



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO
Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Earl Kenzie, Wastewater Treatment Plant Manager
Matt Kulhanek, Fleet and Facilities Manager
Brett Lenart, Planning Manager
Susan Pollay, Executive Director, DDA
Marti Praschan, Chief of Staff, Public Services

SUBJECT: October 7 Council Agenda Responses

DATE: October 3, 2019

CA-3 – Resolution to Name the Property Donated by Pulte Homes of Michigan, LLC as “Hickory Nature Area”

CA-4 - Resolution Naming the Property Acquired from Toll MI VI Limited Partnerships as “Buttonbush Nature Area”

Question: Regarding CA-3 and CA-4 (naming the parks), what is the process for naming these parks/nature areas and are the neighbors (or public) involved or invited to suggest names? (Councilmember Lumm)

Response: Park naming is done on a case-by-case basis. In some cases, naming requirements are spelled out as part of the park acquisition process. For example, this was the case with Stapp Nature Area; that name was required by the previous owner, Bill Martin, to honor Bill Stapp, a leading environmental educator. If a new acquisition is adjacent to an existing park or nature area, staff typically add the parcel to the existing parkland, as with the recent addition to Oakwoods Nature Area.

When neither of those situations exist staff looks for a name that reflects something unique about that park. If it is a nature area, staff look for a name that calls out a significant and unique aspect of that park. Such was the case with Redbud Nature Area, where the name was suggested by Natural Area Preservation (NAP) staff to honor the abundance of native Redbud trees present in that park. The typical process for naming a new nature area is that staff, who have visited the park and who are familiar with how that park compares to other city parks, suggest a name based on the natural features of that park.

The Park Advisory Commission (PAC) is then presented with a resolution that recommends the naming of the park. The resolution is on the PAC agenda so the public has the opportunity to comment at that time. While feedback from neighbors has not traditionally been solicited the public can always share suggestions with staff for consideration by reaching out via email at Parks&Rec@a2gov.org. If the PAC resolution is adopted then a resolution comes to Council for adoption.

CA-8 – Resolution to Approve Fifth Amendment with Varnum LLP for Legal Services to Contest the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant (\$90,000.00)

Question: The cost calculated for bringing the WWTP into compliance with the revised/proposed NPDES Permits was shown in 2000 to be capital cost of \$1.5 million and on-going yearly costs of \$167K. Are these still accurate numbers in our estimation? (Councilmember Hayner)

Response: Jacobs Consultants, Inc. (JCI) assessed the treatment upgrades needed to meet the more restrictive phosphorus discharge limits proposed by EGLE staff in the most recent Total Maximum Daily Load (TMDL) study and estimated the capital and annual operation and maintenance (O&M) costs associated with the upgrades. JCI estimates the costs to be \$172 M in capital costs and \$3.5 M in annual O&M costs, which alone would require a 50% increase in annual sewer rates for a period of five years.

CA-8 – Resolution to Approve Fifth Amendment with Varnum LLP for Legal Services to Contest the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant (\$90,000.00)

and

CA-9 - Resolution to Approve a Contract with Jacobs Engineering Group, Inc. for Professional Engineering Consulting Services to Assess Impacts of Proposed Changes to the National Pollutant Discharge Elimination System Permit for the Wastewater Treatment Plant (\$30,000.00)

Question: Q1. Can you please provide some data on the phosphorous discharge levels – what are the current levels at the WWTP and what are the max levels in the original MDEQ permit and proposed now by EGLE? (Councilmember Lumm)

Response: The WWTP's annual average phosphorus concentration for FY19 was 0.46 mg/L (milligrams per liter or parts per million). Until 1992, the permit limit for phosphorus was 1.0 mg/L on a monthly average basis. Beginning in 1992, an additional permit limit of 0.6 mg/L on an annual average basis was added to the permit. In 2000, MDEQ added daily mass based limits for the months of April through September that ranged from 150 lbs/day down to 50 lbs/day. The City has contested the mass based limits since their inclusion by MDEQ. At the design flow of 29.5 million gallons per day, 50 lbs/day would require a discharge concentration of 0.20 mg/L. Based on the draft TMDL from EGLE, the new permit limit would be 24.6 lbs/day or 0.10 mg/L at plant design flow.

Question: Q2. Are there any federal/EPA guidelines on phosphorous discharge applicable to our situation? (Councilmember Lumm)

Response: There are no federal numeric guidelines for phosphorus discharges from WWTPs. EGLE relies on a narrative standard to determine the allowable discharge limit for each plant.

Question: Q3. Can you please provide a layman's explanation of our argument that the science used by MDEQ (and EGLE) is flawed? (Councilmember Lumm)

Response: In general, the phosphorus released from the sediments in both impoundments under specific conditions causes the nuisance blue-green algal blooms, not upstream point or non-point sources. EGLE failed to model the lakes appropriately and used an approach that targeted the WWTPs. Dr. David Dilks of LimnoTech performed an assessment of the draft TMDL developed by EGLE that explains the main flaws with the approach used by EGLE in terms that are understandable by a general audience (attached). In addition, Dr. John Lehman of the University of Michigan has conducted numerous investigations on this issue since 2000, including assessments of the previous and current TMDL studies conducted by EGLE. His report provides significant technical details about the basis for our argument that the science used for both studies is flawed.

Question: Q4. What's the basis of the city's paying $\frac{3}{4}$ of the costs (and the other 3 WWTP's paying $\frac{1}{4}$ of the costs) – is it based on some measure of volume or something else? (Councilmember Lumm)

Response: The cost sharing arrangement was based on the design flow for each plant. The Ann Arbor WWTP is over 90% and the other three combined are less than 10% of the total combined design flows.

Question: Q5. CA-9 states that Jacobs was engaged "on the recommendation of WWTP staff". Please elaborate on why (apparently) proposals were not solicited and why Jacob's is uniquely qualified? (Councilmember Lumm)

Response: In addition to these being professional engineering services, due to the short timeframe to provide public comment to EGLE, it was not feasible for WWTP staff to use the City's RFP process to obtain the necessary information. WWTP staff have previous experience with several staff members from Jacobs Consultants, Inc.(JCI) that were involved in the design of the recently completed Facilities Renovation Project at the WWTP. In addition to being very familiar with the WWTP, one of the JCI staff members also oversaw the WWTP process modeling work and understands the ultimate phosphorus removal capabilities for the WWTP's upgraded biological treatment process. These factors made JCI uniquely qualified to complete the requested work in time to meet the public comment deadline. JCI estimates the cost for treatment process upgrades to meet the phosphorus TMDL at \$172 M in capital costs and \$3.5 M in annual operation and maintenance costs, which alone would require a 50% increase in annual sewer rates for a period of five years.

CA-11 - Resolution Authorizing Publication of Notice of Intent to Issue General Obligation Capital Improvement Bonds to Fund Downtown Development Authority Ann Ashley Parking Structure Expansion Project (Not to Exceed \$23,000,000.00) (6 Votes Roll Call)

Question: Q1. I'm encouraged to see the bonding amount has been reduced to exclude the \$4M office buildout. I'm assuming that means the buildout will not occur as part of (or concurrent with) this parking expansion project and just be funded by the DDA since the cost was not reflected in the DDA budget. Correct? (Councilmember Lumm)

Response: Based on the Council conversation at the recent Council meeting, the office buildout has been removed from the project and will not be built.

Question: Q2. Regarding issuing General Obligation bonds:

Q2A. The cover memo states that staff "anticipates" that the DDA will be responsible for paying all bond costs (debt service and issuance costs). Why add the word "anticipates" and not just say the DDA will pay the costs? (Councilmember Lumm)

Response: After the Notice of Intent referendum period concludes, staff plans to return to Council with a resolution to authorize the issuance of the bonds. Along with that resolution will be an agreement between the DDA and the City that contractually commits the DDA to repay the debt service on the bonds issued (Financing Agreement). The word "anticipated" was utilized in the resolution to respect the fact that the DDA Board still needs to approve a draft agreement prior to Council consideration. Staff did not want to presume the DDA approval at this early stage of the process.

Question: Q2B. The cover memo also mentions that the DDA completed repayment of the bonds in 2008 for the 1987 construction of the garage, but doesn't say if those were general obligation bonds as well. Were they, and are there other DDA projects that have been financed with general obligation bonds? (Councilmember Lumm)

Response: The 1987 bonds were initially issued as Building Authority Bonds which carried the general obligation pledge of the City. Since about 2001 the laws changed and Capital Improvement bonds with a general obligation pledge are the preferred bond type. All bonds issues related to DDA projects have had a general obligation pledge.

Question: Q2C. What distinguishes this from water and sewer projects where bonds are not general obligation bonds, but bonds tied to the water and sewer system revenues? (Councilmember Lumm)

Response: Capital improvement bonds are backed by the city's credit rating and consequently have a lower interest cost. Revenue bonds are solely dependent on revenues of the water or sewer systems for repayment and consequently incur higher interest costs. If Council approves this project, staff recommends proceeding with a capital improvement bond along with a financing agreement which commits the DDA to repay the debt.

Question: Q2D. What is the likely interest rate advantage to the DDA/City of issuing general obligation bonds rather than DDA bonds (range is fine recognizing you don't know for sure)? (Councilmember Lumm)

Response: Since a DDA is unable to levy taxes, DDA debt issuances carry the general obligation pledge of the City as well, and when DDA bonds are issued, they are actually issued by the City. There would likely be a small (5 to 10 basis point) penalty for issuing DDA bond rather than Capital Improvement bonds.

Question: Q3. In terms of parking demand downtown, Attachment 1 indicates that "The demand to continue to live and work downtown is expected to continue growing, further putting pressure on the public parking system." That, coupled with the fact that demand at Ann Ashley is "among the highest in the system" suggests the capacity expansion is necessary even excluding the impact of potentially significant amounts of lost parking in the area resulting from development. Does staff agree with that conclusion? Also, can you please provide current data on capacity utilization at Ann Ashley specifically and for the downtown system overall? (Councilmember Lumm)

Response: Below is a report showing the number of hours in April 2019 when the parking facilities were at capacity. These numbers are most representative of totals we currently have, both because they represent the garages when the University of Michigan was still in session and these counts were taken before large sections of the garages were removed from service for the annual summer parking structure restoration and maintenance work which runs May through the end of October.

Overall At Capacity Results

Total Hours Of At Capacity Occupancy By Hour Of The Day For All Structures, The South Ashley Lot And City-wide In April 2019

Hour	Location Names/Numbers									City-wide
	4th & Wash	1st & Wash	Maynard	Forest	4th & Will	Liberty Square	Ann & Ashley	Library Lane	South Ashley	
24	0	2	0	0	0	0	0	0	0	2
23	0	1	0	0	0	0	0	0	0	1
22	0	1	0	0	0	0	0	0	0	1
21	0	4	0	0	0	1	0	0	1	6
20	1	6	2	0	1	1	1	0	12	24
19	1	4	2	0	0	1	0	0	19	27
18	1	1	0	0	0	1	0	0	10	13
17	0	1	0	0	2	5	0	0	1	9
16	0	1	0	0	10	21	1	0	1	34
15	1	1	0	1	11	21	9	2	1	47
14	2	1	5	10	11	21	19	8	2	79
13	12	2	11	13	10	22	13	5	1	89
12	14	2	11	10	10	22	9	2	0	80
11	6	1	11	4	3	21	8	1	1	56
10	2	1	7	0	0	20	6	1	0	37
9	0	1	0	1	1	7	1	0	0	11
8	0	1	0	0	2	1	1	0	0	5
7	0	2	0	0	0	1	0	0	0	3
6	0	2	0	0	0	1	0	0	0	3
5	0	2	0	0	0	1	0	0	0	3
4	0	3	0	0	0	1	0	0	0	4
3	0	4	0	0	0	1	0	0	0	5
2	0	4	0	0	0	1	0	0	0	5
1	0	5	0	0	0	1	0	0	0	6
Totals	40	53	49	39	61	172	68	19	49	550

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From a wait list perspective, permit requests at Ann Ashley are second only behind the number for Liberty Square.

Question: What will be the total cost to the city of issuing these bonds after they are paid off in 25 years? (Councilmember Hayner)

Response: The total cost of issuing this bond will be paid by the DDA using parking revenues.

Below are the bond costs, including total debt service (principal and interest) over the life of the bond. This estimate will be revised prior to issuance to reflect the latest market conditions.



