

1. City Council Regular Meeting Agenda

Documents: [10-15-2013 FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [10-15-13 COUNCIL PACKET REUPLOADED.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 15, 2013
7:00 P.M.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Jefferson	P A	Council Member Robb	P A
Council Member Moeller	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

VI. INTRODUCTIONS –

VII. PRESENTATIONS –

Water Street Update

VIII. ORDINANCES – FIRST READING

- Ordinance No.1199
1. An ordinance to rezone .83 acres of Water Street Redevelopment Area to PUD for rezoning of Family Dollar.
 - A. Resolution No. 2013-198, determination
 - B. Open the public hearing.
 - C. Resolution No. 2013-199, close public hearing

- Ordinance No.1200
2. An ordinance to rezone 400 W. River and 107 E. Cross Street to PUD for redevelopment of Thompson Block Redevelopment Project. ***(Public Hearing and First Reading will be postponed to 11/5/2013)***

IX. ORDINANCES - SECOND READING –

- Ordinance No. 1197
- An ordinance entitled "Maple-Cross Alley Vacation" to vacate a certain 16.5 foot wide alley from E. Cross Street heading north to the extent of the northerly parcel boundaries of 11-11-04-495-023 (400-412 N. River) and 11-11-04-495-015 (107 E. Cross) in the City of Ypsilanti, Michigan.
- A. Resolution No. 2013-200, determination.
 - B. Open the public hearing.
 - C. Resolution No. 2013-201, close public hearing.

X. AUDIENCE PARTICIPATION –

XI. REMARKS BY THE MAYOR

XII. MINUTES –

Resolution No. 2013-202, approving the minutes of October 1, 2013.

XIII. CONSENT AGENDA -

Resolution No. 2013-203

1. Resolution No. 2013-204, approving resident appointments to Boards and Commissions.
2. Resolution No. 2013-205, approving non-resident appointment to the Ypsilanti Downtown Development Authority.
3. Resolution No. 2013-206, supporting implementation of a solution to prevent invasive carp from entering the Great Lakes and St. Lawrence ecosystem.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-207, approving agreement with Orchard, Hiltz & McCliment, Inc. for Prospect Bridge Deck Design Engineering Services.
2. Resolution No. 2013-208, approving Amendment #3 to the Articles of Incorporation of the Ann Arbor Transportation Authority (AATA) that includes Ypsilanti Township membership.

XV. LIASON REPORTS -

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban County
- E. Freight House

XVI. COUNCIL PROPOSED BUSINESS –

XVII. COMMUNICATIONS FROM THE MAYOR –

Board and Commissions Nominations:

Nominations:

Ypsilanti Housing Commission
Clarence Hollifield
361 Worden
Ypsilanti, MI 48197
Term Expires: 12/31/2014

Ypsilanti Housing Commission
Valerie Bieberich (replacing Deborah Strong)
318 Washtenaw Ave.
Ypsilanti, MI 48197
Term Expires: 12/31/2018

XVIII. COMMUNICATIONS FROM THE CITY MANAGER –

XIX. AUDIENCE PARTICIPATION -

XX. REMARKS FROM THE MAYOR –

XXI. CLOSED SESSION –

Closed Session to discuss attorney/client privilege – OMA Section 15.268(e)

XXII. ADJOURNMENT –

A. Resolution No. 2013-209, adjourning the City Council Meeting.



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WATER STREET REDEVELOPMENT WORK SESSION

City Council meeting – October 15, 2015



Tonight's presentation

1. CBRE market overview
2. Development Interest
 - Residential development discussion
3. Grocery store outreach
4. Master Plan Concept plans – next steps
5. Family Dollar project update
6. Recreation Center project update
 - Building
 - Bridge & trail

CBRE MARKET OVERVIEW

Development interest discussion

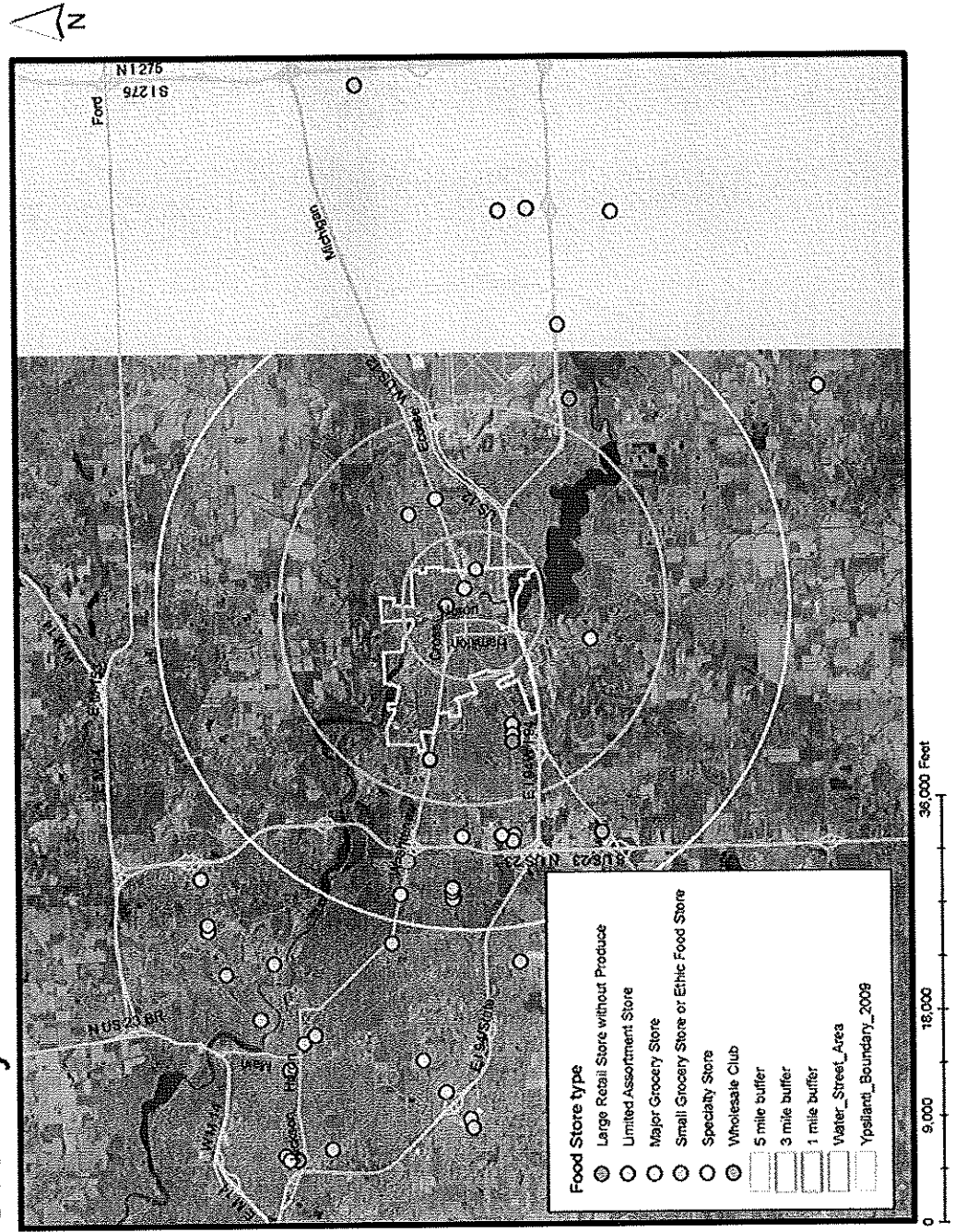
Residential housing market (cumulative Ann Arbor Board of Realtors data)

- Average sale price highest since 2007
- Days on market lowest since 2007
- Anecdotal data

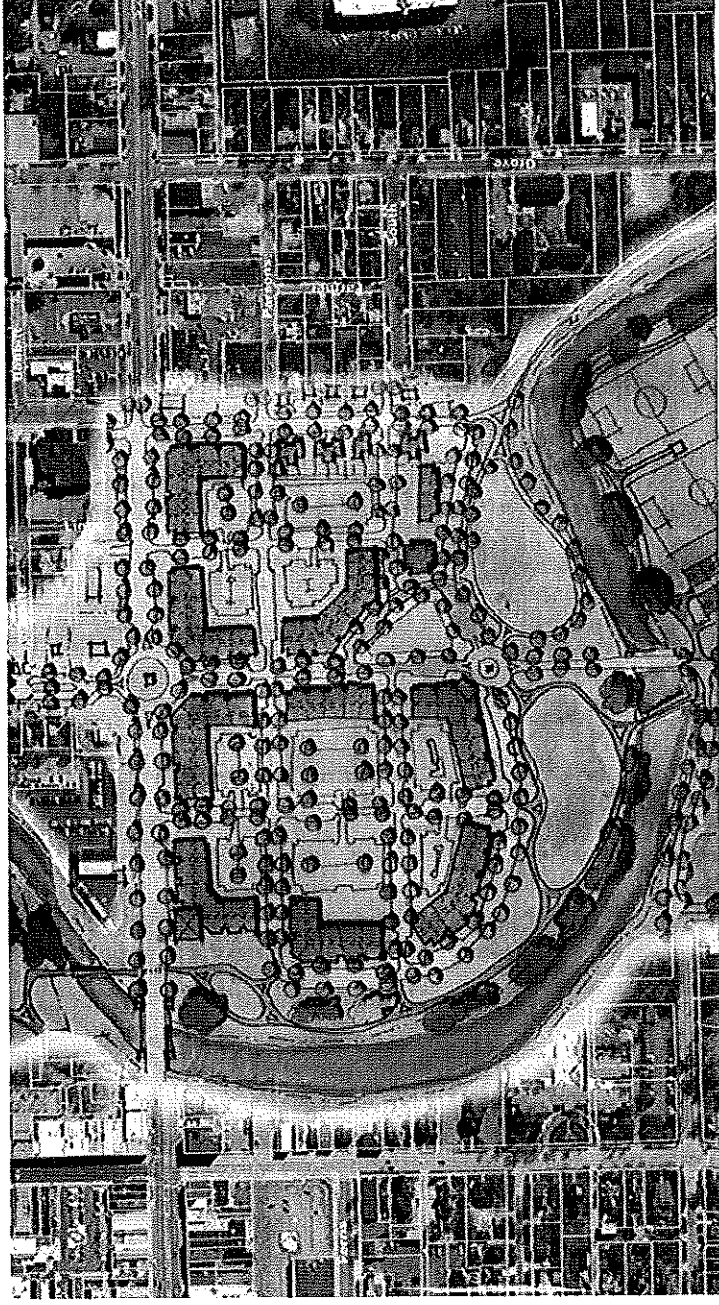
Market Rate vs. Mixed Income vs. Affordable Housing

- Does council want to set a standard on this?

Grocery Stores within 5 miles of Water Street



Master Plan Next Steps



- Engineer detail – covered in HUD grant
 - Parcel sizes
 - Updated infrastructure costs and estimates
 - Storm water management considerations
- Brownfield Plan update – looking for Nov. start date

Family Dollar project update

Governmental Approvals/Contingency period - Nov. 4, 2013

- May request 30 day extension

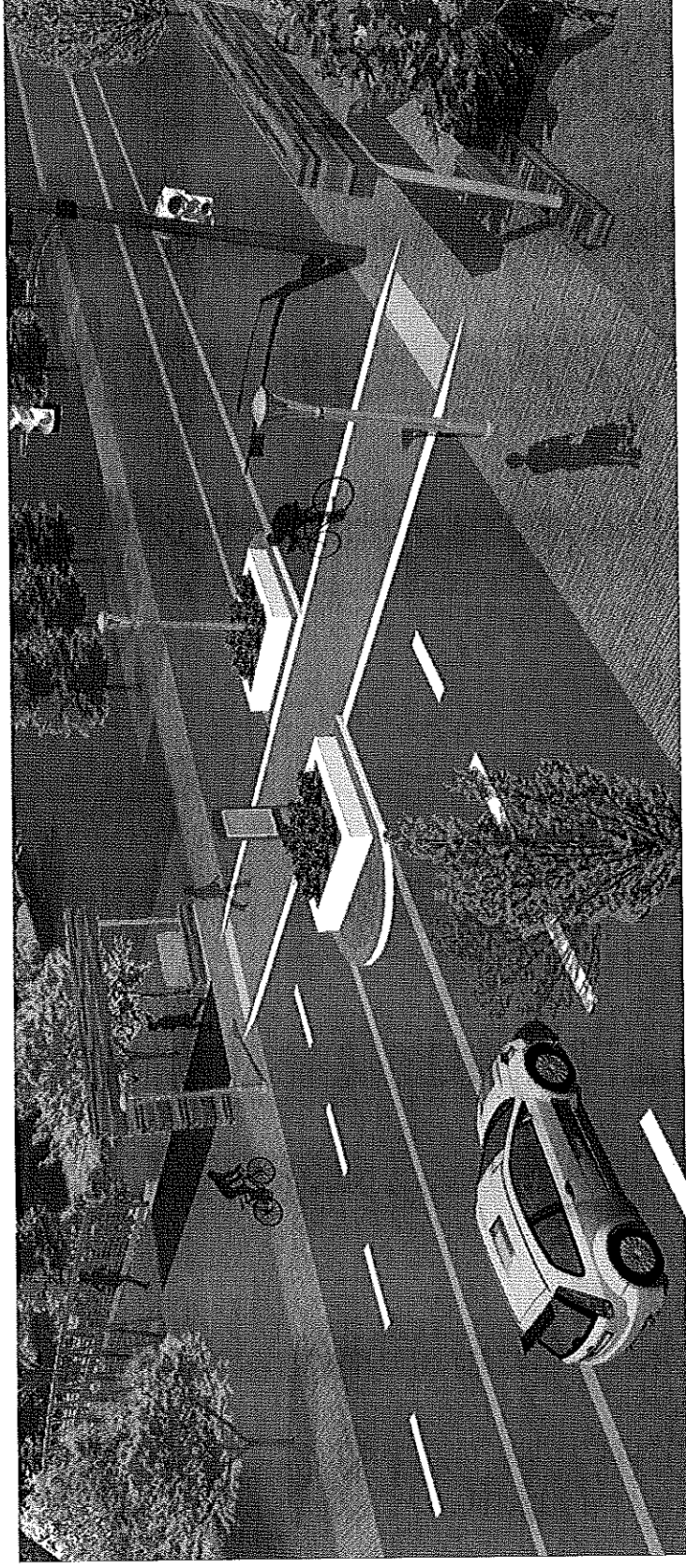
Recreation Center Project update

WCPRC has hired architect

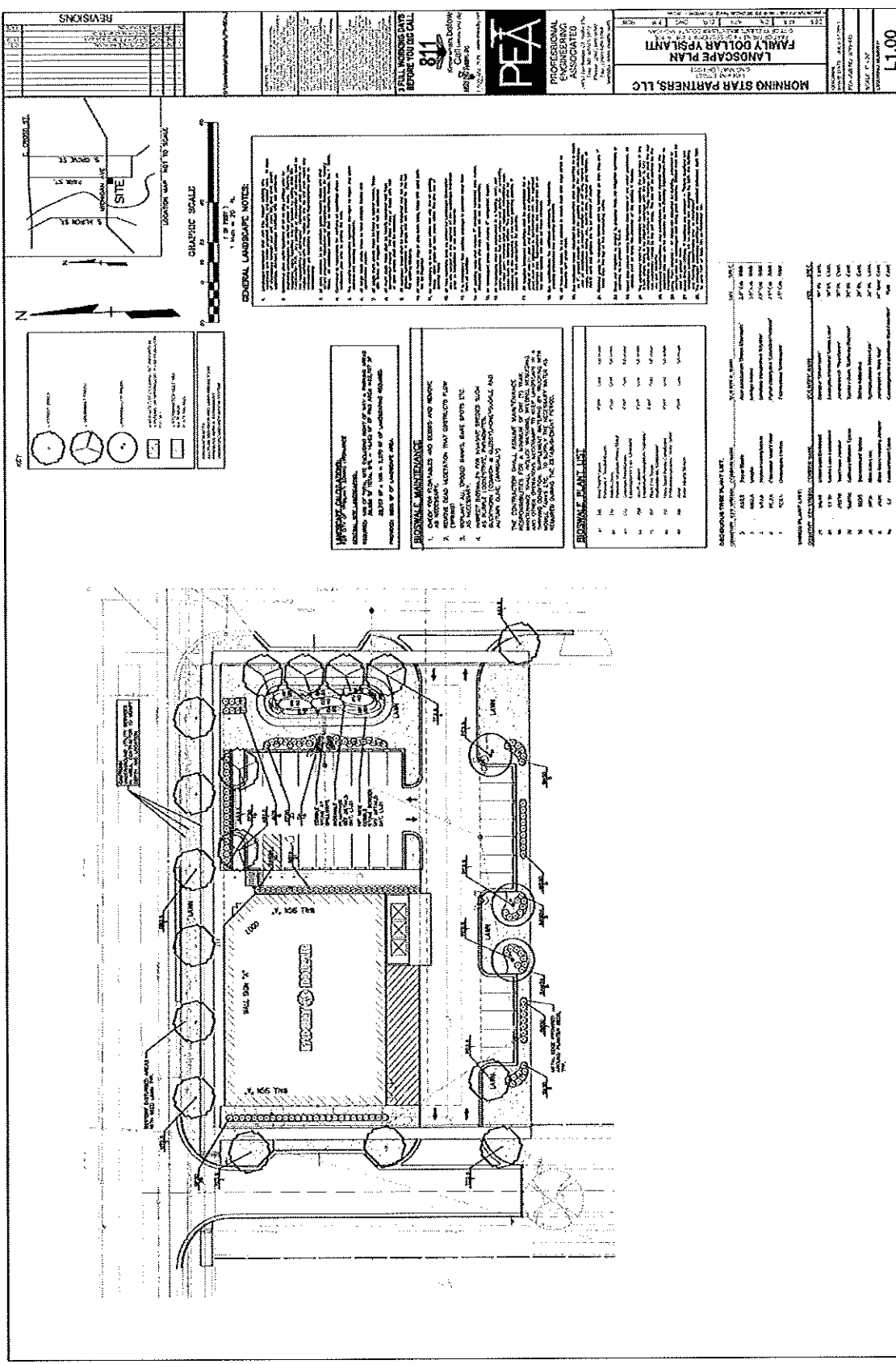
- concept plans currently show various lot sizes
- work on development agreement expected in next few weeks to finalize:
 - parcel size
 - building configuration
 - infrastructure plan
 - terms of sale/long-term lease
 - roles and responsibilities
 - time frame for approvals/closing/construction

Bridge and Trail update

- Intent to close on easement by end of calendar year
Concept plans for midblock crossing (below) – seeking MDOT input
- Once two are approved, designs will be finalized and RFP docs prepared
 - Expected winter spring construction for both projects



QUESTIONS AND DISCUSSION





REQUEST FOR LEGISLATION
October 15, 2013

From: Teresa Gillotti, Community and Economic Development Director

Subject: Rezoning of approx 0.85 acres of Water Street Redevelopment Area from B4 – General Business and EO – Entryway Overlay districts to Planned Unit Development (PUD) at 216 E. Michigan (proposed address), the southwest corner of E. Michigan Ave and Park Street

Morning Star Partners, LLC on behalf of Core Resources, LLC, has applied for Planned Unit Development (PUD) rezoning and site plan approval for approximately 0.85 acres for the parcel plus an estimated 0.26 to establish Lincoln Street in the Water Street Redevelopment area for the development of a Family Dollar store. The total project area is 1.1 acres. The site is located on the Michigan Avenue frontage between proposed Lincoln St. and Park Street.

The City of Ypsilanti owns the entirety of the Water Street Redevelopment area, and entered into a development agreement with Core Resources LLC for the development of a Family Dollar on May 7, 2013. The agreement included several requirements in the governmental approval section including rezoning the site to Planned Unit Development utilizing the Water Street zoning guidelines for development.

PUD Development requirements

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #4 above. Planning and Development staff met repeated with the development team including time spent on the development agreement. The Planning Commission held a public hearing on Wednesday, Aug. 28, 2013 and recommended zoning and site plan approval with conditions on Wednesday, September 18, 2013.

Remaining Conditions and site plan revision

Staff received revised plans (attached) dated 10-3-13 which addressed the following revisions.

1. Provide dimensions for wall signage and elevation re-evaluating the presence of a monument sign with staff to confirm it meets zoning requirements.
 - *Planning Commission requested removal of the monument sign as the B3 – Central business district. Family Dollar is requesting it stay in place. The size proposed would meet the standards in B4 – General Business district.*
2. Move "tags" on site plan to match relocation of barrier-free parking and ramp.
 - *Completed*
3. All items from engineering letter dated Sept 13, 2013.
 - *To be addressed during detailed engineering*
4. Consider relocating proposed light pole on south side out of easement location.
 - *Pole located to east of potential opening*
5. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec 122-834(9).
 - *Plan provided and meets standards.*
6. Final plans to be submitted to MDOT for approval.
 - *To be submitted upon final city approval.*

Next Steps:

The public hearing and first reading will occur on Oct. 15, 2013. At the Nov. 5 meeting, a second reading will be held as well as a resolution for approval of a PUD agreement.

Please contact Teresa Gillotti with any questions at 734-483-9646 or tgillotti@cityofpysilanti.com.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Family Dollar site plans dated 10-3-13
Staff Planning Commission reviews and related minutes:

- August 28, 2013
- September 18, 2013

Development agreement

CITY MANAGER APPROVAL:

COUNCIL AGENDA DATE: 10-15-13

CITY MANAGER COMMENTS:

FINANCE DIRECTOR APPROVAL:



Resolution No. 2013-198

October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "FAMILY DOLLAR PLANNED UNIT DEVELOPMENT" be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

DOLLAR

FAMILY

CITY OF YPSILANTI STANDARD NOTES:

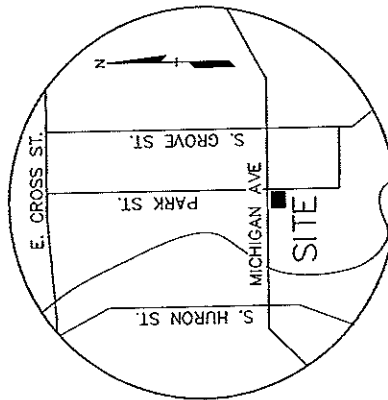
1. NOTIFY THE CITY OF YPSILANTI ENGINEERING OFFICE (734) 483-8471 MINIMUM OF 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
2. ALL CONSTRUCTION MUST BE CONFORMED TO THE CURRENT STANDARD AND SPECIFICATIONS ADOPTED BY THE CITY OF YPSILANTI.

- [illegible]

1. ALL CONTRACTORS AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS AND SPECIFICATIONS OF THE CITY OF YULAND AND M.C.C.O.
2. CONTRACTS WHICH ARE PAID IN ADVANCE SHALL BE CONSIDERED AS THE PROPERTY OF THE CITY OF YULAND AND M.C.C.O.
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[illegible]

1. ALL SANITARY LEADS SHALL BE CONSTRUCTED OF 4"Ø SDR 21.0 AT 1.25 MINIMUM SLOPE.
2. JOINTS FOR P.V.C. SOLID WALL PIPE SHALL BE GLASSMATED (NUMBER JOINTS) AS SPECIFIED IN AUSTAL DEFORMATION 9-2312.
3. UNLESS OTHERWISE SPECIFIED, ALL SERVICE AND LEADS ON BUILDING MEASURED BY THE CITY OF VERNON.



LOCATION MAP
NOT TO SCALE

SITE DEVELOPMENT OF A PROPOSED FAMILY DOLLAR STORE LOCATED AT THE SOUTHWEST CORNER OF MICHIGAN AVE. AND PARK STREET IN THE CITY OF YPSILANTI MICHIGAN. THE SITE WORK INCLUDES HMA PAVING, CONCRETE PAVEMENT, CONCRETE SIDEWALK, CONCRETE CURB & GUTTER, STORM SEWER, SANITARY & WATER LEADS AND STORM WATER DETENTION FACILITIES. THE PROJECT ALSO INCLUDES AN EXTENSION OF LINCOLN STREET SOUTH OF MICHIGAN AVE. TO BE DEDICATED TO THE CITY OF YPSILANTI.

INDEX OF DRAWINGS	
SHEET NO.	SHEET TITLE
S-01	COVER SHEET
1 OF 3	ALTA/ACSM LAND TITLE SURVEY
2 OF 3	ALTA/ACSM LAND TITLE SURVEY
3 OF 3	ALTA/ACSM LAND TITLE SURVEY
S-02	SITE PLAN
S-03	TRUCK CIRCULATION PLAN
L1.00	LANDSCAPE PLAN
L1.01	LANDSCAPE DETAILS

PROJECT ENGINEER / LANDSCAPE ARCHITECT / LAND SURVEYOR

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
2900 EAST GRAND RIVER AVENUE
HOWELL, MICHIGAN 48843
CONTACT: ROBERT WAGNER, P.E.
PHONE: (517) 545-8583 EXT. 261
FAX: (517) 545-8973

DEVELOPER/APPLICANT/ARCHITECT:

MORNINGSTAR PARTNERS, LLC
1404 VINE STREET
CINCINNATI, OHIO 45202
CONTACT: JOSH ALLEN
PHONE: (513) 699-8859
FAX: (513) 731-8965
#12 099

[illegible][illegible]

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Troy, MI 48063-1872
Phone: (248) 689-2023
Fax: (248) 689-1044
web site: www.pea.com

MORNING STAR PARTNERS, LLC
140 YONG STREET
CONCORD, OH 43022
COVER SHEET
FAMILY DOLLAR PYSLANTI
PART OF THE NE 1/4 OF SECTION 11, T23S, R. 17E
CITY OF PYSLANTI, WASHINGTON COUNTY, MICHIGAN
SHEET NO. 123456789
DATE: 12/31/2023

ORIGINAL	ISSUE DATE: JULY 17 2013	BOULEVARD SCALE	DRAWING NUMBER: S-01
	PEA JOB NO. 2012-11R		

[illegible][illegible]

7 Terms and Conditions contained in Order Satisfying Judgment
and Quitting Title as ordered by Instrument recorded in Liber
4790, Page 810. (AS SHOWING)
Refers to a Consent Judgment recorded in Liber 4726, Page
814.

