



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Brett Lenart, Planning Manager
Mike Kennedy, Fire Chief

SUBJECT: Council Agenda Responses

DATE: July 16, 2018

CA-4 – Resolution to Approve Amendment No. 2 to the Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, Inc., for Water Treatment Professional Engineering Services (\$200,000.00)

Question: Regarding CA-4, this Amendment No. 2 is for \$200K. What was the original contract amount and the Amendment No. 1 amount? Also, when was the original contract approved and was it competitively bid? (Councilmember Lumm)

Response: The original contract amount was \$200,000 as part of Resolution No. [R-16-212](#). The Amendment No. 1 amount was \$200,000 as part of Resolution No. [R-17-408](#). The original contract was competitively bid and was approved by Council on June 6, 2016 as part of Resolution No. [R-16-212](#).

CA-5 – Resolution to Approve Amendment Number 1 to Contract with The Ecology Center, Inc. for In-School Recycling Education (\$97,598.00 for year four; \$100,526.00 for year five)

Question: Regarding CA-5, how much is the contract amount for FY18 and how many workshops were conducted? Also, are there any other school districts beyond Dexter where workshops are conducted? (Councilmember Lumm)

Response: The FY 18 contract amount was \$94,755.00 with total payments made of \$83,399.00. There were (250) In-Classroom PreK-12 student programs, (3) local community events, 0 (zero) school staff recycling workshops provided. Currently, workshops are conducted only at the Dexter and Ann Arbor school districts.

Question: Also on CA-5, the cover memo indicates that “the contract already includes a minimum 30-day notice to end the contract, which could be utilized if the SWRMP recommendations are implemented prior to the end of the new contract term”. Are there any penalties associated with cancellation? (Councilmember Lumm)

Response: The City may terminate this Agreement, on at least thirty (30) days advance notice, for any reason, including convenience, without incurring any penalty, expense or liability to Contractor, except the obligation to pay for Services actually performed under the Agreement before the termination date.”

CA- 9 - Resolution to Approve Amendment Number One to the Agreement with Morris & McDaniel, Inc. for Fire Services Promotional Testing Services (\$32,983.98) (8 Votes Required)

Question: Regarding CA-9, was Administrator’s Contingency considered to fund this expenditure rather than utilize GF Fund balance? (Councilmember Lumm)

Response: No. The City Administrator’s Contingency for FY19 is significantly lower than in previous years due to other funding needs, and is being held in reserve in the event other unanticipated costs arise throughout the year.

B-1 – An Ordinance to Amend Sections 5:1 and 5:10.4 of Chapter 55 (Zoning) of the Code of the City of Ann Arbor to Modify the Definition of Fraternity or Sorority House and Amend Corresponding Special Exception Use Standards (Ordinance No. ORD-18-06)

B-1 Questions Raised at the Neighborhood Meeting

Question: Q1. How would the ordinance affect “annexes”? Also, do “annexes” go through the SEU process before being established? If not, how would you recommend addressing (e.g., addt’l. ordinance amendments?) the Q’s and concerns posed re: annexes. (Councilmember Lumm)

Response: It would not affect annexes, as such properties are not identified as fraternity or sorority houses. Such properties would be governed by applicable laws that govern any such property in a given zoning district. Please note the term “annexes” is not defined in City code and is used informally to address apartments where several members of a fraternity/sorority may reside.

B-1 New Questions

Question: Q3. Mr. Lazarus' July 14th memo concluded with the statement "Due to scheduling conflicts and other priorities and considerations, staff has not yet had the opportunity to conduct a direct conversation with both groups of stakeholders present." By both groups of stakeholders, I'm assuming you are referring to including representatives of the OxBridge and N. Burns Park Homeowners Assns. in meetings with City staff, since these adjacent property owners were not extended an invitation to participate in the City's June 11th meeting. It is not clear if a joint meeting is recommended (and council action should be postponed until it occurs). Can you please clarify staff's recommendation on how to proceed? (Councilmember Lumm)

Response: Although staff is not recommending such a meeting prior to action on the proposed amendments, we are letting Council know that a joint meeting was not arranged prior to Council's reconsideration of the matter. Staff is not recommending such a meeting prior to action on the proposed amendments. Staff will continue to work with all applicable stakeholders, at applicable times, to look for additional options or methods to address neighborhood concerns and conflicts.

