



TO: Mayor and Council

FROM: Tom Crawford, CFO
Craig Hupy, Public Services Area Administrator
Wendy Rampson, Planning Manager
Lisa Wondrash, Communications Unit Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 2/2/15

B-2 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.96 Acres from PUD (Planned Unit Development District) to C3 (Fringe Commercial District), Plum Market Rezoning, 3601 Plymouth Road (CPC Recommendation; Approval – 7 Yeas and 0 Nays) (Ordinance No. ORD-15-01) and DB-1 – Resolution to Approve the Plum Market Site Plan, 3601 Plymouth Road (CPC Recommendation: Approval - & Yeas and 0 Nays)

Question: While the updated staff report addresses traffic crash concerns at the intersection of Plymouth and the shared driveway for this development, the report also states that "the additional traffic from the proposed use did not trigger the need for a traffic impact study." Can you please remind me how the additional traffic for a retail establishment like this is projected, what the criteria are for "triggering" a traffic impact study, and whether the criteria or decision on whether a traffic impact study is warranted varies depending on the location (e.g., existing high traffic area like Plymouth/Green)? (Councilmember Lumm)

Response: A) Appendix D of the Land Development Regulations addresses traffic impact analysis requirements for development projects (see attachment). Traffic for a retail use such as Plum Market would be determined by consulting the relevant tables in the Trip Generation Manual, a publication by the Institute of Transportation Engineers.

B) A Traffic Impact Analysis is required for any use that generates 50 additional vehicle trips in the peak hour.

C) No.

DC -4 – Resolution to Consent to Assignment and Change of Control form Comcast Corporation to Midwest Cable, Inc.

Question: What would be the consequence if this resolution did not pass?
(Councilmember Eaton)

Response: If City Council does not approve the resolution, Comcast has indicated it could take one of the three courses of action outlined below:

- Comcast/Midwest/GreatLand would move forward under its theory that approval of the transfer by the City is not required because that provision in the City's franchise is pre-empted by PA 480. The burden would then be on the City to go to federal court to stop the transfer to Midwest/GreatLand that was applied for via Form 394 and not approved. The City would have the burden of arguing that that Midwest/GreatLand does not have the legal, technical or financial qualifications to take over and operate the franchise and that the disapproval was, therefore, proper.

OR

- Comcast could go to federal court to have the court invalidate the City's disapproval of the transfer (or something like that), arguing that the Form 394 and documentation demonstrate that Midwest/GreatLand is qualified; to defend the disapproval, the City would have the burden of establishing the disapproval was proper, as outlined in the first bullet point.

OR

- Comcast could pick up and cease service, forcing the City to go to federal court to require Comcast to continue service; Comcast/Midwest/GreatLand would defend by arguing that the proper entity to continue operations would be Midwest/GreatLand, that this new entity satisfies the Form 394 requirements for a transfer (same arguments as outlined in the first bullet point) and/or that operation of PA 480 means that Comcast does not need the City's approval for the transfer.

Question: The cover memo indicates that "under the terms of the proposed transfer, no change in revenues or expenditures under the existing franchise is expected." The phrase "is expected" suggests there could be changes. Perhaps that's not what was intended, but I'd think a transfer would mean no changes in the specific terms of the existing agreement. Can you please clarify? (Councilmember Lumm)

Response: Staff did not intend for the word "expected" to suggest there are any changes. The franchise terms will remain the same (5% franchise fees/2% PEG fees). Staff does not anticipate any material financial change resulting from the transfer.

DC-6 – Resolution in Support of Municipal Intervention in DTE Electric Company Rate Case U-17767

Question: The whereas clauses in the resolution indicate that LED streetlight conversion savings have been \$200K annually, but also say that despite the lower energy usage of over 30%, the cost for streetlights have increased by approximately 15%. Can you please reconcile these two statements (I'm not sure what the hardware cost differentials are and understand maintenance/labor is less with LED, but the 200 less labor hours referenced would account for just \$5K-\$10K.) (Councilmember Lumm)

Response: The 15% increase is the effective cost across all streetlights, City-owned and DTE streetlights, comparing a snapshot of 2006 and 2012 bills. The charges by DTE for streetlights have continued to increase over this time period at a greater pace than the savings realized from the LED conversions. The cost increases would have been greater than 15% over that time without the savings from LEDs.

With regards to the reduction in annual costs, there are other savings realized in addition to staff hours. Vehicle and equipment costs, hardware and pole/luminaire elements needed with conventional lights and not LEDs are not included in the referenced maintenance ticket hours. Tickets are one element to simply convey time savings to crews, but do not include the total maintenance costs. And though DTE charges have increased over this time period, the conversion from conventional fixtures to LED has still provided energy savings.

TRAFFIC IMPACT ANALYSIS

- 1:1 The petitioner shall secure and present to the Planning Department, as part of any area plan, site plan or plat submission, a written analysis of the impact of any automobile-related development proposal on the existing public street; vehicular, bicycle, or pedestrian traffic; and/or existing public street parking. Exceptions to this requirement will be site plans or plats that will generate less than three vehicle trips per unit per peak hour or 50 vehicle trips per peak hour. The generation of trips shall conform to the methods specified in the current edition of the Trip Generation Manual, a publication by the Institute of Transportation Engineers.
- 1:2 Such analysis shall include the following:
- (1) Existing traffic volumes passing on all streets abutting the proposed development during the peak hour. Traffic from other new and proposed developments in the area should be considered.
 - (2) Existing peak hour turning movements of vehicular traffic at all public street intersections within 200 feet of the proposed development, or those intersections that may be impacted by the proposed development.
 - (3) Projected peak hour generation rate and peak hours of generation for the proposed development.
 - (4) Projected peak hour traffic movements as a result of the establishment of the proposed facility.
 - (5) A capacity analysis for impacted intersections.
 - (6) A statement of the total impact the projected generations will have on the existing level of service as determined and certified by a registered engineer.
 - (7) A sketch plan showing all existing driveways to public streets within 200 feet of the proposed development and all on-street parking or loading areas.
 - (8) Proposed site access driveways with a determination if a deceleration lane or taper is necessary based on current City warrant analysis standards, a determination if a left-turn by-pass lane is necessary based on a warrant analysis, and a sight distance study at the site access driveway.
 - (9) A pedestrian circulation plan showing all possible points of conflict between motorized traffic and pedestrian/bicycle traffic on public streets and sidewalks within 200 feet of the proposed development, or those intersections that may be impacted by the proposed development.
 - (10) A gap study for pedestrian or vehicular traffic may be required at non-signalized locations that may be impacted by the proposed development.

- 1:3 The traffic and/or parking impact analysis shall be reviewed by the Department of Transportation for completeness and accuracy. The analysis shall include a determination of the service volume and capacity of adjacent streets including the traffic from the new development. The methodology to be employed in determining street capacities shall conform to the 1985 edition of the Highway Capacity Manual, Special Report Number 209, or the latest revision thereof. Proposals that will contribute traffic to streets or intersections that are or will be as a result of this proposal at a level of Service D, E, or F as defined in the Highway Capacity Manual may be denied by Commission and Council until such time as necessary street or traffic improvements are scheduled for construction.

7/23/97
lgh