Items 2-14 are not survey items

- 4 At the time of survey, there was no evidence observed of any unauthorized individuals or use of a mobile media device or auxiliary hardware.
- 5 The surveyor found that a requested Right-to-We charge to the South Sea of Michigan Ave.
- 6 The current entry observation was not provided by the surveyor. The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report.
- 7 The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report.
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- 9 The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report. The surveyor was not provided with a copy of the surveyor's report.
- 10 There were no observations observed on the date of the survey other than as shown.

160.00'

230.00'

PARK STREET

PARSON'S STREET

SOUTH STREET

HURON RIVER

THIS SURVEY IS LIMITED TO THE
PROPOSED FAMILY DOLLAR PARCEL
30.859 SQ. FT. 0.848 ACRES
SEE SHEET 1 OF 3 FOR
LEGAL DESCRIPTION

THIS SURVEY IS LIMITED TO THE
PROPOSED FAMILY DOLLAR PARCEL
36.859 SQ. FT. 0.846 ACRES
SEE SHEET 1 OF 3 FOR
LEGAL DESCRIPTION

PARENT PROPERTY
TAX PARCEL 11-11-09-170-029
PROPERTY BOUNDARY DESCRIBED IN EXHIBIT A
"LEGAL DESCRIPTION"
First American Title Insurance Company
Commitment No. 832177 2014 dated August
01, 2013

STANDARD'S CERTIFICATE

This is to certify that the map or plot and the survey on which it is based were made in accordance with the "Uniform Standard Official Requirements for 2013" promulgated by the National Surveying and Mapping Authority (NSMA) in 2013, and fulfill items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 82

David E. Cole, P.E.
Agent for Professional Engineering Associates, Inc.
M.I.P.S. No. 32334

FOR SURVEY QUESTIONS
CONTACT
GERALD W. CLANTON
JCLANTON@PEPINC.COM

3 OF 3

MORNING STAR PARTNERS, LLC
1064 VINE STREET
COLUMBIANA, OH 43082

ALTA/ACSM LAND TITLE SURVEY
FAMILY DOG YPSILANTI
PART OF THE NE 1/4 OF SECTION 8, T. 20S, R. 67E,
CITY OF YPSILANTI, WASHINGTON COUNTY, MICHIGAN

S.	GMC	CHD	SWL	JM
SW	PJM			

PEA

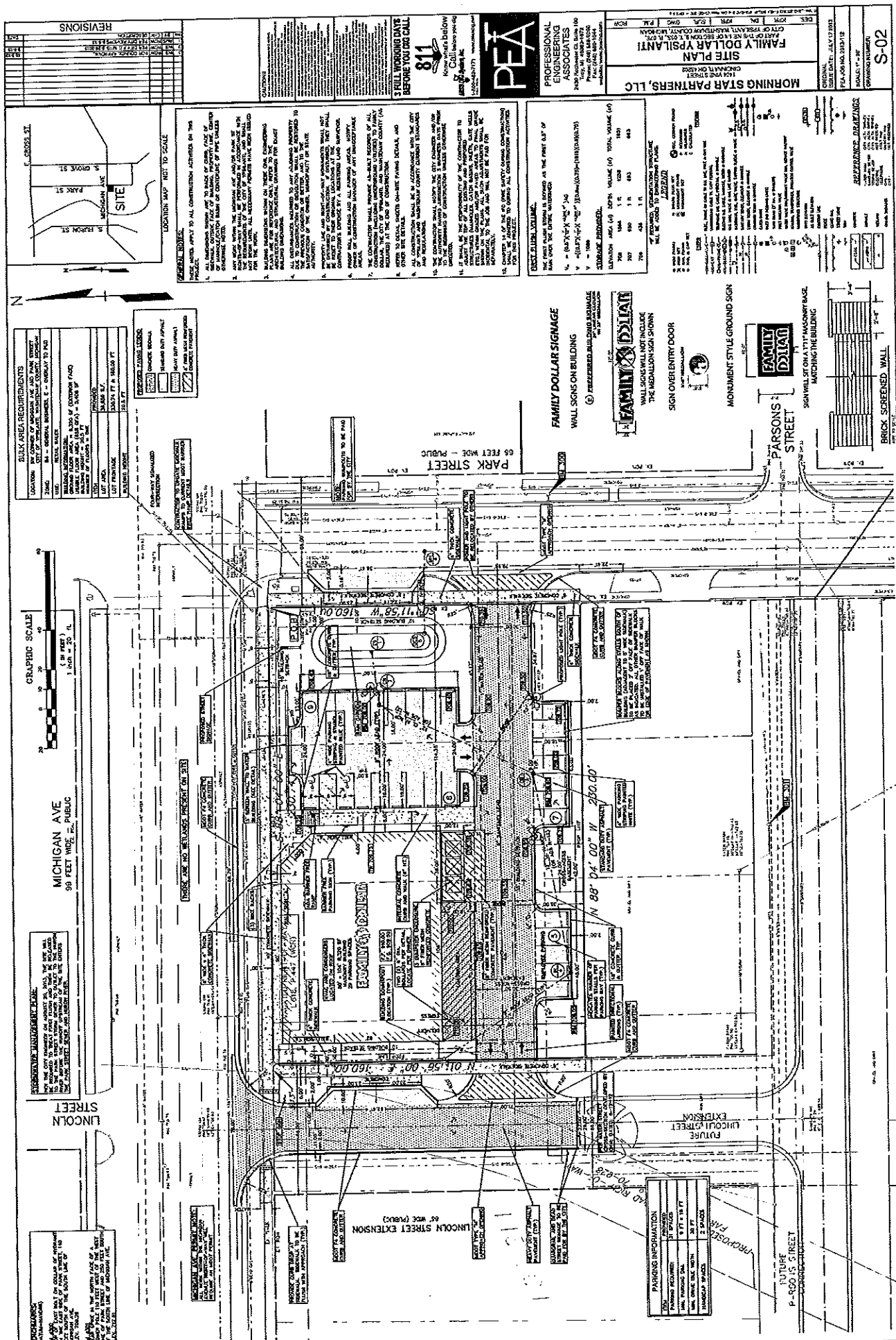
**PROFESSIONAL
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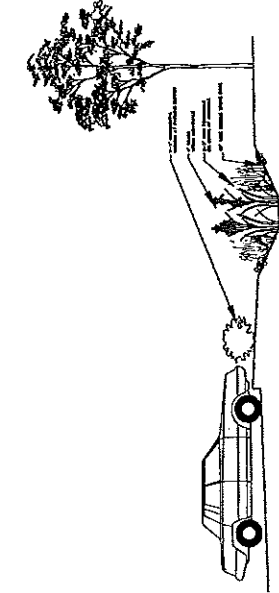
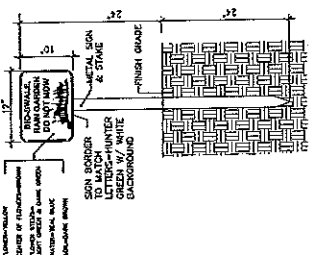
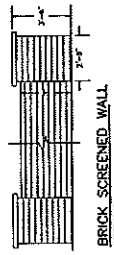
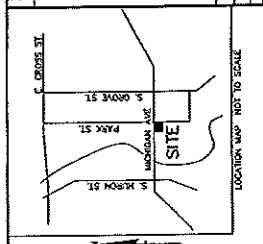
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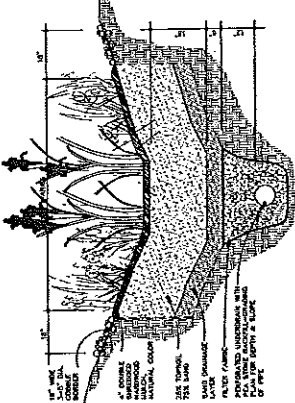
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NO.	DATE	REVISIONS
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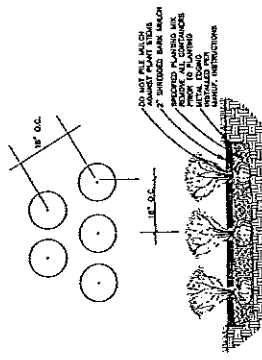
- BIOSWALE MAINTENANCE**
1. CHECK FOR FLOATABLES AND DEBRIS AND REMOVE AS NECESSARY.
 2. MAINTAIN VEGETATION THAT OBSTRUCTS FLOW (SPRING).
 3. REPLANT ALL CHOKED BANKS, BANK SHOTS, ETC. LATER IN THE YEAR.
 4. INSPECT BIOSWALES FOR INVASIVE SPECIES SUCH AS FURSELL LOGS, WETLAND, PHARMACIST, AUTUMN BURN, (ANNUALLY).
- THE CONTRACTOR SHALL MAINTAIN RESPONSIBILITY FOR A MINIMUM OF ONE (1) YEAR AFTER COMPLETION OF THE BIOSWALE. THE CONTRACTOR SHALL MAINTAIN RESPONSIBILITY FOR A MINIMUM OF ONE (1) YEAR AFTER COMPLETION OF THE BIOSWALE. THE CONTRACTOR SHALL MAINTAIN RESPONSIBILITY FOR A MINIMUM OF ONE (1) YEAR AFTER COMPLETION OF THE BIOSWALE.



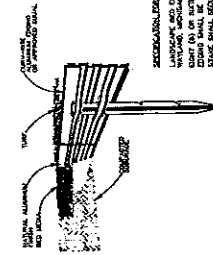
BIOSWALE - TYPICAL CROSS SECTION
NOT TO SCALE

BIOSWALE AND BUFFER PLANTING
NOT TO SCALE

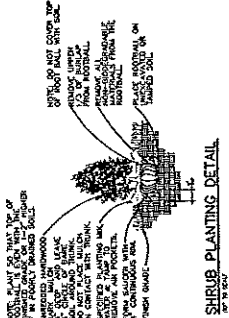
NATIVE LANDSCAPE MARKER DETAIL
NOT TO SCALE



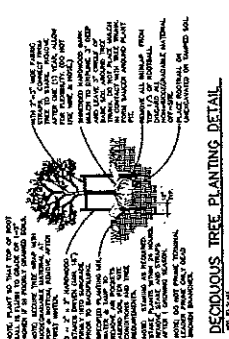
PERENNIAL PLANTING DETAIL
NOT TO SCALE



ALUMINUM EDGE DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE



DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

MORNING STAR PARTNERS, LLC
10000 STREET
GROVEVIEW, OH 44122
LANDSCAPE DETAILS
FAMILY DOLLAR PLANT
CITY OF CLEVELAND, OHIO
PROJECT NO. 10000-0000
DATE: 07/17/2013
BY: [Signature]

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Plan, Visit



**1136 Greenwood Cliff
Charlotte, NC 28204**

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F.F. 704-343-0064
E-MAIL INFO @ QJHLLT.COM**

DESIGN BASED ON 20XX-XX PD PROTOTYPE
Ypsilanti, MI
East Michigan Ave.
FOR
Morning Star Partners, LLC
FAMILY DOLLAR

ELEVATIONS \
EXTERIOR FINISH
SCHEDULE

THESE

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Drawn By :

Checked by:

Wiederholungsfragen:

11

Date:

QUESTIONS

EXTERIOR FINISH SCHEDULE

NO.	AREA	TYPE	COATS	COLOR
①	CLARK BNC	CLARK BNC	PRE-PAINTED	INTERIOR BLIND TO BE APPROVED BY FAMILY DOLLAR
②	WALL, CLOSET, HOOK	WALL - PANEL, BR CLOSET - CLAMMED WALL HOOK - 1" PINE PANEL FLAT FINISH MATERIAL	PRE-PAINTED	VP COLOR "COOL IMPROVE" REEF HUCKON COLOR MATCH VP "COOL IMPROVE" REEF MID-HWEST COLOR "CONCHOR" REEF BROWN WILLIAMS BM 601 "SAFETY" REEF
③	W.P. TO TV, FRIGIDA, BATH (PINKT SLEEV)	W.P. - PANEL, BR HUCKON - CLAMMED WALL MID-HWEST - 1" PINE PANEL	PRE-PAINTED	VP COLOR "COOL IMPROVE" REEF MID-HWEST COLOR "CONCHOR" REEF MID-HWEST COLOR "POLAR WHITE" BROWN WILLIAMS INTERMID COLOR BM 102 "CLAMBERC"
④	BLUDDY BATH OWNS SMOOTH FINE GUM WALL (RECEIVED BY FURNITURE)			BROWN WILLIAMS MATCHING COLOR BM 102 "CLAMBERC"
⑤	DOORS, SETTING, LVL, TONGA	INTERIOR LATEX	2	BROWN WILLIAMS MATCHING COLOR BM 102 "CLAMBERC"
⑥	SMOOTH FACED CHU	EXTERIOR LATEX	2	BROWN WILLIAMS MATCHING COLOR BM 102 "CLAMBERC"
⑦	SMOOTH FACED CHU	EXTERIOR LATEX	2	PAINT TO MATCH ①
⑧	STEEL WALLS	EXTERIOR LATEX	2	MATCH BROWN WILLIAMS BM 601 "SAFETY" REEF

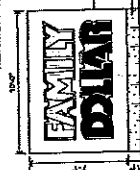
EXTERIOR FINISH NOTES:

- APPLY MANTHAWA BLOCK FILLER TO CONCRETE BLOCK PRIOR TO FINISH PARTIAL.
- CLG. OR CONTRACTOR MUST NOTIFY LOCAL BROWN WILLIAMS DEALER THAT PAINT IS BEING PURCHASED FOR A FAMILY DOLLAR STORE AND PROVIDE BROWN WILLIAMS DEALER WITH STORE LOCATION.

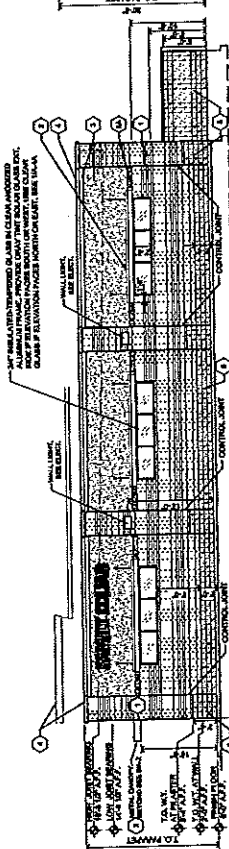
EXTERIOR FINISH NOTES:

1. APPLY MAJORITY BLOCK FILLER TO CONCRETE BLOCK PRIOR TO FINISH PAINTING.
2. G.C. OR PAINT CONTRACTOR MUST NOTIFY LOCAL BREWERIES WILLIAMS DEALER THAT PAINT IS BEING PURCHASED FOR A FAMILY DOLLAR STORES AND REQUEST INQUIRY RE: WILLIAMS DEALER WITH STORE LOCATION.

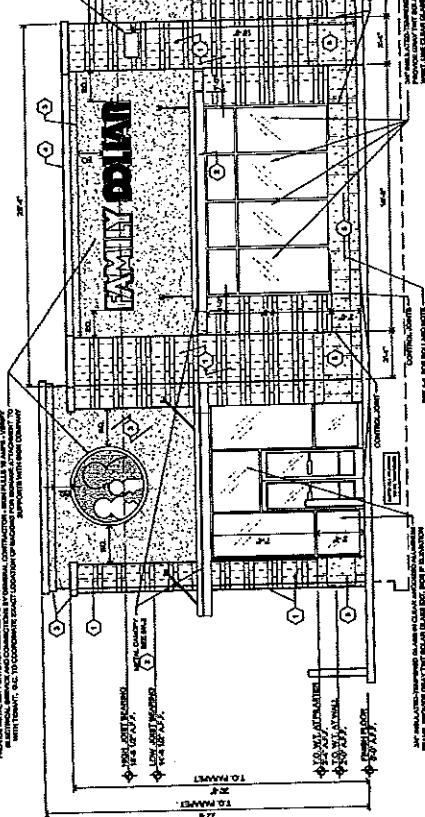
COMPANY TO PROVIDE METAL SUPPORTS ARE REQUIRED FOR BRIDGES, CONCRETE TO METAL
BUILDING STRUCTURE. ELECTRICAL SERVICE AND CONNECTIONS BY GENERAL CONTRACTOR.
IRON PULPS IS ANGLE - VERIFY WITH TENDENT. C.C. TO COORDINATE EXACT LOCATION OF
BACKING FOR BRIDGE PLATE AND BACKING WITH BRIDGE COMPANY.



MONUMENT SIGN ELEVATION



1 INCOIN STREET EL ÉVATION



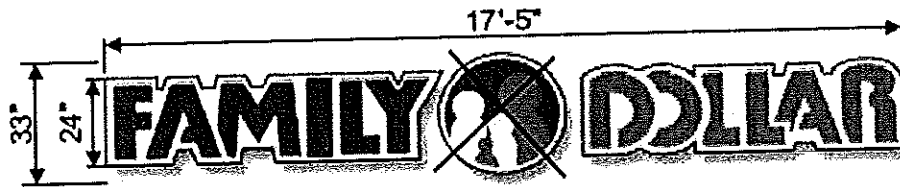
THE AMERICAN AVENUE OF EVALUATION

4 MICHIGAN

FAMILY DOLLAR SIGNAGE

WALL SIGNS ON BUILDING

(E) PREFERRED BUILDING SIGNAGE 24" LINEAR CLOUDS W/ 33" MEDALLION



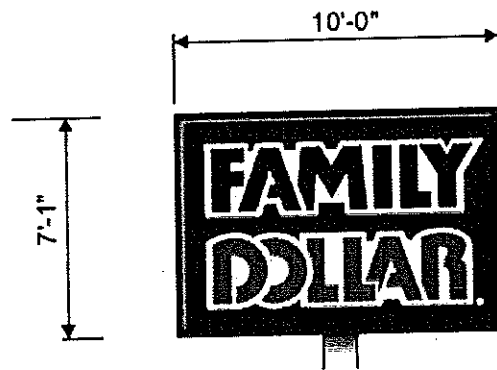
WALL SIGNS WILL NOT INCLUDE
THE MEDALLION SIGN SHOWN

SIGN OVER ENTRY DOOR

5'-6" MEDALLION



MONUMENT STYLE GROUND SIGN



SIGN WILL SIT ON A 1'11" MASONRY BASE,
MATCHING THE BUILDING

**PLANNING COMMISSION
MEETING MINUTES
August 28, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: R Johnson, B. Lenart, G. Clark, M. Bullard, R. Murphy,
C. Zuellig, A. Bedogne

Absent: B. Lenart (excused) P. Hollifield (excused)

Staff: Teresa Gillotti, Community Development Director
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

Chairman Johnson welcomed a new member to the Planning Commission, Anthony Bedogne, who has recently been serving on the Zoning Board of Appeals and was a very active member.

III. AUDIENCE PARTICIPATION

Mayor Paul Schreiber, 922 Pleasant - thanked everyone on the board for their service to the city. He continued by saying that it is very important to have people with good experience on boards and Planning Commission is a great example of that, especially with two very important projects occurring in the city and the Planning Commission's direction and experience is critical to the city and its success.

Chairman Johnson also thanked the commission and staff for their time and involvement in these projects as well as other huge projects that have been ongoing at the same time.

IV. PUBLIC HEARING ITEMS

1. Family Dollar Rezoning & PUD Plan

Chairman Johnson stated that this is a Planned Unit Development (PUD). It is a rezoning but is also like a contract with the city that requires more complex zoning. It is part of the Water Street complex. He added that this is more complex than a normal PUD in that, we are looking at previous zoning that was pre 1998 and the Master Plan that was in effect in 1998. We are also looking at a different Master Plan that was passed by this board in 2004 and zoning that is not actually officially in place but which we have been asked to recognize as well as a new Master Plan. We are being asked to review the agreement and site plan that will be presented to us this evening making a recommending to City Council to make the final decision.

Ms. Gillotti, Community Development Director, began by stating that this is the first proposed development in the Water Street redevelopment area. In May, City Council approved a development agreement for the site that included a concept plan. There were some conditions that were specific to the site plan that was included in the development agreement that are to be discussed at this meeting.

The parcel location of this property is approximately 0.84 acres plus an estimated 0.26 to establish Lincoln Street, putting it over one acre. A PUD is allowed for projects over one acre. City Council required that this go through Planning and Development to ensure quality development as part of the agreement. Ms. Gillotti added that Josh Allen, who is the architect for the project, is in attendance to discuss any questions by the board.

The concept plan for the development area has changed over time and as we were going through the Shape Ypsilanti process and how we wanted the Water Street area to look, it changed again. The Family Dollar building is proposed to be built on a lot between Park and Lincoln facing Michigan Avenue with parking on both the side and rear yards. The building is proposed to be approximately 8,320 sq. ft. with masonry block and windows along the Michigan Avenue frontage. She noted that there were five different review criteria that went into this review that includes the Master Plan revision of 2008 specific to the Water Street area, regular zoning; in this case, a PUD with B3 as the underlying district, the development agreement, draft zoning that the Planning Commission did in 2009 and while City Council ultimately tabled the zoning, they have indicated that it should be used for negotiating future development and is to serve as a guideline for the proposed development and lastly, the draft Master Plan.

Ms. Gillotti gave a short overview of the proposed Family Dollar showing the location of the building, adding that the utilities will be located off Park Street, lights will be installed on all sides, windows will be clear in front and other windows will be tinted. She reviewed the parking and curb cuts, including the proposed handicap parking; on street parking will be allowed on Lincoln as is currently allowed on Park. Five bicycle parking spaces are required. A rain garden is proposed on the east side of the parcel between the parking lot and Park Street. Street trees will be required on the east side of Lincoln Street frontage per the development agreement as well as on the frontage of Michigan Avenue. Chairman Johnson asked her to review the staff recommendations.

She stated that staff recommends the Planning Commission approve the PUD plan and rezoning to PUD listing the various findings, including two exemptions: one is recommended based on zoning guidelines to reduce the number of required parking spaces to a maximum of 24 and the second is an exemption from the required entryway overlay district. She indicated that there are 23 potential conditions, which she reviewed in detail for clarification. Also noted were the various waivers that are being requested; requirement from the 3 ft berm between Michigan Avenue and parking lot, and instead, the potential of a landscaping wall; foundation planting tree requirements along Michigan and Lincoln Street and relocation of two trees on Park Street; and lastly the omission of the sprinkler system.

Commissioner Bedogne asked for clarification on Parsons Street, which Ms. Gillotti provided. Chairman Johnson asked about the orientation of the lot frontage and Ms. Gillotti responded with a detailed explanation.

Commissioner Clark moved to open the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously.

Josh Allan, 1404 Vine Street, Cincinnati, OH – stated that he is the architect for the project. Ms. Gillotti has done a good job of outlining where everything is – the lot location, parking, bioswale, landscaping, etc. but there are a few things he would like to address on the conditions. He reviewed a picture of the rain garden, which has an appealing look as well as function. It is standard with Family Dollar to have a sprinkler system installed. On the curb & gutters, they will be included as a standard. They will change the notes on the Lincoln Street improvements currently showing the city paying for that. They do not expect the city to pay for any improvements and will include the curb cut, sidewalk and the landscaping. He provided samples of the materials – they plan to use masonry product, structural brick, and beige base on bottom. Dumpsters will be installed with gates and match the building. They would like to have 25-30 parking spaces.

Chairman Johnson asked about the issue of the glass – reflective vs non reflective. Mr. Allan responded that this is something he can work out with staff. Chairman Johnson added that it should be noted as one of the conditions. He also asked about how the parking can be reduced and Mr. Allan stated they could get rid of seven at the back since they are less useful. They would prefer to have 25 parking spaces and reorganize the landscaping at the back. Discussion continued on various parking issues including handicap spaces. Commissioner Zuellig added there is an opportunity to put a screen wall running parallel to the building reinforcing the street edge, to which Commissioner Murphy concurred.

The issue of the monument sign was discussed with one board member stating that it should be eliminated since there was enough signage on the building itself but no specific recommendation was made.

Much discussion was held on the location of windows and canopies and the question was raised if it is possible to install windows on the Lincoln Street side of the building since it is currently just a huge brick wall with no break. Mr. Allan responded that putting windows in that location is not practical since it looks directly into the delivery area. The board encouraged Mr. Allan to look at other options rather than having just another large brick wall facing Lincoln Street and he agreed to look at this further.

Mr. Allan referred to the six street trees on Michigan Avenue stating that it is his opinion that once they mature to a potential 30', it would be difficult to see the building and is requesting that they eliminate one or two. Commissioner Zuellig was opposed to this reduction.

Irmgard Gelletly, 921 Sheridan – asked about run-off and the possibility of using water off the roof or rainwater for the sprinkler system. Chairman Johnson responded that he believes the run-off goes into the storm system like all other streets. Ms. Gelletly is concerned if the parking lot drains into the rain garden area and Chairman Johnson responded that this is an adequate concern. Commissioner Zuellig added that often they put stones in that area where the stormwater comes off the parking lot into a type of basin and collects the salt going into the plants. Also, they typically pick plant material that is salt tolerant.

Commissioner Clark moved to close the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Chairman Johnson stated that it was his opinion that Family Dollar had done an excellent job of trying to integrate their building to the community but at the same time it is a challenge. The staff report has given us an excellent write-up with good recommendations, etc. Commissioner Clark informed Mr. Allan that he had pictures of another store location showing types of windows that could be considered on the Lincoln Street side. Commissioner Zuellig agreed with Chairman Johnson that staff had worked really hard on this site plan with a lot of positive things about it. She was pleased to see they did include irrigation. She referred to the on-street parking on Lincoln adding that it should have concrete on the back and needs a guard rail and signage because of being a dead-end street. Chairman Murphy asked about the timing of completion since he is concerned because it is his opinion there are many large issues that need to be addressed, which he detailed in length. Mr. Allan responded that he hopes it would be 180 days from signing. Commissioner Clark added that this is the first site on the Water Street redevelopment area and it is very important that we get it right making sure that every detail is covered. Chairman Johnson listed the various issues that were of concern.