Question: Q5. The ordinance as proposed is not retroactive meaning there is no impact of a fraternity/sorority losing its University affiliation/recognition unless there was a proposal to expand the size of the building. Why was that approach chosen rather than an approach with a strict adherence to the affiliation principle? (Councilmember Lumm)

Response: State law constrains the City's ability to implement zoning changes. Any zoning changes in the City, and in Michigan, are prospective in nature. Based on this framework, this approach was not chosen, but follows law.

Question: Q6. In a July 11th email, Mr. Delacourt indicated that "we are interested in adding additional protections to adjacent residents if owners and the University are willing to partner to create them." Can you please elaborate on what specific protections would be considered? (Councilmember Lumm)

Response: No specific protections have been discussed, however, as stated previously, city staff remains open to considering any steps in the future.

Question: Q7. Also in the July 11th email, Mr. Delacourt indicated that "staff and the Planning Commission have recommended approval of the ordinance and continue to do so. Nothing we've heard so far has changed that recommendation." Can you please confirm that position in light of Mr. Lutes indication that his recommendations were "received favorably" by the City at the June 11 meeting? (Councilmember Lumm)

Response: Staff continues to support the recommendation of the Planning Commission. While staff was appreciative of conversation at the June 11th meeting and the willingness of owners to consider additional steps in their own processes to improve

the presence of fraternities and sororities in neighborhoods, this support does not compromise consideration of the proposed amendment.

Question: Q8. Mr. Lutes recommends that the Alumni Housing Assn. implement a Housing Standards Program for fraternities “that will address issues related to litter, noise, and illegal behavior at the fraternity properties.” Because off campus properties must comply with city ordinances (for litter, noise, et. al. nuisances), how would a Housing Standards Pgm. differ from what we do today vis a vis ordinance enforcement for nuisance violations? (Councilmember Lumm)

Response: Mr. Lutes’ recommendation is part of a broader approach that stresses self-policing. The recommendation would not affect City’s ability to enforce current ordinances.

Question: Q9. Mr. Lutes recommends creating a process to notify fraternity property owners when citations are issued. (This recommendation repeated as item #4 on pg. 4 of his memo.) Do these properties not receive citation notices today? I know that the apt. owners assn. has recommended that the property title holders directly receive citation notices, and perhaps this is/is not handled similarly? (Councilmember Lumm)

Response: Numerous citation processes could be applicable here (e.g. nuisance, zoning, rental/building code, etc.) Many such notices are already provided to property owners.

Question: Q10. Mr. Lutes also recommends enforcing the zoning ordinance “w/respect to unapproved fraternity uses”, and “w/respect to fraternity and sorority resident managers”. (This recommendation repeated as items #6 and #7 on pg. 5 of his memo.) What does our zoning ordinance today stipulate re: this and what is our means of enforcement/enforcement policy? (Councilmember Lumm)

Response: Any Fraternity or Sorority House that was approved with this requirement, must comply. Such enforcement is challenging when component to operational aspects of a property vs physical attributes of a property. This can be considered as part of the rental inspection process, but even this action is imperfect relative to enforcement.

Question: Q11. Mr. Lutes recommends a “mechanism for registration ... (that) could be included in the annual property registration process” for requiring an on-site resident manager. I’m assuming these properties are inspected annually, but am not familiar with the “annual property registration process” that he is referring to? (Councilmember Lumm)

Response: The City requires property registration of any rental unit. Staff has not determined if such verification would be appropriate as part of the registration process. Such properties are not inspected annually, but on a 2 ½ year cycle, as all rental properties in the City are.

