Legislation Details (With Text)

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Type:	Resolution/Public Hearing	**Status:**	Passed
File created:	7/19/2010	**In control:**	City Council
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Title: Resolution to Approve Deli Partners, L.L.C. - Zingerman’s Delicatessen Redevelopment Project Brownfield Plan, Detroit and E. Kingsley Streets, Ann Arbor, MI (BRC Recommendation: Approval - 3 Yeas and 0 Nays)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Zingermans-Naud Memo.pdf, 2. Zingerman's Community Forum Report.pdf, 3. Zingermans Brownfield Plan-Rev.pdf, 4. Affidavit of David Petrak 6-30-10.pdf, 5. ZCOB DP 100518 DP Transmittal Letter to A2 Planning Commission Forwarding Support Letters for Project, 6. ZCOB DP 100630 A2 Convention and Visitors Bureau Support Letter, 7. Communication of support from Phil & Shirley Gach, 8. Communication Kyle Mazurek regarding support of Zingermans Deli Expansion, 9. Zingermans support communication from Jeremy Peters, 10. Support Communication from Rebecca Anderson, 11. Zingermans support letter from Michale Appel, 12. Zingermans support communication from Karl Couyoumjian, 13. Support Communication from Ingrid Ault, 14. Chris Sing support communication, 15. Nancy C. Yvanauskas support communication, 16. Karen Gates Support Communication regarding zingermans, 17. Mary Cooperwasser Zingerman support communication, 18. Keven Van Kannel support communication, 19. Tom Harrison support communication, 20. TIF Analysis-DeliPartners, 21. Lou Belcher support communication, 22. Lanny White support communication, 23. Public hearing Notices Zingerman's Brownfield and Site Plan

Date	Ver.	Action By	Action	Result
7/19/2010	2	City Council	Held and Closed	
7/19/2010	2	City Council	Approved	Pass

Resolution to Approve Deli Partners, L.L.C. - Zingerman’s Delicatessen Redevelopment Project Brownfield Plan, Detroit and E. Kingsley Streets, Ann Arbor, MI (BRC Recommendation: Approval - 3 Yeas and 0 Nays)

Attached is a resolution to approve the Deli Partners, L.L.C. - Zingerman’s Delicatessen Redevelopment Project Brownfield Plan. Approval of this resolution will allow the Brownfield Plan to advance to the Washtenaw County Brownfield Redevelopment Authority (WCBRA) to authorize Tax Increment Financing (TIF) to reimburse the Developer for the eligible activities identified within the Plan.

The Brownfield Redevelopment Committee, at its meeting of June 28, 2010 recommended approval of this request.

Petition Summary:

- The overall investment for this project is approximately $6.7 million. The Brownfield Plan’s eligible activities total $817,265, plus interest at 5%. Some of the eligible activities include site

preparation ($534,800), demolition ($100,000), infrastructure improvements ($41,300) and lead and asbestos abatement ($25,000).

- The property qualifies for brownfield financial incentives because a portion of the property meets the definition of functionally obsolete as determined by the City Assessor pursuant to the Brownfield Redevelopment Act.
- The owners also intend to apply for a Michigan business tax credit.
- The related Zingerman's Deli Expansion Site Plan is also being considered by City Council on July 19, 2010.

Attachments: June 28, 2010 Memorandum from Matthew Naud
Affidavit of the City Assessor
May 21, 2010 Citizen Participation Report
Prepared by: Jill Thacher, City Planner
Reviewed by: Wendy L. Rampson, Planning Manager
Sumedh Bahl, Community Services Administrator

Whereas, Deli Partners, L.L.C. has requested approval of the Zingerman's Delicatessen Redevelopment Project Brownfield Plan in order to pursue tax increment financing through WCBRA;

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 Brownfield Review Committee, on June 28, 2010, being fully apprised of the physical condition of the property, intended cleanup, and redevelopment and tax capture, including the fact that the City Assessor had completed his initial inspection of the property and supported its qualification as "functional obsolete" under the provisions of the Brownfield Redevelopment Act, recommended approval of the petition to City Council and WCBRA;

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 Deli Partners, L.L.C. property was identified as potentially eligible property as defined by the Brownfield Redevelopment Act for Brownfield Financial Incentives on the basis that a portion of the property qualified for a determination of functional obsolescence based on the 322 E. Kingsley Street site's dilapidated uninhabitable residential structure and the 420 Detroit Street site's blighted and design deficiencies;

Whereas, City staff and the Developer conducted a public presentation of the Plan on June 21, 2010, which described site conditions and the proposed site plan for the development, and their intent to pursue Tax Increment Financing as well as Michigan Business Tax Brownfield Redevelopment Credits for this project;

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

Whereas, On June 28, 2010 the Brownfield Review Committee ("Committee") met to review the proposed Brownfield Plan and its associated agreements;

Whereas, In the expert opinion of the City Assessor and after physical inspections of the properties conducted between June 17, 2010 and June 29, 2010, portions of the properties commonly identified as 420 Detroit Street and 322 E. Kingsley Street are functionally obsolete and unable to be used to adequately perform the function for which they were intended due to their respective physical conditions and the City Assessor has executed an Affidavit attesting to that determination;

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 or the MDEQ, or that financial incentives will be obtained;

Whereas The City Council held a public hearing on July 19, 2010 to receive public comment on the Brownfield Plan; and

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

RESOLVED, That City Council approve the Deli Partners, L.L.C. - Zingerman's Delicatessen Redevelopment Project Brownfield Plan, dated June 28, 2010;

RESOLVED, That the City Clerk is 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 Brownfield Review Committee and approval by City Council.