

**CITY OF YPSILANTI
COUNCIL MEETING
TUESDAY, APRIL 30, 2002
7:30 P.M.**

CALL TO ORDER

Mayor Farmer called the meeting to order at 7:35 p.m. in the Council Chambers at City Hall, One South Huron Street, Ypsilanti, Michigan.

PRESENT Mayor Cheryl Farmer, Council Members (CM) Gawlas, LaRue, Nickels, Richardson, and Mayor Pro-Tem Swanson.

ABSENT CM Richardson.

CM Schulze moved and CM Gawlas supported that CM Richardson's absence is excused.

READING OF THE CALL

April 25, 2002

Honorable Mayor and Council Members
Ypsilanti, Michigan 48197

Ladies and Gentlemen:

At the request of Mayor Cheryl Farmer, I have called a SPECIAL MEETING OF THE COUNCIL for Tuesday, April 30, 2002, in the Council Chambers, located at One South Huron Street, commencing at 7:30 p.m., for the purpose of considering proposed ordinance entitled, "Water Street Planned Unit Development."

Prior to April 29, 2002, a copy of said FORMAL CALL had been presented by a representative of the City Clerk's Office to each Council Member or a member of his/her household advising of said SPECIAL COUNCIL MEETING, scheduled for Tuesday, April 30, 2002 in the Council Chambers, at 7:30 p.m.

Respectfully submitted,

CITY OF YPSILANTI

Robert A. Slone, Jr.
City Clerk

AUDIENCE PARTICIPATION

Mayor Farmer opened the floor for audience comments. None were made. Audience participation was closed.

PUBLIC HEARING/ORDINANCE – FIRST READING

- A. Consideration of ordinance entitled, "Water Street Planned Unit Development."

Nathan Voght, City Planner, discussed the definition of PUD and its standards for being used in this project. A PUD is most appropriate for this type of development because this development is creative, innovative, and requires flexibility in zoning standards. N. Voght indicated that a Planning Commission public hearing was held on 3/20/02 that recommended approval to rezone, to this body to City Council. N. Voght, also, discussed the strategy used in determining rezoning efforts.

1. Presentation by James Constantine of the design from LRK and David Stollman, and Jim Bertele of Biltmore Properties Inc.

James Constantine discussed the goal of this project as creating a vibrant downtown community. Constantine stated that this project has been designed to allow Water Street to be the catalyst for revitalization, economic stimulation of the downtown area, and the city as a whole. The intent is to capture magnificent opportunities along the Huron River because of its proximity, as well as taking advantage of Downtown Depot Town, and EMU completing the missing link in the Omstead Park System.

Jim Bertele addressed questions posed by City Council members.

Question: Mayor Pro-Tem Swanson asked a question regarding handicap accessibility in relation to this project.

Answer: Jim Bertele stated that all first floor units are required to be handicapped accessible based on International Public Code. That we can provide any type of equipment that will be needed and to make it handicapped friendly.

Question: Mayor Farmer asked if there were any further questions from Council.

Question: CM LaRue stated that he loved the plan, and the Sherret process. Concern was expressed with the neighborhood to the East and the neighborhood on North Grove Street being a transitional neighborhood. CM LaRue stated that it would be advantageous for the developer to partner with the city to rehab these areas.

Answer: J. Bertele stated that there has been some talk with CED staff regarding Water Street success and possible opportunities of developing other areas of the city.

Question: Mayor Farmer asked if Council had any further questions.

Question: CM Nickels inquired whether the units would be a condo association or will potential owners be allowed to purchase the unit and use it as a rental property.

Answer: J. Bertele stated that he would have to consult with his attorney on this issue. He indicated that they might be able to restrict the ability of people to rent their apartment out; however, there is a very fine line.

Question: Mayor Farmer asked Council whether they had any further questions. Farmer asked David Stollman if he wanted to handle further comments or should the Public Hearing be opened.

Answer: D. Stollman said Mayor Farmer should proceed with the Public Hearing.

2. Open Public Hearing:

Mayor Farmer opened the Public Hearing to give the audience an opportunity to comment on the Water Street Project.

Chris Leason, I live at 3 South Street. I prefer to stay here, and I'm very happy to be here, and want to say thank you for all the

work that you have done. My concern is what is going to happen near South Street in terms of traffic rerouting both during and after the construction phase and, also, preserving wildlife in the area?

David Stollman stated that they were concerned with trying to slow traffic on Park, which hopefully will benefit South Street. Stollman said the idea is to allow for as much wildlife habitat as possible through the types of landscape elements that are planted.

Steve Pierce, I am chairperson of the Downtown Development Authority. I am very enthusiastic about this project, and wish to address concerns of the residents on South Street. Pierce spoke about the traffic on South Street and the surrounding streets, as well as the quality of housing to be developed on the Water Street Project. Pierce concurred with CM Nickels regarding zoning for residential ownership and not rental properties.

3. Close Public Hearing: Mayor Farmer asked the audience if anyone wishes to speak. None. Mayor Farmer closed the Public Hearing.