Question: Q12. Mr. Lutes also recommends “working together” to address fraternity property “overcrowding”. Wouldn’t codifying maximum occupancy in the zoning code, as you now propose, address this? Mr. Lutes recommends, instead, implementing a maximum occupancy limit in the property lease agreement (his item #8 on his pg. 6). Isn’t the lease agreement an agreement between the property owners and their tenants, and what prohibits property owners from stipulating occupancy limits in these landlord/tenant agreements today? Can the City enforce a lease agreement requirement regarding maximum occupancy? (Councilmember Lumm)

Response: There is nothing stopping such privately established limits now. The City cannot enforce lease agreements.

Question: Q13. Also, Mr. Lutes calls out, as an e.g., a non-compliant, unapproved fraternity property at 1814 Geddes Ave., and recommends zoning enforcement to address fraternities/sororities that are not recognized by their national chapters. Wouldn’t requiring affiliation with the Univ. or another postsecondary institution establish a link between the property owner and its nat’. chapter? And, additionally, isn’t it the property owner’s responsibility to submit permits for site work? (Mr. Lutes suggests that because there is no documentation for permitting for site work for 1814 Geddes Ave., this proposed zoning ordinance amendment would be an impediment/add no value.) (Councilmember Lumm)

Response: The proposed amendment would require such affiliation if a new Special Exception Use were considered. It is the property owner’s responsibility to ensure proper permits are sought.

Question: Q14. He recommends working together to prevent fire deaths to create a pgm. to encourage fire suppression systems, and to allow a 2 to 3 yr. grace period for establishing fire suppression systems. Do we not have building codes and inspection enforcement that address and speak to both occupancy and fire suppression requirements? (Councilmember Lumm)

Response: Building codes and Fire Codes are applicable to all uses in the City. These codes govern how the City evaluates such properties.

Question: Q15. He recommends waiving tap fees. We do not do this for our year round homestead and non-homestead property tax and utility fee paying property owners, so what is the benefit to the city to waive tap fees for established fraternity/sorority properties? (Councilmember Lumm)

Response: Tap fees are established by City Code. Any waiver would require Council approval. Staff does not support such waiver.

Question: Q16. Regarding the proposed SEU ordinance he recommends that fraternities and sororities maintain grandfathered status if the chapter is terminated, and that the fraternity and sorority house owners be allowed to preserve the SEU zoning for

a period of 5, not the proposed 2, year period, and that during this termination period, fraternities be permitted to utilize their property for other group housing uses. Can you please confirm some of Mr. Lutes contentions:

Mr. Lutes states:

- That the University of Michigan “refuses to accept the fraternity alumni property owners as stakeholders” and “The University and the IFC will not effectively address the underlying problem that is creating many of these concerns. The University and IFC will not take the necessary action to hold the fraternities and their members to be accountable to their established rules and policies.” Is this an accurate statement of the University’s and IFC’s position?
- That the “University could use its recognition authority under the zoning ordinance to target and eliminate all fraternity groups.” Similarly, is this an accurate statement?
- That the “requirement for recognition by the University or one of its Councils or Associations... is not necessary nor beneficial to the fraternity property owners or the City.” To this stmt., I will just state that I do not see how this is not beneficial to the immediate neighborhoods, the City and the University.
- That formal recognition should be granted instead to the nat’l. fraternity and sorority ownership organizations. Do they not recognize the existing fraternities and sororities that have national chapter affiliations today?
- That a point system for violations replace the current system for issuing citations. I am interested in understanding why the city community standards for these properties should be treated differently from the standards applied to all other residential properties? i.e., violations result in citations, not issuing and collecting “points” (Councilmember Lumm)

Response: The statements above are principally between fraternities/sororities, national chapters, and the University of Michigan.

B-2 – An Ordinance to Repeal Sections 4:16 through 4:20 and Section 4:30 of Chapter 47 (Streets and Curb Cuts) of Title IV; and Chapter 55 (Zoning), Chapter 56 (Prohibited Land Uses), Chapter 57 (Subdivision and Land Use Control), Chapter 59 (Off-Street Parking), Chapter 60 (Wetlands), Chapter 61 (Signs and Outdoor Advertising), Chapter 62 (Landscaping and Screening), Chapter 63 (Soil Erosion and Sedimentation Control), of Title V; and Chapter 104 (Fences) of Title VIII of the Code of the City of Ann Arbor and to Amend the Code of the City of Ann Arbor with a New Chapter 55 (Unified Development Code) of Title V of Said Code (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-18-08)

