that need to be discussed and fully/further clarified for affected property owners are the following:

- Scope of the Substantial Improvement (SI) exemption for historic structures, given that language in the ordinance references the Michigan Building Codes, which have inconsistent provisions
- Policy decision made by city to establish a 10-year accumulation period for tracking SI projects, which overly restricts owner’s ability to carry out separate repair and alteration projects over time
- Policy decision made by city to define market value in the draft ordinance and its impact
- Mechanics of administering the permitting process for multi-family versus single-family residential structures
- Implications of become a non-conforming use under new zoning ordinance
- Consequences of substantial damage events, as they appear to be more restrictive than current ordinance provisions applicable to non-conforming properties
- Implications for insurance and mortgage financing under various scenarios that may occur upon adoption of the proposed ordinance

In closing, we reiterate our support for floodplain regulations that intelligently manage and mitigate Ann Arbor’s very real storm water and flood hazard risks, but believe that such regulations need to be adopted after careful consultation with affected stakeholders, including those who will bear the brunt of such new regulations and their associated costs. Any such regulations must transparently weigh and balance the public benefits and private costs imposed on existing property owners, many of whom came to own their properties when they were not yet identified as lying in known flood hazard areas. **We strongly urge the Planning Commission to request that the Planning Department conduct the robust outreach to affected property owners that is warranted by this important regulatory initiative.**