



Legislation Details (With Text)

File #: 22-1026 **Version:** 1 **Name:** 7/5/22 330 Detroit/312 N Fifth Brownfield Plan
Type: Resolution/Public Hearing **Status:** Passed
File created: 7/5/2022 **In control:** City Council
On agenda: 7/5/2022 **Final action:** 7/5/2022
Enactment date: 7/5/2022 **Enactment #:** R-22-227

Title: Resolution to Approve the 303 North Fifth and 312-314 Detroit Redevelopment Brownfield Plan (BRC Recommendation: Approval - 3 Yeas and 0 Nays)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 032122 303 N Fifth 312-314 Detroit Brownfield Plan.pdf, 2. 303 N Fifth Brownfield Review Committee Staff Report 6-2-22.pdf

Date	Ver.	Action By	Action	Result
7/5/2022	1	City Council	Held and Closed	
7/5/2022	1	City Council	Approved	Pass

Resolution to Approve the 303 North Fifth and 312-314 Detroit Redevelopment Brownfield Plan (BRC Recommendation: Approval - 3 Yeas and 0 Nays)

The proposed resolution would approve the 303 North Fifth and 312-314 Detroit Redevelopment Brownfield Plan. Approval of this resolution will allow the Brownfield Plan to advance to the Washtenaw County Brownfield Redevelopment Authority and Washtenaw County Board of Commissioners, to authorize Tax Increment Financing (TIF) to reimburse the developer and City of Ann Arbor for eligible activities, support of the Local Site Remediation Revolving Fund (LSRRF), and administrative support to the Washtenaw County Brownfield Redevelopment Authority.

The Brownfield Review Committee, at its meeting of June 2, 2022, reviewed the Brownfield Plan, and accepted staff recommendation that the proposed plan is consistent with the City’s adopted

[Brownfield Redevelopment Policy](https://www.a2gov.org/departments/planning/Documents/Planning/Final%20A2%20Brownfield%20Policy%204-9-19%20%281%29.pdf)
<<https://www.a2gov.org/departments/planning/Documents/Planning/Final%20A2%20Brownfield%20Policy%204-9-19%20%281%29.pdf>>.

The Brownfield Review Committee emphasized the importance of frequent collaboration and communication with surrounding businesses and the farmer’s market to minimize adverse impacts during construction to the greatest extent possible.

The attached Brownfield Plan dated March 21, 2022, incorporates all the recommended modification by staff and period of capture. The proposed Brownfield Plan identifies:

- The site is eligible for brownfield assistance through its designation as a “facility” as defined by the State of Michigan, particularly for the presence of Arsenic, barium, lead, mercury, selenium, and zinc at levels greater than State-established criteria. The site was historically used as residential, drive-through convenience store, restaurants, and gas station.

- The Brownfield Plan would reimburse the developer for environmental-related activities totaling \$2,674,011 including: Environmental Due Diligence, Hazardous Material Assessment and Abatement of existing buildings; Underground Storage Tank removal, soil removal, soil characterization, soil disposal, other project management activities (e.g. testing, dust control, site control), and Brownfield Plan and Work Plan preparation.
- No non-environmental activities are proposed.

The proposed development includes:

- Demolition of two small existing buildings
- Construction of new five-story building, containing 14 residential homes and 1,850 square feet of retail or office space.
- 15 vehicular parking spaces
- LEED Gold energy efficiency certification

On May 17, 2022, the Planning Commission approved the related Site Plan.

Prepared by: Brett Lenart, Planning Manager

Reviewed by: Derek Delacourt, Community Services Area Administrator
Marti Praschan, Chief Financial Officer

Approved by: Milton Dohoney Jr., City Administrator

Whereas, MAV Development has requested approval of the 303 North Fifth and 312-314 Detroit Redevelopment Brownfield Plan in order to pursue tax increment financing through the Washtenaw County Brownfield Redevelopment Authority;

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

Whereas The ACT requires explicit consent of each local unit of government included in the Authority, which the City of Ann Arbor joined by resolution R-24-1-02;

Whereas, The Brownfield Review Committee, on June 2, 2022, recommended approval of the petition;

Whereas, The property included in the Plan was determined to be a Facility, as required by Act 381;

Whereas, Any reimbursement by the WCBRA based on an approved Brownfield Plan is for actual eligible expenses only;

Whereas, The burden is on the development to building the project and pay taxes in order for tax capture and reimbursement to occur;

Whereas, The City is not liable for any costs associated with the project if the project is not built or if it fails to achieve the estimated taxable value;

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, EGLE, MSF, or that financial incentives will be obtained; and

Whereas, The City Council held a public hearing on July 5, 2022 to receive public comment on the Brownfield Plan;

RESOLVED, That City Council approve the 303 North Fifth and 312-314 Detroit Redevelopment Brownfield Plan submitted to the City and dated March 21, 2022;

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 concurrence of the Brownfield Plan; and

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