Question: Regarding B-2, I understand Ms. Carman provided staff with additional comments on June 29th. Has staff been able to fully review those comments and for those comments recommending edits/additions, have those changes been incorporated/reflected in the UDC? (Councilmember Lumm)

Response: Ms. Carman has provided seven documents with comments about the UDC to staff since February 12, 2018, including a pdf file specifically about the use tables sent

by email on June 29, 2018. Staff have reviewed each of Ms. Carman's documents upon receipt, and have incorporated more than two dozen of the corrections she noted across all comment documents. The remaining comments contained in these seven documents have not been incorporated as they were outside of the project scope.

Question: Also on B-2, given the ongoing reviews by Ms. Carman (and presumably others), is there any specific reason the UDC needs to be adopted tonight and can you please provide the pros/cons of taking one more month before adopting the UDC? (Councilmember Lumm)

Response: The UDC never needs to be adopted, but staff recommends Council's support of this effort tonight. The reasons to adopt tonight are: that a significant amount of public feedback has been solicited, reviewed, and incorporated as appropriate; That tonight's second reading is scheduled now a full 2½ months after the first reading, providing adequate time for any stakeholder's full review of the goals and process followed, and the proposed product; That delay in adoption continues to put petitioners, property owners, staff, professionals, and City Boards and Commissions in limbo for projects currently under review or consideration; that numerous ordinance amendments are in process and a determination on appropriate form is important; and that the City aspires to have a more clear, user-friendly ordinance.

C-1 – An Ordinance to Amend Section 5.29.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Special Exception Use as a Type I Citizen Participation Application)

Question: Doesn't the amendment also need to amend the table in the UDC? (Councilmember Warpehoski)

Response: Yes. The amendment was originally drafted under the current Zoning Ordinance. Presuming adoption of the Unified Development Code, the same modifications were converted into the UDC form. As the UDC contains a process summary table, this table needs to be updated as well. A substitute Ordinance is attached to Legistar and to this document that corrects the omission.

Question: Regarding C-1, the recommendation to make SEU's a Type 1 Citizen Participation application is a positive step for citizen engagement and while the ability to waive the requirement for "temporary" use is reasonable, can you please clarify how "temporary" likely will be defined? (Councilmember Lumm)

Response: This will likely apply to any use that occupies less than a majority of a calendar year. Such uses by example include fireworks sales in parking lots and temporary cellular towers.

C – 3 – An Ordinance to Amend Section 5.15 (Table 5-15) and Section 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana-Infused Product Processor)

Question: Why is this proposed as a special exemption use? What are the considerations that might weigh in to grant or deny a special exemption use within c2b and c3? (Councilmember Warpehoski)

Response: This is proposed as a Special Exception Use given the nature of the use and proximity to other land uses. As with other medical marijuana facilities, there are numerous requirements regarding operation, safety, nuisance abatement, and other aspects that are reviewed to ensure Ordinance compliance. The petitioners have requested the use as permitted use, however, Planning Commission has recommended Special Exception Use status.

City Code specifies that it is the Planning Commission's duty to review and approve each special exception use request, applying a prescribed set of standards and considering certain specific questions. The standards and questions to consider are summarized as follows:

1. Is the location, size and character of the proposed use compatible with the principal uses of the district and adjacent districts? Is it consistent with the Master Plan? Is it consistent with the surrounding area? Will it have any detrimental effects to the use or value of surrounding area, or the natural environment?
2. Is the location, size, character, layout, access and traffic generated by the use hazardous or inconvenient or conflicting with the normal traffic of the neighborhood? Is off-street parking safe for pedestrians? Do the necessary vehicular turning movements block normal traffic flow? Are any additional public services or facilities needed by the use, and will they be detrimental to the community?
3. Is the maximum density and minimum required open space at least equal to the standards normally required by the Zoning Ordinance for the district?

Reasonable conditions may be imposed as part of a special exception use and remain in effect unless they are changed by the Planning Commission.