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 Suite 333
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\$18,930,000
CITY OF ANN ARBOR
COUNTY OF WAYNE, STATE OF MICHIGAN
CAPITAL IMPROVEMENT PARKING BONDS, SERIES 2019 B
(LIMITED TAX GENERAL OBLIGATION)

Estimated Sources & Uses of Funds

	Total
Sources of Funds	
Par Amount of Bonds	\$18,930,000.00
Production	0.00
Accrued Interest	0.00
DDA Equity Contribution 15.000%	3,390,100.12
Bond Fund Earnings	280,567.34
Total Sources	\$22,600,667.46
Uses of Funds	
Capital Projects Account	\$21,757,392.46
Deposit to Debt Fund	0.00
Underwriter's Discount @ 1.000%	180,300.00
Bond Insurance 0.000%	0.00
Costs of Issuance	78,075.00
Municipal Service Charge	575,900.00
Miscellaneous	0.00
Total Uses	\$22,600,667.46
Costs of Issuance Detail	
Bond Attorney Dykema Gossett	\$25,000.00
Financial Consultant PFM	25,000.00
Credit Rating S&P	21,000.00
Paying Agent	375.00
Security Report Filing Department of Treasury	1,000.00
Notice of Sale Bond Buyer/ Source Media	1,800.00
Official Statement Image Master	3,500.00
Municipal Advisory Council Fee	400.00
Total Costs of Issuance	\$78,075.00

PR8



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\$18,930,000
CITY OF ANN ARBOR
 COUNTY OF WAYNE, STATE OF MICHIGAN
 CAPITAL IMPROVEMENT PARKING BONDS, SERIES 2019 B
 (LIMITED TAX GENERAL OBLIGATION)

SCHEDULE OF ESTIMATED REVENUES AND EXPENDITURES

FY End 6-30	Tax Increment Revenue Share	Parking System Revenue Share	Net Revenue For Debt	Interest		Interest Rate	Principal		Capitalized Interest	Annual Excess or (Shortfall)	
				Due Nov-1	Due May-1		Due May-1	Total			
	0.00%	100.00%		\$18,930,000							
							Dated				
								9/1/19			
2020	0	410,150	410,150	102,538 [1]	307,613	3.250%	0	410,150	0	0	
2021	0	1,350,225	1,350,225	307,613	307,613	3.250%	735,000	1,350,225	0	0	
2022	0	1,351,338	1,351,338	295,660	295,660	3.250%	760,000	1,351,338	0	0	
2023	0	1,351,638	1,351,638	283,319	283,319	3.250%	785,000	1,351,638	0	0	
2024	0	1,351,125	1,351,125	270,583	270,583	3.250%	810,000	1,351,125	0	0	
2025	0	1,349,800	1,349,800	257,400	257,400	3.250%	835,000	1,349,800	0	0	
2026	0	1,352,663	1,352,663	243,831	243,831	3.250%	865,000	1,352,663	0	0	
2027	0	1,349,550	1,349,550	229,775	229,775	3.250%	890,000	1,349,550	0	0	
2028	0	1,350,625	1,350,625	215,313	215,313	3.250%	920,000	1,350,625	0	0	
2029	0	1,350,725	1,350,725	200,363	200,363	3.250%	950,000	1,350,725	0	0	
2030	0	1,349,850	1,349,850	184,925	184,925	3.250%	980,000	1,349,850	0	0	
2031	0	1,353,000	1,353,000	169,000	169,000	3.250%	1,015,000	1,353,000	0	0	
2032	0	1,350,013	1,350,013	152,508	152,508	3.250%	1,045,000	1,350,013	0	0	
2033	0	1,351,050	1,351,050	135,525	135,525	3.250%	1,080,000	1,351,050	0	0	
2034	0	1,350,950	1,350,950	117,675	117,675	3.250%	1,115,000	1,350,950	0	0	
2035	0	1,349,713	1,349,713	99,858	99,858	3.250%	1,150,000	1,349,713	0	0	
2036	0	1,352,338	1,352,338	81,189	81,189	3.250%	1,190,000	1,352,338	0	0	
2037	0	1,353,663	1,353,663	61,831	61,831	3.250%	1,230,000	1,353,663	0	0	
2038	0	1,348,688	1,348,688	41,844	41,844	3.250%	1,265,000	1,348,688	0	0	
2039	0	1,352,575	1,352,575	21,288	21,288	3.250%	1,310,000	1,352,575	0	0	
2040	0	0	0	0	0	3.250%	0	0	0	0	
2041	0	0	0	0	0	3.250%	0	0	0	0	
2042	0	0	0	0	0	3.500%	0	0	0	0	
2043	0	0	0	0	0	3.500%	0	0	0	0	
2044	0	0	0	0	0	3.500%	0	0	0	0	
2045	0	0	0	0	0	3.500%	0	0	0	0	
	<u>0</u>	<u>26,079,675</u>	<u>26,079,675</u>	<u>3,472,300</u>	<u>3,877,375</u>		<u>18,930,000</u>	<u>26,079,675</u>	<u>0</u>	<u>0</u>	

[1] 2 mos interest

15-May-10
 PRS



\$18,030,000
CITY OF ANN ARBOR
COUNTY OF WAYNE, STATE OF MICHIGAN
CAPITAL IMPROVEMENT PARKING BONDS, SERIES 2019 B
(LIMITED TAX GENERAL OBLIGATION)

SCHEDULE OF ESTIMATED REVENUES AND EXPENDITURES

FY	Tax Increment Revenue	Parking System Revenue	Net Revenue	Interest		Interest Rate	Principal		Capitalized Interest	Annual Excess or (Shortfall)
				Due Nov-1	Due May-1		Due May-1	Total		
End 6-30	Share 0.00%	Share 100.00%	For Debt	\$18,030,000			Dated 9/1/19			
2020	0	441,700	441,700	110,425 [1]	331,275	3.500%	0	441,700	0	0
2021	0	1,177,550	1,177,550	331,275	331,275	3.500%	515,000	1,177,550	0	0
2022	0	1,179,525	1,179,525	322,263	322,263	3.500%	535,000	1,179,525	0	0
2023	0	1,180,800	1,180,800	312,900	312,900	3.500%	555,000	1,180,800	0	0
2024	0	1,178,375	1,178,375	303,188	303,188	3.500%	570,000	1,178,375	0	0
2025	0	1,178,425	1,178,425	293,213	293,213	3.500%	590,000	1,178,425	0	0
2026	0	1,180,775	1,180,775	282,888	282,888	3.500%	615,000	1,180,775	0	0
2027	0	1,179,250	1,179,250	272,125	272,125	3.500%	635,000	1,179,250	0	0
2028	0	1,177,025	1,177,025	261,013	261,013	3.500%	655,000	1,177,025	0	0
2029	0	1,179,100	1,179,100	249,550	249,550	3.500%	680,000	1,179,100	0	0
2030	0	1,180,300	1,180,300	237,650	237,650	3.500%	705,000	1,180,300	0	0
2031	0	1,180,625	1,180,625	225,313	225,313	3.500%	730,000	1,180,625	0	0
2032	0	1,180,075	1,180,075	212,538	212,538	3.500%	755,000	1,180,075	0	0
2033	0	1,178,650	1,178,650	199,325	199,325	3.500%	780,000	1,178,650	0	0
2034	0	1,178,350	1,178,350	185,675	185,675	3.500%	805,000	1,178,350	0	0
2035	0	1,178,175	1,178,175	171,588	171,588	3.500%	835,000	1,178,175	0	0
2036	0	1,178,950	1,178,950	158,075	158,075	3.500%	865,000	1,178,950	0	0
2037	0	1,178,675	1,178,675	141,838	141,838	3.500%	895,000	1,178,675	0	0
2038	0	1,177,350	1,177,350	128,175	128,175	3.500%	925,000	1,177,350	0	0
2039	0	1,179,975	1,179,975	109,988	109,988	3.500%	950,000	1,179,975	0	0
2040	0	1,181,375	1,181,375	93,188	93,188	3.500%	995,000	1,181,375	0	0
2041	0	1,178,550	1,178,550	75,775	75,775	3.500%	1,025,000	1,178,550	0	0
2042	0	1,180,675	1,180,675	57,838	57,838	3.500%	1,085,000	1,180,675	0	0
2043	0	1,178,400	1,178,400	39,200	39,200	3.500%	1,100,000	1,178,400	0	0
2044	0	1,179,900	1,179,900	19,950	19,950	3.500%	1,140,000	1,179,900	0	0
2045	0	0	0	0	0	3.500%	0	0	0	0
	0	28,734,550	28,734,550	4,701,850	5,012,700		18,030,000	28,734,550	0	0

[1] 2 mos interest.

Question: The worksheet says we will be adding at most 400 new spaces, at a cost of \$21 million, or around \$52K/space. How does this compare to national averages for parking garage construction? (Councilmember Hayner)

Response: Here are construction cost estimates for the Ann Ashley expansion assuming construction in 2020:

- Base Cost \$14,400,000 \$36,000 per space
- Cast-in-place concrete

- New glass backed elevator
- | | | |
|------------------|-------------|-------------------|
| Additional Scope | \$1,125,000 | \$2,810 per space |
|------------------|-------------|-------------------|

- Barrier protection
- EV charging stations
- Electrical upgrades
- New lighting
- Stormwater detention

- | | | |
|------------------------|-------------|-------------------|
| Architectural Premiums | \$1,181,250 | \$2,950 per space |
|------------------------|-------------|-------------------|
- Stain precast concrete
 - Opening stairs/elevators with windows
 - Ann St PC stain, lighting, signage
 - Landscaping/green roof
 - North stair grade enclosure

Vertical Expansion Construction Cost space	\$16,710,000	\$41,775 per space
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Here are comparison construction costs, also shown in 2020 dollars

- March 2019 National Average (Precast concrete, basic architecture) \$23,000 per space

Here are comparison costs for recent Ann Arbor parking garage expansions and constructions

- 4th & William Expansion (vertical) \$42,200 per space
- UM Thompson Expansion (horizontal) \$32,600 per space
- 1st & Washington \$47,200 per space
- Forest Avenue (precast construction) \$25,200 per space

Ann Ashley construction cost considerations

- Ann Arbor cost impact / regional (UM and Detroit construction demand) contractors at capacity and able to charge higher costs
- Vertical expansion – working over 60 ft in the air
- All structured floor, no low-cost slab-on-grade
- Cast-in-place concrete – precast concrete is generally less expensive
- Continued parking operations during construction (more difficult for contractor, extended schedule)
- Tight site, limited lay down area
- Storm water management (not required in 1987 when originally constructed)
- Modifying sidewalks / ADA requirements not required in 1987
- Existing drainage system retrofitted to sanitary system (not required in 1987)
- New glass enclosed elevator in existing garage footprint
- New glass enclosures of existing stairs / elevators
- New elevators in existing elevator shafts (original 1987 elevators being replaced)

- Surgical demolition to integrate new construction
- Constructed to accommodate future solar panels at roof
- Pedestrian barrier protection on majority of floors
- EV charging stations & required infrastructure
- Electrical upgrade. Added capacity
- New LED lighting in existing garage to meet City sustainability goals
- Green roof system to meet City sustainability goals
- New at-grade level enclosure at north stair for Farmers Market & Kerrytown patrons

Question: How many spots in the Ann/Ashley structure are permanently leased to others and therefore unavailable to the general public for open use? Can DDA provide a list of contracts for this and other garages? I am very interested in if public funds are being used to offset private development costs. (Councilmember Hayner)

Response: Here are the parking commitments at the Ann Ashley garage and other garages:

Garage	Parking Agreement	Permits	Permit Type	Detail
Ann Ashley	City of Ann Arbor: police	125	Standard	
	City of Ann Arbor: staff	79	Standard	
	Washtenaw County: staff	305	Standard	
4 th /William	Syndeco/Ashley Mews	100	Standard	Part of a City land sale
Liberty Square	Corner House Lofts	21	Standard	
	McKinley	252	Standard	
	The Varsity	7	Standard	City's Contribution in Lieu
	Circa Trove/212 S. State & 616 E. Washington	15	Offpeak	City's Contribution in Lieu (not yet approved)
	402 E. Huron	27	Offpeak	City's Contribution in Lieu (not yet approved)
1 st /Washington	City Apartments	146	73 Standard, 73 Offpeak	Part of a City land sale
Forest	624 Church/Arbor Blu	48	Standard	City's Contribution in Lieu
	1107 SU/Vic Village North	50	5 standard, 45 Offpeak	City's Contribution in Lieu
	1116 SU/Vic Village South	40	Offpeak	City's Contribution in Lieu (not yet approved)

*Standard permits: provides access to parking in that garage 24/7

*Offpeak permits: Limited access to parking, 3:30pm-9am M-F and weekends

Question: The “soft costs” are in excess of \$4 million. How much of this is going back to pay for city services such as plan review, permitting, inspections and the like? Are we essentially charging ourselves for this work? Can you provide a list of vendors that will be providing these “soft cost” services? (Councilmember Hayner)

Response: Soft costs include items such as parking equipment, design and construction contingencies, architectural/engineering design fees, traffic study, surveys, geotechnical engineering, materials testing, special inspections, City permit and inspection fees. Soft costs are estimated to be 25% of the construction cost, which includes a contingency.

- City Building permit / inspection fees - 1% of construction
- Surveys/Geotech/Traffic/ Design/Testing/Special Inspections - 8% of construction
 - WGI
 - FSP Architects
 - Berbiglia Mechanical/Electrical/Plumbing
 - ZWA Civil/Site/Surveying Engineering
 - Hagenbuch Weikal Landscape Architects
 - Toole Traffic Engineering
 - TEC Geotechnical Engineering
 - Testing – TBD
 - Special Inspections - TBD
- Parking equipment - 1% of construction
- Contingency - 15% of construction

CA-12 – Resolution Levying Certain Delinquent Water Utility, Board Up, Clean Up, Vacant Property Inspection Fees, Housing Inspection Fees, and Fire Inspection Fees as Special Assessments and Ordering Collection Thereof

Question: Some of these Housing Inspection fees are owed by non-profits like Avalon Housing. Are we able to collect delinquent fees from non-profits as part of their property tax bills? Are any of the Avalon properties tax exempt due to their non-profit status? (Councilmember Hayner)

Response: Yes, where State law permits fee may be collected against the property owner, delinquent fees may be placed on the tax roll for the parcels. Even though a non-profit may be exempt from property taxes, they are still responsible for fee related services

Question: It’s outrageous that some of the biggest property management companies in town owe thousands in Fire Inspection fees. (Oxford’s 777 E. Eisenhower + 700 KMS Place, Maple Village/Brixmor, Briarwood Mall) Why are these buildings allowed to maintain their Certificates of Occupancy with such large outstanding fees? (Councilmember Hayner)

Response: Staff is reviewing and we will respond separately.