Resolution No: 2002-61, attached and made a part hereof, offered by Council Member Gawlas and supported by Council Member LaRue – resolved by the Council of the City of Ypsilanti:

That the Public Hearing to consider proposed ordinance entitled, “Water Street Planned Unit Development” be officially closed.

AYES: 6 NAYS: 0 ABSENT: 1 (Richardson) VOTES: Unanimous

Resolution no. 2002-62, attached and made a part hereof, offered by Mayor Pro-Tem Swanson and supported by Council Member Nickels.

- A. Resolution of Determination (read by Mayor Pro-Tem Swanson)

It was resolved by the Council of the City of Ypsilanti that the proposed ordinance entitled, “Water Street Planned Unit Development” be approved on First Reading, subject to the following conditions:

1. Detailed site plans of individual phases or portions of the development are submitted for Planning Commission review. Such plans shall provide all required information as per 122-574 when submitted.
2. A draft of the PUD/development agreement is subject to the Planning Commission for review and comment, and approved by the City Council.

3. A traffic study shall be submitted to the City for Staff review, in order to ensure traffic impacts are not unreasonable and are consistent with the PUD purpose.
4. Submitted application to the City for compliance with 122-914, concurrently with the floodplain application to Michigan Department of Environmental Quality.

Discussion of the Resolution:

CM Nickels asked when does Michigan Department of Environmental Quality come in and evaluates the flood PUB plain, and what will they do?

J. Constantine responded by referring to the FEMA map of the area and indicated that that there is no floodplain on the Water Street site area. That a meeting took place with the DEQ, and they understand that it's an unusual problem because technically it is not a regulated floodplain. They have agreed to let us fill the floodplain in the areas that we need to and do compensating cuts in order to balance it off.

CM Nickels asked whether the filling of the site will elevate the entire land as oppose to building a dike.

J. Constantine stated that past history indicated that there might have been a dike portions of the site, which is why the floodplain does not show up on the site. Today, the DEQ will not allow us to build a dike. We would raise the grade approximately two feet on average, in the Rivers Edge Park, because there is no need to deal with those floodplain issues it will be a very nominal amount of filling that is needed.

CM Nickels asked whether there exist any data that tells how high the water level was when there was a flood, and would filling be higher than the floods that had occurred in that area in the last 50 years.

J. Constantine stated that the only major flood that he is aware of is as a result of a dam collapsing where there was a major flooding problem with a dam in terms of it opening up. The likelihood of a 100-year flood in that reality is very minimal.

Mayor Farmer asked how was it determined to raise the grade.

J. Constantine indicated that the grade would have to be designated by the DEQ and FEMA as the 100-year floodplain level. Constantine explained the process of the 100-year floodplain, which as he says is somewhat backwards. In essence, the DEQ determines the level of 100-

year volume of water, the elevations, and states that at all living space has to be above that elevation.

Mayor Farmer asked whether the DEQ would look up and down the stream like, for example Riverside Park; it could accommodate a lot of water if your housing is at all slightly higher than Riverside Park. Farmer also, asked whether the DEQ would look at the open areas above and below the possibility to accommodate water.

J. Constantine stated yes, but that he would have to speak with his engineers to determine how best to deal with the mitigation. That theoretically they could cut the public park down to create more volume of water in the park area, thereby shifting that volume of water away from the residential units.

Mayor Farmer commented on the area right across from the river that has been filled in the past with rubble, that could certainly be cut under this project and accommodates both.

J. Constantine stated that he has had conversations with staff regarding the appropriate place to cut. Constantine said that there is only a certain amount of cutting that should be done in the park, because they want to keep the wildlife and have a major impact there.

Mayor Farmer asked if there were any further questions from Council.

CM Schulze complimented city staff and developers for their talents and efforts.

Mayor Farmer echoed Mr. Pierce comments regarding the quality of materials used on the Water Street Project. That the homes are a real asset in this community.

CM Gawlas commented on stone water management as being apart of any plan, but wondered what effect managing 'all that water' will have on the actual surfacing of the river itself.

J. Constantine commented that the quality of the storm water being released from the site will be a significant material improvement over what is currently being done. That at the moment there is no real cleansing of any of the water.

Mayor Farmer asked how will the amounts of impervious surface compare after it is really developed?

J. Constantine stated that he does not have an answer to this question.

Mayor Farmer asked if there were other questions from Council. Mayor Farmer stated that there is a resolution before Council. Farmer called for a vote.

Ayes: 6 NAYES: 0 ABSENT: (1) Richardson VOTE: Unanimous

Megan Gibb, Director CED, mentioned having a traffic study, however, would need approval before proceeding. The PUD will not go into effect until the city and the Developer have negotiated the Development Agreement. Gibb stated that CED is expecting a draft of the agreement on Monday.

Mayor Farmer suggested a Second Reading for May 7, 2002.

VI. ADJOURNMENT

The meeting was adjourned at 8:55 p.m. with no further arguments.