Question: Regarding C-3, have any other Michigan communities established this sub-category and if so, did they adopt any unique requirement/restrictions and what zoning districts are permitted? Also, has the state provided any guidance with regard to this sub-category? (Councilmember Lumm)

Response: Staff is not aware of any other community establishing such a sub-category. Under the State law, both this sub-category and the principal processing category would still meet the state definition of "processing facility."

DC-3 - Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Section for Filling Vacancies in Elective Offices And Determine The Ballot Language for This Amendment (7 Votes Required)

Question: Q1. Can you please obtain some benchmark information on how filling vacancies is handled in other communities with 4-year terms of office? (Councilmember Lumm)

Response: Cities deal with vacancies in various ways. The most popular is simply an appointment within 30 or 60 days, just as Ann Arbor currently does. Many of those cities provide that if no appointment is made in the provided time, the City would have to call a special election. Some cities do have time triggers, such as the ones proposed in this Amendment. Flint, for instance allows for appointment if there are fewer than 12 months left and if there are more than 12 months, then there is an appointment and then a call for a special election as soon as possible. Muskegon Heights allows for an appointment if there is less than 50% of the term left, and if there is more than 50% of the term left, a special election is required to be called. Farmington Hills requires a vacancy to be filled at the first available August primary or November general election as long as the vacancy doesn't occur less than 10 days before the filing deadline for that election.

Question: Q2. Can you please remind me what constitutes a "regular city election" (how "regular" is defined/determined) and what the process is that's referenced in Section 12.14.a (3)? (Councilmember Lumm)

Response: Section 13.2 of the City Charter states that "A regular City election shall be held on the first Tuesday following the first Monday in November in 2017, in 2018, and every two years thereafter." The proposed 12.14(a)(3) sets out that if an election is required to fill a vacancy, that election would be carried out in the same way a normal, non-vacancy-filling election would be, including a potential primary election, along with the same filing deadlines, filing requirements, and other processes.

Question: Q3. If this were adopted by voters and a CM elected this Fall (Nov 2018) left office in January 2019, when would the primary election to fill the vacancy occur (August 2019, August 2020, other)? (Councilmember Lumm)

Response: In the given scenario, the election to fill the balance of the term would be held at the regular City election in November 2020. If a primary is required, it would be held in August 2020. The person appointed by Council would serve until after the November 2020 election is held.

DC-5 - Resolution to Direct Planning Commission to Evaluate Design Review Process for Downtown Buildings

Question: Q1. This seems like it could potentially involve significant workload so can you please provide an estimate of the staff (and CPC) time required to meet the

requirements of this resolution and what other initiatives (if any) will need to be deferred? Also, is October 15th a reasonable deadline? (Councilmember Lumm)

Response: It is estimated that this work will take approximately 40 hours of staff time, 2-3 hours of CPC time, and 2-3 hours of Design Review Board Time. While nothing specific is anticipated for deferral, it is possible that such action could have an impact on starting other Planning Commission related work plan items such as parking ordinance review, R4C/R2A district requirements review. October 15th appears to be a reasonable deadline.

Question: Q2. Is it expected we will engage outside help (consultant) in the effort and if so, what are the rough estimated costs? (Councilmember Lumm)

Response: There are numerous possibilities for such help throughout the effort. Leading up to October 15th it is possible that a modest amount of consultant assistance would be considered to help define a potential process. It is anticipated that the product on October 15th will make recommendations for more substantial consultant help, likely involving architectural expertise. Finally, it is possible that such services would be necessary on an ongoing basis, depending on the final work program and outcomes. Any corresponding costs for any such assistance are not known at this time.

Question: Q3. Do we have a sense of who/what the sources of “design review best practices” are and if so, can you please share them? Is October 15th a reasonable deadline? (Councilmember Lumm)

Response: No, this will be part of the recommendation presented to City Council by October 15th, a reasonable deadline.

Question: Q4. The resolved clause directs city staff and Planning Commission to evaluate the current process, but does not mention the Design Review Board – is it expected they will be involved in this effort and if not, shouldn't they be given that they are most directly engaged in the current process? (Councilmember Lumm)

Response: Yes, they will be involved. Staff and the Design Review Board have already initiated a few preliminary conversations.