Mr. Allan concluded by saying that there are only two main concerns he had that he could work out with staff and had no problems with all of the other conditions and waivers.

Commissioner Murphy moved to postpone action to our September meeting but with a date certain to pick back up again. Items to be clarified by staff were: the monument sign, six trees on Michigan, confirmation of film on windows on Michigan Avenue, canopies on Lincoln Street side of building, knee wall parallel with Michigan Avenue between sidewalk and parking lot area, between 25-30 parking spaces, relocation of barrier free spaces, change plantings, maintain 30' drive with concrete at back, 10' sidewalk on Michigan Avenue (Support: A. Bedogne) and the motion carried unanimously.

2. Thompson Block Rezoning & PUD Plan

Chairman Johnson stated that this has been a high profile project for a number of years and we are happy to see movement going forward so we can take action. Ms. Gillotti presented the staff report by stating that this did not come before Planning Commission previously because it was originally a project that was based just on the building portion. It now encompasses the

vacant parcel and a portion of the alley behind the two, which the applicant is trying to vacate and combine all three; the Thompson Block property, the alley and the property located at 107 E. Cross, to create a single lot size of approximately 0.56 acres; the minimum required for a historic preservation Planned Unit Development (PUD) is 0.5 acres.

In 2009, due to the damage from a fire to the southern structure, it lost its non-conforming structure status since it was not rebuilt in 18 months. As a means of addressing the illegal non-conforming status and preserve and adaptively reuse the building, the applicants have applied for an adaptive reuse of a historically significant structure PUD rezoning and site plan approval. The B3 Central Business District requires 5' setback on both sides and 25' setback when adjacent to a residential district, so one of the exemptions that the board will have to consider is for the setback exemption requirement in order to preserve the actual building facade for the building allowing it to be located in its current state, otherwise it would have to be moved back.

There is a provision in the Zoning Ordinance that allows for a smaller land area to be considered for PUD – ½ acre – if it is for preservation of a historic structure. That was determined by the Historic District Commission at their last meeting that it was within the 0.5 acre requirement.

She provided some information on the restoration of the project. There will be parking area adjacent to the east of the building providing parking for the residential units. They are planning for 10,000 sq. ft. on the first floor for commercial with 16 upper story residential lofts. Along the River Street frontage, they intend to create a concrete addition along the front of the building for outdoor seating plus sidewalk. The vacated alley and the vacant 107 E. Cross will provide for parking, stormwater management, and buffer between the development and adjacent properties. The property at 113 E. Cross is being proposed to provide additional egress by the property owner, but will be considered in a separate site plan application.

Residential access is primarily off the parking lot although it is still shown on the site plan to the north of the building where the elevator is located. Clarification is required from the owner. There is access to the commercial building at the rear of the bays; however, each bay will have its own front door.

Ms. Gillotti reviewed the parking requirements stating that currently, thirty-one parking spaces are shown, exceeding the minimum of twenty-six. The parking area is missing the required barrier-free parking spaces and lacks adequately-sized travel/maneuvering lanes. Staff is recommending maintenance of a 12 foot drive if parking is changed to 45 degree angle. No signage is planned at this time. Dumpster information needs clarification.

Staff is recommending that the Planning Commission approve the PUD plan and rezoning to PUD based on a number of findings, conditions to be addressed and waivers of foundation plantings requirement, sprinkler system and permit installation of landscaping and wall for off-street parking in lieu of berm. Ms. Gillotti offered to address any concerns.

Commissioner Zuellig asked if a schedule for the work had been provided and Ms. Gillotti responded that she would refer that question to the applicant.

Commissioner Murphy moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

Fred Beal, is a partner in the new entity called The Thompson Block Partners, in putting this project together since they have expanded the group. He stated that the property in question is owned by The Thompson Block. The idea centers around the building as it did before. He reviewed some of the planned changes. Due to timing, they got OHM's comments late and have not quite worked out the details on the parking lot but should be able meet their requirements on the width required. He expounded on the details. On the scheduling question, they would complete all approvals, financing, tax credit closing between now and year end, beginning the project January 1st and finishing by the end of 2014.

He introduced his architect, David Lavender. Mr. Lavender continued the presentation adding that in terms of lighting, they plan to match the same as is on the street. Regarding the ADA walks, the building frontage is roughly 132 ft. In order to provide a 1 in 20 slope, they need approximately 87 ft. Within the frontage of the building on River Street there is more than enough space to put in a slope walkway that won't require a ramp. They would work with their leaseholders in terms of the kind of signs they require but working within the signage required in the ordinance, similar to E. Cross Street.

Chairman Johnson stated that the building had been heavily damaged and wondered if there are any engineering concerns, i.e. certified that the building can withstand the major renovation? Mr. Lavender responded that the brick walls that are there used to support the exterior walls -- they are going to rebuild the interior walls to provide lateral bracing and in addition to that, the wood floors that were between the walls provided a diaphragm in the other direction, so essentially putting back what was there structurally previously will be restored. Commissioner Clark stated it was his understanding in order to make the building structurally sound, you have to rebuild the building inside the walls and wondered how much of this building has to exist in order to receive the Historic Foundation tax credits and Mr. Beal clarified how the credits and programs work.

Commissioner Murphy moved to open the public portion of the hearing (Support: G. Clark) and the motion carried unanimously.

Irmgard Gelletly, 921 Sheridan -- owns the building next to the Thompson Block immediately next to the north wall. She had a number of concerns about the proposed stairwell at the north end of the building, noise from potential loft owners and the height of the building that would affect the sun exposure in the backyard of her property.

Mayor Paul Schreiber, 922 Pleasant Drive -- had questions on the western façade windows, to which Mr. Beal responded.

Commissioner Bedogne moved to close the public portion of the hearing (Support: c. Zuellig) and the motion carried unanimously.

There were many questions by the board members. Further discussion was held with a consensus by the commission members that many items need to be addressed as well as more information being provided on the bioswale, elevator, planting, signage, parking, etc.

Commissioner Clark moved to postpone a decision on this project with the applicant returning on September 18th, at which time, have further clarification on the rear entrance of parking lot, landscaping, elevator, side entrance and how it will work, River St ROW and dumpster (Support: R. Murphy) and the motion carried unanimously.

V. OLD BUSINESS

1. Recreation Master Plan Update

Ms. Gillotti complimented Bonnie Wessler, for the great job she did on putting together the parks plan. Ms. Wessler stated that this is an update on the new Parks and Recreation Plan and highlights as they relate to Shape Ypsilanti. Five main areas were discussed: Water Street and Waterworks Park; Frog Island Park and Depot Town; Railroad Street; Washtenaw & Cross; and overall connectivity for pedestrians and vehicles. There are differences in the plans due to the different timelines (the Master Plan has a 10-20-year timeline; the Recreation Plan is 5-10), and these differences will be resolved prior to adoption of either plan.

The existing ball fields at Waterworks Park will be renovated with the help of the Little League. The disc golf course will be maintained and potentially a small area for a dog park will be explored.

The Recreation Plan also calls for sidewalks along Catherine Street from Waterworks down to Factory Street.

VI. NEW BUSINESS

None

VII. COMMITTEE REPORTS

Ms. Gillotti stated that there was a report on the Non-Motorized Committee; however, it was inadvertently omitted from the packet. She will copy everyone.

VIII. FUTURE BUSINESS DISCUSSION/UPDATES

- Family Dollar
- Thompson Building
- South Prospect Church Site Plan

IX. ADJOURNMENT

Since there was no further business, Commissioner Murphy moved to adjourn the meeting (Support: G. Clark) and the motion carried unanimously.



City of Ypsilanti

Planning and Development Department

Planning Commission Agenda: August 28, 2013

**Staff Review of Site Plan and
Planned Unit Development (PUD) rezoning
216 E. Michigan (proposed address) – southwest corner of
E. Michigan Ave and Park Street
Ypsilanti, Michigan**

GENERAL INFORMATION

Applicant: Morning Star Partners, LLC on behalf of Core Resources, LLC
1404 Vine Street
Cincinnati, Ohio 45202

Project Name: Family Dollar

Application Date: July 17, 2013

Location: 216 E. Michigan (proposed address) – southwest corner of E.
Michigan Ave and Park Street

Zoning: B4, General Business District; EO, Entryway Overlay

Action Requested: Site plan approval; Rezone to Planned Unit Development (PUD)

PROJECT AND SITE DESCRIPTION

This application is for a site plan and Planned Unit development for approximately 0.84 acres for the parcel plus an estimated 0.26 to establish Lincoln Street in the Water Street Redevelopment area for the development of a Family Dollar store. The total project area is 1.1 acres. The site is located on the Michigan Avenue frontage between proposed Lincoln St. and Park Street.

The City of Ypsilanti owns the entirety of the Water Street Redevelopment area, but entered into a development agreement with Core Resources Inc for the development of a Family Dollar on May 7, 2013.

Development Agreement and Review criteria

Ypsilanti City council has determined that the proposed zoning amendments recommended by the Planning commission in 2009 should be the guidelines for review. Several of these provisions are specifically stated in the development agreement (page 4 - section 7b).

7 (b). The Property shall be developed in accordance with the Planned Unit Development (PUD) process set forth beginning in Sec. 122-571 of the City Code of Ordinances using the Draft Zoning Ordinance attached hereto as Exhibit C (the "Zoning Requirements") as guidance. The Planned Unit developed and related site plan approval application will be completed and submitted by Purchaser to the Planning Commission and City Council for approval therefore during the Contingency Period. All plans shall be prepared and all permit applications shall be submitted pursuant to the City requirements. Nothing contained in this Agreement shall be deemed to be an approval by the City as to any matter, including, but not limited to an approval with respect the historical designation of any structure or any other improvement on the Property proposed by this Agreement, and the Purchaser shall be required to follow the process for obtaining approvals contained in the applicable City zoning or other ordinances. Purchaser acknowledges that as a condition of the issuance of approval of the PUD for the subject property, the City may require that the Developer undertake the following:

- (i) cause the Access Drive Improvements (as defined in Exhibit G) to be constructed pursuant to MDOT and City standards and extend same from Michigan Avenue to the southerly property line of the property;
- (ii) commit to install trees on the street frontages of Michigan, Park Street and the future Lincoln Street;
- (iii) install a six foot sidewalk on Lincoln Street within the Access Easement (hereinafter defined) and increase the sidewalk to a width of ten feet on Michigan Avenue and Park Street;
- (iv) cause the store entrance to be oriented toward Michigan Avenue;
- (v) install six foot windows on the Michigan Avenue frontage of the Improvement for the entire width of the frontage;
- (vi) require Purchaser to grant to the lands south of the Property and north of Parsons Street a shared curb cut and access easement through the curb cuts proposed to be constructed on Lincoln and Park Streets within the Property, and
- (vii) require placement of the Building in the northwest corner of the Property fronting Michigan Avenue and the proposed Lincoln Street extension, generally described on Exhibit C-1.

The above description of criteria for approval of the PUD shall not be construed as a limitation on the City's ability or right to require additional improvements or undertakings in connection with the Purchaser's PUD application or a waiver of any right to modify any of the foregoing limitations.

For the process of this review, additional sections will be added to the standard PUD/Site plan review: development agreement requirements, draft zoning ordinance, and comparison to draft Shape Ypsi plan. Where the above mentioned section reflects a specific standard like parking or landscaping, those requirements will be listed within the standard review tables and noted with a (ZG) for zoning guidelines.

Site details

The proposed parcel size is 0.84 acres extending from the proposed Lincoln Street right of way to the Park Street right of way. It extends south from Michigan Avenue approximately 160 feet. The project area includes the 66 feet of the proposed Lincoln Street right-of-way to the west, as well as some right-of-way work on Michigan Avenue and Park Street, putting the project area at 1.1 acres. The proposed parcel size mimics one previously occupied by the state police post, if

not exactly. There are no structures on the existing property. Two existing curb cuts are on the site, on Michigan Ave and another on Park Street.

REQUIRED INFORMATION – PUD SUBMITTAL

Section 122-575 provides application requirements for Planned Unit Developments. These requirements include cover letter from applicant and owner, legal description, site plan at a maximum scale of one inch equals 50 ft. or larger prepared in accordance with 122-125 (site plan review). Additional required information: copy of agreements, covenants, or deed restrictions which will assure that the development will be completed and maintained as shown on the plans by the developer and successive owners; open spaces areas; architectural sketches; copy of deed restrictions; and required fees.

Required information has been submitted. The following has been provided:

- Ownership of existing parcel
- Legal description for parcel
- Updated ALTA survey for proposed parcel
- Development Agreement

Items to be Addressed: None

PUD PROCESS

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #3, above. Planning and Development staff met repeated with the development team including time spent on the development agreement. The Planning Commission will review and hold a public hearing on Wednesday, Aug. 28, 2013.

MASTER PLAN CONSIDERATION

In 2008, the Planning Commission adopted an amendment to the 1998 City of Ypsilanti Master Plan specific to Water Street (attached). Specific Land use recommendations (page 82) include:

- Redevelopment of the site including a mix of residential, retail, office, entertainment, medical, research, or other land uses or combinations compatible with the downtown business district
- Coordination of individual development projects to ensure compatibility both within the site and with nearby land uses
- Design standards that create an urban, rather than suburban or exurban, form
- Effective transportation connections to the downtown business district and surrounding areas, including non-motorized, vehicular, and transit options

- Application of environmental best practices, such as LEED certification, low-impact design, etc, where practical

(page 83)

Office, medical, research, and similar uses should take urban forms, avoiding low-density "office park" or automobile-oriented "strip" commercial configurations"

This facilitation is expected to include rezoning of these parcels to incorporate the goals of this target area, in order to provide potential developers with maximum predictability during the development process; future zoning amendments or Planned Unit Development proposals may be necessary to accommodate developments not predicted during this initial rezoning. The use of a new zoning district or overlay district and/or changes to existing zoning districts that communicate the desired development quality should be considered to add predictability to the development review process while achieving community goals for the area.

Appropriate zoning districts for this target area include new "Commercial/Residential Redevelopment Districts" designed to meet the Target Area's goals, and could also include B3 for the Michigan Avenue frontage and R/C or RO for the site interior. Specialized craft-industrial uses, such as those found in the W/S district, could also be appropriate.

As noted, the future land use map designates the area Mixed Residential/Commercial. For the purposes of this review, staff is recommending the use of B3 Central Business district as the base layer for review based on the text included in the master plan update above.

In 2009 the Planning Commission proposed zoning changes to the Water Street Development area including two new zoning districts. City Council ultimately tabled the zoning; however, they indicated that it should be used for negotiating future development. As noted above, it is to serve as a guideline for the proposed development. It is included as an appendix to the development agreement.

The 2013 Draft master plan provides direction for the layout for the Water Street Redevelopment area as well as an approval process and standards. In particular, the recommendation is to replicate the existing downtown grid in the development area. A separate section below compares the proposed development in relation to these recommendations.

LAND USE AND ZONING

Figure 1: Subject Site Location

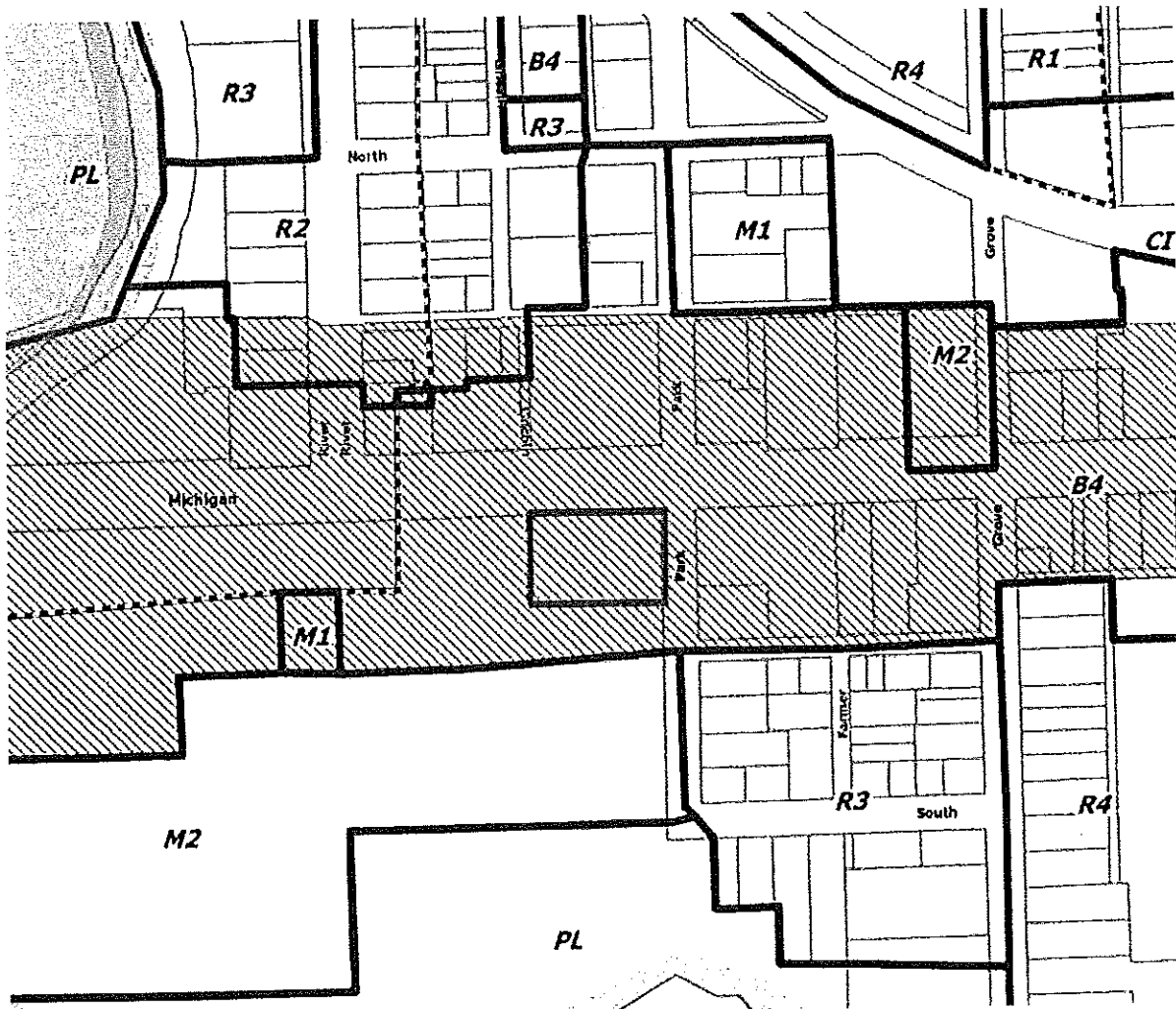


Figure 2: Site Aerial Photo (2010)



Table 1: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	New Beginnings Academy Charter School, BP gas station	B4, General Business EO, Entryway Overlay
EAST	Metro PCS retail store and retail strip. Salvation Army	B4, General Business EO, Entryway Overlay
SOUTH	Vacant Water Street Redevelopment Area	B4, General Business EO, Entryway Overlay M2, General Manufacturing PL, Public Land
WEST	Vacant Water Street Redevelopment Area	B4, General Business EO, Entryway Overlay M1, Light Manufacturing

AREA, WIDTH, HEIGHT, SETBACKS, DEVELOPMENT STANDARDS

The underlying district for the subject area is B4 General Business; however section 122-572 of the zoning ordinance has this provision:

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning commission recommendation, the City of Ypsilanti Master plan as a basis for principal uses permitted in a planned unit development.

As noted above, the update to the Master Plan in 2008 specifically for the target area of the Water Street Redevelopment Area notes that B3, Central Business would be a suitable district for the Michigan Avenue frontage. The B3 district is utilized as the underlying district for PUD>

Section 122-573 (3) of the PUD regulations state that base regulations may be modified to encourage flexibility and creativity in development, provided such modifications result in a higher quality of development than would otherwise be possible. Exemptions will be listed below to be noted on plans and in PUD agreement.

Table 2: Area, Width, Height, Setbacks

	REQUIRED (B3 Central Business)	Existing	Proposed
LOT AREA / WIDTH / COVERAGE	The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.	Vacant 38 acre parcel	Lot Area: 38,859 sf (.84 acres) Project area: approx 1.1 acres Width: 230.74 ft Lot Coverage: approx. 24%
SETBACKS			
Front (Michigan)	Not less than 5 feet (ZG) – not greater than 10 ft.	n/a	5 feet
Street side (Park)	Not less than 5 feet	n/a	Approx 114 ft List all setbacks
Street side (Lincoln)	3 feet	n/a	10 foot
Rear	10 feet	n/a	Approx 56 feet List all setbacks
HEIGHT	Six stories or 75 feet, whichever is smaller (ZG) – No building shall be less than 3 stories in height at street frontage.	n/a	20.5 feet – single story.

SIDEWALKS	provide a sidewalk or shared-use path (see additional requirements in development agreement review section)	5. foot sidewalk along Michigan Ave. 4 foot sidewalk along Park Street	6 foot sidewalk shown on Lincoln, Park and Michigan Ave. Provide 10 foot sidewalk along Michigan per development agreement. Remove note that city to pay for sidewalk along Park, is applicant responsibility per development agreement.
LANDSCAPING	10% = 3,885 sf		Calculate percentage of site landscaped and show on plan.
PARKING	Ordinance: 1 for every 200 feet of gross floor area: $8320/200 = 42$. With 20% reduction: 34 (ZG) Zoning guidelines: Maximum of 3 parking spaces per 1,000 square feet of non-residential use. $8320/1,000 - 8 \times 3 = 24$	n/a	31 supplied including 2 handicap spaces Reduce parking spaces to maximum of 24. Provide exemption from ordinance requirement based on development agreement requirement to utilize zoning guidelines for review.
SIGNAGE	Provisions vary based on type starting in section 122-861	n/a	Provide dimensions for wall signage and elevation including dimensions for monument sign.

Items to be Addressed:

1. List all building setbacks on site plan
2. Provide 10' sidewalk along Michigan per development agreement.
3. Remove note that city to pay for sidewalk along Park Street frontage, is applicant responsibility
4. Calculate percentage of site landscaped and note on plan
5. Reduce parking spaces to maximum of 24.
6. Provide dimensions for wall signage and elevation including dimensions for monument sign.

Exemptions to be noted:

1. Provide exemption to zoning ordinance reducing parking spaces to a maximum of 24 based on zoning guidelines.

BUILDING LOCATIONS AND SITE ARRANGEMENT

The proposed Family Dollar building will be oriented toward the corner of Lincoln and Michigan Ave, with the length of the building along the Michigan Avenue frontage. Sets of windows 8'8" in height repeat along the Michigan Avenue frontage. The entrance is located at the corner of Michigan Ave and the parking lot.

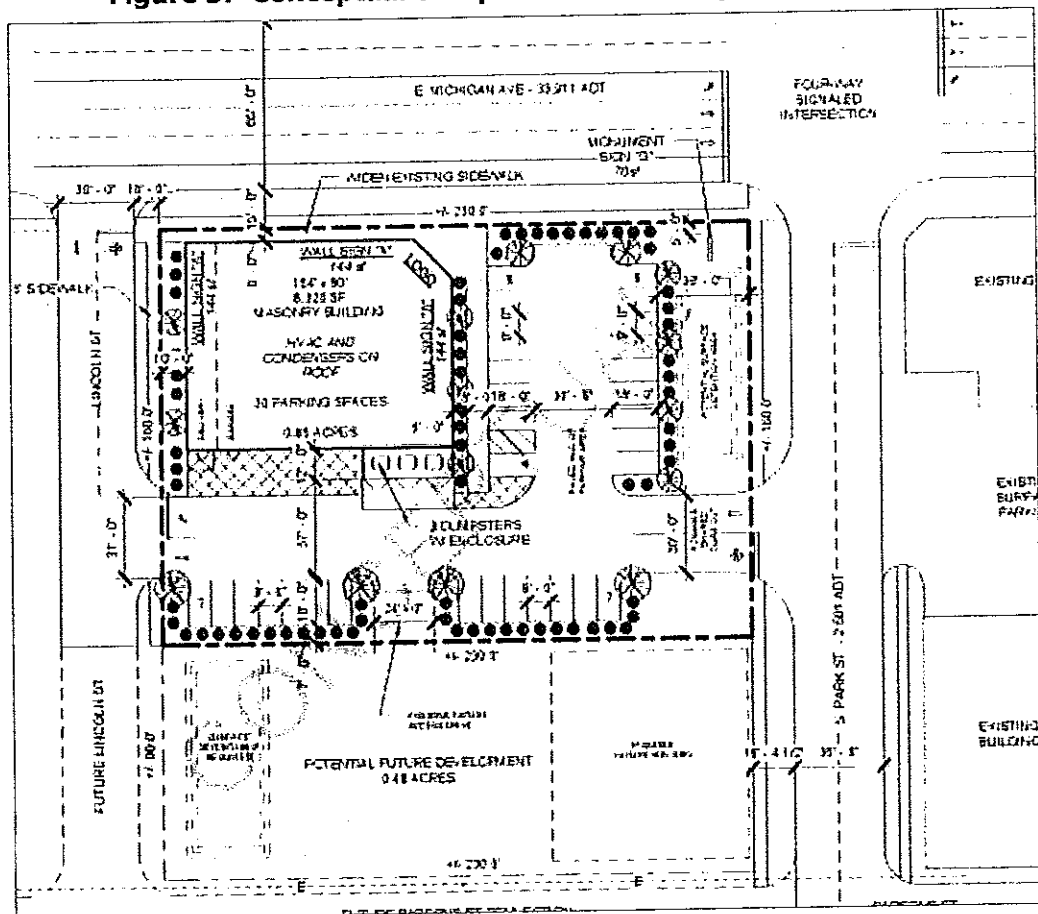
The parking area is located between the building and storm water detention/rain garden area. A dumpster enclosure is provided on the southeasterly side of the building. A loading zone is proposed to the west of the dumpster, still in the rear of the building. The access drive extends from Lincoln to Park Streets at the rear of the building, with additional parking to the south of the drive.

Items to be addressed: None.

