



Legislation Text

File #: 10-0483, **Version:** 1

Resolution to Approve Brownfield Plan for Near North Apartments (626-724 N. Main Street)

The petitioner is requesting City Council approval of the Near North Brownfield Plan submitted by Solid and Materials Engineers, Inc. for a residential project at 626-724 North Main Street. Approval of this plan would enable the petitioner to seek Michigan Business Tax (MBT) Brownfield Redevelopment Credits from the State of Michigan. The brownfield plan does not include any tax increment financing (TIF) but is required to seek Michigan Business Tax credits. Approval of this brownfield plan will not reduce the amount of taxes received by any local taxing jurisdictions or the public schools.

The Ann Arbor City Council approved the Near North Apartments Planned Unit Development on this site on September 21, 2009, and a Payment-in-lieu-of-taxes (PILOT) on October 19, 2009. The Brownfield Plan (attached) has been submitted and processed in accordance with the City of Ann Arbor Brownfield Program and Washtenaw County Brownfield Redevelopment Authority (WCBRA) procedures.

The petitioner held a Brownfield Community Forum on May 11, 2010 at the Ann Arbor Community Center. City Council will hold a public hearing on June 7, 2010. If the Brownfield Plan is approved by Council, the Washtenaw County Brownfield Redevelopment Authority will consider the plan on June 10, 2010 and Washtenaw County Board of Commissioners review will begin July 7, 2010. Approval of the plan is required by the Board of Commissioners and the State of Michigan.

Prepared by: Jill Thacher, City Planner

Reviewed by: Wendy L. Rampson, Planning Manager, Sumedh Bahl, Interim Community Services Administrator

Approved by: Roger Fraser, City Administrator

Whereas, The Washtenaw County Board of Commissioners established the Washtenaw County Brownfield Redevelopment Authority (the "WCBRA") and adopted the Brownfield Redevelopment Plan for Washtenaw County (the "Plan"), which facilitates the implementation of plans relating to the identification and treatment of environmentally-distressed and other areas within the County of Washtenaw, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act");

Whereas, The Act requires the explicit consent of each local governmental unit to be included in the Authority Zone, and that the County resolution included a provision that the Proposed Brownfield Redevelopment Zone will include all local governmental units within the County that pass a resolution approving the inclusion of the Brownfield Redevelopment Zone;

Whereas, The City of Ann Arbor Environmental Commission passed a resolution supporting the City's inclusion in the Washtenaw County Brownfield Redevelopment Authority Zone;

Whereas, The Ann Arbor City Council passed Resolution R-24-1-02 to include the City of Ann Arbor

in the Washtenaw County Brownfield Redevelopment Authority and developed the Brownfield Implementation Plan to describe the Brownfield process in the City;

Whereas, The Brownfield Implementation Plan allows for public participation and comment and allows the City of Ann Arbor to use a more restrictive clean up standard for each project based on the Current Part 201 Residential clean up standard of the Natural Resources and Environmental Protection Act (“NREPA”) and a 10^{-6} risk level for carcinogens;

Whereas, The Near North property was identified as potentially eligible for Brownfield Financial Incentives after a finding that the property contained benzo(a)pyrene, arsenic, lead, barium, chromium, copper, mercury, selenium, silver and zinc in the soil exceeding the generic residential cleanup criteria of Part 201;

Whereas, On May 10, 2010 the Brownfield Review Committee (“Committee”) met to review the proposed Brownfield Plan and its associated agreements;

Whereas, City staff and the Developer conducted a public presentation of the Plan on May 11, 2010, which described site conditions and the approved site plan for the development, and their intent to pursue Michigan Business Tax Brownfield Redevelopment Credits for this project;

Whereas, The Developer has paid the Application Fee for City review of the application;

Whereas, The Plan would enable the Developer to seek Michigan Business Tax (MBT) Brownfield Redevelopment Credits for this redevelopment project, and the plan does not include tax increment capture, and there would be no impact on local taxing jurisdictions;

Whereas, It is understood that neither the initiation of the review process by the WCBRA for development of the Brownfield Plan nor the recommendation of the Brownfield Plan to WCBRA by the City is a guarantee that it will be approved by the Washtenaw County Board of Commissioners, the MDEQ or that financial incentives will be obtained;

Whereas, The City Council held a public hearing on June 7, 2010 to receive public comment on the Brownfield Plan; and

Whereas, The Committee recommends the Brownfield Plan for action to City Council;

RESOLVED, That City Council approve the Near North Brownfield Plan submitted by Solid and Materials Engineers, Inc.;

RESOLVED, That the City Clerk be directed to submit a copy of this Resolution to the Washtenaw County Board of Commissioners as documentation of the City’s consideration and approval of the Brownfield Plan; and

RESOLVED, That any changes to the Brownfield Plan after the date of this Resolution will require review by the Committee and approval by City Council.