DB-1 - Resolution to Approve the Cottages at Barton Green Site Plan, Wetland Use Permit, and Development Agreement, West Side of Pontiac Trail, South of Dhu Varren Road (CPC Recommendation: Approval - 2 Yeas and 7 Nays)

Question: Q1. As I recall, North Sky is primarily single-family homes with some apartments as well and that development included a contribution for Pontiac Trail improvements. Can you please remind me what the mix of units was for North Sky and what the planned traffic mitigation improvements on Pontiac Trail were (and how those improvements would impact, if at all, the Pontiac Trail-Barton Drive intersection)? (Councilmember Lumm)

Response: No traffic improvements nor contribution was proposed for the North Sky development. The mix of units for North Sky is 56 units in one multi-family building and 139 single family homes.

Question: Q2. Are there any other sites in Ann Arbor where a large apartment complex exists like this proposal where single-family homes abut two sides of the site? (Councilmember Lumm)

Response: Manchester West, 1900 W. Liberty (120 homes); Village Park, 1505 Natalie Lane (216 homes); Knob Hill Apartments, 301 Nob Hill Court (205 homes); Pine Valley Apartments, 1521 Pine Valley (164 homes); 1500 Pauline/Arbordale Apartments (71 homes) ; Charlton Apartments, 2047 Charlton (75 homes).

Question: Q3. There was a good bit of discussion in the materials regarding the Pontiac Trail- Barton Drive intersection, but the magnitude of the congestion issue (now and with this project) and the proposed fix were not clear to me. Can you please clarify (eg., the ratings for the intersection before and after, what actions are proposed/being considered, and when the improvements will likely happen? (Councilmember Lumm)

Response: The current 24 hour volume on Pontiac Trail is 6976 vehicles per day. With the completion of a number of nearby projects (Northsky, The Annex, North Oaks) in the vicinity (called "Background Traffic"), this number is projected to increase to 8448 vehicles per day. Barton Green is projected to add approximately 211 trips during the peak afternoon period and somewhat less during the morning peak period. The traffic study projected that 27% of Barton Green residents will use the shuttle service.

The Pontiac Trail/Barton Drive intersection is the intersection most affected by the proposed project. The intersection currently operates at a Level of Service C. The AM peak period falls to Level of Service E with the addition of Background Traffic. The AM peak period volumes would remain at a Level of Service E without the addition of Barton Green traffic. The PM peak period falls to Level of Service D with the addition of Background Traffic and to E with the addition of Barton Green traffic. Barton Green is projected to add 8% to traffic volumes at this intersection.

The traffic study recommends constructing dedicated left turn lanes for both legs of Barton Drive (already exists for Pontiac Trail) and right turn lanes for three of the four intersection legs (eastbound, southbound, and westbound) to improve delays. No specific plans or timeframe for improvements is identified for such improvements.

Question: Q4. Are there other traffic concerns beyond the Pontiac Trail – Barton Drive intersection and if so, what are they? (Councilmember Lumm)

Response: The Pontiac Trail/Dhu Varren intersection currently operates at a Level of Service C and is expected to drop to a Level of Service E with the addition of Background Traffic. Barton Green traffic does not change the projected Level of Service at this

intersection. Barton Green traffic accounts for 3% of the total projected volume of this intersection.

The Broadway/Maiden Lane intersection maintains a Level of Service C throughout the morning peak period but falls from Level of Service E with Background Traffic and to F with the addition of the Barton Green traffic in the afternoon peak period. Barton Green traffic accounts for 2% of the total volume through this intersection.

Several other intersections in the study area already have capacity problems with existing or background conditions. Signal timing changes will be implemented at many of these intersections to help mitigate additional traffic from new developments.