SITE ACCESS AND CIRCULATION

The parcel being created for the Family Dollar is based on maintaining the existing street grid created by Park St., Michigan Ave/ and the future S. Lincoln Street. Originally, building out Parsons Street was of interest to the City, but Core Resources determined they did not need the additional land. A revised scenario (below) shows that a separate buildable parcel can be created out of the land south of Family Dollar, but north of a proposed Parson Street extension west (see below). In this scenario, shared access to the curb cuts on the proposed Lincoln and Park Streets as well as an access drive to the south are necessary.

Figure 3: Conceptual Site plan from Development Agreement



The building entrance is located off Michigan Ave. and the parking lot to the east of the structure. Sidewalk is provided on Michigan, Park Street and the proposed Lincoln Street, including a walkway between the building and parking lot extending from Michigan Ave. south to the extent of the structure. An ADA ramp is provided between the handicap parking spaces in the parking lot, to the walkway. ADA ramps are also noted at the corner of Michigan and Park Street. The proposed sidewalk shall be extended across both driveways. ADA treatment at the drive crossings shall be consistent. Bicycle parking is not shown on the site plan.

Vehicular access is available from both Park and Lincoln Streets. The proposed site plan envisions a full movement intersection at Lincoln and Michigan Ave. as well as at the signalized intersection at Michigan Ave and Park Street. Vehicles can enter the drive at the rear of the building from both streets, with access to parking south and east of the building. Drive widths are shown at 30 feet, exceeding the 22' requirement for a maneuvering lane in the parking area. The engineering review letter dated Aug. 9, 2013 notes that the drive width should be reduced based on the truck circulation plan (provided) and fire truck access. Truck access is available from either street but is expected primarily from Park Street do to the signalized intersection. A loading area has been designated at the southwest side of the structure, and exceeds the 10 x 50 requirement

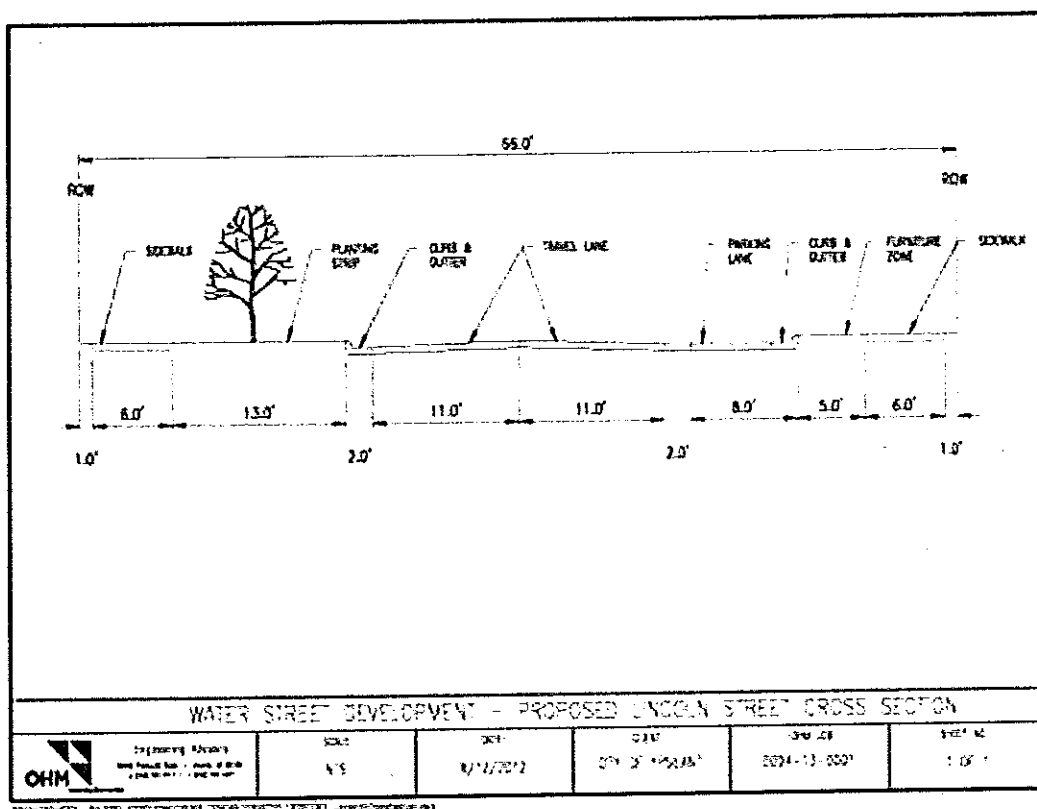
An existing bus stop is available on Michigan Ave west of the proposed building as well as almost directly across the street for AATA route #20. That service is once per hour in a loop Monday – Saturday with no service on Sundays.

Items to be addressed:

- 1. The proposed sidewalk shall be extended across both driveways. ADA treatment at the drive crossings shall be consistent (per engineering review)*
- 2. ADA curb ramps will be required at Lincoln street per MDOT standards*
- 3. Add bicycle parking to the site (5)*
- 4. Note access easements for drive between Lincoln and Park Streets, including southerly access to remainder parcel*

ENGINEERING/STORMWATER REQUIREMENTS

The proposed Lincoln Street is being constructed based on the existing 66 foot right-of-way standard for the City, with components in line with the draft master plan layout and requirements for the Water Street redevelopment area. A cross section is shown below; please note that the either side can be repeated on the other in this scenario.



The applicant has updated the site plan since the engineering letter drafted Aug. 9 2013 was supplied. Since then, the applicant has expanded the Lincoln Street right-of-way to meet city standards. Lincoln Street now includes on-street parking spaces on the east side including curb, gutter and 6' sidewalk on both sides. On-street parking spaces on the west side as well as sidewalk will be the responsibility of the adjacent property developer. Responsibility for the construction of Lincoln Street is that of the applicant, per the executed development agreement (see attached).

Plans show concrete curb on Michigan Ave. side of the parking lot, with bumper blocks shown in all existing spaces. Concrete curb and gutter is required around all proposed pavement, potentially with spillouts to the east near the rain garden area. Parking bumpouts are indicated on the west side of Park Street, providing on-street parking as proposed in the draft master plan. Pavement cross sections for all proposed pavement must be shown.

A rain garden is proposed on the east side of the parcel between the parking lot and Park Street. This garden is designed to treat first flush prior to storm water runoff being release to the park street storm sewer to outlet to the Huron River. A cross section of rain garden and proposed planting list shall be required, along with an elevation so it can be evaluated in relation to its proximity to the adjacent sidewalk.

Items to be addressed:

1. Drives should be reduced to 24' or minimum amount to accommodate trucks and fire department. Engineering will approval all sizing of all aprons.

2. Remove note that Lincoln street improvements will be paid for by the city. Lincoln Street improvements are to be done by purchaser per the executed development agreement. West side sidewalk is responsibility of future owner.
3. Street trees required on east side of Lincoln Street frontage per development agreement
4. Concrete curb and gutter is required around all proposed pavement, potentially with spillouts to the east near the rain garden area.
5. Proposed planting list for rain garden shall be required, along with an elevation
6. Pavement cross sections for all proposed pavement must be shown.
7. Other items remaining from engineering letter dated Aug. 9, 2013.

SCREENING

	Required	Existing Conditions	Proposed
Lighting	• down-directed and shielded • not >0.5 fc @ lot line • not >16' in height • not < 0.3 fc	Two existing streetlights are located on Michigan Avenue frontage, as well as a third on Park street frontage.	Streetlight on Park street is noted to be relocated by others, confirm that responsibility is with applicant. Standard wall pack lights are located on all building frontages. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and 122-834 (9).
Screening Between Land Uses	None required	None	None
Off-Street Parking Landscaping	1 tree per 8 spaces (24/8 = 3)	None	5 trees provided
	landscape island per 16 continuous spaces	n/a	n/a
	ends of all aisles and corners protected		Curb required required along perimeter of all paving per engineering letter

	minimum distance of 3' from curb backside to landscaping		Show distance on parking spaces on revised plans after bumper blocks removed and curb added per engineering letter. Provide adequate spaces along walkway on east side of building. Increase parking spaces to 20' if necessary to accommodate 3 feet required.
	must be screened per 122-703 if conflicting land use	No conflicting land uses	None
	must be screened from public ROW with 3 foot berm	None	Screening provided with Green Lane Euonymus and Sea Green Juniper, no berm show. Waiver from berm requirement to maintain urban form and/or request different treatment.
	prevent vehicular encroachment into landscaping, structures		Provide adequate spaces along walkway on east side of building. Increase parking spaces to 20' if necessary to provide adequate space between parked cars and walkways, landscaping, etc.
Greenbelt Landscaping			
Foundation Landscaping	Minimum of one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of building frontage.		Provide building dimensions
	North: approx 90 feet = 3 trees and 18 shrubs	None	Waive tree requirement due to addition of street trees on frontage

	East: approx 66 feet 2 trees and 12 shrubs	None	10 Anthony Waterer spirea and 21 Green Germ Boxwood Provide waiver to locate 2 foundation trees elsewhere on site.
	West: 80 feet 3 trees and 18 shrubs	None	28 Miss Kim Lilacs Waive tree requirement due to street trees requirement on street frontage
Refuse Containers	masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad		Provide cross section/elevation for dumpster enclosure.
Exterior Electrical	when visible from ROW screen	None	Roof-mounted equipment proposed.
Maintenance	install underground sprinkler system		Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.
Fencing, hedges, walls, berms	no taller than 10' in side/rear yard	None	None required

Items to be addressed:

1. *Streetlight on Park Street is noted to be relocated by others, confirm that responsibility is with applicant.*
2. *Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec. 122-834 (9).*
3. *Ensure that vehicles parked in spots facing the building do not overhang the sidewalk, increasing spaces to 20' if necessary*
4. *Waiver from 3 foot berm requirement between Michigan Ave. and parking lot, to maintain urban form and/or request different treatment.*
5. *Provide building dimensions*
6. *Waiver from foundation planting tree requirements along Michigan and Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.*
7. *Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.*

REQUIREMENTS FROM DEVELOPMENT AGREEMENT

Requirement	Proposed
(i) cause the Access Drive Improvements to be constructed pursuant to MDOT and City standards and extend same from Michigan Avenue to the southerly property line of the property;	Lincoln Street improvements shown according to cross section provided by the City. Costs to be incurred by applicant except for sidewalk on west side. Final pans to be submitted to MDOT for approval.
(ii) commit to install trees on the street frontages of Michigan, Park Street and the future Lincoln Street;	Street trees not shown on Lincoln Street frontage – add to bumpout areas (3). Trees shown east of raingarden/detention area in lieu of street trees. Additional street tree shown south of curb cut.
(iii) install a six foot sidewalk on Lincoln Street within the Access Easement (hereinafter defined) and increase the sidewalk to a width of ten feet on Michigan Avenue and Park Street;	Six foot sidewalk shown on Lincoln and Park. Park reduction to 6 feet allows for minimal change to road to provide on-street parking and is recommended by staff. Six foot sidewalk shown on Michigan Ave., although it appears an additional 5 feet of concrete between sidewalk and building. Show 10 foot sidewalk along Michigan Ave. frontage.
(iv) cause the store entrance to be oriented toward Michigan Avenue;	Shown as corner entry between Michigan Ave., and parking area to east of building.
(v) install six foot windows on the Michigan Avenue frontage of the Improvement for the entire width of the frontage;	Windows sized at 8' 8" shown along Michigan Avenue frontage. The entrance windows and window bays to the east and west of the entrance (Michigan Ave, and parking lot frontage) will be clear. Other windows along Michigan Avenue are proposed to be tinted
(vi) require Purchaser to grant to the lands south of the Property and north of Parsons Street a shared curb cut and access easement through the curb cuts proposed to be constructed on Lincoln and Park Streets within the Property, and	Note access easements for drive between Lincoln and Park Streets, including southerly access to remainder parcel
(vii) require placement of the Building in the northwest corner of the Property fronting Michigan Avenue and the proposed Lincoln Street extension, generally described on Exhibit C-1.	Property orientated toward the proposed Lincoln/Michigan Ave. frontage.

Items to be addressed:

- 1. Final pans to be submitted to MDOT for approval.*
- 2. Street trees not shown on Lincoln Street frontage – add to bumpout areas (3).*
- 3. Show 10 foot sidewalk along Michigan Ave. frontage.*
- 4. Note access easements for drive between Lincoln and Park Streets, including southerly access to remainder parcel*

ZONING GUIDELINES – CRD Commercial Redevelopment District

Requirement	Proposed
Permitted uses: retail businesses	Family Dollar meets existing definitions
Front yard: Buildings shall be oriented so that 70% of the lot frontage shall include building(s) to the front yard	The building occupies about 90 feet of the Michigan Ave. frontage, which extends 230 feet, or roughly 40% of the frontage.
Minimum Floor Area Ratio of 1:1	The FAR of the proposed development is 0.23.
Development Standards (1) Access, parking, service a. No parking area is permitted in the front yard setback. Uses allowed within front setback include sidewalk cafes or customer service areas, plazas, patios and landscaping. b. No minimum parking standard shall apply to any commercial use ... a maximum of 3 spaces per 1,000 square feet of non-residential use. c. Bicycle parking spaces shall be provided for all uses at a ratio of 1 bicycle parking space per 5 automobile parking spaces provided. d. Buildings must have pedestrian access and orientation to the major thoroughfare. Vehicular access to individual lots shall not be permitted directly from the major thoroughfare e. A minimum of one improved non-motorized access route must be provided at intervals no less than every 350 feet of development frontage or fraction thereof. f. Service areas shall be screened to minimize views from publicly accessible areas. g. Adjoining uses shall share access drives and parking...	a. Parking located in side and rear yards. b. 31 parking spaces proposed – 24 required. c. 5 bicycle spaces required d. Pedestrian access to building along Michigan Ave. Vehicular access from Park and Lincoln Streets. e. 10 foot sidewalk to be provided along Michigan Ave. frontage. f. n/a g. Easements for shared access required previously.
(2) Building Scale and Articulation a. A minimum 50% area of the first floor façade facing a street right-of-way must be comprised of windows and/or doors, openings or other architectural design features to limit the appearance of blank walls, and have a minimum of 75% transparency. b. For stories above the 1st floor, a minimum fenestration standard of 20% glass area of the total floor façade area. c. No blank wall exceeding 10 feet horizontally or	a. Requirement appears to be met along Michigan Ave., façade due to windows and building entrance. Three sets of windows are opaque and tinted. The Lincoln and parking lot frontages do not meet the standard. b. n/a c. Small windows with canopies previously

vertically along any street frontage shall be permitted on the first or second floors. No blank wall exceeding 25 feet vertically or horizontally is permitted on any street frontage.	included in concept plans along street side frontages not shown. Add to Lincoln Street frontage.
(3) Building Materials a. All walls visible from any public or private right-of-way shall be finished primarily in a durable hard surface such as brick, glass, stone, wood, ceramic, precast panels, integrally tinted textured masonry block, or concrete siding. These primary materials shall make up a minimum of 60% of the solid wall area, exclusive of windows and doors. b. Materials not permissible as primary materials on exterior walls are concrete block, cinder blocks unless burnished fluted or sculpturally textured, residential grade sidings, plastic siding, asphalt, EIFS, stucco, highly reflective or highly color tinted glass. These materials may be used as trim or accent materials, but shall total less than 40% of the surface area of walls, exclusive of windows and doors. c. All materials should be used consistently on all sides of the building d. Innovative or new environmentally sensitive materials are encouraged provided they are of quality durable material. e. Reflective glass or spandrel glass not permitted on first two floors along any street frontage	a. Architectural concrete masonry units will comprise the majority of all building sides. Samples available for planning commission during meeting. b. Stucco/EFS to be used as accent material son parking lot, Michigan Ave. and Lincoln Street sides. c. materials used consistently d. none suggested e. Spandrel glass to be used for portions of Michigan Avenue frontage.
(4) Landscaping a. Where screening of development or parking area is required, landscaped berms shall not be used. Screening shall be provided via solid walls, fences, or evergreen plantings. b. Greenbelt and foundation landscaping requirements shall be waived for any portion of a building that has no setback from the property line... c. Street trees shall be provided along all street right-of-ways, within the right-of-way. A minimum of one street tree shall be provided for each 30 feet of street frontage...	a. No berms proposed; evergreen shrubs proposed along Michigan Ave. frontage. b. Foundation planting requirements to be waived along building frontage due to 5 foot setback. c. Addressed earlier in review.

Items to be addressed:

1. *Small windows with canopies previously included in concept plans along street side frontages not shown. Add to Lincoln Street frontage.*

SHAPE YPSI draft master plan recommendations

Requirement	Proposed
Block perimeter should be 1200 feet or less.	Current block estimated at 1,000 feet
Street layout should connect to existing streets such as Michigan Avenue to the north, Lincoln to the west and Park to the east.	Site plan includes Lincoln Street extension to the extent of the proposed parcel
All streets have on-street parking	On-street parking proposed for Lincoln and Park Streets. On-street parking on Michigan to be pursued at a later date.
All streets have sidewalks	All streets have sidewalk
All streets have space for trees and other stuff	Street trees to be provided on all street frontages
All driveway aprons have the same design	Drive aprons to be approved by City engineer (OHM)
All buildings are built for multiple uses - with a ground floor to ceiling at a minimum of 12 and a maximum of 14 feet	Ceiling noted as less than 12 feet, but height available for subsequent use.
Buildings along "A" streets (Michigan Ave., Park and River Streets), should follow the following urban design rules: • 90-100% of building should face the street • It is built one-to five feet from street right of way • 60% of the front of the first floor is transparent window or glazing • Primary entrance faces "A" street • The first floor of buildings should have active uses – stores, restaurants, services – where people come and go often.	• Estimated 40% of building facing street • Building has 5 foot setback from ROW • 25% of 1st floor windows are transparent • The primary building entrance at corner of Michigan and parking area • Retail uses meets goals

Items to be addressed:

1. None.

REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

Section 122-573 provides the following requirements for Planned Unit Developments:

- (1) **Unified Control.** *The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.*

STAFF COMMENT: Core Resources, LLC has executed a development agreement with the City of Ypsilanti for purchase and development of a Family Dollar.

- (2) **Minimum Size.** *The minimum size of a Planned Unit Development shall be forty-three thousand, five hundred sixty (43,560) square feet (one acre) of contiguous land or 21,870 sf (1/2 half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.*

STAFF COMMENT: The development area is 1.1 acres.

- (3) **Applicable Base Regulations.** *Unless waived or modified in accordance with the procedures and standards set forth in this Article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in the Zoning Ordinances for the uses listed below shall be applicable for uses proposed as part of a Planned Unit Development:*

STAFF COMMENT: *As noted earlier, the B3, Central Business zoning will be applied as the base regulation for the entire parcel based on Planning Commission recommendation based on Master Plan goals for the Water Street Redevelopment Area.*

To encourage flexibility and creativity in development consistent with the planned Development concept, departures from compliance with the base regulations may be granted by the City Council, upon recommendation of the Planning Commission, as a part of the approval of the Planned Development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

STAFF COMMENT: The applicant requests the following exemptions:

1. *None. PUD requirement per development agreement.*

All departures or exemptions should be noted on the PUD plan.

- (4) **Street Access.** *Each lot, main building, and principal use within a Planned Development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.*

STAFF COMMENT: The site will have adequate access to public streets.

- (5) **Usable Open Space.** *The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.*

STAFF COMMENT: The proposed development exceeds the B3 district requirement.

- (6) **Landscaping and Maintenance of Common Areas.** *All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.*

Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.

STAFF COMMENT: Rain gardens shall be maintained to provide adequate drainage per Washtenaw County stormwater standards. Planning Commission may want to request a maintenance plan as a condition of the PUD agreement approval.

- (7) **Additional Considerations.** *During review of a proposed planned development, the Planning Commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.*

STAFF COMMENT: Staff recommends that Planning Commission discuss these considerations listed above to make sure the plan is satisfactory. Public sidewalks are provided along the development. The development substantially achieves compliance with these standards.

Items to be addressed: 1) Provide maintenance plan for raingardens and landscaping areas.

STANDARDS FOR APPROVAL

Section 122-576 provides the standards that the City must be met in order that a Planned Unit Development be approved.

- (1) *Conformance with the planned development concept. The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of this article, as well as with specific project design standards set forth in this chapter*

STAFF COMMENT: The project and overall design are consistent with the intent of the PUD article. It will help achieve master plan goals related to development of the Water Street Redevelopment Area including redevelopment of the site with commercial uses more urban than suburban in form, and with careful consideration of future development on site.

- (2) *Recognizable benefits. The planned development will result in recognizable and substantial benefits to the ultimate users of the project and to the community in general where such benefits would otherwise be unfeasible or unlikely to be achieved*

STAFF COMMENT: The redevelopment of the Water Street Redevelopment Area has been a goal for more than 20 years. This represents the start of development on the site.

- (3) *Compatibility with adjacent uses. The proposed planned unit development shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:*

- a. The bulk, placement, architecture, and types of materials used in construction of proposed structures

STAFF COMMENT: The location, development of infrastructure and pedestrian access have been carefully considered in relation to future adjacent development on the site and include the development of access easement for shared drives.

- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development

STAFF COMMENT: As noted, this has been considered carefully, including development of a "remainder" parcel that can be sold for future development using the same vehicular and expanded pedestrian access.

- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development

STAFF COMMENT: Outdoor storage is not proposed. A single dumpster enclosure is proposed at the rear of the building.

- d. The hours of operation of the proposed uses

STAFF COMMENT: Hours of Operation are consistent with adjacent B3 uses.

- e. Landscaping, preservation of historic features, and other site amenities

STAFF COMMENT: Landscaping, in particular street trees and expanded sidewalks have been included to provide a more urban feel. The rain garden is expected to add open space to the parcel.

- (4) Impact of traffic. The planned development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:

- a. Estimated traffic to be generated by the proposed development
- b. Access to major thoroughfares
- c. Proximity and relation to intersections
- d. Adequacy of driver sight distances
- e. Location of and access to off-street parking
- f. Required vehicular turning movements
- g. Provisions for pedestrian traffic
- h. Access to loading and unloading areas

STAFF COMMENT: The limitation of access to the site from the existing signalized Park Street and the future Lincoln Street will improve vehicular access to the site, and provide for future access to adjacent parcels. Provisions for pedestrian traffic have been accommodated, as well as access for truck and delivery traffic.

- (5) Public services. The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities; including but not necessarily limited to water and sewer services, public roads, fire and police protection, and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment

STAFF COMMENT: The proposed development will not result in a material increase in need for public services if it is well managed through-out its life cycle.

- (6) Compatibility with master plan and this chapter. The proposed development shall be compatible with the adopted city master plan and with the spirit and intent of this chapter.

STAFF COMMENT: The redevelopment meets numerous goals of the Master Plans goals related to redeveloping the Water Street Area including more urban than suburban form, desired uses and carefully defined vehicular and pedestrian access.

- (7) Economic impact. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties

STAFF COMMENT: As noted, development has been expected on this site since the early 2000s. This will be the first development on the 38 acre city-owned parcel.

- (8) Compliance with applicable regulations. The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations

STAFF COMMENT: *The development shall comply with all applicable laws.*

- (9) Phasing. When a project is proposed for construction in phases, the project shall be designed that each phase, when completed, shall be capable of standing on its own in

terms of the presence of services, facilities, and open space; and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area

STAFF COMMENT: No phasing is planned for this project.

Items to be addressed: The proposed project is in substantial compliance with the standards of 122-576.

RECOMMENDATIONS

The proposed Family Dollar is consistent with the Planned Unit Development concept in that it is allowing development of the Water Street Redevelopment Area including redevelopment of the site with commercial uses more urban than suburban in form, and with careful consideration of future development on site. Only nominal flexibility in the below standards is being requested in return. The existing property is currently vacant, and the proposed redevelopment is in line with numerous Master Plan and DDA goals, and will greatly benefit for the Michigan Avenue business district.

Staff recommends that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:

1. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
2. The project will develop an acre of the 38 acre city-owned Water Street redevelopment area with retail more urban than suburban in form, and with careful consideration of vehicular and pedestrian access to help accommodate future adjacent development.
3. The proposed use will be consistent with all surrounding uses, in particular to the east.
8. The proposed use will not have an adverse impact on traffic or other public services and infrastructure,
9. The proposed redevelopment meets numerous Master Plan and DDA goals
10. A single exemption is recommended based on zoning guidelines to reduce the number of required parking spaces to a maximum of 24.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

1. List all building setbacks on site plan
2. Provide 10' sidewalk along Michigan per development agreement.
3. Remove note that city to pay for sidewalk along Park Street frontage, is applicant responsibility per development agreement
4. Calculate percentage of site landscaped and note on plan
5. Reduce parking spaces to maximum of 24.
6. Provide dimensions for wall signage and elevation including dimensions for monument sign.
7. The proposed sidewalk shall be extended across both driveways. ADA treatment at the drive crossings shall be consistent (per engineering review)
8. ADA curb ramps will be required at Lincoln street per MDOT standards
9. Add bicycle parking to the site (5)
10. Note access easements for drive between Lincoln and Park Streets, including southerly access to remainder parcel
11. Drives should be reduced to 24' or minimum amount to accommodate trucks and fire department. Engineering will approval all sizing of all aprons.
12. Remove note that Lincoln street improvements will be paid for by the city. Lincoln Street improvements are to be done by purchaser per the executed development agreement. West side sidewalk is responsibility of future owner.
13. Street trees required on east side of Lincoln Street frontage per development agreement
14. Concrete curb and gutter is required around all proposed pavement, potentially with spillouts to the east near the rain garden area.
15. Proposed planting list for rain garden shall be required, along with an elevation
16. Pavement cross sections for all proposed pavement must be shown.
17. Other items remaining from engineering letter dated Aug. 9, 2013.
18. Streetlight on Park Street is noted to be relocated by others, confirm that responsibility is with applicant.
19. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec. 122-834 (9).
20. Ensure that vehicles parked in spots facing the building do not overhang the sidewalk, increasing spaces to 20' if necessary
21. Provide building dimensions
22. Final plans to be submitted to MDOT for approval.
23. Small windows with canopies previously included in concept plans along street side frontages not shown. Add to Lincoln Street frontage.