Question: Is it typical city practice to simply pass these outstanding fees to the tax bill, and what other processes do we have in place to insure timely payments? (Councilmember Hayner)

Response: Collection efforts may vary based on the type of service, but for the items eligible to be placed on the tax roll the City sends the initial invoice and allows 90 days for payment. After the 90 days expires another letter is provided indicating if payment is not made that it will be placed on the tax roll. The owner has another 90 days to pay. If a payment has not been received within this six months, it is included in the resolution presently before Council. After Council approves the resolution, the owner has 31 days to pay prior to the delinquent item actually being placed on the tax roll. Approval of this resolution has a measurable impact in the City's ability to collect delinquent fees.

CA-13 – Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Tetra Tech, Inc. for Geotechnical and Environmental Services (\$10,000.00)

Question: Are efforts made to collect environmental fees from developers or city contractors in violation of environmental standards as in the Hoover/Green project, or the limestone testing for the Longshore water main replacement project? (Councilmember Hayner)

Response: The City does not have such a fee. In the case of the Hoover/Hill/Greene project, the environmental testing that was done was on native soils excavated from the utility trenches, some of which contained naturally high levels of arsenic and selenium. It did not involve any materials brought to the site by the contractor, and therefore no standards were violated. On several projects this summer, crushed limestone was delivered that was found to have an elevated level of petroleum in the material. This crushed limestone material was rejected by the City, and the material had to be removed at the contractor's expense, as is typical for any materials that are supplied that are out of compliance with specifications.

CA-14 - Resolution No. 1 - Prepare Plans and Specifications for the Proposed Fuller Court and Nixon/Traver Sidewalk Gap Project - Special Assessment (Districts #57 & 56), and Appropriate \$130,000.00 from the General Fund Balance for the Design of the Project (8 Votes Required)

Question: Regarding CA-14, the cover memo indicates the sidewalk construction "likely will require the removal of some trees." Can you please provide a sense of how many trees could be removed and are any of them landmark trees? (Councilmember Lumm)

Response: The purpose of Resolution #1 is to authorize staff to begin working on the design and public engagement for the project, and thus there are not many details available on specific tree impacts at this time. However, since design for the segment on Nixon & Traver has already been underway as part of the Nixon Road Corridor design

project, there is some more information available for this location than would typically be available at this point in the process. Due to the heavy vegetation growth along Nixon that is growing very close to the curb, it is currently estimated that up to 49 trees (diameters ranging from 6 inches to 36 inches) could be impacted. Once the project is underway, staff will engage with the adjacent property owners in an effort to route the sidewalk in such a way as to minimize the impacts on the larger trees as much as possible. For the Fuller Court portion of the project, vegetation impacts have not been determined at this time, and will depend greatly on the selected route for the sidewalk.

CA-18 – Resolution to Award a 2-Year Construction Contract for Miscellaneous Concrete Repairs to Saladino Construction Company ITB # 4595 (up to \$325,052.20 over two years)

Question: As the high bidder on ITB 4595 was Doan, who does our sidewalk gap work – at almost 2x the lowest bid, would it be prudent to consider competitive bidding for each new sidewalk gap project? (Councilmember Hayner)

Response: Most sidewalk gap filling projects executed as separate projects are already competitively bid.

CA-19 - Resolution to Approve the Purchase of Police Vehicles from Signature Ford (MiDeal and Macomb County Cooperative Purchasing - \$259,086.00)

Question: Regarding CA-19, I recognize the replacement of vehicles is stipulated in the Police contract and is now 80,000 miles or 6 years, whichever comes sooner. When were the mileage/age limits last changed? Also, do we have a sense if Ann Arbor's replacement requirements are similar to what other cities have? (Councilmember Lumm)

Response: The mileage/age limit was last revised in 1998 through the Police Collective Bargaining Agreements. In 2018, Fleet staff completed a comparison of what other like sized communities in Michigan are using for their replacement schedule. That document is attached.

CA-21 – Resolution to Approve a Purchase Order with Trojan Technologies for Replacement Parts at the Wastewater Treatment Plant (\$123,000.00)

Question: Have we considered asking Trojan Technologies for discounts on their products seeing as how they are wholly owned subsidiary of Danaher who is the Responsible Party for the Gelman 1,4 dioxane plume? (Councilmember Hayner)

Response: Trojan Technologies is an independent operating company owned by Danaher that was not involved in Gelman operations. They have been the sole source provider for UV disinfection system replacement parts since its installation in December 2000. We do not anticipate that they would provide us a discount on their products. As a reminder, the UV disinfectant system was not installed to treat for 1,4-dioxane.

CA-22 - Resolution Authorizing the Execution of a Five Year Municipal Trunkline Maintenance Between the City of Ann Arbor and the State of Michigan Department of Transportation

Question: Regarding CA-22, are there any substantive changes in the city's roles and responsibilities in this new agreement compared with the expiring agreement with MDOT? (Councilmember Lumm)

Response: There are no substantive changes in the city's roles and responsibilities in the new agreement.

B-2 - An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1E (Single-Family Dwelling District) With Conditions to PUD (Planned Unit Development District), Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 7 Yeas and 1 Nays)

and

DB-2 – Resolution to Approve Weber PUD Site Plan and Development Agreement, 2857 Packard Road (CPC Recommendation: Approval - 7 Yeas and 1 Nays)

Question: Q2. The Development agreement (P-8) states that the development will be "included in a future special assessment district, along with other benefitting property, for the construction of additional improvements to Packard Road, such as street widening, storm sewers, curb and gutter, sidewalks, bike paths,, street lights, and the planting of trees along Packard Road frontage when such improvements are determined by the city to be necessary." Are there specific plans for Packard improvements near term or improvement projects included in the CIP? Also, are any street-related improvements being made as part of the project and if so, are they funded by the developer? (Councilmember Lumm)

Response: There are no present road, storm, curb and gutter, non-motorized, or other improvement projects in the CIP, this is language included in the development agreement to address future efforts when special assessments may be utilized. The developer will be maintaining sidewalks and extending the sanitary sewer to the site at their expense.

Question: Q3. P-9 of the development agreement references a fifty foot sewer easement. Is that being conveyed at no cost to the city? (Councilmember Lumm)

Response: Yes.

Question: Q4. P-28 of the Development agreement references the five year Natural Features Maintenance Plan that had been mentioned previously, but P-12 only requires the developer to maintain the trees in good condition for three years. Why isn't P-12 five

years to be consistent with P-28 and with what had been understood as the agreement?
(Councilmember Lumm)

Response: The Natural Features Maintenance Plan applies specifically to the areas delineated on the site plan, including the highest quality woodlands and most significant landmark trees. The five years proposed for these areas goes above and beyond the three year requirement that is specified by ordinance and applies to the balance of the development site.

Question: Q5. P-15 of the Development Agreement indicates that in lieu of planting mitigation trees on site, the developer will be contributing \$54K to the City's Street Tree Fund. While the contribution in lieu is not uncommon, it is concerning here given the large number of trees being removed. Does City staff support the contribution in lieu or is this just a matter of the developer asserting his right to do that? (Councilmember Lumm)

Response: The developer proposes to plant 50% of the required mitigation trees on site and contribute to the City Street Tree Fund for the remaining 50%. The goal of mitigation is to replace as many trees as possible on a site, while taking into consideration adequate spacing between trees to allow for maximum growth, and site constraints, such as existing trees, underground utilities/infrastructure and other site requirements to avoid future conflicts. Based on these criteria, all available tree planting locations on the 2857 Packard site are proposed to be planted. While this is below the total number of required mitigation trees, City staff determined that adding more mitigation trees to the site would lead to competition causing poor tree health, stunted growth and future conflicts which would ultimately compromise the on-site mitigation efforts. In lieu of planting the other mitigation trees on site, City staff supports the contribution to the City's Street Tree fund.

Question: Q6. In terms of the 1850's vintage Greek Revival house on the site, the cover memo (and previous discussions) indicated that approval of the site plan was subject to "preserving the existing house on-site until grading permits are approved to allow additional time to explore options to save this house." Perhaps I missed it, but I didn't see anything about that in the Development Agreement. Shouldn't that condition be reflected formally in the Development Agreement? (Councilmember Lumm)

Response: We are working on specific language with the Developer that would allow additional time to explore options to save the house. We will update the Council on the this as soon as possible, prior to Monday's meeting.

Question: Can you provide the date of the city council meeting or a link to the agenda/agenda questions when this parcel was re-zoned to R1E? This was before my time on council. I am interested in reading the Planning Commission notes and staff report also, which I can locate from the above information. (Councilmember Hayner)

Response: The Planning Commission considered the Conditional Rezoning to R1E on September 7, 2016. The minutes from this meeting are attached. The City Council

approved the rezoning on December 19, 2019. Agenda questions related to the petition were provided to Council at the 12/19/16 and 11/21/16 dates, which are also attached.

B-3 - An Ordinance to Amend Sections 5.15, 5.16.3, 5.19.2, and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana Retailers, Marijuana Microbusinesses, Designated Marijuana Consumption Facilities) (Ordinance No. ORD-19-32)

B-4 - An Ordinance to Amend the Title of all Sections of and to Add a New Section 7:613 to Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-19-31)

Question: Q1. My understanding is that council will be presented the proposed competitive (point-based) process for approving/allocating marijuana facility permits at the October 21st meeting. Will the resolution on the specific fees (application fee, permit fee) also be presented to Council for consideration on October 21st? (Councilmember Lumm)

Response: Yes.

Question: Q2. Do we know (or have a sense) how many other communities in Michigan will be approving recreational marijuana facilities permits on November 1st ? What is the status in Lansing/East Lansing, Detroit, and Grand Rapids? (Councilmember Lumm)

Response: We do not know how many other communities in Michigan will be approving recreational marijuana facilities permits on November 1st. LARA has only published a list of those communities in Michigan that have provided notice that they have opted out of allowing marijuana facilities.

The City of Lansing passed an ordinance on September 30, 2019, permitting marijuana establishments, which will be effective before November 1st (30 days after passage). It appears that the City of Grand Rapids will be considering whether to permit marijuana establishments or opt out on October 8, 2019. To our knowledge, Detroit and East Lansing have not passed either an opt-out ordinance or an ordinance permitting marijuana establishments.

Question: Q3. At the September 23rd work session, the discussion on inspections seemed to be that since the state will be conducting inspections of marijuana facilities, the city will not be inspecting. Assuming that's accurate, and assuming the state will not be inspecting for compliance with local ordinances, how will we know if the permitted facilities are compliant with our (Ann Arbor's) ordinance's operational and security requirements? Also, do we have any sense of the frequency and scope of the state inspections? (Councilmember Lumm)

Response: The City ordinance contains no operational requirements as those are addressed in the MRTMA and the rules promulgated pursuant to it. The state rules have

security requirements more stringent than the City's. An applicant must comply with the state rules to obtain a state license.

Rules 11 and 35 address operational requirements and security measures by requiring an applicant to provide a detailed establishment plan and a detailed security plan. Rule 18 provides that the Michigan Regulatory Agency shall inspect establishments for compliance with these requirements.

We don't know how often the MRA will inspect establishments. However, in its application, a licensed establishment must "provide written consent to investigations of compliance, regular inspections, examinations, searches, seizures, and auditing of books and records and to disclosure [of records]" by the MRA, which is required by Rule 5(3).

Question: Q4. Although only indirectly related, in responding to my question at the work session about requiring parking at bars, but not marijuana consumption facilities, staff indicated "we're looking at bars". Can you please elaborate on what specific changes are under consideration and when city council might see the proposals? (Councilmember Lumm)

Response: The question includes a slight misquoting of the statement from Brett Lenart, Planning Manager from the working session, which was "I think we should look at bars as well." As Mr. Lenart followed in the same exchange, parking requirements have been identified by the Planning Commission for consideration, but only preliminary discussions have taken place, and no specific changes have been drafted for consideration. Accordingly, any such proposals would not be forwarded to City Council until sometime next year. Generally, the Planning Commission has discussed consideration to reduce and/or eliminate city-specified parking minimums.

Question: On page 18 it describes Medical Marijuana plant limits for single-family zoning as no more than 72 Marijuana Plants. Is that the law as currently on the books? IS there a State restriction on that number? Can it be reduced? (Councilmember Hayner)

Response: Yes, this is reflected in the ordinance currently, and as this number is provided for under the Michigan Medical Marijuana Act, it cannot be reduced locally. It allows a property owner to have up to 72 marijuana plants in the circumstance that they have are permitted to use medical marijuana and that they serve as a caregiver for five other patients.

Question: I am concerned that the increase in marijuana grow operations will not only negatively impact our carbon-reduction and sustainability goals by dramatically increasing energy use, but also will affect our WWTP's ability to comply with current NPDES Phosphorus discharge levels, as are now being challenged in court. Can someone weigh in on the potential for increased wastewater treatment needs due to this potential increase in agricultural waste being added to our city's wastewater stream? (Councilmember Hayner)

Response: The City's Wastewater Treatment Services Unit (WWTSU) manages non-domestic discharges through its Industrial Pretreatment Program (IPP), which is regulated through the Michigan Department of Environment, Great Lakes, and Energy (EGLE). EGLE guidance informs marijuana growers that any non-domestic discharge to a sanitary sewer must be approved by the municipality that owns the sanitary sewer system. The WWTSU requires all businesses to fill out a sewer discharge survey if they discharge non-domestic sewage. In addition, the WWTSU works with the Planning and Building Departments to ensure that new businesses or businesses that have changed their operation are given the survey as part of the permit application process. Based on the results of the survey, WWTSU staff can issue a permit for discharge through the IPP and place conditions on the discharge of non-domestic sewage if needed. If new phosphorus limits are imposed by EGLE, the WWTSU will conduct a study to determine the appropriate local limit for phosphorus in non-domestic discharges and the Sewer Use Ordinance will be updated accordingly. Based on the new local limit, surveys will be sent to all businesses that may have non-domestic discharges of phosphorus above the local limit to determine the need for a discharge permit.