Question: Q5. In the staff reports, it indicated that there are 710 bedrooms in the 220 units and some of the units are six bedrooms. Can you please provide the bedroom mix of units totaling the 710 bedrooms? (Councilmember Lumm)

Response:

1 bedroom apartments:	50 dwelling units (50 bedrooms)
2 bedroom apartments:	36 dwelling units (72 bedrooms)
3 bedroom apartments:	19 dwelling units (57 bedrooms)
4 bedroom apartments:	55 dwelling units (220 bedrooms)
5 bedroom apartments:	55 dwelling units (275 bedrooms)
6 bedroom apartments:	6 dwelling units (36 bedrooms)

The project proposed 221 homes.

Question: Q6. In the May 1 staff report, it indicates the developer provided plans on how the 6 bedroom units could be converted to 3 bedroom units. Were any cost estimates provided and did the developer indicate that was something actually under consideration (or just responding to a Q)? (Councilmember Lumm)

Response: The developer did not provide cost estimates of converting 6 bedroom units to 3 bedroom units. This is not something the developer is currently considering. The developer was responding to a concern raised at the Planning Commission about whether the design of the project is flexible enough to handle a conversion to a non-student housing community. The developer provided an image showing how a 6 bedroom unit could be converted to a 3 bedroom unit.

Question: Q7. In the staff reports, a shuttle was mentioned. Can you please provide more detail on the shuttle (routes, hours etc). Is it primarily to shuttle students to campus)? (Councilmember Lumm)

Response: The developer has proposed a shuttle bus service that would provide bus service from the Barton Green site to Central and North Campus from 7am to 7pm. One bus would provide 2 runs per hour to Central Campus and the other bus would provide 2 runs per hour to North Campus. Although the precise route has not been finalized, the shuttles are targeting stops at the Michigan Union and the Central Campus Transit Center

on Central Campus and Pierpont Commons on North Campus. Shuttle service is also proposed for late nights on Thursday, Friday, and Saturday nights from 9pm-2:30am and possibly evenings Monday through Friday.

SPECIAL EXCEPTION USE AS A TYPE I CITIZEN PARTICIPATION APPLICATION

AN ORDINANCE TO AMEND SECTIONS 5.27.1 AND 5.28.4 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 5.27.1 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5.27.1 Summary Procedures Table

In Table 5:27-1, the initial “R” indicates that the body has authority to make a recommendation to another body regarding the application, but does not have the power to make a decision on the application. The initial “D” indicates that the body has authority to make a decision regarding the application. The initial “A” indicates that the body is authorized to hear appeals of that type of decision. The column for “Courts” is not intended to create additional rights to appeal not recognized by the Courts of Michigan, or to indicate that the City recognizes a particular right of appeal, but to indicate that there is no body within the City authorized to hear an appeal of that type of decision and that any effort to find relief from the City’s decision will need to be sought outside the City government.

TABLE 5:27-1: PROCEDURES SUMMARY TABLE									
Legend R = Recommendation D = Decision A = Appeal M= Mailed Notice S = Sign Notice N = No Y = Yes	Section	Public Notice Required ?	Citizen Participation		Review, Decision, and Appeal Authority				
			Notification Required?	Meeting Required?	Planning & Development Services	Zoning Board of Appeals	Planning Commission	City Council	Courts
Type of Application									
Zoning Permit	5.29.1	N	N	N	D	A			
Sign Permit	5.29.2	N	N	N	D	A			
Grading Permit	5.29.3	N	N	N	D	A			
Wetlands Use Permit	5.29.4	N	N	N	R[1]		R	D	A
Special Exception	5.29.5	Y	Y	<u>NY</u>	R		D		A
Site Plan for Administrative Approval	5.29.6	Y	Y	N	D	A			
Site Plans for Planning Commission approval	5.29.6	Y	Y	Y/N	R		D		A
Site Plans for City Council approval	5.29.6	Y	Y	Y/N	R		R	D	A
Area Plans	5.29.7	Y	Y	N	R		R	D	A
Subdivision	5.29.8	Y	Y	Y/N	R		R	D	A
Land Division	5.29.8	Y	N	N	D		A		
Rezoning	5.29.9	Y	Y	Y	R		R	D	A
Rezoning to PUD	5.29.10	Y	Y	Y	R		R	D	A
Appeals to ZBA	5.29.11	Y	N	N		D			
Subdivision Appeals	5.29.11	Y	N	N			D		