The following waivers are requested under 122-713:

1. Waiver from 3 foot berm requirement between Michigan Ave. and parking lot, to maintain urban form and/or request different treatment.
2. Waiver from foundation planting tree requirements along Michigan and Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.
3. Request waiver from 122-712 to omit provision of a sprinkler system; note alternate means of keeping landscaping watered.

Family Dollar – Aug. 28, 2013

Teresa Gillotti, Director, Community and Economic Development

Cc: File
Developer: Bill Tippman, Core Resources, LLC
Architect/Engineers: Josh Allen, Morning Star Partners



ARCHITECTS. ENGINEERS. PLANNERS.

August 9, 2013

City of Ypsilanti
Planning and Development Department
One South Huron Street
Ypsilanti, Michigan 48197

Attention: Ms. Teresa Gillotti

Regarding: Family Dollar
Site Plan Review No. 1
OHM Job No. 0094-13-1041

Dear Ms. Gillotti:

The applicant is requesting site plan approval for a Family Dollar on the southwest corner of Park Street and Michigan Avenue. The site plan is dated July 17, 2013. We have reviewed the plans and do not recommend site plan approval from an engineering standpoint. The applicant must address the comments below prior to resubmitting the plans:

1. The Lincoln Street right-of-way shall be 66-feet wide. We will provide the applicant with a cross section of the required right-of-way improvements.
2. Parking bump-outs shall be provided on the west side of Park Street. The bump out area shall be extended 8-feet west of the existing back of curb. It appears that two parking spaces can be accommodated north and south of the proposed curb cut. The sidewalk along the entire Park Street frontage shall be 6-feet wide.
3. Street trees will be required on Park Street, Michigan Avenue, and the east side of Lincoln Street. We understand Planning and Development will provide the spacing requirements.
4. A truck circulation plan including turning movements for the largest anticipated vehicle shall be provided.
5. The drive width at Park and Lincoln Streets shall be reviewed. The smallest drive throat and radii that accommodate both Fire Department and delivery vehicle needs shall be provided.
6. The proposed sidewalk shall be extended across both driveways. ADA treatment at the drive crossings shall be consistent.
7. Concrete curb and gutter is required around all proposed pavement.
8. Preliminary calculations shall be provided showing storm water runoff volumes and capacity of the proposed storm water collection and conveyance system. We recommend the applicant's engineer contact OHM directly to discuss the storm water requirements for this site.
9. We do not recommend an inverted crown design for the parking lot. All drainage shall be directed to the concrete curb along the perimeter of the site. Spillways can be provided to channel flow to rain garden and bioswale areas. Two-foot diameter inlets with sumps shall be provided at catch basin locations.
10. A cross section of rain garden and proposed planting list shall be provided.
11. We recommend the storm outlet connect to the storm sewer on Park Street.
12. The storm sewer pipe material and size shall be indicated.

13. Sufficient proposed grades shall be provided on the site plan to demonstrate that drainage will be feasible as proposed. The proposed building finish floor grades shall also be indicated.
14. The applicant shall contact YCUA to discuss the appropriate connection points for the service leads.
15. The sidewalk ramps must be updated to be ADA compliant on southwest corner of Park Street and Michigan Avenue.
16. The pavement cross sections for all proposed pavement must be shown.
17. A note shall be added stating that there are no wetlands on the property.
18. An MDOT permit will be required for work within the Michigan Avenue right-of-way.
19. The phone number in the City of Ypsilanti Standard Note number one shall be updated to (734)-483-1421.
20. Loading spaces shall be appropriately labeled.
21. The bearing and distance call out for the north property line is incorrect in the legal description.

If you have any questions please contact me at (734) 522-6711.

Sincerely,

 OHM Adviso/s


Marcus J McNamara

CC: Stan Kirton, Department of Public Works, One South Huron Street, Ypsilanti, MI 48197
Scott Westover, P.E., YCUA, 2777 State Street, Ypsilanti, MI 48198
File

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AGREEMENT TO PURCHASE REAL ESTATE

THIS AGREEMENT TO PURCHASE REAL ESTATE (this "Agreement") is entered into by and between, **THE CITY OF YPSILANTI**, a Michigan municipal corporation, the address of which is One South Huron Street, Ypsilanti, Michigan 48197 (the "City"), and **NINETY NINE 90, LLC** and its Permitted Assigns (as defined below), an Ohio limited liability company, the address of which is 7795 Five Mile Road, Cincinnati, Ohio 45230 ("Purchaser").

R E C I T A L S:

A. The City is the owner of certain real property located in the City of Ypsilanti, Washtenaw County, Michigan, which is more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

B. The Property is part of an overall project known as the Water Street Redevelopment Project ("Water Street Project") located within the real property which is identified on Exhibit B attached hereto ("Overall Property"). The Overall Property not sold to the Purchaser hereunder is the "Retained Property". The Water Street Project is proposed to be developed in accordance with the provisions of the Draft City of Ypsilanti Zoning Ordinance relating to the Commercial Redevelopment District and Residential Redevelopment District (the "Draft Ordinance"). The Draft Ordinance shall be used as guidance in the development of the Property, as Purchaser pursues the rezoning of the Property pursuant to a Planned Unit Development as provided in Section 7 (d) below.

C. The City desires to sell and Purchaser desires to purchase the Property, upon the terms and conditions described below.

THEREFORE, in consideration of the mutual covenants and the undertakings described in this Agreement, the parties agree as follows:

1. **Agreement of Purchase and Sale.** The City agrees to sell to Purchaser, and Purchaser agrees to purchase, the Property, subject to and in accordance with the terms and conditions of this Agreement.

2. **Purchase Price.** The purchase price ("Purchase Price") for the Property shall be Two Hundred Ten Thousand and 00/100 (\$210,000.00) Dollars. At Closing, as defined in Paragraph 9 below, Purchaser shall pay to the City the Purchase Price, subject to closing adjustments and prorations as provided in this Agreement.

3. **Earnest Money Deposit.** Within five (5) days from the date of Purchaser's receipt of a fully executed copy of this Agreement (the "Effective Date"), Purchaser shall deliver to Safetitle Agency, Inc., or other title company acceptable to the Seller (the "Title Company"), an earnest money deposit in the amount of Three Thousand Five Hundred Dollars and 00/100 (\$3,500.00) Dollars (the "Deposit"). The Deposit shall be applied toward the Purchase Price. The Deposit shall otherwise be returned to Purchaser or retained by the City in accordance with the terms of this Agreement.

4. **Title; Survey.** Within thirty (30) days from the Effective Date, the Purchaser shall, at its cost, cause the Title Company to deliver to Purchaser a commitment for an ALTA Owner's Title Insurance Policy (the "Commitment") in the amount of the Purchase Price, bearing a date later than the Effective Date, and identifying the condition of title to the Property, together with copies of the instruments and documents referenced in the Commitment. In addition, within fifteen (15) days from the

Effective Date, the City shall make available to Purchaser a copy of the City's most-recent existing survey of the overall Property ("Survey"). Purchaser shall obtain, at its sole cost and expense, an updated ALTA Survey of the Property, certified to the City, Purchaser and Title Company and setting forth the legal description of the Property, the Access Drive (as defined in paragraph 13(a)) and the storm water detention license referenced in paragraph 7(c), and provide to the City a copy of such updated Survey within ninety (90) days from the Effective Date. The City shall advise Purchaser of any objections to the Survey and/or the legal description contained therein within ten (10) business days of receipt. If the City objects to the Survey, the parties will work in good faith to resolve same. If no objection is made, or after all objections are resolved, the legal description contained in said Survey shall be used for the conveyances contemplated herein.

5. **Objections to Title and Survey.** During the Contingency Period, as defined in Section 6 below, as same may be extended as provided in Section 6, Purchaser shall have the right to object in writing to the condition of title to the Property as reflected in the Commitment and Survey. If Purchaser does not provide the City with its title objections within the initial 180 day Contingency Period, Purchaser shall be deemed to have waived all objections to the condition of title to the Property. The City shall have thirty (30) days from its receipt of any such written objections to advise Purchaser whether Seller will undertake to exert commercially reasonable efforts to cure such objections. The City shall be deemed to have cured a title objection if the City causes such matter to be removed from the Commitment as an exception to coverage or the Title Company agrees to insure Purchaser for such matter. If the City does not undertake to cure Purchaser's objections or after undertaking the obligation to attempt to cure same as provided above is unable to do so, Purchaser shall have the right to terminate this Agreement by providing written notice to the City within ten (10) days from the date of Seller's written notice that (i) the City will not undertake such cure efforts or (ii) if after having undertaken such efforts the City's written notice that it has not been able to cure same. If Purchaser terminates this Agreement in accordance with this Paragraph 5 and as provided in Section 6, Purchaser shall receive a refund of the Deposit and the parties shall have no further rights or obligations under this Agreement, except for Purchaser's restoration and indemnity obligations which shall survive.

6. **Contingency Period.**

(a) **Contingency Period; Access.** Purchaser shall have a period of one hundred eighty (180) days from the Effective Date (the "Contingency Period") to inspect or cause to be inspected all elements and aspects of the Property, including, but not limited to, the physical and environmental condition of the Property, the Purchaser's acceptance that all utilities are available in sufficient capacity at the Property boundary or in close proximity thereto, in addition to confirmation and acceptance of any utility tap fees and/or utility credit requirements, to obtain Purchaser's client's and or tenant's final Real Estate Committee approval of the Purchaser's intended project and to pursue and obtain the Governmental Approvals (as defined below). The City shall provide Purchaser with access to the existing information in the City's possession regarding the Property. Such information may be provided on a computer disc. The City does not make any representation or warranty regarding any such information, including, without limitation, any representation or warranty with respect to the completeness or accuracy of any such information. Purchaser, at its cost, shall have the right to inspect additional information regarding the Property which is located within the City's offices and is otherwise available to the public at mutually acceptable times and, if required by the City, with appropriate supervision by City staff. The City will reasonably cooperate with Purchaser in Purchaser's effort to obtain the Properties history, previous reports in the City's possession and/or physical condition of the Property, all without liability or cost. At all times during the term of this Agreement, the City grants to Purchaser, and those persons designated by Purchaser, the right to enter upon the Property in order to inspect the Property and to take soil borings and conduct engineering and environmental tests and studies. Purchaser shall provide to the attorney for the City, at no cost to the City, copies of any environmental analysis performed in connection

with the Property (including a Baseline Environmental Assessment ("BEA"), if Purchaser obtains a BEA, at least ten (10) days before filing with any state agency).

(b) **Restoration; Insurance; Indemnity.** During the Contingency Period Purchaser shall use all reasonable efforts to minimize any damage to the Property and, in the event any portion of the Property is disturbed or altered by virtue of Purchaser's investigations, Purchaser shall promptly, at its sole cost and expense, restore the Property to substantially the same or better condition that existed prior to such disturbance or alteration. Purchaser shall indemnify, defend and hold harmless the City from and against any and all claims, liabilities, suits, costs, expenses and damages, including reasonable attorneys' fees, arising out of the inspection activities of Purchaser or its agents, employees or contractors, and/or any construction liens filed by any of Purchaser's contractors, subcontractors or suppliers in connection with any such inspection activities. Prior to entering the Property, Purchaser shall provide the City with evidence of liability insurance in the amount of Two Million and 00/100 (\$2,000,000.00) Dollars, which names the City as an additional insured party and provides coverage for all of Purchaser's activities within the Property, including Purchaser's indemnity obligations, and which insurance coverage cannot be cancelled or the amount of coverage reduced prior to Closing.

(c) **Confidentiality.** Purchaser shall keep the results of its environmental inspections and testing confidential and shall not disclose the contents of any environmental reports to any third party without the City's prior written consent not to be unreasonably withheld, including filing a Baseline Environmental Assessment with or submitting a remediation plan to the Michigan Department of Environmental Quality. Notwithstanding the foregoing, Purchaser shall have the right to disclose the results of its environmental testing and inspections to its assigns, clients, tenants, attorneys, environmental consultants and insurance carriers provided that such parties are advised in writing of Purchaser's confidentiality obligations regarding such information.

(d) **Expiration of the Contingency Period.** If Purchaser, in its sole and absolute discretion, determines that the condition of the Property is unsatisfactory or is unable to obtain the Governmental Approvals defined in Paragraph 6(a) or 7(a) and (b), Purchaser may, on or prior to the expiration of the Contingency Period, elect in writing to terminate this Agreement. If Purchaser elects timely to terminate this Agreement, the Deposit shall be returned to Purchaser and the parties shall have no further rights or obligations under this Agreement, except for Purchaser's restoration and indemnity obligations set forth herein which shall survive the termination of this Agreement. If Purchaser determines in its sole discretion at the expiration of the Contingency Period to extend the Contingency Period, the Purchaser shall have the right to extend for thirty (30) days (the "First Extension Period") the Contingency Period by providing notice to the City of such intentions and by tendering to the City with such election an extension fee (the "First Extension Fee") of \$2,500.00. If Purchaser determines in its sole discretion at the expiration of the First Extension Period to extend the Contingency Period, Purchaser may, in its sole discretion, extend the Contingency Period (the "Second Extension Period") by providing written notice to the City of such desire to extend and by paying to the City an additional deposit amount (the "Second Extension Fee") of Twenty Five Hundred (\$2,500.00) Dollars. The Deposit, the First Extension Fee and the Second Extension Fee shall be considered non-refundable to the Purchaser (except in the case of City's default) and fully applicable to the Purchase Price in the event of such extensions.

7. Governmental Approvals.

(a) **Governmental Approval Period.** During the Contingency Period, Purchaser shall diligently seek to obtain all governmental permits and approvals necessary to commence and complete the development of the Property, including the PUD Approval described in Paragraph 7(b) below (collectively, the "Governmental Approvals") upon terms and conditions acceptable to Purchaser and Purchaser's client or tenant in their sole and absolute discretion. Purchaser shall be responsible, at its

sole cost and expense, for the preparation of all applications and related plans and instruments and all applicable filing, submission and permit fees related to the Governmental Approvals. Upon request, Purchaser shall provide to the City periodic updates with respect to the status of the Governmental Approvals.

(b) **Approval of Plans.** The Property shall be developed in accordance with the Planned Unit Development (PUD) process set forth beginning in Sec. 122-571 of the City Code of Ordinances using the Draft Zoning Ordinance attached hereto as Exhibit C (the "Zoning Requirements") as guidance. The Planned Unit developed and related site plan approval application will be completed and submitted by Purchaser to the Planning Commission and City Council for approval therefore during the Contingency Period. All plans shall be prepared and all permit applications shall be submitted pursuant to the City requirements. Nothing contained in this Agreement shall be deemed to be an approval by the City as to any matter, including, but not limited to an approval with respect the historical designation of any structure or any other improvement on the Property proposed by this Agreement, and the Purchaser shall be required to follow the process for obtaining approvals contained in the applicable City zoning or other ordinances. Purchaser acknowledges that as a condition of the issuance of approval of the PUD for the subject property, the City may require that the Developer undertake the following: (i) cause the Access Drive Improvements (as defined in Exhibit G) to be constructed pursuant to MDOT and City standards and extend same from Michigan Avenue to the southerly property line of the property; (ii) commit to install trees on the street frontages of Michigan, Park Street and the future Lincoln Street; (iii) install a six foot sidewalk on Lincoln Street within the Access Easement (hereinafter defined) and increase the sidewalk to a width of ten feet on Michigan Avenue and Park Street; (iv) cause the store entrance to be oriented toward Michigan Avenue; (v) install six foot windows on the Michigan Avenue frontage of the Improvement for the entire width of the frontage; (vi) require Purchaser to grant to the lands south of the Property and north of Parsons Street a shared curb cut and access easement through the curb cuts proposed to be constructed on Lincoln and Park Streets within the Property, and (vii) require placement of the Building in the northwest corner of the Property fronting Michigan Avenue and the proposed Lincoln Street extension, generally described on Exhibit C-1. The above description of criteria for approval of the PUD shall not be construed as a limitation on the City's ability or right to require additional improvements or undertakings in connection with the Purchaser's PUD application or a waiver of any right to modify any of the foregoing limitations.

(c) **Storm Water Retention License.** During the Contingency Period, Purchaser shall engage in negotiations with the City concerning the City's willingness to grant to the Purchaser and the Property a license on, over and across part of the parcel south of the Property and north of Parsons Street for the installation, operation, maintenance and repair of a storm water retention facility to provide storm water detention for the Property to be developed.

(d) **Failure to Obtain the Governmental Approvals.** If Purchaser does not provide written notice to Seller on or before the expiration of the initial 180 day Contingency Period that it has satisfied and/or waived the Contingencies set forth in Paragraphs 5 and 6 above (including that Purchaser has obtained the Governmental Approvals), this Agreement will automatically terminate and the Deposit shall be refunded to Purchaser. If Purchaser does not affirmatively waive the Contingencies and affirmatively elect to proceed after exercising the First Extension Period and/or Second Extension Period, then this Agreement will automatically terminate and the Deposit, the First and Second Extension Fees, shall be retained by Seller and the parties shall have no further rights or obligations under this Agreement, except for Purchaser's restoration and indemnity obligations which shall survive such termination. If Purchaser provides to City a written waiver of the Contingencies set forth in Paragraphs 6 and 7 (including the Governmental Approvals) then the Deposit and any Extension Fees shall be deemed nonrefundable (except shall be refunded to Purchaser if City defaults) and the parties shall proceed to closing in accordance with the terms hereof.

8. **Declaration of Restrictive Covenant.** At Closing, the City shall execute and record a declaration of restrictive covenant ("Declaration") against the Retained Parcel, that prohibits the Retained Parcel, for so long as Family Dollar, its successors or assigns, is open and operating a fully staffed and inventoried variety store, variety discount store, discount department store, dollar store, liquidation or close-out store on the Sale Property, from being used as any variety store, variety discount store, discount department store, dollar store, liquidation or close-out store, or any store similar to a Family Dollar store in operation or merchandise including, but not limited to, Dollar General, Bonus Dollar, dd's Discounts, Deal\$, Only Deals, 99 Cents Only, Dollar Tree, Fred's, or Marc's (the "Exclusive Use Restriction"); provided, however, the Exclusive Use Restriction shall not prohibit any portion of the Retained Property from being used as (a) a big box discount department store (the term "big box discount department store" shall not include those stores listed above) which exceeds Thirty Thousand (30,000) square feet (like a Target, Meijer, Wal-Mart or Kmart), (b) a drug store, (c) a grocery store, (d) a toy store, (e) a hobby store, (f) a sporting goods store, (g) a card and gift store, (h) a hardware store, (i) a home improvement store, (j) an auto supply store, (k) an electronics store, (l) an office supply store, or (m) any other store selling a single category of merchandise, even though the category may be a broad one such as toys or hardware. The Declaration shall remain in full force and effect while Family Dollar is constructing a dollar store on the Sale Property, but shall automatically terminate in the event Family Dollar does not open within the period required by the Purchase Agreement. Once Family Dollar has opened, this Declaration shall automatically terminate when Family Dollar, its successors or assigns, fails to operate a fully staffed variety store, variety discount store, discount department store, dollar store, liquidation or close-out store on the Sale Property for period of 6 consecutive months or more, other than in connection with a renovation or restoration in connection with a casualty. This Declaration will not terminate in connection with a renovation or restoration so long as Family Dollar is diligently pursuing such renovation or restoration. The form of the Declaration shall be substantially in the form attached hereto as Exhibit D.

9. **Closing.** The closing ("Closing") shall be consummated within thirty (30) days from the expiration of the Contingency Period, as same may be extended, on a date selected by Purchaser by providing written notice to City at least ten (10) business days prior to such date. The Closing shall take place at a time and location that is mutually agreeable to the parties. If the date for Closing falls on a Saturday, Sunday or legal holiday, Closing shall occur on the next immediately following business day.

10. **Closing Documents and Actions.** At Closing, the City shall execute and deliver to Purchaser (as required) and Purchaser shall execute and deliver to the City (as required) the following:

(a) **Payment of Purchase Price.** Purchaser shall deliver to the City the Purchase Price, together with the amount identified in Paragraph 11 below, subject to applicable adjustments and prorrations as provided for in this Agreement.

(b) **Covenant Deed.** The City shall deliver to Purchaser a fully executed and recordable covenant deed for the Property in the form attached as Exhibit E, conveying to Purchaser fee simple marketable title to the Property, subject only to the Permitted Exceptions, a restrictive covenant that restricts the Property from being owned and/or used by any entity that would qualify the Property as exempt for ad valorem taxes and/or assessments ("Prohibited Uses") and the easements identified in Paragraph 13(a) below.

(c) **Non-Foreign Person Affidavit.** The City shall furnish Purchaser with an affidavit stating that the City is not a "Foreign Person" within the meaning of IRC Section 1445(f) (3), as amended.

(d) **Closing Statement.** The City and Purchaser shall execute and deliver to each other a Closing Statement showing the amount by which the Purchase Price shall be adjusted as of the

Closing date. The City shall pay all real property transfer taxes, fees to record any instruments necessary to cure Purchaser's title objections and the parties shall pay the fees and charges of their own representatives, agents or contractors. Purchaser shall pay the fees to record the easements identified in Paragraph 13(a) below, the Declaration and all escrow and other fees charged by the Title Company to close this transaction.

(e) **Title Insurance Policy.** The Purchaser shall order and pay for a policy of title insurance, without standard exceptions (provided that Purchaser provides the survey required by the Title Company to remove the standard survey exception and City is satisfied in its reasonable discretion with the form of the owner's affidavit requested by the Title Company), with coverage in an amount equal to the Purchase Price, subject only to the Permitted Exceptions, the Declaration identified in Paragraph 8 above and the easements identified in Paragraph 13(a) below. The Purchaser shall be responsible for obtaining any endorsements to such title policy desired by Purchaser and/or its assigns, at Purchaser's cost. The City shall deliver to the Title Company an Owners Affidavit and such other documents reasonably required by the Title Company (excluding any survey) to enable the Title Company to satisfy its Schedule B-1 requirements and to delete its standard exceptions and to provide a "marked-up" Commitment, dated as of the Closing date. The "marked-up" Commitment shall reflect Purchaser and/or its assigns as both fee simple title owner of the Property and the insured under said Commitment.

(f) **Easements.** Purchaser and City shall execute and deliver to each other the easement, license and other agreements required pursuant to Paragraph 13(a) below or required as a condition of Purchaser's obtaining PUD approval or any other Governmental Approval.

(g) **Declaration.** The City shall execute and record the Declaration identified on Paragraph 8 above.

(h) **Further Assurances.** The City and Purchaser and/or Purchaser's assigns shall execute such additional documents and instruments and take such further actions as may be reasonably necessary or desirable to consummate the sale of the Property in accordance with the terms of this Agreement.

11. Taxes.

(a) **Prorations.** The City shall be responsible for paying any and all real and personal property taxes, if any, payable in connection with the Property for the 2013 calendar year. The City shall also pay in full, on or before Closing, all current installments of special and other assessments which were established and constitute a lien against the Property.

(b) **Separate Tax Parcel.** Within thirty (30) days prior to the end of the Contingency Period, so long as the Purchaser has not terminated this Agreement, the City shall cause the Property to be rendered a separate and complete tax parcel. No split rights will be transferred to Purchaser.

12. **Possession; As-Is Condition.** At Closing, the City shall deliver to Purchaser or Purchaser's Permitted Assigns possession of the Property, free and clear of any rights or claims of possession by the City or any third party except for Permitted Exceptions. Purchaser acknowledges that the City has not made and Purchaser has not relied on any representation or warranty by the City other than those representations or warranties made to the City's actual knowledge, including, without limitation, any representation or warranty regarding the physical or environmental condition of the Property, the fitness of the Property for any particular purposes or the availability of any permits or approvals. Purchaser acknowledges that Purchaser has relied completely on its own investigations and

other due diligence activities to evaluate the condition of the Property and the availability of permits and approvals and that, at Closing, Purchaser will be accepting the Property in its then-current as-is, where-is condition, with all faults.

13. Post-Closing Obligations.

(a) **Future Lincoln Street.** At Closing, the Purchaser and City shall execute an Access Drive Easement Agreement (the "Easement Agreement") wherein the Purchaser shall agree to construct, at its sole cost and expense, the access drive identified on Exhibit F (the "Access Drive") in accordance with the approved plans and specifications for the Access Drive as approved by the City and Purchaser. The form of the Easement Agreement shall be substantially in the form attached hereto as Exhibit G.

(b) **Covenant to Construct, Open and Operate; Re-Purchase Option.**

(i) Purchaser shall construct all improvements to and within the Property in accordance with the plans that have been approved by the City. Purchaser shall commence construction of such improvements within six (6) months from the Closing date and shall complete such improvements within twenty four (24) months from the Closing date. For purposes of the foregoing, commencement of construction shall mean that Purchaser has obtained all permits and approvals necessary for the construction of such improvements and that all necessary utility improvements and building footings have been installed. Purchaser agrees that Purchaser's business within the Property shall be fully stocked and fully staffed and Purchaser shall commence operation its business from the Property within twenty four (24) months from the Closing date.

(ii) In the event that Purchaser does not construct its improvements within the Property or open and/or commence to operate its business from the Property as provided in Paragraph 13(b)(i) above, the City shall have the option for a period of ninety (90) days from the date of such failure to commence work and provided that City has provided written notice within such ninety (90) day period to re-purchase the Property from Purchaser for a purchase price equal to the Purchase Price, together with an amount equal to the fair market value of the vertical improvements constructed by Purchaser within the Property. At the closing for any such re-purchase of the Property by the City, City shall be responsible for the payment of all transfer taxes payable in connection with such transaction and the title insurance premium for a title insurance policy issued by the Title Company. Upon Purchaser's completion of construction, such options to repurchase the Property shall have expired.

14. Real Estate Commission. City shall be responsible for the payment of the commission that is payable to (i) CBRE and (ii) Landmark Commercial Real Estate Services, Inc., in accordance with separate agreements between the City and each of the foregoing brokers. Subject to the foregoing, the City and Purchaser each represent and warrant to the other that they have not used the services of any other brokers in connection with this transaction. Each party agrees to indemnify and hold harmless the other party from and against any claim that a commission or fee is due to any broker who dealt with the party from whom indemnification is sought.