Question: Does Secure Transporter designation allow for businesses to provide home delivery of marijuana products? (Councilmember Hayner)

Response: No, a secure transporter can only transport marijuana and money associated with the purchase or sale of marijuana between marijuana establishments.

Question: Has the University of Michigan weighed in on any of this? (Councilmember Hayner)

Response: No.

C-1 - An Ordinance to Amend Sections 7:400, 7:401, 7:402, 7:403, 7:404, 7:405, and 7:406 of Chapter 93 (Alarm Systems) of Title VII of The Code Of The City Of Ann Arbor

Question: Regarding C-1, can you please remind me what the current fees are for alarm registrations and renewals and for false alarms? (Councilmember Lumm)

Response: The alarm registration fee is \$37 annually. The fire false alarm fee is \$250 per occurrence and the police false alarm fee is \$82 per occurrence.

Question: Also on C-1, the language on financial hardship fee waivers appears in the Registration section – can false alarm fees be waived for financial hardship as well? How many (if any) financial hardship waivers (or fee reductions) do we typically grant in a year? (Councilmember Lumm)

Response: Regarding false alarms, yes, false alarm fees can be waived. We have not received any requests in several years. The Fire Department does not grant hardship waivers. The City Administrator is indicated as the person eligible to grant waivers. The

Fire Department does receive occasional questions about obtaining a waiver, and the customer is referred to the City Administrator. The Fire Chief reviews all appeals in case a fee was mistakenly assessed. Upon review, it is sometimes found the circumstances of a particular incident are outside of the false alarm ordinance. When this occurs, the fee is cancelled. A fee cancellation occurs approximately once a month.

Question: Is there a fee schedule for False Alarm charges? It indicates that is left to the discretion of council. (Councilmember Hayner)

Response: City Council adopts the fire department cost recovery fees. The most recent fees went into effect on July 1, 2018. The current fire false alarm fee is \$250.00. There is an additional charge of \$37.00 for failing to register an alarm. This ordinance update would eliminate this registration fee on the fire side. The \$250.00 would remain for the false alarm fee.

The current police false alarm fee is \$82.00. They assess the \$37.00 registration fee and will continue to do so with the registration process.

C-2 - An Ordinance to Amend Sections 5.13.9, 5.17.4, 5.18.6, 5.28.1, 5.28.6, 5.29.10, 5.30.1 and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Premium Options, Affordable Housing Dwelling Units, Reimbursements)

Question: Q1. Am I reading Table 5-17-4 correctly that the maximum FAR with premiums (900% in D-1; 400% in D2; 600% in C1A/R; 400% in C1A) are the same as the maximum FAR's are today with the affordable housing premiums? (Councilmember Lumm)

Response: Yes. The proposed amendments maintain the current maximum FAR limits.

Question: Q2. Can you please explain the basis for the baseline incentive (150% additional FAR for 15% affordable housing) and how that will impact the economics of a typical D1 residential proposal? (Councilmember Lumm)

Response: The thresholds for increasing blocks of FAR bonus with increasing affordability commitments were developed, discussed, and recommended for approval by the Planning Commission and their Ordinance Revisions Committee. Those bodies also discussed the proposed format at a working session with stakeholders including two downtown developers, the Executive Director of the Housing Commission and the Director of the Washtenaw County Office of Community and Economic Development.

The real estate market may have to adjust to the new premium options just as it adjusts to other changing factors such as product demand, labor and material costs, and interest rates, or it could ultimately impact the types and quantity of projects that are proposed.

Question: Q3. Doubling the additional FAR amounts awarded for 20% affordable housing (instead of 15%) seems like a large incentive for not a lot more affordable housing benefit.

Can you please elaborate on the rationale (and economics) of those incremental levels?
(Councilmember Lumm)

Response: In order to double both the FAR award blocks and the affordability percentages, keeping a three-tier format, the lowest block would offer 150% (in D1) for 10% affordability. The Planning Commission felt that affordability percentage was too low for a 150% FAR bonus.

Similarly, asking for 30% affordability for the second block (300% FAR bonus in D1), and then 60% affordability for the third block (500% FAR bonus in D1), was felt to be unrealistic. The Planning Commission recommends the proposed amendments as a realistic, workable, and manageable program.

Question: Q4. With these incentive levels, a 30% affordable housing project can be up to 900% FAR in the D1 District. Under the existing standards, how much affordable housing is required to get up to the 900% FAR maximum? (Councilmember Lumm)

Response: The current affordable housing premium options offers 3,000 square feet of bonus Floor Area for each 600-square foot minimum-sized affordable dwelling unit. That works out to a 5x bonus in Floor Area per square foot.

Question: Q5. In terms of increasing the maximum allowed height, my reading of this is that the only instance of increasing the height maximum is for 30% (or more) affordable housing in the D1 District (where the height maximum is increased by 15%) – is that accurate? (Councilmember Lumm)

Response: Yes. The maximum height limit increase is only when the highest percentage of affordable units is offered, only in the D1 district and only 15% more than the stated maximum height for that character area.

Question: Q6. My takeaway is also that to achieved the FAR premiums, at least half the affordable units must actually be (and stay) part of the project (and up to half can come through financial contributions to the affordable housing trust fund) - is that also accurate? Also, do we have a sense (based on current development economics and the financial contribution amounts) how the mix (actual affordable housing on-site vs. financial contribution) is likely to turn out? (Councilmember Lumm)

Response: Yes, at least half of the affordable units must be in the project and a payment in lieu can be made for the other half. Staff has no data, but assumes that most projects will propose a 50/50 split, providing half of the affordable units in the building and providing a payment in lieu for the other half. What portion is provided on-site and what portion is covered by a payment in lieu may become a function of the owner's and manager's comfort level in ongoing management of the affordable units. Experienced owners and managers may find that it's almost the same to handle 10 units as 5, for example.

Question: Q7. Can you please explain/provide an example of how the reduced off-street parking requirement works and why reduced parking was introduced as an incentive? (Councilmember Lumm)

Response: It is well known that building parking spaces costs money, and if no parking is required, that money can be saved or spent on other amenities. Rental rates are based in part on how much a development costs, so the fewer required improvements, the lower rates can be. Also, City Council specifically directed the Planning Commission to reduce the parking requirements for the affordable housing premium in Resolution R-19-109.

Question: Q8. Can you also please explain/provide examples of the revised PUD affordable housing requirements? Also, how do the new requirements compare with existing PUD affordable housing requirements? (Councilmember Lumm)

Response: The proposed amendments to Section 5.29.10 Planned Unit Development Zoning District are intended to only clarify the current standards. No threshold has been changed. The proposed language separates what to do when the underlying zoning does and does not provide a residential density recommendation, and clarifies how to apply the affordable housing requirement when the project is regulated by Floor Area Ratio rather than Dwelling Units Per Acre. When the underlying zoning does not provide a residential density recommendation, the proposed language explains that affordable housing is required when the PUD exceeds the underlying FAR.

Question: Can these premiums be used to allow a building to exceed height limits for its zoning classification? The illustration on page 3 of staff comments seems to suggest this is allowable under these rules. Do these supersede Planned Project Modifications? (Councilmember Hayner)

Response: Yes. The maximum height limit increase is only permitted when the highest percentage of affordable units is offered, only in the D1 district and only 15% more than the stated maximum height for that character area. These would likely supersede the use of Planned Project Modifications in those circumstances where the 15% additional height would accomplish the developer's project goals. If additional height beyond 15%, or other modifications were sought concurrently, then the Planned Project Modifications would still apply.

Question: Table 5:18-1 suggests that developers may simply make payments in lieu to gain floor area and saleable units that are NOT dedicated to affordable housing. How does this serve the purpose of creating more built affordable units downtown? (Councilmember Hayner)

Response: The specific standards in Table 5:18-1 allow developers to make a payment in lieu for half of the affordable units, and after the payment that unit can be offered at market rate. The other half of required affordable units will be provided on site. By enabling the payment in lieu alternative, the City grows the Affordable Housing Fund. Affordable Housing Fund dollars can be leveraged many times over for even more

bang for the buck. The proposed language supports more affordable units downtown and simultaneously increasing resources for affordable housing throughout the City.

Question: Below the same table, it says that payments in lieu will be calculated by a formula decided by City Council. Is that formula attached to this resolution? (Councilmember Hayner)

Response: The formula has been calculated and adopted by City Council via Resolution 19-378 on August 19, 2019. The adopted formula is a fee of \$126/square foot.

Comments on August, 2019 Draft “Total Maximum Daily Load for Total Phosphorus in Ford and Belleville Lakes”, prepared by Michigan Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division

**David W. Dilks, Ph.D.
LimnoTech, Ann Arbor, MI**

The phosphorus loading limits contained in EGLE’s draft Total Maximum Daily Loads (TMDLs) for Ford and Belleville Lakes are based upon the application of mathematical models that are too simplistic to adequately characterize the processes that have been shown to drive water quality impairments in those lakes. While models of the type used in these TMDLs can be appropriately applied to many lakes, they are inappropriate for impoundments such as Ford and Belleville Lake that undergo periodic stratification in the summer. The outcome of using of these models is the requirement of controls that will provide negligible improvement in water quality for the foreseeable future, while ignoring other management alternatives that will provide immediate and tangible benefits toward attainment of designated uses. The remainder of this comment justifies the above conclusion, and is divided into sections of: 1) Actual vs. Modeled Lake Conditions, 2) Water Quality Ramifications of Routine Stratification and De-stratification, 3) Flaws in Current TMDL Assumptions and Ramifications, and 4) Management Alternatives.

Actual vs. Modeled Lake Conditions

The fate of phosphorus in lakes depends upon two separate processes, settling and sediment phosphorus release. Settling represents the removal of phosphorus from the water column as particulate forms of phosphorus settle to the lake bottom. Sediment phosphorus release is a phenomenon where dissolved phosphorus diffuses out of the bottom sediments and into the water column. Figure 1 shows a conceptual model of the relative magnitude of these processes during two different lake conditions, one when the lake is thermally stratified into two separate layers and the other when the lake is well-mixed from top to bottom. Phosphorus loss due to settling remains relatively constant during both stratified and un-stratified conditions. During periods of stratification, large amounts of phosphorus are released from bottom sediments when oxygen is depleted¹. As has been demonstrated for Ford Lake, the rate of phosphorus released from the sediment is larger than the amount lost to the sediments during these periods. During un-stratified conditions, the release of phosphorus from the sediments is greatly diminished due to the presence of oxygen and is less than the amount of phosphorus lost during settling. As will be shown below, the interplay between these stratified and un-stratified conditions is a very important driver of water quality impairments in Ford and Belleville Lakes.

¹ The presence of oxygen inhibits the release of phosphorus from lake sediments. Oxygen is depleted from the bottom layer during stratification due to biological activity and the lack of replenishment of oxygen from the water surface.

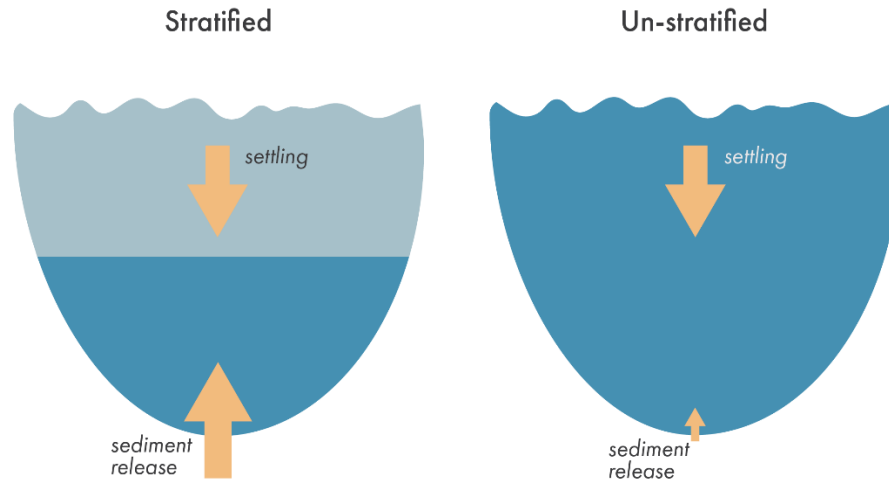


Figure 1. Relative Magnitude of Phosphorus Fate Process during Stratified and Un-stratified Conditions

The water quality models applied by EGLE in the TMDLs do not explicitly consider stratification nor the enhanced release of phosphorus that occurs in such conditions. Rather, these models consider only a single, long-term average, condition. As shown in Figure 2, the models used in the TMDLs include a single “net” loss term, representing the long-term average net difference between settling and sediment phosphorus release. This type of water quality model can be appropriate for natural lakes that remain stratified over the duration of the summer, where phosphorus concentrations at the onset of stratification drive algal growth. They are decidedly inappropriate for Ford and Belleville Lakes, which undergo frequent periods of stratification and de-stratification over the course of a summer. The reasons for this are described below.