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			Notification Required?	Meeting Required?	Planning & Development Services	Zoning Board of Appeals	Planning Commission	City Council	Courts
Type of Application									
Variance	5.29.12	Y	N	N	R	D			A
NOTES: [1] Review of Wetlands Permits is by Systems Planning Unit rather than PDSU									

Section 2. That Section 5.28.4 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5.29.4 Citizen Participation Requirements

A. Purpose

The intent of this Section 5.28.4 is to:

1. Ensure that Applicants seeking approval of certain applications that require public hearings pursue early and effective citizen participation in conjunction with their proposed Developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the Development of their neighborhood and community.
2. Provide clear expectations and formal guidance for Applicants to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed Development may have on the community.
3. Facilitate ongoing communications between Applicants and interested or potentially affected citizens throughout the application review process.

B. Type 1 Applications

1. For purposes of this Section 5.28.4, a Type 1 application includes:
 - a. any application for a new or amended planned project site plan
 - b. a new or amended planned unit development zoning district
 - c. an amendment to the zoning map
 - d. a proposed project containing over 80 Dwelling Units
 - e. a proposed project over 65 feet in height
 - f. a proposed project containing over 50,000 square feet of Floor Area
 - g. A Special Exception Use Permit

- h. any proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning Manager
2. For Type 1 applications, the following requirements shall be completed by the Applicant:
- a. Preliminary Meeting

The Applicant shall meet with the PDSU to review the requirements set forth in this Section 5.28.4.

- b. Required Notification

The Applicant shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project site, as well as the PDSU, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the PDSU. An electronic copy of the information must also be provided to the PDSU at least ten business days prior to the date of the citizen participation meeting to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written information shall include all of the following in a format provided by the PDSU:

- i) A statement explaining the citizen participation requirements, including identification of who is sending the notice, an explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the Applicant.
- ii) A statement that an application is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the Development and site plan.
- iii) The Applicant's schedule for citizen participation meetings, the anticipated application submittal date and the anticipated City review and approval schedule.
- iv) The date, time, and location of the meetings.
- v) How citizens will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

- c. Citizen Participation Meeting

The Applicant shall hold at least one citizen participation meeting at least ten Business days prior to the established application submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the PDSU.

- d. Final Citizen Participation Report

The Applicant shall provide a written report in a format provided by the PDSU on the results of its citizen participation activities as part of the

required information submitted for approval. At a minimum, the report shall include all of the following information in a format provided by the PDSU:

- i) Detailed description of the Applicant's efforts used to involve citizens, including dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications.
- ii) A written statement of the number of citizens sent notices by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
- iii) A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the Applicant has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

C. Type 2 Applications

Type 2 Applications include any other type of application that requires a public hearing under this chapter but is not covered by Subsection 5.28.4B for Type 1 applications. The following requirements shall be completed by the Applicant:

1. Required Notification

The Applicant shall mail a written announcement to all property owners, addresses and registered neighborhood groups within 500 feet of the proposed project site, as well as the PDSU, within five business days of acceptance of the application by the PDSU. Addresses shall be provided by the PDSU. An electronic copy of the announcement must also be provided to the PDSU within five Business days of acceptance of the application to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written announcement shall include all of the following information in a format provided by the PDSU:

- a. A statement that an application has been submitted with a written description of the proposal and a conceptual sketch of the Development and site plan.
- b. How citizens who have been sent notices will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

2. Citizen Participation Report

The Applicant shall provide the PDSU with written documentation of any meetings or discussions that are held with citizens at least ten business days prior to the Planning Commission public hearing on the application.

D. Waiver of Requirements

The Planning Manager may waive these requirements for applications to amend the zoning map when:

1. The requested zoning designation is PL (Public Land).
2. The application is to annex a parcel of less than two acres and zone the parcel for Single-Family residential use.
3. There is no proposed change in land use and no Development is proposed.

The Planning Manager may waive these requirements for any Special Exception Use Permit that they determine to be a temporary use.

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