15. Condemnation. In the event that, prior to Closing, notice of any action, suit or proceeding shall be given for the purpose of condemning all or any portion of the Property, then Purchaser shall have the right to terminate its obligations under this Agreement within ten (10) days from its receipt of such notice of condemnation proceeding, and upon such termination, the proceeds resulting from the condemnation shall be paid to the City, and the Deposit shall promptly be returned to Purchaser and the parties shall have no further rights or obligations under this Agreement, except for Purchaser's indemnity obligations, which shall survive. In the event Purchaser elects not to terminate this Agreement,

at Closing, the condemnation proceeds shall be assigned and belong to Purchaser.

16. **Default.** In the event that Purchaser defaults in its obligations under this Agreement, the City shall be entitled to retain the Deposit paid by Purchaser, as liquidated damages, in addition to enforcing any restoration and/or indemnification obligations of the Purchaser hereunder. The Deposit having been retained by the City shall be considered the City's sole remedy in the event of such Purchaser default. In the event that the City defaults in its obligations under this Agreement, Purchaser may, as its sole remedy, at its option: (a) receive a refund of the Deposit; or (b) specifically enforce the terms and conditions of this Agreement.

17. **Purchaser's Representations, Warranties and Covenants.** Purchaser represents, warrants and covenants to the City as follows:

(a) **Due Organization.** Purchaser is limited liability company, duly organized under the laws of the State of Ohio, qualified to do business in Michigan and has the power to enter into this Agreement and purchase the Property.

(b) **Power And Capacity.** Purchaser has the full power, capacity, authority and legal right to execute and deliver this Agreement and to perform its obligations under this Agreement.

(c) **Due Authorization.** This Agreement has been duly authorized, executed and delivered by Purchaser and constitutes the legal, valid and binding obligation of Purchaser and/or Purchaser's assigns, enforceable in accordance with its terms. Prior to or at Closing, any and all documents required by this Agreement to be executed and delivered by Purchaser and/or Purchaser's Permitted Assigns shall have been duly authorized, executed and delivered by Purchaser and all such documents shall contain legal, valid and binding obligations of Purchaser and/or Purchaser's Permitted Assigns, enforceable in accordance with their terms.

18. **No Joint Venture.** No party is the agent, partner or joint venture partner of the other. No party has any obligation to the other except as specified in this Agreement.

19. **Non-Waiver.** The failure of a party to complain of any act or omission on the part of another party, no matter how long it may continue, shall not be deemed to be a waiver by any party to any of its rights hereunder except as expressly provided for in this Agreement. No waiver by any party at any time, expressed or implied, of any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision. If any action by any party shall require the consent or approval of another party, the consent or approval of the action on any one occasion shall not be deemed a consent to or approval of that action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

20. **Third Party Rights.** No party other than the City and Purchaser and their approved successors and assigns, shall have any right to enforce or rely upon this Agreement, which is binding upon and made solely for the benefit of the City and Purchaser, and their respective successors or assigns, and not for the benefit of any other party.

21. **Time.** TIME IS OF THE ESSENCE OF AND ALL UNDERTAKINGS AND AGREEMENTS OF THE PARTIES HERETO.

22. **Notices.** Any notice to be given or served upon any party to this Agreement must be in writing and shall be deemed to have been given: (a) upon receipt in the event of personal service by actual delivery (including by telecopy or delivery service); (b) the first business day after posting if deposited in

the United States mail with proper postage and dispatched by certified mail, return receipt requested; or (c) upon receipt if notice is given other than by personal service or by certified mail. All notices shall be given to the parties at the following addresses:

If To the City: City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197
Attn: City Manager
Fax No: _____

With A Copy To: Joseph M. Fazio, Esq.
Miller, Canfield, Paddock and Stone, P.L.C.
101 N. Main Street, 7th Floor
Ann Arbor, Michigan 48104
Fax No: (734) 747-7147

If To Purchaser: Ninety Nine 90, LLC
7795 Five Mile Road
Cincinnati, Ohio 45230
Attn: _____
Fax No.: _____

With A Copy To: _____

Attn: _____
Fax No.: _____

Any party to this Agreement may at any time change the address for notices to that party by giving notice in this manner.

23. **Days.** Whenever this Agreement requires that something be done within a specified period of days, that period shall (a) not include the day from which the period commences, (b) include the day upon which the period expires, (c) expire at 5:00 p.m. local time on the day upon which the period expires, and (d) unless otherwise specified in this Agreement, be construed to mean calendar days; provided, that if the final day of the period falls on a Saturday, Sunday or legal holiday, the period shall extend to the first business day thereafter.

24. **Severability.** If one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, that invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained within the body of this Agreement.

25. **Entire Agreement.** This Agreement embodies the entire understanding between the parties with respect to the transaction contemplated herein. All prior or contemporaneous agreements, understandings, representations, warranties and statements, oral or written, are superseded by and merged into this Agreement. Neither this Agreement nor any of its provisions may be waived, modified or amended except by an instrument in writing signed by the party against which enforcement is sought, and then only to the extent set forth in that instrument.

26. **Governing Law.** This Agreement shall be governed by and construed in accordance with the provisions of the laws of the State of Michigan.

27. **Captions.** Captions to paragraphs and sections of this Agreement have been included solely for the sake of convenient reference and are entirely without substantive effect.

28. **Successors and Assigns.** Purchaser shall not assign this Agreement to any third party other than Family Dollar Stores of Michigan Inc. ("Family Dollar"; "Permitted Assigns"), without the City's prior written consent. This Agreement shall be binding upon, and its benefits shall inure to, the parties hereto and their respective heirs, personal representatives, successors and assigns.

29. **Facsimile Signatures; Counterparts.** A facsimile of an original signature to this Agreement shall be deemed an original signature. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

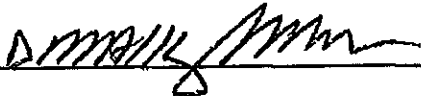
30. **Offer Period.** The offer embodied in this Agreement shall remain irrevocable by Purchaser for a period of thirty (30) days from the date that a copy of this Agreement signed by Purchaser has been provided to the City. Purchaser acknowledges and agrees that this Agreement shall not be binding on the City until the City of Ypsilanti City Council has approved this Agreement pursuant to a public meeting and corresponding resolution and this Agreement has been signed by the Mayor of the City of Ypsilanti and any other parties required by the City Council or under applicable ordinances, laws, the Charter of the City of Ypsilanti and such resolution and that the foregoing thirty (30) day period is necessary to seek and obtain such approval.

31. **Force Majeure.** Any delay or failure in the performance by either party hereunder, other than the failure to close on the Closing Date, the failure to make any payment on the date required hereunder to be made or failure to exercise any extension of the Contingency Period on or before the date such exercise must be made, shall be excused if and to the extent caused by the occurrence of a Force Majeure. For purposes of this Agreement, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, restraint of government, governmental acts, injunctions, labor and material shortage, labor strikes, and other like events that are beyond the reasonable anticipation and control of the party affected thereby, despite such party's reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to a party's failure to perform its obligations under this Agreement.

THIS AGREEMENT has been executed by the parties hereto on the date set forth above.

"PURCHASER"

NINETY NINE 90, LLC,
an Ohio limited liability company

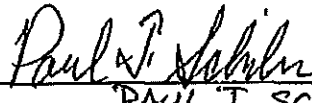
By: 

Its: member

Dated: 05-07-13

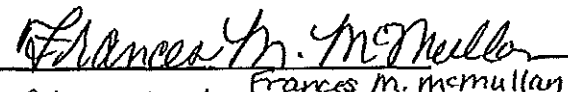
"THE CITY"

CITY OF YPSILANTI,
a Michigan municipal corporation

By: 
PAUL T. SCHREIBER

Its: Mayor

And

By: 
Frances M. McMullan

Its: City Clerk

Dated: 5-7-2013 ("Effective Date")

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

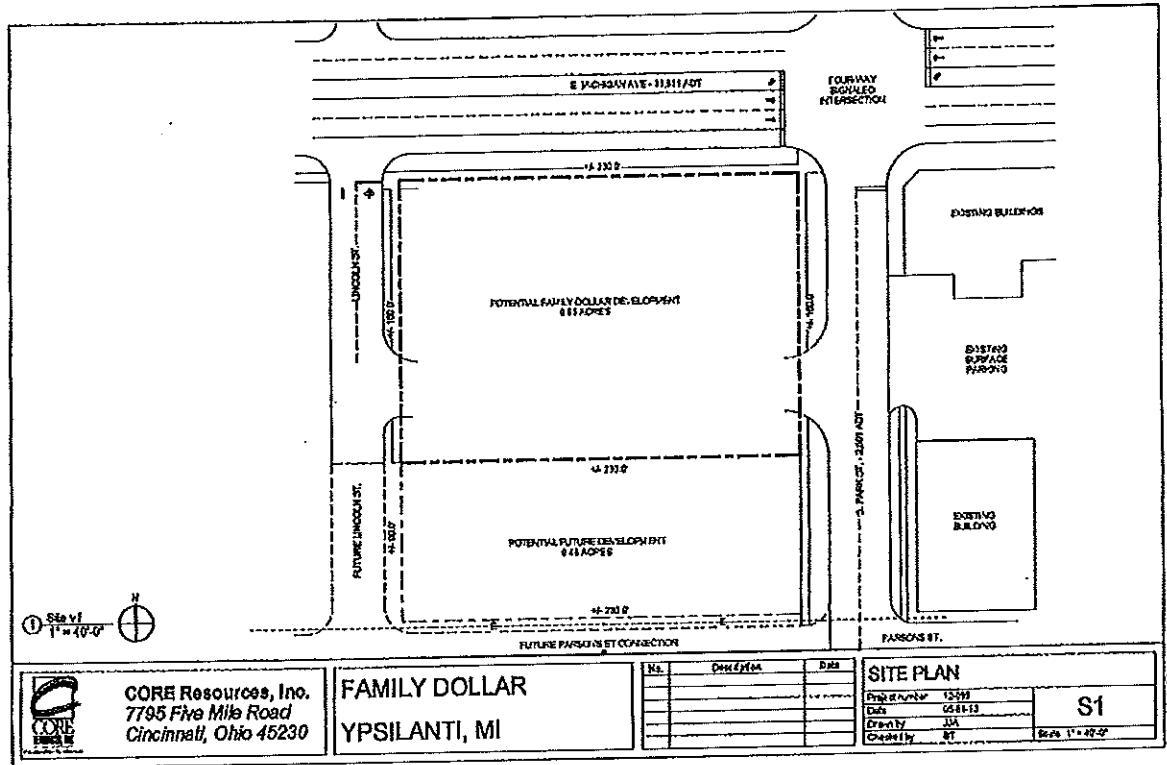


EXHIBIT B **DIAGRAM OF THE OVERALL PROPERTY**

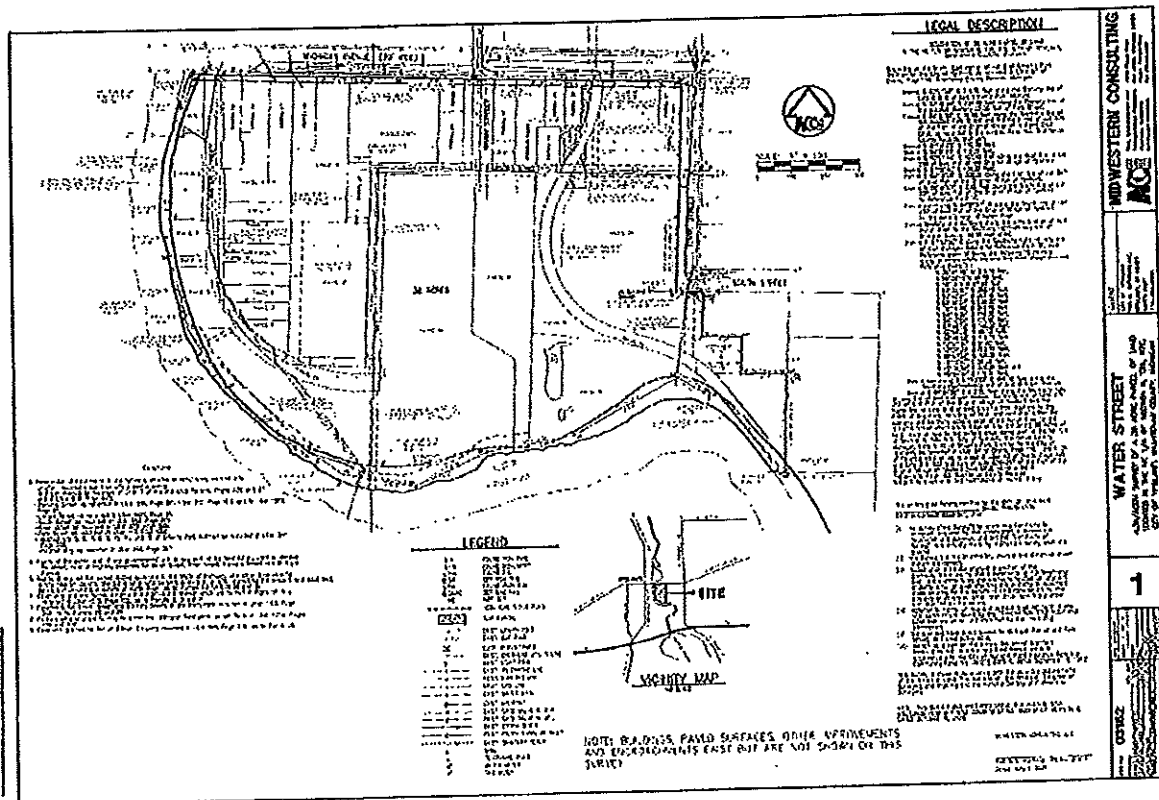


EXHIBIT C
DRAFT ZONING ORDINANCE

DIVISION 17. CRD COMMERCIAL REDEVELOPMENT DISTRICT

(Revised after March 17, 2009 Council meeting)

Sec. 122-522. Description and Purpose.

The Commercial Redevelopment District is intended to provide for a mixture of residential and commercial uses appropriate in intensity and scale to an urban business district and/or neighborhood. The district is intended to support mixed residential, commercial and office development both within the same structure and on the same parcel. The district is intended to support a high quality of design and a traditional, urban development prototype.

Development in this district shall feature active, commercial uses on the ground floor with flexibility for office and/or residential uses on upper stories. Particular attention will be paid to the impact of commercial uses and their operation in this mixed-use district. Large surface parking lots shall be discouraged in favor of shared parking, shared access, and alternative modes of transportation to serve residents and businesses in this area.

Sec. 122-523. Permitted uses.

- (1) Antique, consignment and resale stores
- (2) Apartments or condominiums located above the ground floor of permitted business uses, provided that the apartments meet the minimum floor area requirements of section 122-317. On-site parking shall be provided for all residential uses unless the apartment unit meets the requirements for a fee-in-lieu of parking described in section 122-841.*
- (3) Bars/lounges, provided that all service occurs within a completely enclosed building, with the exception of outdoor cafes which are subject to the provisions of Section 122-799.
- (4) Body art facilities
- (5) Catering Services
- (6) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, excluding mortuaries, located above the ground floor of permitted business uses, subject to the specific provisions in section 122-780.*
- (7) Coin-operated amusement arcades, and pool and billiard halls.
- (8) Community garages and community parking lots, as defined in Section 122-2, subject to the provisions of Sections 122-781 and 122-782 respectively.
- (9) Cultural services such as museums, art galleries, libraries, planetariums, and concert halls, when accessory to one of the uses in subsections (2) - (6) of this section, or when publicly owned.
- (10) Dance and music studios and schools.*
- (11) Elementary, junior and senior high schools, public, parochial, and private schools, and post secondary

Exhibit 1. - Division 17. Commercial Redevelopment District - Revised 03/17/09

education, subject to the Specific Provisions in Section 122-805.

- (12) Essential Services
- (13) Financial institutions, including banks, credit unions and savings and loan associations, provided that no drive-through facilities are permitted
- (14) Fine arts studios and schools, and photography studios*
- (15) Health and physical fitness centers.
- (16) Hospitals and specialty clinics.
- (17) Hotels or motels, inns, and Bed and Breakfast Lodgings as defined in Section 122-2.*
- (18) Housing for the elderly, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.
- (19) Indoor restaurants, as defined in Section 122-2, for sit down, carryout, and delivery, providing there are no drive through facilities.*
- (20) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises.
- (21) Massage practitioner office, subject to the specific provisions in section 122-792.
- (22) Medical or dental clinics or counseling centers, subject to the provisions in section 122-793.
- (23) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.
- (24) Newspaper offices and printing shops.
- (25) Office buildings and uses, including offices for administrative services, accounting, clerical, drafting, education, executive, insurance, tax preparation, professional real estate, research, sales agent, attorney, stock broker, technical training, stenographic, writing, medical and dental offices, and similar professional office uses.
- (26) Offices and showrooms of a plumber, electrician, upholsterer, caterer, decorator or similar trade, subject to the Specific Provisions in Section 122-797.
- (27) Open space areas such as conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens. No structure shall be erected on dedicated open space areas which is not clearly incidental to the principal use of the land.
- (28) Outdoor cafes, outdoor fast-food or sit-down restaurants, and beer gardens, subject to the Specific Provision of Section 122-799.
- (29) Personal service shops, such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal service shop.
- (30) Printing services, including but not limited to: photocopying, printing, publishing, engraving, photo

Exhibit 1. - Division 17. Commercial Redevelopment District - Revised 03/17/09

engraving, photo development, lithographing, and blueprint production subject to the Specific Provisions of Section 122-810.*

- (31) Private and community service clubs, lodges, banquet halls, and meeting halls located above the ground floor of permitted business uses.*
- (32) Private and public museums.
- (33) Public or commercial schools and colleges and other such institutions of learning offering courses in general or technical training, such as dance schools, music and voice schools, business and technical schools, and similar schools, not including dormitories.
- (34) Radio and television studios.
- (35) Refreshment stands.
- (36) Residential services such as mailrooms, meeting rooms, central dining areas, recreation rooms, lounges and workshops intended to serve residents of an integral residential development. Residential units shall not be permitted on the first floor.
- (37) Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationery and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.
- (38) Retail stores which offer comparison goods completely within a fully enclosed building such as home appliances (including service and repair), camera and photography supplies, sporting goods, electronics, furniture, optical items, bicycle sales, home supply centers, paint and wallpaper stores, carpet, rug, and linoleum/tile stores, lawn care products and machinery, building materials, pets and pet supplies (provided that no animals are boarded except for sale and that all animals are boarded inside a building), hobby and craft stores, and similar specialty goods stores. The manufacture of sporting goods, small household items and crafts is permitted provided that 50 percent or more of the products are sold at retail from the same building and all activities and storage occur within a completely enclosed building.*
- (39) Service and retail establishments: computer sales and repair, electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.
- (40) Studios of artists for the handcrafted production of pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work and similar items. The retail sale of work produced on premises shall be permitted. Kilns shall be fired only by electricity or gas.*
- (41) Supportive Housing, subject to the special provisions in section 122-811.
- (42) Theaters, when completely enclosed.
- (43) Veterinary hospitals and clinics, subject to Specific Provisions of Section 122-809.*
- (44) Video rental and sales establishments.*

Sec. 122-524. Permitted Accessory Uses

- (1) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in

accordance with Article XI, Division 2.

Sec. 122-525. Special uses.

The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article 28.

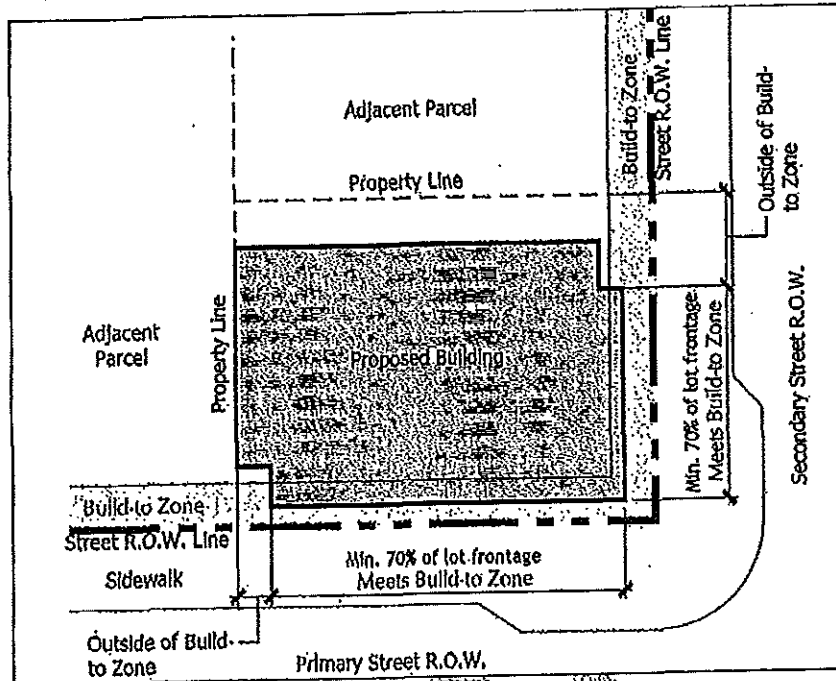
- (1) Any other use which meets the intent of this district.
- (2) Adult drop-in centers.
- (3) Any structure that exceeds an area of ten thousand (10,000) square feet at the ground level.
- (4) Any non-residential establishment intending to operate between 2 a.m. and 6 a.m. during any 24-hour period.
- (5) Child care centers and group day care homes and centers (not including dormitories), when not operated in conjunction with a private or public school or church/synagogue, subject to the specific provisions in section 122-779.*
- (6) Child drop-off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.
- (7) Drive-through facilities in combination with drug stores / pharmacies, financial institution, or personal service business, subject to the specific provision of Section 122-784.
- (8) Express and passenger terminals and express transfer facilities, subject to the specific provisions of Section 122-786.
- (9) Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.
- (10) Organized markets such as a farmers' market.

Sec. 122-526. Area regulations.

Upon the change of use as defined in Section 122-205, no building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:

- (1) *Front Yard.* There shall be a front yard of not greater than ten (10) feet as measured from the front lot line. Buildings shall be oriented so that 70% of the lot frontage shall include building(s) to the front yard setback or property line. (See figure 122-526a).
- (2) Minimum Floor Area Ratio of 1:1.

Figure 122-526a – Front Yard Maximum Setback Example



Sec. 122-527. Height regulations.

No building or structure shall be less than three (3) stories in height at street frontage. No building or structure shall be more than six (6) stories or 75 feet in height. See Section 122-640 for height exceptions.

Sec. 122-528. Development Standards

Buildings and uses in the CRD shall be subject to the following standards and all applicable standards and requirements set forth in this Ordinance:

(1) Access, parking, service

- a. No parking area is permitted in the front yard setback. Uses allowed within front setback include sidewalk cafes or customer service areas, plazas, patios and landscaping.
- b. No minimum parking standard shall apply to any commercial use within the CRD, however a minimum of 1 parking space and a maximum of 1.5 parking spaces shall be provided for each residential unit and a maximum of 3 spaces per 1,000 square feet of non-residential use. These formulae shall supersede the those specified in 122-836.
- c. Bicycle parking spaces shall be provided for all uses at a ratio of 1 bicycle parking space per 5 automobile parking spaces provided.
- d. Buildings must have pedestrian access and orientation to the major thoroughfare. Vehicular access to individual lots shall not be permitted directly from the major thoroughfare.

Exhibit 1. - Division 17. Commercial Redevelopment District - Revised 03/17/09

- e. A minimum of one improved non-motorized access route must be provided at intervals no less than every 350 feet of CRD development frontage or fraction thereof.
- f. Service areas shall be screened to minimize views from publicly-accessible areas.
- g. Adjoining uses shall share access drives and parking. The Planning Commission may permit individual access drives and parking to serve individual uses in the following cases:
 - i. Additional access points are required for emergency vehicles
 - ii. The use is sufficiently large that shared access points alone are insufficient
 - iii. Topography or other site conditions make shared access point or parking impractical

(2) Building Scale and Articulation

- a. A minimum 50% area of the first floor façade facing a street right-of-way must be comprised of windows and/or doors, openings or other architectural design features to limit the appearance of blank walls, and have a minimum of 75% transparency.
- b. For stories above the 1st floor, a minimum fenestration standard of 20% glass area of the total floor façade area.
- c. No blank wall exceeding 10 feet horizontally or vertically along any street frontage shall be permitted on the first or second floors. No blank wall exceeding 25 feet vertically or horizontally is permitted on any street frontage.

(3) Building Materials

- a. All walls visible from any public or private right-of-way shall be finished primarily in a durable hard surface such as brick, glass, stone, wood, ceramic, precast panels, integrally tinted textured masonry block, or concrete siding. These primary materials shall make up a minimum of 60% of the solid wall area, exclusive of windows and doors.
- b. Materials not permissible as primary materials on exterior walls are concrete block, cinder blocks unless finished fluted or sculpturally textured, residential grade sidings, plastic siding, asphalt, EIFS, stucco, highly reflective or highly color tinted glass. These materials may be used as trim or accent materials, but shall total less than 40% of the surface area of walls, exclusive of windows and doors.
- c. All materials should be used consistently on all sides of the building
- d. Innovative or new environmentally sensitive materials are encouraged provided they are of quality durable material.
- e. Reflective glass or spandrel glass not permitted on first two floors along any street frontage

(4) Landscaping

- a. Where screening of development or parking area is required, landscaped berms shall not be used. Screening shall be provided via solid walls, fences, or evergreen plantings.

Exhibit 1, - Division 17, Commercial Redevelopment District - Revised 03/17/09

- b. Greenbelt and foundation landscaping requirements shall be waived for any portion of a building that has no setback from the property line. At the discretion of the Planning Commission, hardscape materials may be substituted for lawn and plant materials in order to facilitate outdoor dining and similar uses.
- c. Street trees shall be provided along all street right-of-ways, within the right-of-way. A minimum of one street tree shall be provided for each 30 feet of street frontage. Tree selections and installation methods shall comply with standards and unified streetscape plans provided by the City prior to site plan approval.