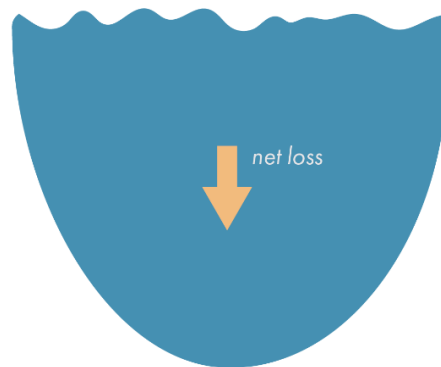


Figure 2. Phosphorus Fate Processes As Described in the Models Used for the TMDLs

Water Quality Ramifications of Routine Stratification and De-Stratification

Figure 3 depicts how the summer stratification/de-stratification process affects water quality in Ford and Belleville Lakes. When stratification is occurring, phosphorus concentrations increase in the bottom layer due to the high rate of sediment phosphorus release. These elevated phosphorus concentrations occur too deep in the water column during stratification to receive sunlight and trigger excessive algal growth. When a summer de-stratification event occurs, this elevated phosphorus is brought to the

surface, where it stimulates algal growth. Because stratification also affects nitrogen concentrations, these de-stratification events spur the occurrence of nitrogen-fixing blue green algae, the form of algae that cause impaired aesthetics and produce algal toxins.

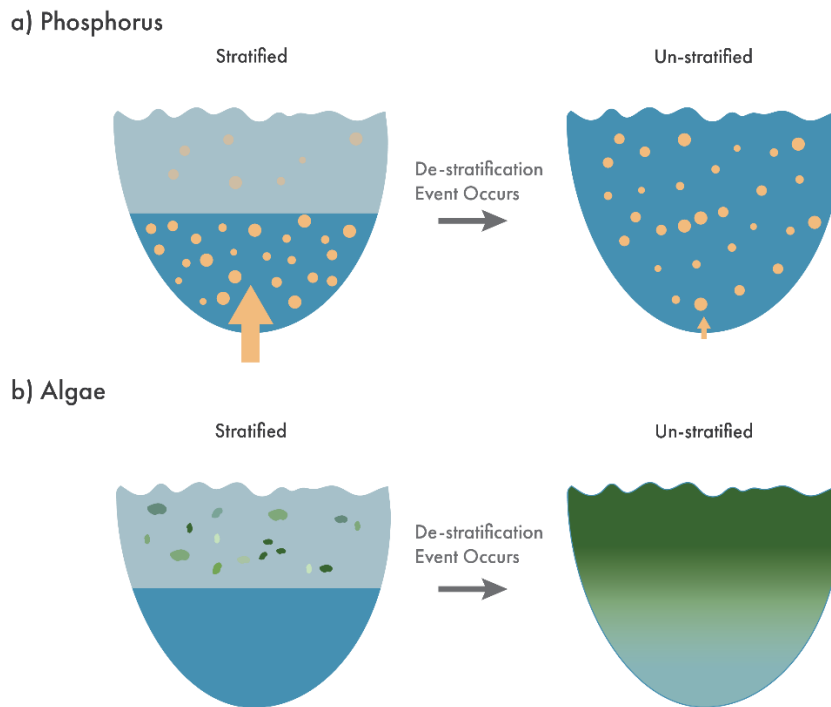


Figure 3. Effect of Intermittent Stratification on Phosphorus and Algae

Ford Lake has been the subject of intensive studies in terms of the relationship between stratification, phosphorus concentrations, and algal blooms. Several years of data paint a picture consistent with Figure 3, with noxious algal blooms occurring after summer de-stratification events.

Figure 4 shows how inducement of de-stratification can result in acceptable water quality, under current external phosphorus loading conditions. By maintaining the lakes in a de-stratified condition, sediment phosphorus flux is minimized and phosphorus (and nitrogen) levels are maintained at a level that result in desirable algal species at non-nuisance levels. This phenomenon has been observed repeatedly over several years, as Ypsilanti Charter Township has artificially de-stratified Ford Lake via their dam operations, and maintained acceptable water quality, even during current loading conditions.

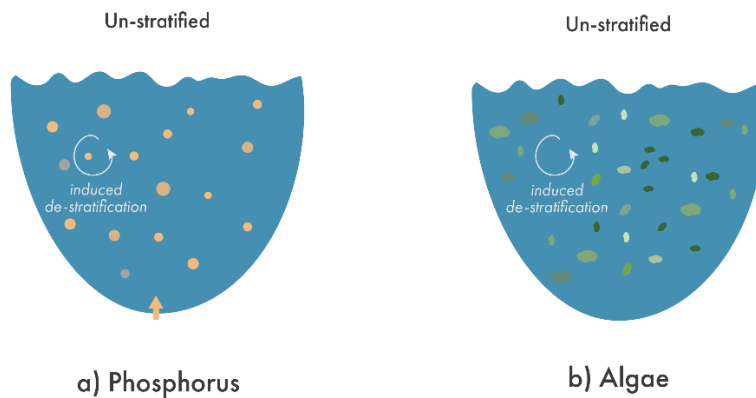


Figure 4. Depiction of De-stratification Controlling Phosphorus and Producing Beneficial Algae

Flaws in Current TMDL Assumptions and Ramifications

The mathematical models used in the draft Ford and Belleville Lake TMDLs represent only long-term average conditions, and completely ignore the interplay between stratification and de-stratification that has been demonstrated to drive the impairment of designated uses in these lakes. The ramifications of relying on these simplified models to drive management actions are severe. By allowing the lakes to undergo intermittent summer de-stratification events, current levels of sediment phosphorus release are so large that noxious algal blooms are expected to continue long after external load reductions are implemented. There is no guarantee if or when the TMDL will result in acceptable conditions, because: 1) It is speculative that the nonpoint source controls described in the TMDL will be implemented at a level necessary to attain the assumed phosphorus load reductions, 2) It is also speculative that the load reductions that can be achieved will be sufficient to reduce sediment phosphorus levels to the extent necessary to prevent noxious algal blooms after intermittent summer de-stratification events. What is not speculative is that the lakes will exhibit decades of water quality impairment if the TMDL is implemented without controlling stratification processes.

Management Alternatives

The Ford and Belleville Lake TMDLs take the approach of assuming that the only way to attain designated uses in Ford and Belleville Lakes is through reduction of external loads, with no consideration of other management alternatives. To the extent that this approach is based upon the assumption that TMDLs are required to rely solely on external load reductions, significant evidence exists that TMDLs can require activities other than load reductions to achieve water quality goals. The TMDL for Gulf Island Pond (<https://www.maine.gov/dep/water/monitoring/tmdl/2005/gipfinaltmdl.pdf>), a stratified impoundment in Maine, required not only reductions in external phosphorus loads, but also specified oxygen injection requirements for the bottom waters of the impoundment. Similarly, the TMDL for Lake Spokane (<https://fortress.wa.gov/ecy/publications/documents/0710073.pdf>), a stratified impoundment in Washington, explicitly required the dam owner Avista Utilities to identify measures to improve water due to impacts created by the presence of Long Lake Dam. The TMDL allowed Avista to consider methods such as technology or engineering improvements to the dam to meet their responsibility.

The Ford and Belleville Lake TMDLs can, and should, explicitly require that activities be undertaken to manage these impoundments in a manner to prevent the occurrence of periodic stratification. The available studies make it abundantly clear that this will provide immediate and tangible benefits to water quality in these lakes. The current TMDLs, which rely solely on external load reductions, will likely do little to restore impaired uses for the foreseeable future.

Replacement of Police Vehicles

Municipality	Mileage Out	Age Out	Notes	Contact	Phone	2010 Population	Square Miles	
Albion	120,000	N/A	Per Insurance carrier, 120,000 is ideal, nothing over 150,000.	Scott Kipp	Chief of Police	(517) 629-3933	8,616	4.5
Ann Arbor	80,000	6		Scott Bowling	Fleet Supervisor	(734) 794-6390	113,934	28.7
Dearborn	80,000-100,000	10	Due to approx., (5) police vehicles totalled annually the replacment cycle is off. Currently have (2) 2014's with 160,000 miles that will be replaced. Has 19 Crown Victoria's in inventory.	Michael Ball	Sargent	(313) 943-2240	98,153	24.5
East Lansing	N/A	3	Patrol Cars = 3 yr. rotation, Admin/Detective = 6 yr. rotation. Do not use mileage as a decision point.	Kathy DeShambo	Env. Services Adm	(517) 337-9459	46,704	13.67
Grand Rapids	100,000	4	SRT = 5/100,000. Command = 6/100,000	Ryan Hardy		(616) 456-3223	196,445	45.27
Lansing	80,000	6		Rick Wynn	Fleet Manager	(517) 483-4600	114,297	36.7
Novi	100,000	-		Sue Morianti	Purchasing Mgr.	(248) 347-0446	55,224	31.3
Sterling Heights	60,000-100,000	-	Used to be 60,000 miles. Due to many new hires they are experiencing more accidents, which has changed the replacment cycle. Currently have several cars with 100,000 miles or more.	Ken Pappas	Captain	(586) 446-2800	129,699	36.8
Troy	90,000	-	Patrol 90,000, Undercover 120,000	Dave	Fleet Supervisor	(248) 524-3389	83,181	34.3
Warren			No response.	Mathew Woods	Officer - Traffic	(586) 574-4700	134,749	34.5



TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator
Kevin Eyer, Technology and Change Manager
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Cresson Sloten, Systems Planning Manager

CC: Larry Collins, Acting City Administrator
Howard S. Lazarus, City Administrator

SUBJECT: Council Agenda Responses

DATE: 11/21/16

CA-4 - Resolution to Approve a Purchase Order to Environmental Systems Research Institute (ESRI) for the Annual Geographic Information System Software Maintenance and License Agreement (\$51,600.00)

Question: The cover memo indicates the funding is from the FY16 Information Technology Fund. Should that read FY17 rather than FY16 and how does the \$51K compare with what we paid for the 2016 calendar year? (Councilmember Lumm)

Response: The typographical errors were corrected to reflect FY17. The same amount was paid for maintenance \$51,600 in FY16.

CA-5 - Resolution to Approve an Increase to the Spartan Distributors, Inc., of Auburn Hills, Michigan, Sole Source Purchase Order for Miscellaneous Equipment Parts, Service and Repairs for Irrigation and Toro Turf Maintenance Equipment (\$55,000.00)

Question: Given that no major equipment purchases have been made since 2009 and the repair and service costs are rising, are we approaching the point where purchases of new equipment make sense? (Councilmember Lumm)

Response: Parks and Public Works staff are currently working on an equipment plan that should be presented to PAC and Council by February 2017.

CA – 8 - Resolution to Approve Change Order No. 2 with Tri-City Groundbreakers, Inc. for the Geddes Avenue Improvements Project (\$1,094,047.81)

Question: The cover memo suggests that a significant portion of the additional costs are related to Amtrak's actions and in-actions throughout the project. Does the city have any recourse with Amtrak to recover any of the costs and if so, what is the process/next step? (Councilmember Lumm)

Response: No, the City does not have any recourse against AMTRAK.

Question: Can you please remind me what change order #1 was? The numbers presented in the cover memo – base contract at \$7.6M plus this change order at \$1.1M equals new total of \$8.7M - implies that change order #1 had no cost impact or is being picked-up here. Can you please clarify/reconcile? (Councilmember Lumm)

Response: The original construction contract was for \$6,922,405.02. When this contract was approved by Council on July 20, 2015, a contingency amount of \$692,000 was also approved, which is the value of Change Order #1. Change Order #2 is for additional costs in excess of what was already approved by Council. The cost breakdown in the resolution memo reflects the total cost of both change orders.

B-1 - An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

Question: During the discussions at first reading on this, it was indicated the staff would try to reach out to impacted stakeholders before second reading. Have we been able to do that and if so, what was the feedback? (Councilmember Lumm)

Response: The Commission on Disability Issues had discussed performing outreach for this ordinance. For this purpose, the Commission is working on a survey for A2 Open City Hall and possibly some direct contacts with local businesses. The Commission would plan to have this outreach completed by the first City Council meeting in January, if City Council postpones adoption of the ordinance tonight.

B-4/DB-1 - An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District), Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20)

Question: Do the conditional changes proposed by the developer help address staff's concerns regarding the potential disturbance of natural features on the site? (Councilmember Grand)

Response: The impact to natural features won't be determined ultimately until the petitioner seeks site plan approval. The reduction of lots has the potential to provide more opportunity to preserve existing natural features, and the revised area plan does preserve additional trees. The 15-foot landscape buffer is also responsive as any landscaping that is provided in the buffer, will be more likely to be preserved despite placement on single family lots. The petitioner has not offered any additional conditions that address more specific natural features elements.

Question: In response to CM Grand's question at first reading about natural features, the responses indicated that staff needs can't assess the best plan for natural features with an area plan, but also said "Discussion with the petitioner have included options for ensuring that any future landscape mitigation measures are maintained, minimizing disturbance of the dense woodlands nearest Packard Road, and maintenance of existing trees along the perimeter of the site". Were specific natural features elements or protections considered as additional conditions to the conditional zoning and do we know if the developer would be receptive to such a condition? (Councilmember Lumm)

Response: See Response to Question #1.

C-1 - An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Section Which New Section Shall Be Designated as Section 10:18 of Chapter 126, Traffic, Title X, of Said Code

Question: How does the proposed Safe Passing Ordinance fit into staff's plans for a Vulnerable Road Users' Ordinance? (Councilmember Grand)

Response: The ordinance amendment is a type of "vulnerable road users' ordinance," but instead of using that term specifies three types of road users that would fit the term: bicyclists, pedestrians, and wheelchair users.