DRAFT

DIVISION 18. RRD RESIDENTIAL REDEVELOPMENT DISTRICT

(As recommended to Council by Planning Commission, 02/18/09)

Sec. 122-529. Description and Purpose.

The Residential Redevelopment District is intended to provide for a mixture of residential and commercial uses appropriate in intensity and scale to an urban mixed use residential district and/or neighborhood. The district is intended to support mixed residential, commercial and office development both within the same structure and on the same parcel. Only those business and/or office uses which are necessary to satisfy local market needs, and which occur so frequently as to require commercial facilities in proximity to residential areas should be permitted. The district is intended to support a high quality of design and a traditional urban development prototype.

Development in this district shall feature higher density multi-family residential, while encouraging mixed uses through flexibility for active, commercial or office uses on the ground floor. Particular attention will be paid to the impact of commercial uses and their operation in this mixed-use district.

Sec. 122-530. Permitted uses.

Permitted Residential Uses:

- (1) Multiple family dwellings
- (2) Housing for the elderly, including efficiency units and common services such as central dining rooms, recreation rooms, and central lounges or workshops, subject to the specific provisions in section 122-789.
- (3) Residential services such as mail rooms, meeting rooms, central dining areas, recreation rooms, lounges and workshops intended to serve residents of an integral residential development.
- (4) Supportive Housing, subject to the special provisions in section 122-811

Permitted Commercial Uses:

Each commercial use within the district shall be no larger than 5,000 square feet for a single business occupant. Commercial uses within the district shall not operate between 12 a.m. and 6 a.m.

- (1) Antique, consignment and resale stores
- (2) Businesses and professional offices and services, not including manufacturing or warehousing. Such uses may include, but are not limited to: A) Business offices of an advertising, real estate, insurance or travel agency, and other similar business offices B) Offices for legal, engineering, architectural, consulting, accounting, auditing, and bookkeeping services and similar professions C) Government and community service buildings D) Business services such as consumer credit bureaus and office support services E) Administrative offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations and religious organizations, not including provision of social services or substance abuse treatment facilities; F) Administrative offices of Health Professionals
- (3) Catering services

Exhibit 2. - Division 18. Residential Redevelopment District - Revised 2/18/09

- (4) Cultural services such as museums, art galleries, libraries, planetariums, and concert halls.
- (5) Essential services
- (6) Financial institutions, including banks, credit unions and savings and loan associations, provided that no drive-through facilities are permitted.
- (7) Food stores: grocery stores, food cooperatives, meats, dairy products, alcoholic beverages, baked goods, ice cream, and similar food products. The retail sale of poultry, fish, and game is permitted, provided that the slaughtering thereof is not allowed. The manufacture of food products, such as baked goods or ice cream, is permitted provided that 50 percent or more of the products are sold at retail from the same building, and all activities and storage occur on site.
- (8) Health and physical fitness centers
- (9) Indoor restaurants, as defined in Section 122-2, for sit down, carryout, and delivery, providing there are no drive through facilities.
- (10) Inns and Bed and Breakfast lodgings, subject to the specific provisions in section 122-778
- (11) Laundry and dry cleaning customer outlets (no dry cleaning is permitted on the premises), coin operated Laundromats, self-serve dry cleaning establishments, and similar operations, provided that all services performed on the premises shall be sold at retail on the same premises
- (12) Massage practitioner office, subject to the specific provisions in section 122-792
- (13) Office buildings and uses, including offices for administration services, accounting, clerical, drafting, education, executive, insurance, tax preparation, professional real estate, research, sales agent, attorney, stock broker, technical training, stenographic, writing, medical and dental offices, and similar professional office uses.
- (14) Open space areas such as conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens. No structure shall be erected on dedicated open space areas which is not clearly incidental to the principal use of the land.
- (15) Person service shops, such as a tailor, barber, beauty, shoe repair, locksmith, photocopy services, photo processing, or similar personal services shop.
- (16) Photography studios
- (17) Retail businesses, such as food stores, grocery stores, food cooperatives, meats, dairy products, baked goods, ice cream, personal use items (Drugs, health care, dry goods, notions, hardware, books, magazines, periodicals, stationary and school supplies), florists shops, hobby and craft stores, gifts, antiques, jewelry, small household articles, tobacco products, toilet articles, wearing apparel and personal accessories, toys, and similar products.
- (18) Service and retail establishments: computer sales and repair, electronics repair shops, postal centers, small appliance sales and repair, and similar special retail establishments.
- (19) Studios of artists or photographers; and the handcrafted production of pottery, glass items, neon sculpture, jewelry, silk screening, needle work, stone and wood work and similar items. The retail sale of work produced on premises shall be permitted. Kilns shall be fired only by electricity or gas.

(20) Theaters, when completely enclosed

Sec. 122-531. Permitted Accessory Uses

- (1) Accessory uses customarily incidental and clearly ancillary to the above permitted uses when in accordance with Article XI, Division 2.

Sec. 122-532. Special uses.

The following uses may be permitted, subject to the conditions specified for each use, review, and approval of the Planning Commission, the imposition of special conditions which in the opinion of the Planning Commission are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Article 28.

- (1) Any use which may meet the intent of this district and is similar to the uses in this section.
- (2) Child care centers and group day care homes and centers (not including dormitories), when not operated in connection with a private or public school or church/synagogue, subject to the specific provisions in section 122-779.
- (3) Child drop-off centers, licensed by the State of Michigan, where minor children are not cared for longer periods than four (4) hours.
- (4) Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.
- (5) Organized markets such as a farmers' market
- (6) All permitted uses of greater than five thousand (5,000) square feet for single business occupant.

Sec. 122-533. Area regulations.

Upon the change of use as defined in Section 122-205, no building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following lot area, yard, and building coverage requirements:

- (1) *Front Yard.* There shall be a front yard of not greater than twenty (20) feet as measured from the front lot line.
- (2) New developments shall achieve a minimum floor area ratio (FAR) of 1:1.

Sec. 122-534. Height regulations.

No building or structure shall be less than two (2) stories in height at street frontage.

Sec. 122-535. Development Standards.

Buildings and uses in the RRD District shall be subject to the following standards and all applicable standards and requirements set forth in this Ordinance:

(1) Access, Parking, Service

- a. No parking area is permitted in the front yard setback. Garage openings must be in rear or side of buildings. Uses allowed within front setback include, sidewalk cafes or customer service areas, and patios, porches and gardens.
- b. No minimum parking standard shall apply to any commercial use within the RRD, however a minimum of 1.5 parking spaces shall be provided for each residential unit. This calculation shall supersede the formulae specified in section 122-836.
- c. Bicycle parking spaces shall be provided for all uses at a ratio of 1 bicycle parking space per 5 automobile parking spaces provided.
- d. Buildings must have pedestrian access and have connectivity to an overall non-motorized system.

(2) Building Scale and Articulation

- a. Buildings must have orientation to the street frontage, or publicly accessible pedestrian way or park.
- b. Facades facing a street right-of-way or other publicly accessible right of way shall not consist of a blank wall and shall incorporate window and/or door openings or other architectural design features to limit the appearance of blank walls.
- c. For commercial uses, a minimum 50% area of the first floor facade must be comprised of windows, doors, openings or other architectural design features to limit the appearance of blank walls.
- d. Buildings exceeding fifty (50) feet in width shall utilize at least three (3) of the following design features to provide visual relief and variation along any facade facing public streets or private drives:
 - i. Vertical offset in ridge line;
 - ii. Gables;
 - iii. Exaggerated cornices or bracketed eaves;
 - iv. Dormers; or
 - v. Covered entries;
 - vi. Cupolas;
 - vii. Pillars or posts;
 - viii. Varied width;
 - ix. Balconies;
 - x. Bay or bow windows (minimum 12 inch projection);
 - xi. Off-sets in building facade (minimum 16 inches); or
 - xii. Other architectural feature that achieves the intent of this paragraph.

(3) Materials.

All walls visible from any public or private right-of-way shall be finished primarily in a durable hard surface such as brick, stone, wood, or cement-based siding products. These primary

materials shall make up a minimum of 60% of the solid wall area, exclusive of windows and doors. Vinyl products and aluminum siding do not satisfy this requirement.

(4) Landscaping

- a. Where screening of development or parking area is required, landscaped berms shall not be used. Screening shall be provided via solid walls, fences, or evergreen plantings.
- b. Greenbelt and foundation landscaping requirements shall be waived for any portion of a building that has no setback from the property line. At the discretion of the Planning Commission, hardscape materials may be substituted for lawn and plant materials in order to facilitate outdoor dining and similar uses.
- c. Street trees shall be provided along all street right-of-ways, within the right-of-way. A minimum of one street tree shall be provided for each 30 feet of street frontage. Tree selections and installation methods shall comply with standards and unified streetscape plans provided by the City prior to site plan approval.
- d. Public open space shall not count toward FAR calculations. Such open space must be contiguous with public parkland or right-of-way, must be deeded to the City or subject to a public access and use easement, and must be usable space, such as plazas or recreational space. Parking area landscaping, screening, and other required landscaping shall not be considered public open space.

CRD / RRD DISTRICT SIGNAGE AMENDMENTS

(As recommended to Council by Planning Commission, 02/18/09)

Sec. 122-875. Number of signs permitted.

- (a) The number of signs which may be erected on each lot pursuant to this article, shall be determined by reference to the zoning district in which the sign is located.

District	Number of Signs
R1	1
R2	2
R3, R4	2
RO, RC, RRD	2
B1, B2	2
B3, B4, CRD	3
WS, M1, M2, CI	3

Sec. 122-880. Schedule A--Area, height and placement regulations for permanent signs.

Zoning District	Categories of Signs Allowed	Maximum Square Footage of Ground or Pole Signs (Square Feet)	Maximum Height of Ground or Pole Signs (Feet)	Sign Placement Requirements
R1	Any 1 of following 3 categories: #1, #3, #5	6	6	Within front, side and rear of property lines
R2	Any 2 of following 3 categories: #1, #3, #5	6	8	Within front, side and rear of property lines
R3, R4	Any 2 of following 3 categories: #1, #3, #5	16, 32	8	Within front side, and rear property lines
RO, RRD	Any 2 of following 3 categories: #1, #3, #5	30	8	Within front, side and rear property lines
B1, B2	Any 2 of following 3 categories: #1, #2, or #3	40	10	Within front, side and rear property lines
CRD	Any 3 of following categories: #1, #3, #4, #5, #6	40	10	Within front, side and rear property lines
B3, B4	Any 3 of following categories: #1, or #2, #3, #4, #5, #6	150	35	Within front, side and rear property lines
WS, M1, M2, CI	Any 3 of following categories: #1 or #2, #3, #4, #5, #6	150	35	Within front, side and rear property lines

Categories:

#1 Ground sign
#2 Pole sign
#3 Wall sign

#4 Roof sign
#5 Marquee
#6 Projecting

Exhibit 4. Existing Zoning Water Street & Surroundings

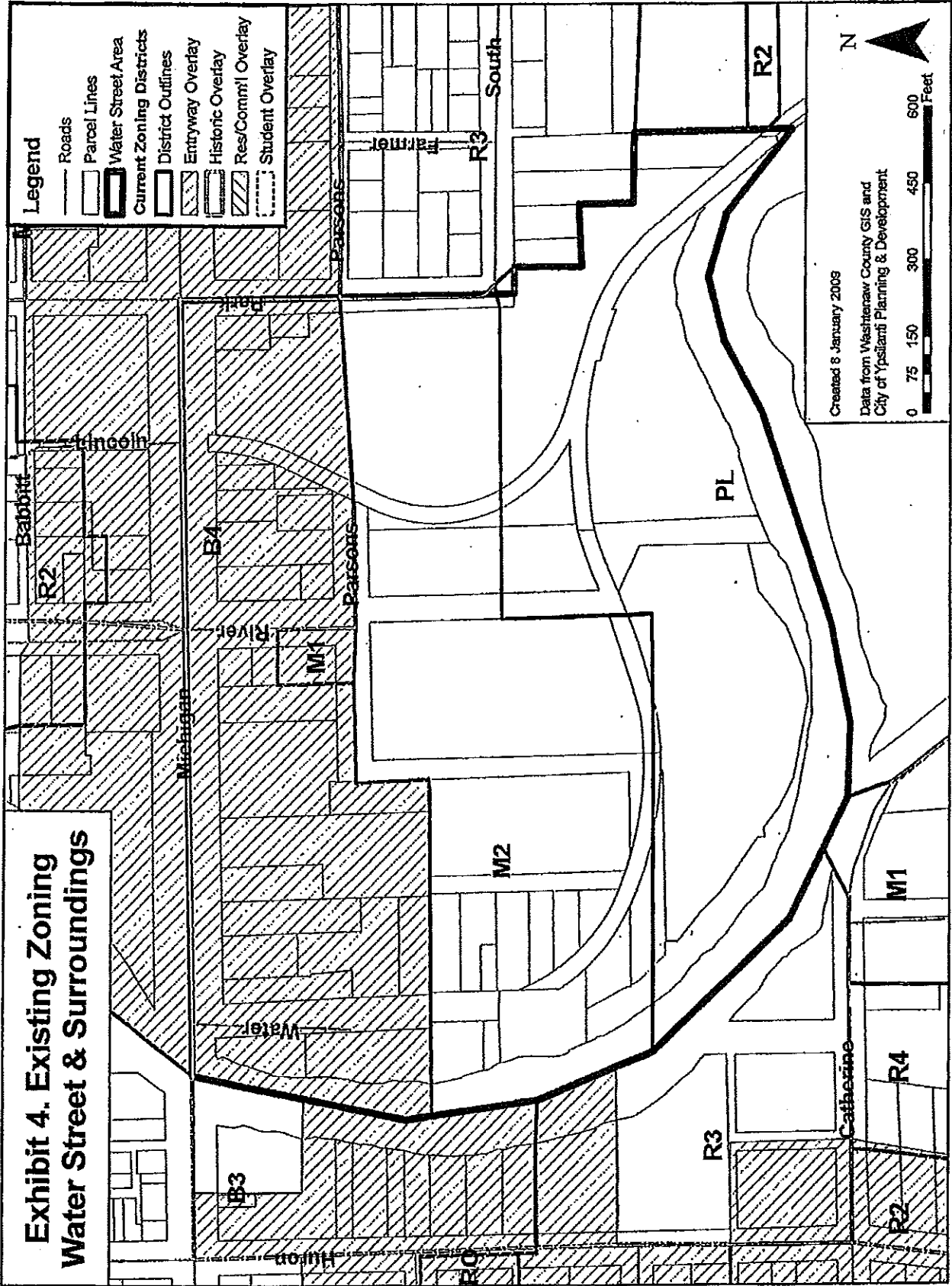
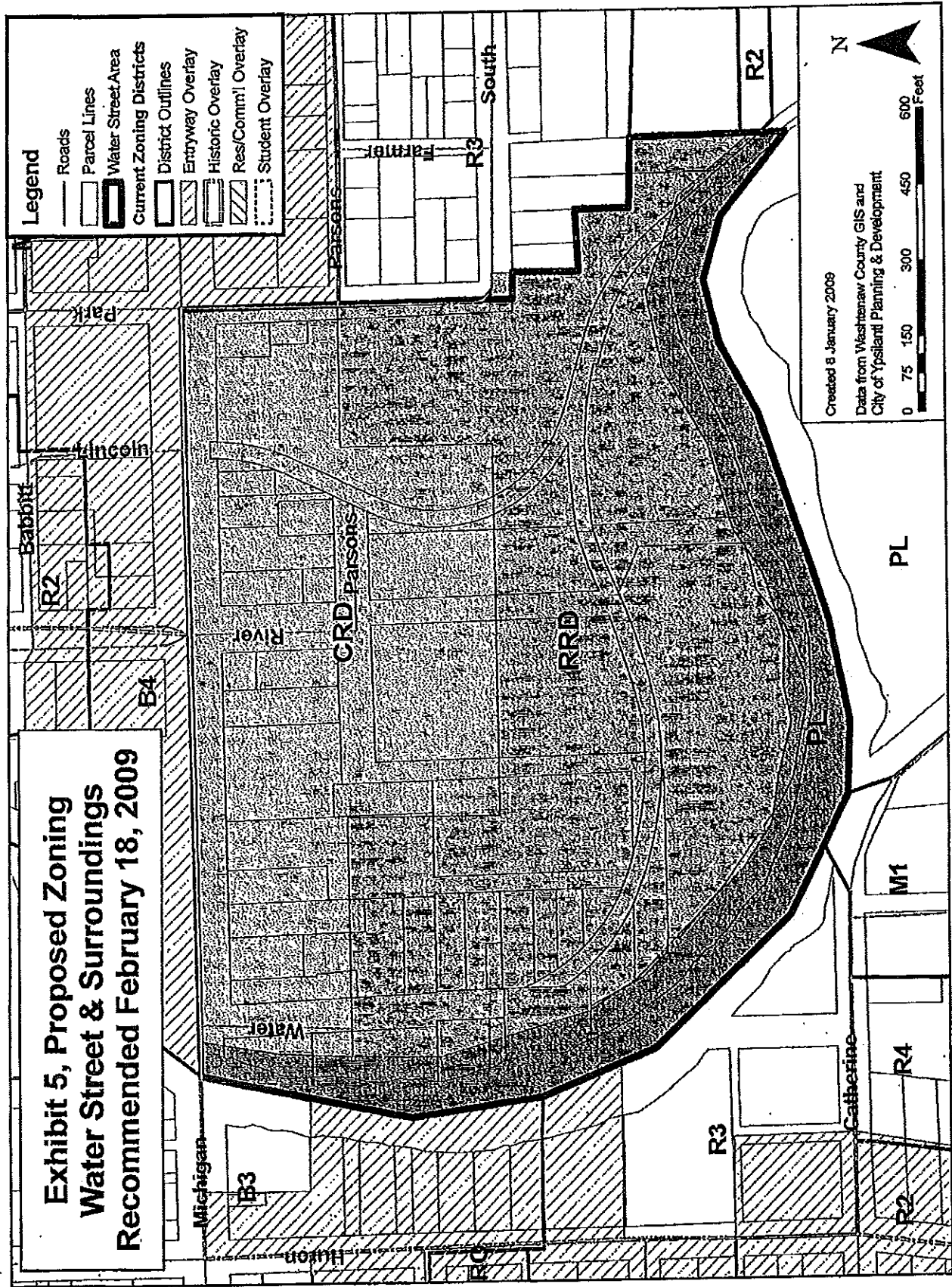


Exhibit 5, Proposed Zoning Water Street & Surroundings Recommended February 18, 2009

- Legend**
- Roads
 - Parcel Lines
 - Water Street Area
 - Current Zoning Districts
 - District Outlines
 - Entryway Overlay
 - Historic Overlay
 - Res/Comm'l Overlay
 - Student Overlay



Created 8 January 2009

Data from Washtenaw County GIS and
City of Ypsilanti Planning & Development

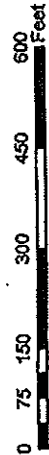


Exhibit 6. -- Planned Unit Development text amendments for CRD/RRD districts

ARTICLE IX. PLANNED UNIT DEVELOPMENT*

*State law reference(s)--Planned unit development, MCL 125.584b, MSA 5.2934(2).

Sec. 122-571. Description and purpose.

- (a) It is the purpose of this article to provide guidelines for development or redevelopment which is planned as a unit. Toward this end, it is the intent of these regulations to allow flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, energy, public services, and utilities; encourage useful open space; provide better housing, employment, shopping opportunities, compatibility of design, and use between neighboring properties; facilitate the preservation and reuse of historic structures; and encourage development that is consistent with the city's master land use plan.
- (b) The approval of a planned unit development application shall require an amendment to this chapter to revise the zoning map and designate the subject property as "PUD, planned unit development." An approval granted under this article, including all aspects of the final site development plan and conditions imposed on it, shall constitute an inseparable part of this chapter.
- (c) The provisions of this article are not intended as a device for ignoring this chapter, the specific standards set forth in this chapter, or the planning upon which it has been based. Provisions of this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with the guidelines of this article to insure appropriate, fair, and consistent decision-making.

(Ord. No. 626A, § 5.144, 7-15-1994; Ord. No. 1087, 2-3-2009)

Sec. 122-572. Permitted uses.

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning Commission recommendation, the City of

Ypsilanti Master Plan as a basis for principal uses permitted in a planned unit development.

<i>Underlying Zoning District</i>	<i>Permitted Uses under Planned Unit Development</i>
R1, R2	Planned unit developments shall not be permitted in these districts.
R3, R4	Any combination of uses permitted in the R3 and R4 zoning districts. Limited commercial, service, and office uses shall be permitted if in combination with and related to residential uses.
RO, B1, B2, B3 or RC	Any combination of uses permitted in the RO, B1, B2, B3 or RC (Ord. No. 918, 8-4-2000) zoning districts. Residential uses shall be permitted only if in combination with such commercial or office uses.
B4, WS or CI	All commercial, service, and office uses or any combination of such uses shall be permitted. Limited light industrial uses shall be permitted if in combination with such commercial or office uses. However, the CI district shall permit a standalone light industrial use. (Ord. No. 918, 8-4-2000)
M1, M2	All industrial and office uses and any combination of such uses. Limited commercial and service uses shall be permitted if in combination with industrial uses. Residential uses shall not be permitted.
<u>CRD, RRD</u>	<u>Any combination of uses permitted in the CRD or RRD zoning districts, or other uses consistent with the Master Plan.</u>

(Ord. No. 626A, § 5.145, 7-15-1994; Ord. No. 970 1-2-03)

Sec. 122-573. Requirements for planned unit developments.

The following requirements shall apply to all planned unit developments:

- (1) *Unified control.* The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. The applicant shall provide legal documentation of a single

Exhibit 6. - Planned Unit Development text amendments for CRD/RRD districts

ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.

- (2) *Minimum size.* The minimum size of a planned unit development shall be 43,560 square feet (one acre) of contiguous land. The city council may approve a planned unit development for a parcel as small as 21,780 square feet (one-half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.
- (3) *Applicable base regulations.* Unless waived or modified in accordance with the procedures and standards set forth in this article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in this chapter for the uses listed below shall be applicable for uses proposed as part of a planned unit development:
 - a. Multiple-family residential uses shall comply with the regulations applicable in the R4 multiple-family residential district.
 - b. Commercial and office uses shall comply with the regulations applicable in the B3 central business district.
 - c. Manufacturing uses shall comply with the regulations applicable in the M2 light manufacturing district.
 - d. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if conflicts exist between provisions, the regulations applicable to the most dominant use shall apply.
 - e. Regardless of use, planned unit development with an underlying zoning district of CRD or RRD shall comply with the regulations applicable in that underlying district.
 - f. To encourage flexibility and creativity in development consistent with the planned development concept, departures from compliance with the base regulations may be granted by the city council, upon recommendation of the planning

commission, as a part of the approval of the planned development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

- (4) *Street access.* Each lot, main building, and principal use within a planned development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.
- (5) *Usable open space.* The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.
- (6) *Landscaping and maintenance of common areas.* All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.
- (7) *Additional considerations.* During review of a proposed planned development, the planning commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.

(Ord. No. 626A, § 5.146, 7-15-1994)

EXHIBIT D

RESTRICTIVE COVENANT AGREEMENT

DECLARATION OF RESTRICTIVE COVENANT

This transfer is exempt from taxation pursuant to MCLA 207.505(a) and MCLA 207.526(a), the consideration being less than One Hundred Dollars and pursuant to MCLA 207.505(l) and MCLA 207.526(n), confirming a title already vested in Grantee.

THIS DECLARATION (the "Declaration") is made by **THE CITY OF YPSILANTI**, a Michigan municipal corporation, of One South Huron Street, Ypsilanti, Michigan 48197 ("Declarant"), being the owner of property situated in the County of Washtenaw, and State of Michigan, described in Exhibit A attached hereto (the "Retained Property"):

Background

Declarant owns the Retained Property. Simultaneously upon execution of this Declaration, Declarant has sold the real property (the "Sale Property") described on attached Exhibit B to Ninety Nine 90, LLC (the "Purchaser"). As a condition of Purchaser's willingness to purchase the Sale Property, Declarant agreed to restrict the use of the Retained Property as follows:

Declarations

1. Use Restrictions. For so long as Family Dollar, its successors or assigns, is open and operating a fully staffed and inventoried variety store, variety discount store, discount department store, dollar store, liquidation or close-out store on the Sale Property, from being used as any variety store, variety discount store, discount department store, dollar store, liquidation or close-out store, or any store similar to a Family Dollar store in operation or merchandise including, but not limited to, Dollar General, Bonus Dollar, dd's Discounts, Deal\$, Only Deals, 99 Cents Only, Dollar Tree, Fred's, or Marc's (the "Exclusive Use Restriction"); provided, however, the Exclusive Use Restriction shall not prohibit any portion of the Retained Property from being used as (a) a big box discount department store (the term "big box discount department store" shall not include those stores listed above) which exceeds Thirty Thousand (30,000) square feet (like a Target, Meijer, Wal-Mart or Kmart), (b) a drug store, (c) a grocery store, (d) a toy store, (e) a hobby store, (f) a sporting goods store, (g) a card and gift store, (h) a hardware store, (i) a home improvement store, (j) an auto supply store, (k) an electronics store, (l) an office supply store, or (m) any other store selling a single category of merchandise, even though the category may be a broad one such as toys or hardware.

2. Duration. This Declaration shall remain in full force and effect while Family Dollar is constructing a dollar store on the Sale Property, but shall automatically terminate in the event Family Dollar does not open within the period required by the Purchase Agreement. Once Family Dollar has opened, this Declaration shall automatically terminate when Family Dollar, its successors or assigns, fails to operate a fully staffed variety store, variety discount store, discount department store, dollar store, liquidation or close-out store on the Sale Property for period of 6 consecutive months or more, other than in connection with a renovation or restoration in connection with a casualty. This Declaration will not

terminate in connection with a renovation or restoration so long as Family Dollar is diligently pursuing such renovation or restoration.