Question: The phrase “if conditions allow” is vague. Can you please clarify what that phrase actually means in practice and how it will be interpreted by those charged with enforcement? For example, in a situation where a vehicle was passing a cyclist, pedestrian or person in a wheelchair, would the vehicle wanting to pass be expected to cross a center line of a two lane road or cross the lane line of a four lane road if the driver did not see any oncoming traffic (on the 2 lane road) or parallel, adjacent traffic (on the four lane road) in order to maintain the five-foot separation? (Councilmember Lumm)

Response: The phrase, “if conditions allow” refers to when it is not possible or prudent due to weather, road conditions, or the immediate presence of additional traffic. The specifics of each situation would need to be judged by the officer at the time of the incident.

Question: If a driver is unsure if conditions allow passing and providing the 5-foot separation, is the expectation the driver would not pass (and slow to the speed of the cyclist, pedestrian or person in wheelchair) or could pass, but with less than 5-foot separation because “conditions did not allow” maintaining the separation? (Councilmember Lumm)

Response: The specifics of each situation would need to be judged by the officer at the time of the incident.

Question: Section 3 of the proposed ordinance says the ordinance takes effect immediately (10 days after passage to be exact). Does that mean there is no plan for community education or outreach of this new ordinance? (Councilmember Lumm)

Response: The effective date of the ordinance can be extended as desired. Ten days after passage is the minimum.

If City Council desires outreach before implementation, a delayed effective date would be appropriate. If the ordinance is adopted, staff would prepare a complementary outreach program. As there is only a limited amount of funding for this type of outreach and education, the approaches would likely include the City’s free media channels, web-based outreach and development and distribution of informational materials. Although specific information has not been developed, it would be anticipated that flyers, brochures and posters with appropriate messaging would be utilized, as funding allows. Staff would coordinate outreach with AAATA, the DDA, AAPS and UM for displaying information on public transit buses, in parking structures and other locations. A six-month delay would make the ordinance effective in June.

Question: Is staff aware of other municipalities in Michigan or other states that have a similar ordinance? (Councilmember Lumm)

Response: Research by the City Attorney’s Office has found the following:

The only Michigan municipality that we found has a similar ordinance is Grand Rapids, which provides: "The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a five-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times."

Some Texas cities (Denton, Austin, San Marcos, El Paso, possibly others) have ordinances for passing "vulnerable road users," which includes, but is not limited to, bicyclists, pedestrians, wheelchair users. The safe passing distances in these ordinances are 3-feet for passenger cars and 6 feet for large trucks.

According to an article found on-line, as of December 2015, 26 state legislatures have enacted 3-foot passing laws and 1 state has a 2 foot or 4 foot passing requirement depending on the type of road. See National Conference of State Legislatures, *Safely Passing Bicyclists Chart* (2016)(<http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>).

Question: In the proposed new section 10:18, there is no reference to, or language on, the penalty for violation. What type of infraction would this be, what would the fine be for violation, and what is the plan for enforcement? (Councilmember Lumm)

Response: Under Code Section 10:156(2), a violation of the ordinance amendment would be a civil infraction subject to a \$100.00 fine plus costs.

There is currently no plan for enforcement. The best method of leveraging the ordinance to enhance the safety of the public will be evaluated after being passed and the language is finalized. The proactive enforcement of the ordinance would be determined based on total workload of the officers and will likely vary. It is anticipated that both proactive and incidental reactive enforcement will occur, however.

Question: Also, would this be the type of moving infraction where a motorist would get points, and if so, how would that work? (Councilmember Lumm)

Response: A violation of the ordinance amendment would not go on a person's driving record, which also means that no points would be assessed.

DB- 2 – Resolution to Approve the South Maple Avalon Apartments Annexation, 4.9 Acres, 1110 and 1132 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Question: Can you tell me how much affordable housing is located in the area between Stadium Blvd and I-94; between Liberty and Pauline? (Councilmember Eaton)

Response: There are 165 affordable rental units in this area (see attached map).

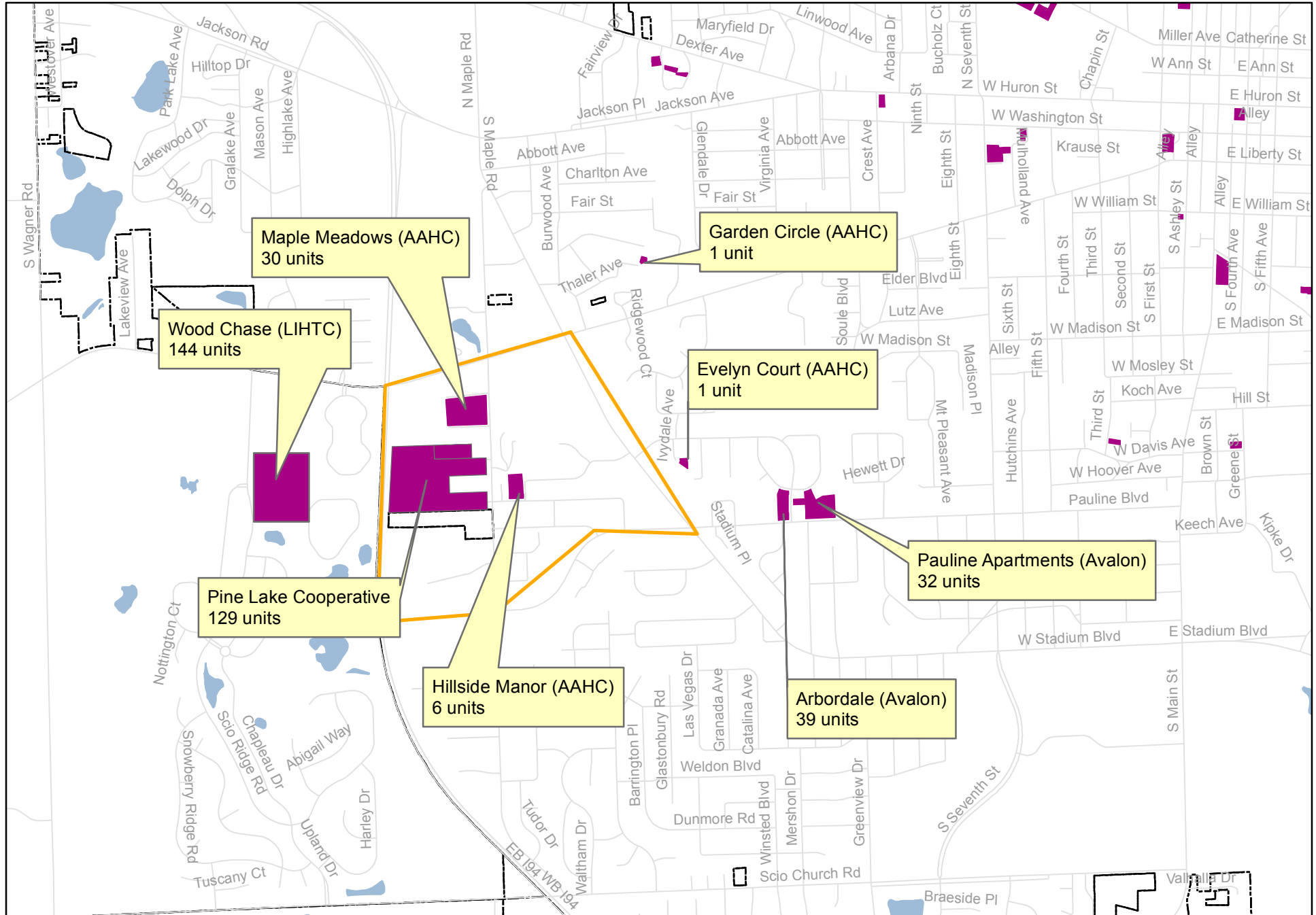
Question: Can you tell me how much affordable housing is located within one mile of this site (1110 and 1132 South Maple Rd)? (Councilmember Eaton)

Response: There are 382 affordable rental units within one mile of this site (see attached map).

Question: Recognizing the plan down the road is for an Avalon affordable housing project on this site, what implications does annexation have (if any) on the city's potential participation in that project? (Councilmember Lumm)

Response: Annexation would be required to develop the site for Avalon or any new use.

Committed Affordable Housing - zoom



0 0.25 0.5 1 Miles

Source: Washtenaw County GIS and OCED Affordable Housing Inventory
11-21-16 - for planning purposes only



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Jim Baird, Police Chief
Derek Delacourt, Community Services Area Administrator
Nick Hutchinson, City Engineer
Brett Lenart, Planning Manager
Robyn Wilkerson, Human Resources Director

SUBJECT: Council Agenda Responses

DATE: 12/19/16

CA-1 - Resolution to Approve Professional Services Agreement with Varnum LLP, for Legal Services Relative to MPSC Case No. U-18091 (\$48,000.00) and to Appropriate Funds (\$48,000.00) (8 Votes Required)

Question: If the proposal DTE submitted to the MPSC is approved as proposed, roughly what would be the impact to the \$500K in revenues the city now receives from DTE? (Councilmember Lumm)

Response: Discovery in the proceeding is ongoing and the record as to what DTE is proposing is not yet complete. However, based on DTE's initial filing, testimony, and responses to discovery to date, in addition to revisions to the rate calculations, DTE's proposal contains significant uncertainties as to whether DTE will commit to purchase power from the City in the future, whether DTE would require the City to become a "full service" customer of DTE for all of the City's electric purchases (thereby excluding purchases from alternate providers), and whether DTE would purchase power from the City if the City did not meet DTE's standard of proof (not necessarily an objective standard) that the City's hydro plants are new or the equivalent of new plants. DTE's testimony and discovery responses also do not address fully DTE's analysis regarding power purchased from hydro generation facilities. In other words, there are too many uncertainties at this time to respond definitively to the question.

A big issue is that we may not have a long-term guarantee of purchase from DTE, which significantly impacts any return on investments that we make to keep the hydro plants in service.

Question: What other communities in Michigan sell electricity to DTE and would be impacted similarly to AA and are those communities also legally weighing in on this? (Councilmember Lumm)

Response: Ann Arbor is the only hydro generator that has chosen to intervene in the DTE case. However, on the Huron River both Ypsilanti Township and the French Landing dam in Van Buren Township sell hydro power to DTE.

Please be aware that the MPSC Order that required DTE to file this case also required a number of other providers to file cases (Alpena Power Co., Consumers Energy Co., Indiana Michigan Power Co., Northern States Power Co., Upper Peninsula Power Co., Wisconsin Public Service Co., Wisconsin Electric Power Co., and Thumb Electric Cooperative). All of those cases are proceeding in parallel at the MPSC, and the Commission most likely will be seeking to make consistent decisions in all of the cases. In the Consumers Energy case, a group of independent power producers that generate and sell hydropower to Consumers Energy has intervened in the case. The group includes Kent County and the City of Beaverton. Varnum LLP also represents that group.

CA-3 – Resolution to Approve Amendment #1 to the Professional Services Agreement with Rowe Professional Services Company for General Civil Engineering and Surveying Services (\$30,000.00)

Question: Can staff provide information as to the specific job assignments that require the additional fees? (Councilmember Smith)

Response: Under the general services contract ROWE was requested to perform the engineering design for the Scio Church Road (Main to Seventh) Improvements project. This project is scheduled for construction in 2018, and is receiving Federal aid in the form of Surface Transportation Program (STP) funds. This requires plan submittal and bidding through MDOT. The extension to this contract will allow ROWE to complete the design work on this project and submit the final plans to MDOT in the Summer of 2017 in order to get the funding obligated in the Fall of 2017.

CA-4 - Resolution to Approve Contracts for the Rotary Club of Ann Arbor Universal Access Playground at Gallup Park with Penchura for Fabrication and Supply of the Playground Equipment (\$391,577.00), and with Michigan Recreational Construction, Inc. for Installation of Equipment and Associated Site Work (\$547,756.31), Appropriate Funds, and Amend the Project Budget for Construction (8 Votes Required)

Question: It's exciting to see these contracts coming to Council for approval. Assuming approval tonight, what is the expected timeline for construction of the playground equipment and the installation? (Councilmember Lumm)

Response: The playground equipment will be ordered immediately upon approval, as much of it is custom design and fabrication, requiring a longer lead time. Installation and construction will begin as soon as weather allows, with the majority of site work starting in May with an estimated completion date of July 30th.

CA – 5 - Resolution to Approve a Participation Agreement with Washtenaw County and the University of Michigan for the Acquisition and Maintenance of a Firearms and Force Options Simulator Training System and Appropriate Necessary Funds (\$50,833.00)(8 Votes Required)

Question: Will the simulator be available for other departments in the region to use? (Councilmember Warpehoski)

Response: Yes. AAPD, UMPD and WCSO have agreed to offer the simulator to other Washtenaw County agencies. There will be a small fee associated that will be used to offset maintenance costs for the three primaries.

CA – 7 - Resolution to Approve Contracts to J. Ranck Electric, Inc. (\$1,209,995.00) and Turnkey Network Solutions (\$1,036,759.00) for Fiber Optic Network Construction Services (RFP 973), and to Approve Appropriation of Funds (\$867,678.00) (8 Votes Required)

Question: What is the portion of the project on hold until 3rd party funding can be secured? What types of funding or what funders are envisioned for this funding? How will the decision not to complete this work affect the project? (Councilmember Warpehoski)

Response: The 3rd party funding is for non-City governmental entities that are currently utilizing the existing Comcast network, and for one new non-governmental entity (SPARK Central), that wish to utilize the new City Fiber Optics Network (A2 I-NET). The governmental entities are: AAATA, DDA, AA District Library, and U of M. These entities will be responsible for the capital cost to connect to the new City Fiber Optics Network (A2 I-NET).

The 3rd party work will not affect the construction of the City's new Fiber Optic Network (A2 I-NET). The 3rd party entities have been presented with their costs and have orally agreed to connect to the new City Fiber Optics Network (A2 I-NET). However, proper

Fiber Optic Sharing Agreements need to be approved by City Council for each and put in place before the work to connect these agencies can proceed. No final decision has been reached on whether non-governmental entities can use the A2 I-NET or other City facilities and what the standards or guidelines would be to open up those facilities to such non-governmental entities. The current plan is to connect the 3rd party entities as part of the original construction project.

If for any reason a 3rd party entity decides not to or cannot utilize the new City Fiber Optics Network (A2 I-NET), the work identified for that entity to connect will simply not be completed. Again, this would have no impact on completion of the Fiber Optic Network for the City's use.

Question: Can you please remind me what the funding sources are for the full \$3.65M project cost? Also, once the \$877K appropriation from the IT operating reserve is made, what will be the balance in the reserve? (Councilmember Lumm)

Response: Funding Sources for the project are:

- \$2,500,000.00 - Transfer of CTN Franchise fees to the General Capital Projects fund budget (00CP)
- \$877,677.00 – Information Technology department operating reserves
- \$274,890.00 – 3rd party funding sources (DDA, AAATA, AA District Library, U of M, SPARK Central)
- **Total -\$3,652,567.00**

As of the June 30, 2016 audit, the unrestricted operating reserve fund balance (not set aside for projects) is \$1,909,016.00. This will leave a remaining unrestricted operating reserve fund balance (not set aside for projects) of **\$1,031,339.00**, which is approx. 14% of expenditures.

CA-12 - Resolution to Approve the Renewal Contracts with Blue Cross Blue Shield of Michigan to Provide Health Care Coverage, Third Party Administrator Services and Excess Insurance Coverage to City Employees and Retirees and Their Dependents and Authorize the City Administrator to Execute the Necessary Documentation (\$1,442,114.00)

Question: How much have the BCBS administrative costs and costs for stop loss coverage increased for 2017? (Councilmember Lumm)

Response: The below fees/premiums are based on per contract (enrolled employee) per month. Administrative costs have increased by \$2.23 from 2016; Stop loss premiums have increased by \$4.37 from 2016. Below is a chart that captures rates from the previous few years. As we increase the stop loss deductible amount, the stop loss premium amount decreases.

	2014	2015	2016	2017
Base Administration Fee:	\$53.57	\$54.64	\$55.73	\$57.96
Stop Loss Premium:	\$29.65	\$30.08	\$20.10	\$24.47
Stop Loss Deductible Amount (Benefit)	\$275,000.00	\$300,000.00	\$350,000.00	\$350,000.00

B-1 - An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District) WITH CONDITIONS, Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20) (8 Votes Required)

DB-1 - Resolution to Approve the Weber Area Plan, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays)

Question: Can you please clarify what approval of an area plan actually commits the developer to do and what it commits the City to as well? Also, the area plan cover memo continues to reference 56 units – can you please clarify/reconcile that with the 52 units in the conditional zoning? (Councilmember Lumm)

Response: The Area Plan doesn't commit the developer to a specific development. An Area Plan does commit the City to applying those ordinances and regulations that are in effect at the time of Area Plan adoption for a period of 3 years after its approval. The Area Plan functions as a general plan for development and subsequent site plan will be required prior to any construction permitting.

The original Area Plan and cover memo that accompanied the rezoning request to City Council included up to 56 units. Based on the feedback and dialogue with the City Council, the petitioner has revised the original area plan down to 52 units. A memo that summarizes this change and proposes possible amendments to Council's resolution is attached.

DC-5 - Resolution to Approve 2017 Council Rules

Question: Page 2 of the rules document indicates that the revision date is August 15, 2016. Recognizing that CM Warpehoski has provided potential amendments that we will

consider, I'm assuming there are no other new revisions imbedded in the rules that were attached, but can you please confirm that? (Councilmember Lumm)

Response: Councilmember Warpehoski's proposed amendment is the only known potential revision at this time.

DC -6 - Resolution Recommending a Nomination and Administrative Actions to the Downtown Area Citizens Advisory Council

Question: Can you tell me how often boards/commissions have bylaws, please? (Councilmember Frenzel)

Response: Most, but not all, standing City boards or commissions have bylaws. Some boards or commissions, including non-City bodies to which the City makes appointments, have their role and procedure governed by other documents or rules, such as agreements, articles of incorporation, charters, ordinances, statutes, resolutions, or regulations.

DC-7 – Resolution to Amend R-07-516 to Establish Preserve Areas with the City Park System

Question: What is the driver for this resolution and is there a specific problem/concern that it is intended to address? Also has PAC weighed in on this proposed change and what is Staff's position? (Councilmember Lumm)

Response: The Sister Lakes Stormwater Improvement Project in Dolph Park is a Capital Project that City staff have been actively working on for several months. As of this date, public engagement has started, concept designs have been preliminarily reviewed by staff, and public meetings have been scheduled.

During the most recent public meeting, the community brought resolution R-07-516 - "Resolution to Establish Preserve Areas Within the City Park System" to the attention of City Staff. This 2007 council resolution appears to prohibit any grading work in established preserve areas, including the Dolph Nature Area. The proposed Stormwater Improvement Project in Dolph Park would necessitate a large amount of earth movement and alterations to the landscape.

The driver for DC-7 is to allow for the construction of the Sister Lakes Stormwater Improvement Project in Dolph Park.

PAC has not had an opportunity to weigh in on this resolution, but has been briefed multiple times on the Sister Lakes project and has written a resolution in support of the proposed water quality project.

Staff are supportive of amending resolution R-07-516, with the suggestion any construction, development, grading or other improvement to areas designated as

Preserves first be reviewed by the Natural Area Preservation Manager, and then sent to PAC for recommendation.

DS-1 - Resolution to Approve First Amendment to Professional Services Agreement with Bodman, PLC, for Legal Services Relative to 1,4-Dioxane from Gelman Sciences, Inc., dba Pall Life Sciences (\$100,000.00)

Question: Has the initial not to exceed \$25K been spent and can you please confirm that Bodman PLC provides detailed hourly billings and that the City Attorney's Office reviews those invoices? (Councilmember Lumm)

Response: The initial amount of the contract has been used. All bills are reviewed by the Attorney's Office. Invoices are by hourly billing.

MEMORANDUM

TO: Mayor and City Council

FROM: Brett Lenart, Planning Manager

SUBJECT: A Resolution to Approve the Weber Area Plan, 2857 Packard Road

DATE: December 19, 2016

After first reading of the proposed rezoning of 2857 Packard Road, the petitioner revised the proposal to request the rezoning be conditional. In responding to comments raised by City Council, the petitioner also reduced the maximum number of proposed lots from 56 to 52.

An updated Area Plan has been provided to City Council with the proposed Conditional Rezoning. Updates that reflect the changes to the Area Plan in the resolution are proposed here if rezoning is approved prior:

Whereas, Peters Building Company has requested area plan approval in order to develop 52 lots located at 2857 Packard Road;

Whereas, The Ann Arbor City Planning Commission, on September 7, 2016 recommended approval of the petition pursuant to Chapter 57, Section 5:121;

Whereas, The development would comply with all applicable local, state, or federal laws, ordinances, standard and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land;

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety and welfare;

Whereas, The proposed uses or other uses permitted under the associated amendment to R1E (Single-Family Dwelling District) with conditions are compatible with the City's adopted plans and policies.

RESOLVED, That City Council approve the Weber Area Plan dated October 25, 2016.

Cc: Howard Lazarus, City Administrator
Jacqueline Beaudry, City Clerk
Derek Delacourt, Community Services Administrator
Kevin McDonald, Senior Assistant Attorney
File



City of Ann Arbor

Formal Minutes

Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, September 7, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the 'Subscribe to Updates' envelope on the home page.

1 CALL TO ORDER

Chair Clein called the meeting to order at 7:05 p.m.

2 ROLL CALL

Present 7 - Clein, Briere, Mills, Milshteyn, Gibb-Randall, Trudeau, and Weatherbee

Absent 1 - Woods

3 APPROVAL OF AGENDA

Moved by Mills, seconded by Trudeau, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

4 INTRODUCTIONS

5 MINUTES OF PREVIOUS MEETING

5-a [16-1301](#) August 16, 2016 City Planning Commission Meeting Minutes

Moved by Milshteyn, seconded by Mills to approve the minutes as submitted and forward to City Council. Approved unanimously.

6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

6-a City Council

Councilmember Briere reported that at last night's meeting, Council approved Woodbury Club Apartments on Nixon Road and South Pond Village off Chalmers developments. She noted that Woodbury Club Apartments included a firm sale offer to the City of more than 23 acres to become parkland, and a hopeful commitment often not mentioned to donate 12 acres of parkland at South Pond Village.

Briere reported that members of Council are interested in seeing us move forward with updating the Master plan as Council had approved funds for this item to be included in the 2017 budget and she would like to see us get started.

6-b Planning Manager

Planning Manager Brett Lenart reported the following:

- Maple Shoppes is scheduled for consideration at the September 19th City Council Meeting to amend the Planned Unit Development site plan by extending the term of approval.*
- A Working session is scheduled for September 13th but with the anticipated heavy load of ZORO coming soon and nothing currently scheduled, he recommended cancellation of the working session meeting.*
- Brief Overview of an Area Plan -*

An Area Plan is a mechanism in the Ordinance that is rarely used but has come up recently. Area Plans or Site Plans are required to accompany any rezoning request. In an upcoming agenda item the petitioner has provided an Area Plan to accompany the rezoning request on Packard Road. As a reminder, the effect of approval of an Area Plan by City Council is to provide a 3-year period in which the ordinances and regulations in effect at the time of approval shall remain, so long as the

Plat or site plan is consistent with the approved area plan. An area plan does not require the same level of detail as a full site plan and an approval of an Area Plan does not eliminate the need for future site plan approval.

6-c Planning Commission Officers and Committees

6-d Written Communications and Petitions

[16-1299](#) Various Correspondences to the City Planning Commission

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[16-1300](#) Public Hearings Scheduled for the September 20, 2016 City Planning Commission Meeting
Chair Clein read the public hearing notice as published.

9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org.)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

9-a [16-1277](#) The State Theatre Project for Planning Commission Approval - A proposal

to construct an 88.5 by 7.7-foot addition to the south side of the existing theatre building. The addition will be approximately 2,500 square feet and will house an elevator that allows barrier free access to the upper floor screening rooms. The site, located at 225 S. State Street is zoned D1 and is in the State Street Historic District. (Ward 1) Staff Recommendation: Approval

Matt Kowalski provided the staff report.

PUBLIC HEARING:

Timothy Stout, representative for O’Neal Construction, 525 W. W. William Street, Ann Arbor, the petitioner was present to respond to enquiries from the Commission.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Mills, seconded by Milshteyn that the Ann Arbor City Planning Commission hereby approves the State Theatre Addition Site Plan, subject to installation of a water main valve unless otherwise approved by the Public Services Area Administrator.

COMMISSION DISCUSSION:

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format]

On a voice vote, the vote was as following with the Chair declaring the motion carried unanimously. Vote: 7-0

Yeas: 7 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 1 - Wendy Woods

10 UNFINISHED BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

- 10-a** [16-1278](#) Circle K Gas Station Site Plan for City Council Approval - A proposal to demolish the existing 2,360 sf gas station/convenience store building, relocate the gas station pump island and construct a new 4,000 sf retail building and pump island canopy on this 0.86-acre parcel located at 1420

E Stadium Blvd. Two curb cuts are proposed to be removed: one on Packard and one on Stadium. A variance is being requested from the required drive width (Ward 4). Staff Recommendation: Approval
Matt Kowalski provided the staff report.

PUBLIC HEARING:

Mary Summers, 1815 Baldwin, spoke about concerns for safety and blind spots on the site. She suggested the Pedestrian Safety Task Force together with the developer look at the Federal Pedways recommendations on safety access as well as encouraged education, particularly for children and older adults.

Elizabeth Davis, 1421 Iroquois Place, spoke about remaining concerns with the revised development noting her property backs up directly to Circle K. She noted some of her concerns include ice and snow, pedestrian safety, the canopy that is set closer to the residential properties and she urged for a new plan. Her written concerns are included in the Commission packet.

Kathy Griswald, 3565 Fox Hunt Drive, spoke about her experience on various boards, including 4 years on the School Board, while they designed Sky Line High School, and made changes to Huron and Pioneer High Schools. She requested that a professional licensed Engineer review the site plan for site distance issues and the stop bar location.

Jill Schloff, 1423 Iroquois Place, spoke about the lack of visibility as a pedestrian or bicyclist when coming from Packard and crossing. She asked for large STOP signs and Child Crossing signs on the new building, if built, for cars to stop before entering the sidewalk.

Lindsey McDivitt, 1419 Iroquois Place, read a written statement from East Stadium Iroquois Neighborhood Group about concerns reiterated earlier. She didn't feel this site plan was in line with the City's Vision Zero adopted standard to help prevent pedestrian deaths and the developers mitigations don't go far enough on light, air pollution and noise.

Robin Adair, 1416 E. Stadium, spoke about concerns involving large building size, lighted canopy, air and noise pollution, increased traffic, and exiting traffic as they interact with pedestrians. He requested a revised site plan to address the issues.

Scott Diehls, 1414 Iroquois Place, spoke about the site plan being poor and unfortunate even while it meets the City's requirements. He expressed frustration about the involved process since this current plan reflects the least intrusiveness into the neighborhood, being a main issue of the neighborhood. He recommended an 8 to 10-foot tall screening wall as well as gas pump advertising be turned off.

Mark Newman, 1417 Iroquois Place, agreed with previous speakers on nuisance issues including light, noise, and air pollution. He noted he was in favor of upgrading the Circle K property but is not in favor of the size and freeway style gas station in his quiet neighborhood, and he felt the developer has not taken into consideration the neighbor's concerns.

Rudi Lindner, 1502 Morton Avenue, requested the lighting plan be reconsidered to include lighting below 3000 degrees Kelvin on health concerns of these LED lights, since he believes lower intensity would not impact the cost or functionality of the Circle K.

Donna Ainsworth, 1435 South Blvd, spoke about the current scary condition of the location as a bicyclist. She supported her neighbor's statements.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Mills, seconded by Weatherbee, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Circle K Site Plan, subject to approval of one variance (driveway width) from the Zoning Board of Appeals.

COMMISSION DISCUSSION:

Todd Quatro Construction LLC, 201 North Park Street, Ypsilanti, noted the following;

There have been 14 various site plans created; the last petition was brought before the Planning Commission and the primary concern was proximity of curb cut to corner; the current revised plan was intended to respond to this request. After a meeting with residents at a coffee house in July, they listened to all concerns and brought the list to Circle K corporate offices.

- *Converted 6' wood fence to 8' masonry wall*
- *Light pollution – are at bare minimum – provided a 3D rendering;*

LEDs are bright white; worked with engineer about using yellow instead of white; Will tint the concrete gray to eliminate reflection; don't believe the yellow lights could read pump;

- *Can look at possibly reducing lighting down to 3,000 degree Kelvin or less*
- *Sound at pumps would be motion-censored advertising on pumps*
- *Canopy – Short side of canopy facing Stadium is only side that will be lit*
- *Rubber rim around dumpster is not possible because dumpsters are standard and provided by the City.*
- *Petitioner is happy to provide additional signage on building as required*

The Commission commented that having one usable door and window on Packard Street would help with street perforation.

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format]

Moved by Briere, seconded by Milshteyn, to postpone item to allow petitioner to return with a site plan to include a canopy design based on a warm white LED or a yellow LED (3000 degrees Kelvin) if yellow LED meets the requirements of the City; a change in the Packard façade that both strengthens the appearance of the Packard façade and includes penetration of window and door between the shown pilasters; silencing of TV noise on pumps; City review of the landscape buffer species on the southern side to make it more robust if possible. On a voice vote, the Chair declared the motion carried. Postponed Vote: 7-0

Yeas: 7 - Kenneth Clein, Sabra Briere, Sarah Mills, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 0

Absent: 1 - Wendy Woods

- 10-b** [16-1279](#) 2857 Packard Road Rezoning and Area Plan for City Council Approval - A proposal to rezone this 7.7-acre site from R1C (Single-Family) to R1E (Single-Family Zoning) with an Area Plan proposal to construct 56 detached single family homes with private streets. (Ward 3) Staff Recommendations: Approval

Chris Cheng provided the staff report.

Staff recommends approval of rezoning and area plan since it is on a transit line and the Master plan recommends higher single-family residential density on the site.

PUBLIC HEARING:

Sandy Schopbach, 2926 Shady Lane, encourage preservation of wooded land, a break in development along the corridor; perhaps the City could retain the front portion of the property as open space and allow the rear of the site to be configured into homes.

Meredith McGehee, 2810 Hampshire Road, stated she was a bit excited about the project since Ann Arbor needs housing for people of modest means, and this is a good site. She encouraged a traffic study that includes pedestrians and bicycles; encouraged trash cans not be placed on curb; improve crosswalks on Packard as part of project; rate of motorists stopping at the crosswalk is very low. She expressed concern that the existing 1840 house is not being valued by the City and she liked the previous speaker's idea of the house being retained; perhaps the City could purchase the home and move it to Cobblestone Farm. She noted the scale of the project seemed strange for the neighborhood; houses are twice as big on lots half as small.

Sue Simmington, 2649 Carmel, reiterated her concerns as outlined in her letter from the last meeting. She spoke of the appealing site but noted her biggest concern is the density. She spoke of flooding issues on Easy street, swales added in the nearby park, and the need for a study to be done in advance of large projects in the area. She encouraged renewable materials instead of vinyl to be used in the development. She noted the daily high volume of traffic on Packard Road and the difficulty for new residents to exit onto Packard Road. She also noted the proposed 2-story homes would be scaling over the existing neighborhood, and said it would be helpful to see elevation drawings of the site.

Ron Lev, 2645 Easy Street, spoke about the scale of the neighborhood being small houses on large lots and any development on this parcel is going to change the character. He acknowledged that while the owner should be allowed to receive value from the property, 2-story homes are out of character with the surrounding neighborhood, and the traffic on Packard is already very difficult. He stated he was not sure of the basis for rezoning, but this plan seems too dense and it appears to transfer value from the surrounding neighborhood to this property. He also expressed

that the report doesn't adequately account for neighborhood opposition to the plan.

Paul Burghardt, 2811 Cranbrook Road, spoke of the need for more information regarding this plan, noting the neighborhood has had multiple inexplicable power outages lately. He expressed the need for more information on traffic patterns, explaining that the surrounding neighborhoods are used as cut-throughs, and vehicles drive fast even with a nearby school. He asked for consideration of the City's natural feature standard as it relates to this site since he felt it was not being met.

Jason Mann, 2765 Carmel Street, spoke of concerns related to zoning and privacy, with the Area plan showing 2-story homes with windows on adjacent properties he would lose his privacy with construction of homes on this site. He said he can't envision a berm or fence 25 ft. tall that would block such views and feels that single-story homes would be better suited. He said he would only be able to get privacy by shutting his blinds and such a situation might cause him to leave his home.

Neil Scove 2728 Cranbrook, spoke about a proposed retaining wall at the NE corner of the neighboring parcel, adjacent to his property. He said he is glad to see that as mitigation for flooding and would like to know what the proposed wall will look like and what's going on top. He noted a large hickory tree near their backyard that is proposed for removal and he would like to know how trees are decided to be preserved or removed. He echoed previous speaker comments that they have lengthy power outages that are not short but can last for days. He explained the outages are from the area where Packard curves around down to the University down to Platt and from Washtenaw down to Packard Road and that the additional houses will put more pressure on the infrastructure. He spoke of the higher density housing at this location and with at least 2 cars per household, only able to make a right-turn onto Packard Road, this will mean higher volumes of traffic to the already busy road.

Tom Covert, Midwestern Consulting, 3815 Plaza Drive, Petitioner's Agent, introduced his team; Tina Fix and owner Jim Haussler from Peters Building Company. He spoke of their desire to develop a stable housing neighborhood, ideally affordable with proximity to jobs and career generators, adding a new single family home typology on a connector road, with access to transit and parks, and they believe the R1E zoning is a good fit because it supports development costs and new typology. He explained they met with neighbors on two occasions and received their feedback, adding that they have not yet looked into the details of the

zoning and site, but expect to make modifications to the plan through the site planning process. He said the stormwater will be able to use infiltration on the site, but in order for them to move forward and commit the resources to the plan, they need to understand the need. He noted they plan to expand Packard ROW along frontage, and refuge carts will be pulled to main roadway for pick-up. He said they would perform a traffic study as well as look at utility infrastructure with power situation.;

Pete Benson, 2810 Easy Street, spoke of the scale of the proposed plan as being inappropriate for the neighborhood and that it seems backward that zoning would change before traffic issues are reviewed. He said he's concerned about a bait and switch.

Jim Haaeussler, Peters Building Company, 172 S. Industrial, Saline, stated that they agree with the neighbors that all the issues need study at the appropriate time in order to be evaluated; however, we need to understand the zoning in order to commit to the detailed analysis and would like the opportunity to perform the analysis.

Erica Dutton, 2416 Manchester, spoke about avoiding leaving her house during rush hour because of the traffic back-ups. She thinks there are too many houses proposed on the site and she has a basic skepticism on whether the project will move forward and if their concerns will be pushed aside.

Noting no further public speakers, the Chair closed the public hearing unless the item is postponed.

Moved by Briere, seconded by Mills that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Weber R1E (Single-family Dwelling District) Zoning and Area Plan.

COMMISSION DISCUSSION:

Briere encouraged builder not to build to maximum scale as it can be difficult for owners to modify homes in the future. She commented that if this development would become a Site Condominium it would require private stormwater management, snow removal, and road repayment, adding additional costs to the buyers. She asked the petitioner to indicate on the site plan how they will deal with snow storage.

Trudeau said without a site plan, the core question is, Can we support the density on the site; given its' location, diversity of housing. He said, I think

it's a good goal, but there will be challenges to site planning.

Gibb Randall asked if the site plan to come is confirming 56 lots laid out in various alternatives.

Cheng said, no, a full review will occur; I don't believe the layout responds to the site or the existing conditions. I think there's room for creativity, perhaps not detached single-family homes on single-family lots. He reiterated points from his Staff Report:

Area Plan Details

An area plan, or site plan is required when an amendment to the City Zoning Map is proposed [Chapter 57 5:121(1)]. In this case, the petitioner has proposed amending the City Zoning Map from R1C to R1E, Single-family Dwelling District with the proposed Area Plan. The purpose of an area plan is to demonstrate that the property could be developed consistent with the requested zoning classification. Area plans are required to provide a brief description of the development program, a community analysis, a site analysis, general information, and a schematic design for the entire development site (Land Development Regulations 1:3). Area plans are not required to include the number and type of dwelling units proposed; placement of proposed structures; front, side and rear open space and setback lines; number and dimensions of parking spaces; landscaping; soil erosion and sedimentation control plans; storm water management plans; utilities; the accurate location and description of all natural features; the location and extent of natural features open space; or a natural features protection plan, mitigation plan and alternative analyses. These are, however, requirements of site plans (Land Development Regulations 1:4).

The Weber area plan proposes 56 lots for future single-family units. Each proposed house has a maximum size of 2,000-square feet as required in the R1E zoning district. The lots are generally arranged in a grid pattern around private streets. As currently proposed, the residential density is 7 units per acre. For comparison, the maximum permitted density is 10 units per acre for R1E, 8 units per acres in the R1D district, 6 units per acre in the R1C zoning district and 4 units per acre in the R1B district.

Single-family residential uses are recommended by the Master Plan: Land Use Element. This proposal shows a density (minus right-of-way) of approximately 7 dwelling units per acre, whereas, the current R1C

zoning allows for approximately 6 dwelling units per acre without a limit to the house size. Staff supports the proposed density and rezoning as this site is located near bus stops, existing utilities, public parks and provides a housing product on smaller lot sizes with houses limited to no more than 2,000 square feet in size.

This proposal fits into the existing neighborhood context by capping the house sizes at 2,000 sq ft. Although the proposed lots are smaller than the surrounding existing lots located on Easy St., Carmel St. and Cranbrook Rd., per the City's Assessor's records, the majority of houses bordering the subject site are single-story homes ranging in size from 850-1400 sq ft. The existing R1C zoning on the development site requires minimum lot sizes of 7,200 sq. ft without a limit on house size. The exception to the existing surrounding housing stock is located adjacent to this site to the east. This is a two-story home located on an 80,000 sq. ft lot and has the potential to be split or development for increase density in the future.

It should be noted this Area Plan may not resemble the future Site Plan submission as review of the plans will be in much greater detail, with the benefit of additional information. An alternatives analysis showing different layouts of the site showing impacts on natural features will be required at this submission. Future development may be located on the north and central areas of the site away from the wooded areas and landmark trees. At the site plan stage, alterations to the lot configurations could result in a different density on the site, but not to exceed that of the R1E.

Mills said she likes the R1E for this site because it accomplishes clustering on the lot; smaller lots let you cluster the lots on the site and retain natural features; a compelling argument for rezoning is that it has a maximum square footage of homes (only district that has this). She noted that the Master plan calls for varied types of housing and she believed that varied types of housing can occur on this site. She would like to see 1,200 square foot homes as part of this plan, that's why she would support this zoning.

Mills said she was uncomfortable with the Area Plan because the lack of details; she is concerned that after rezoning occurs it comes back with a site plan request for 80 units. She reiterated, she supports rezoning to R1E, but would prefer it to accompany a site plan.

Weatherbee agreed with comments about appropriateness of R1E zoning

because of general location; however, without having more details would be helpful to know what the Commission is seeing.

Jim Haaeussler, Peters Building Company, 172 S. Industrial, Saline, explained building elevations have not been finalized yet, but house sizes would likely range between 1,200 to 2,000 square feet, and ranch designs are not out of the question, noting their company typically runs around 50% ranches, which is different than some other builders; Peters Building Company is the owner and developer and has been building since 1983 and has been active in development in the local community for a long time. He stated, We don't intend to flip the property.

The Commission took into consideration the presented petition and discussed the matter. [For a complete record of the discussion please see available video format]

On a voice vote, the Chair declared the motion carried. Vote: 6-1

Yeas: 6 - Kenneth Clein, Sabra Briere, Alex Milshteyn, Shannan Gibb-Randall, Scott Trudeau, and Julie Weatherbee

Nays: 1 - Sarah Mills

Absent: 1 - Wendy Woods

11 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)

12 COMMISSION PROPOSED BUSINESS

Briere reminded the Commission that she will be absent at the next Planning Commission meeting; she also encouraged Commissioners to look for potential Planning Commission candidates and recommend they fill out an application from the Mayor's office.

13 ADJOURNMENT

Moved by Milshteyn, seconded by Weatherbee, that the meeting be adjourned by 10:38 p.m. On a voice vote, the motion passed unanimously.

Ken Clein, Chair
mg

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Thursdays at 8:00 AM and Saturdays at 8:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

The complete record of this meeting is available in video format at www.a2gov.org/ctn, or is available for a nominal fee by contacting CTN at (734) 794-6150.