3. Enforcement. In the event of a violation or breach of this Declaration, Purchaser, and its successors and assigns, shall have the right to proceed at law or in equity to compel compliance with the Declaration or to prevent its violation or breach. The Declarant's obligation to Purchaser shall be limited to recording of this Declaration and Declarant's own acts which violate the Exclusive Use Restriction. Declarant shall have no personal liability to Purchaser, any successor owner of the Sale Property, or Family Dollar for any violation of this Declaration by any party other than Declarant.

4 Amendment. The provisions of this instrument may be amended or terminated, but only with the consent of the owner of the Sale Property.

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictive Covenant effective on the ____ day of _____, 2013.

The City of Ypsilanti, a Michigan municipal corporation.

By:

Its: Mayor

And

By:

Its:

STATE OF MICHIGAN)

)ss.

COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me, a notary public, this ____ day of _____, 2013, by _____, the Mayor of The City of Ypsilanti, a Michigan municipal corporation, on behalf of said corporation.

_____, Notary Public

_____, County, _____

My commission expires: _____

STATE OF MICHIGAN

)

)ss.

COUNTY OF WASHTENAW

)

The foregoing instrument was acknowledged before me, a notary public, this _____ day of _____, 2013, by _____, the Mayor of The City of Ypsilanti, a Michigan municipal corporation, on behalf of said corporation.

_____, Notary Public

_____, County, _____

My commission expires: _____

EXHIBIT E
COVENANT DEED

SPACE ABOVE THIS LINE FOR RECORDING PURPOSES

COVENANT DEED

Grantor, City of Ypsilanti, whose address is One South Huron Street, Ypsilanti, Michigan 48197, does hereby grant, bargain and convey to Grantee, Ninety Nine 90, LLC, whose address is _____, the following described real property situated in the City of Ypsilanti, County of Washtenaw, State of Michigan, more fully described as follows:

See attached Exhibit A

together with Grantor's interest in all and singular the rights, tenements, hereditaments, privileges and appurtenances thereunto belonging or in anywise appertaining ("Property"), and all of the estate, right, title, interest, claim or demand whatsoever, of Grantor, either in law or in equity, of, in and to the Property.

No portion of the Property shall be owned and/or used by any entity that would qualify the Property as exempt for ad valorem taxes and/or assessments.

Subject to conditions, restrictions, easements, limitations and rights-of-way of record, any liens for taxes not yet due and payable, any matters which would be disclosed by a current survey, zoning or other governmental restrictions.

Grantor grants to Grantee the right to make no divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Consideration is set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith.

Grantor will warrant and defend the conveyed premises against the lawful claims and demands of all persons claiming through Grantor but against no other person including predecessors in title.

signatures on the following page

Dated this _____ day of _____, 2013

City of Ypsilanti, a Michigan municipal corporation.

By:

Its: Mayor

PAUL T. SCHREIBER

And

By:

Its:

STATE OF MICHIGAN

)

)ss.

COUNTY OF WASHTENAW

)

The foregoing instrument was acknowledged before me, a notary public, this _____ day of _____, 2013, by _____, the Mayor of The City of Ypsilanti, a Michigan municipal corporation, on behalf of said corporation.

_____, Notary Public

_____, County, _____

My commission expires: _____

STATE OF MICHIGAN

)

)ss.

COUNTY OF WASHTENAW

)

The foregoing instrument was acknowledged before me, a notary public, this _____ day of _____, 2013, by _____, the Mayor of The City of Ypsilanti, a Michigan municipal corporation, on behalf of said corporation.

_____, Notary Public

_____, County, _____

My commission expires: _____

Drafted by and when recorded return to:

Exhibit A to Covenant Deed

Legal Description

EXHIBIT F **LOCATION OF THE SHARED DRIVE**

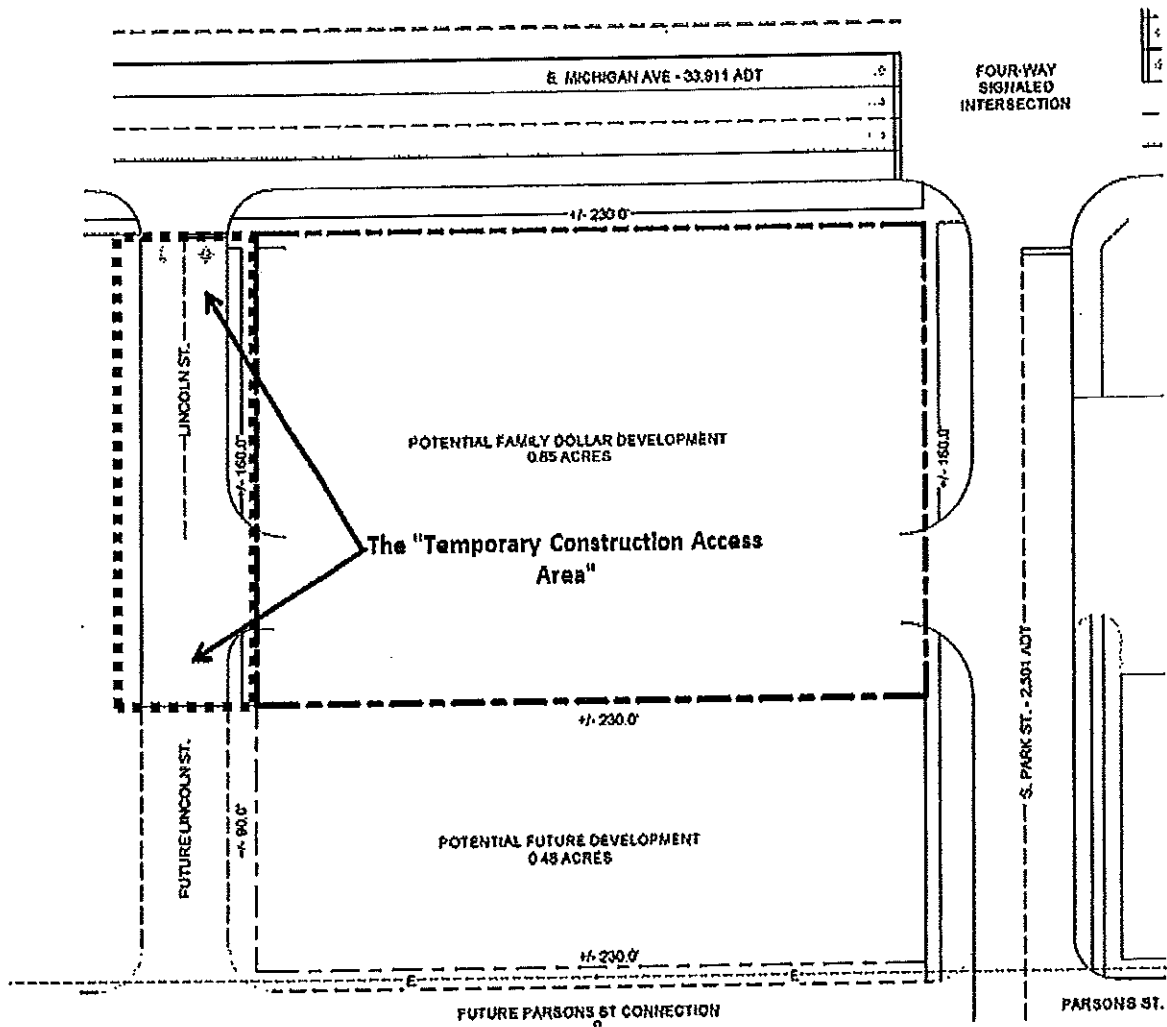


EXHIBIT G

ACCESS DRIVE EASEMENT AGREEMENT

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Agreement") is made and entered into this ____ day of _____, 2013, by and between FAMILY DOLLAR STORES OF MICHIGAN, INC. ("First Party") and the City of Ypsilanti, a Michigan municipal corporation ("Second Party").

WHEREAS, First Party is the owner of a tract of real property located in City of Ypsilanti, County of Washtenaw, State of Michigan, more particularly described on Exhibit A attached hereto and incorporated by reference (the "First Party Tract"), and intends to develop the First Party Tract to be used for retail purposes; and

WHEREAS, Second Party owns a tract of real property adjacent to and lying next to the First Party Tract, also located in City of Ypsilanti, County of Washtenaw, State of Michigan, more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "Second Party Tract"); and

WHEREAS, Second Party desires to grant to First Party easements of access, ingress and egress to enable the First Party and their respective Permittees (as hereinafter defined) access over and through that portion of the Second Party Tract described on Exhibit C (the "Access Easement"); and

WHEREAS, First Party desires to construct a road over the Access Easement Parcel, same being a part the Second Party Tract and Second Party is willing to grant a construction easement for the construction of the driveway; and

WHEREAS, the parties desire to enter into other agreements regarding the use of their respective parcels as set forth herein;

NOW, THEREFORE, in consideration of the above premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

1. Grant of Construction Easement. Second Party hereby grants to First Party a temporary construction easement (the "Construction Easement") on, over and across that portion of the Second Party Tract depicted on Exhibit C (the "Construction Easement Parcel") for the purpose of constructing the road and sidewalk improvements described on Exhibit ____ (the "Access Drive Improvements") within the Access Road Parcel. The location of the Construction Access Easement is shown on Exhibit C attached hereto and incorporated by reference. The Construction Easement shall be a temporary easement, existing for a period of ____ days (the "Construction Period") beginning on the date (the "Commencement Date") that First Party commences construction of the Access Drive Improvements. The Commencement Date shall be set forth in a written notice from First Party to Second Party given not

less than ten (10) days prior to the Commencement Date. First Party shall construct the Access Drive Improvements within the Access Easement Parcel during the Construction Period in a manner that will not unreasonably interfere with business operations on the Second Party Tract or with the orderly flow of traffic thereon. First Party shall obtain and pay for all permits, approvals and licenses necessary for the construction and use of the Access Drive Improvements. The Access Drive Improvements shall be constructed in accordance with all applicable laws, codes, ordinances and other requirements of governmental authorities having jurisdiction thereof. The Access Drive Improvements shall be constructed in a good and workmanlike manner in accordance with the Site Plan and pursuant to the specifications for roads and sidewalks and curbs cuts owned by the City of Ypsilanti. First Party shall pay all costs or expenses related to the construction of the Access Drive Improvements and shall not permit any lien to attach to the Second Party Tract or any part thereof. The Construction Easement shall automatically terminate upon the expiration of the Construction Period; provided, however, in no event shall the Construction Period last more than one (1) year from the date of recordation of this Agreement. First Party shall indemnify, defend and hold Second Party harmless from and against any claims, losses, causes of action, and damages (including attorney's fees for counsel selected by Second Party) arising out of First Party's construction of the Cross Access Drive and use of the Construction Easement.

2. Grant of Easements of Access, Ingress and Egress.

(a) Second Party hereby grants to First Party, and their respective Permittees (as hereinafter defined), a perpetual, permanent, non-exclusive easement over and across the Access Easement Parcel described on the attached Exhibit D for vehicular and pedestrian traffic (e.g., driveways and curb cuts), which easement shall be for use by First Party for vehicular access, ingress and egress (but not parking) to and from the First Party Tract to Michigan Avenue. Said easement shall hereinafter be referred to as the "Access Easement."

(b) Notwithstanding the above, the Access Easement is contingent upon the completion of construction of the Access Drive Improvements in accordance with the requirements set forth in Section 1 above.

3. Covenants Running with the Land. The Access Easement herein granted by Second Party to First Party shall run with the land. Second Party hereby warrants and covenants with First Party that it has the right to convey such easements and that the easements are unencumbered except for easements and restrictions of record on the date hereof.

4. Maintenance. First Party shall, at its sole cost and expense, maintain the Access Drive Improvements until such time as the Access Drive Improvements are utilized by any party other than the First Party for access to any portion of the Second Party Tract ("Third Party Use"). Upon the commencement of any Third Party Use, the First Party and the third party shall share maintenance costs for the Access Drive equally until the Access Drive or Access Drive Improvements can be dedicated. Further, upon the commencement of any Third Party Use, the Access Drive shall be dedicated and the Second Party shall cooperate with the First Party to accept such dedication as soon as practicable.. In the event any party fails to maintain, repair or replace the Access Drive as set forth above, the other parties shall have the right to perform such maintenance, repair and/or replacement. If any party fails to reimburse the other party for maintenance, repair and/or replacement costs associated with the Access Drive within thirty (30) days after demand for same is made, the party performing such maintenance, repair and/or replacement shall have the right, in addition to any other remedies at law or in equity, to file a lien for the unpaid amounts against the parcel owned by the party facility to reimburse, as applicable, which such lien shall be subordinate to any first mortgage lien. As used in this Agreement, the term "maintain" or "maintenance" shall mean to: (a) maintain (including periodic patching and resurfacing) the

Access Drive Improvements in a good and safe condition and state of repair; (b) replace the Access Drive Improvements as needed to ensure that it is kept in a good and safe condition and state of repair; and (c) keep the Access Drive free and clear from unreasonable accumulations of snow, ice, leaves, debris, litter or other obstructions. All maintenance, repair and/or replacement activities shall be performed in a lien-free, good and workmanlike manner and undertaken in such a manner so as not to unreasonably interfere with the use and enjoyment of the Access Drive. Once the Access Drive is dedicated, the maintenance obligations of the First Party and the any third party set forth herein shall terminate automatically.

5. Condemnation. Nothing in this Agreement shall be construed to give one party any interest in any award or payment made to the other party in connection with any exercise of eminent domain or transfer in lieu thereof affecting the other party's rights or giving the public or any government any rights. The parties may file collateral claims with the condemning authority for their losses that are separate and apart from the value of the land area and improvements taken.

6. Driveway Changes. First Party and Second Party each reserve the right to from time to time change the driveways and other traffic improvements located within their respective parcels other than the Access Drive. In the event either party wishes to modify the location of the Access Drive, the party must obtain the prior written consent of the other party, which may be granted or denied in that parties sole and exclusive discretion.

7. Permittees. As used herein, the term "Permittees" shall mean each party hereto, and their successors in title, and each of their respective tenants, employees, contractors, guests and invitees.

(Signature/Notary pages attached)

IN WITNESS THEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESSES AS TO FIRST PARTY:	FIRST PARTY:
Signed: Print Name:	«FD_Entity», «FD_Entity_Description» By: Print Name: Title: Dated:
Signed: Print Name:	
STATE OF «STATE_FULL_NAME» COUNTY OF «COUNTY» I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, the _____, of «FD_Entity», «FD_Entity_Description», freely and voluntarily under authority duly vested in him by said company. He/she is personally known to me or has produced _____ as identification. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012. _____ Notary Public _____ Typed, printed or stamped name of Notary Public My Commission Expires: _____ _____ _____	

WITNESSES AS TO SECOND PARTY:	SECOND PARTY:
Signed: Print Name: Signed: Print Name:	By: Print Name: Title: Dated:
STATE OF «STATE_FULL_NAME» COUNTY OF «COUNTY» I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, the _____, of _____, a _____, freely and voluntarily under authority duly vested in him by said company. He/she is personally known to me or has produced _____ as identification. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012. _____ Notary Public _____ Typed, printed or stamped name of Notary Public My Commission Expires: _____ _____	

TRACT - CONSENT AND SUBORDINATION OF LENDER

Lender Consent

_____, a _____ (*Type of Lender*), as holder of
that certain _____ (*Mortgage, Deed of Trust,*
etc.) dated _____ with respect to the _____ Tract, hereby
consents to the terms and conditions contained in this Agreement and subordinates the lien of
said _____ (*Mortgage, Deed of Trust, etc.*) to
this Agreement.

STATE OF _____:

COUNTY OF _____:

The foregoing instrument was acknowledged before me on _____, 2011 by
_____, the _____ of
_____, a _____.
He/She is personally known to me, or produced _____ as identification.

Notary Public, State of

Name Printed:

My Commission expires:

[NOTARIAL SEAL]

EXHIBIT A

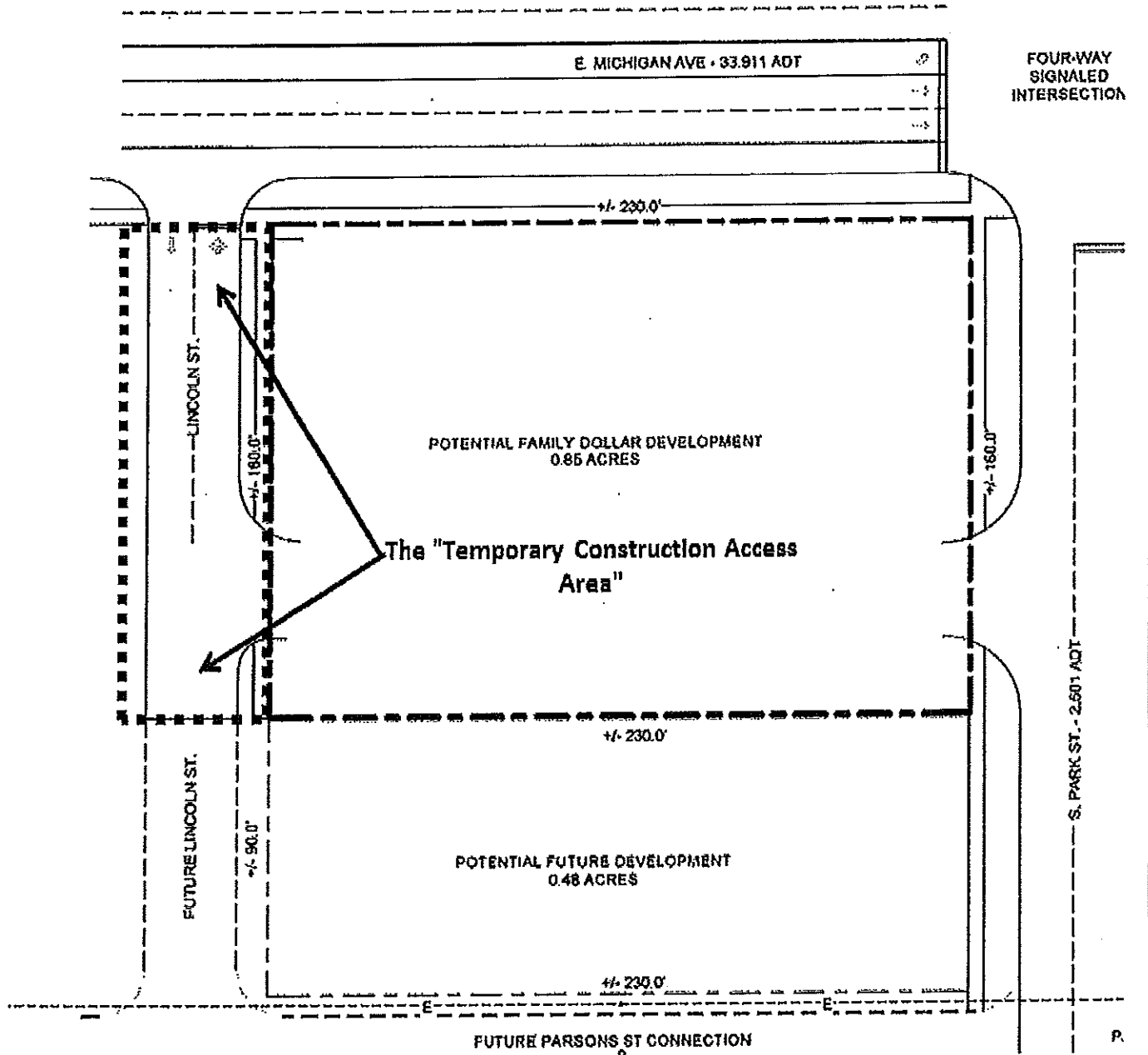
Description of First Party Tract

EXHIBIT B

Description of Second Party Tract

EXHIBIT C

Temporary Construction Access Area

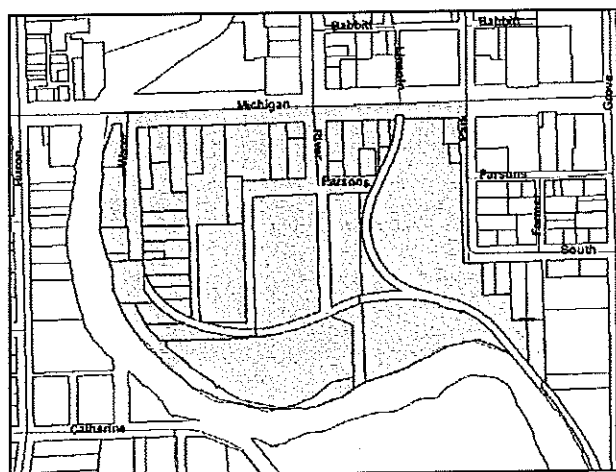


4. Water Street

Issue Identification

This area was historically characterized as having a mix of land uses, with residential, vacant, commercial, and industrial uses commingling haphazardly. The potential for redevelopment could have a large impact upon the Downtown and Michigan Avenue corridor and accordingly, the City of Ypsilanti has acquired approximately 38 acres to achieve a more viable land use pattern. Redevelopment of the area is now possible due to unified land control and the completion of environmental assessment of the site, as well as partial remediation and demolition performed to date. Other issues include the fact that this area is bounded by the Huron River on two sides; this is also a substantial potential asset for future uses, as is the proximity to Downtown and Depot Town. The issues for this area can be summarized below:

ISSUES	
Transportation/Circulation	✓
Transportation/Truck Impact	✓
Environmental/Contamination	✓
Environmental/Riverfront	✓
Land Use Conflicts	✓
Economic Revitalization	✓
Vulnerable Land Uses	
Aesthetics/Image	✓
Relation to Historic District	✓
Relation to Downtown	✓
Relation to Depot Town	✓



Water Street Area

Land Use Recommendations

Any development proposal or zoning changes for the site should promote the following goals:

- Redevelopment of the site including a mix of residential, retail, office, entertainment, medical, research, or other land uses or combinations compatible with the downtown business district
- Expansion and enhancement of public access to the Huron River
- Coordination of individual development projects to ensure compatibility both within the site and with nearby land uses
- Design standards that create an urban, rather than suburban or exurban, form
- Uses and site designs that take advantage of access to the river
- Effective transportation connections to the downtown business district and surrounding areas, including non-motorized, vehicular, and transit options

-
- Application of environmental best practices, such as LEED certification, low-impact design, etc, where practical

This area is designated Mixed Residential/Commercial on the Future Land Use map. Within the site, this could include a broad range of uses that capitalize on the site's location with regards to Michigan Avenue, the Huron River, and downtown. The river frontage is designated as parkland; at a minimum, a linear park with biking/walking trail will be provided along the river, and larger nodes may be included at points along this linear park.

Any residential component of the redevelopment will be of a higher density nature such as lofts, townhouses, or condominiums. Office, medical, research, and similar uses should take urban forms, avoiding low-density "office park" or automobile-oriented "strip" commercial configurations. Multiple components may be integrated into mixed-use structures, such as residential or office uses above commercial uses. Larger park or civic uses may be included in addition to the riverbank linear park, but are not seen as essential.

While proposals for all or large portions of the site may be considered, an incremental approach to redevelopment of the area may also be viable. In anticipation of proposals for either the entire site or portions of the site, the City should take steps to facilitate the review process for development that achieves these goals.

This facilitation is expected to include rezoning of these parcels to incorporate the goals of this target area, in order to provide potential developers with maximum predictability during the development process; future zoning amendments or Planned Unit Development proposals may be necessary to accommodate developments not predicted during this initial rezoning. The use of a new zoning district or overlay district and/or changes to existing zoning districts that communicate the desired development quality should be considered to add predictability to the development review process while achieving community goals for the area.

Appropriate zoning districts for this target area include new "Commercial/Residential Redevelopment Districts" designed to meet the Target Area's goals, and could also include B3 for the Michigan Avenue frontage and R/C or RO for the site interior. Specialized craft-industrial uses, such as those found in the W/S district, could also be appropriate.

**PLANNING COMMISSION
MEETING MINUTES
September 18, 2013
CITY COUNCIL CHAMBER
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

II. ROLL CALL

Present: R Johnson, G. Clark, M. Bullard, P. Hollifield, C. Zuellig, M. Bullard, A. Bedogne

Absent: B. Lenart (excused) R. Murphy (excused)

Staff: Teresa Gillotti, Community Development Director
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

Chairman Johnson stated that going forward; board members should address the chair when they want to interact with other board members.

III. APPROVAL OF MINUTES – August 21 and August 28, 2013

Commissioner Hollifield moved to approve the minutes of August 21, 2013 (Support: A. Bedogne) and the motion carried unanimously. Commissioner Bedogne moved to approve the minutes of August 28, 2013 (Support: C. Zuellig) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

Heidi Jugenitz introduced herself stating that she had been nominated to join the Planning Commission and looked forward to joining the group.

Mayor Paul Schreiber, 922 Pleasant – stated that he was pleased to nominate Ms. Juvenitz adding that she had recently moved to Ypsilanti and would bring an added dimension of someone living outside of the city. He also added that the City Council would like the Thompson Block to be successful and appreciates the help of the board in that process.

V. PUBLIC HEARING ITEMS

None

VI. OLD BUSINESS

1. Family Dollar Rezoning & PUD Plan

Commissioner Clark moved to remove this item from the table (Support: M. Bullard) and carried unanimously.

Ms. Gillotti, Director of Community Development, went through the highlights of changes from the meeting held on August 28th. The board spent much time discussing the 10' sidewalk and she has ensured that it extends all the way from Park to Lincoln. Also, she discussed the interface between the street, sidewalk and parking area. We now have a 20' sidewalk with landscaping and knee wall between that and the parking spaces, which will be 29 spaces. Signage was discussed – they are looking at three signs, one being a pole sign and two wall signs. Three smaller windows will be clear glass with a tinted film will be added along the Lincoln Street frontage. She referred to street trees adding that there will be three on Lincoln side, six in front on Michigan Avenue and also two in the bump-out on Park Street.

All conditions have been met significantly and the building setbacks are now noted on the site plan. Lighting will be taken care of with photo metrics later on in the process. There are three parking lot lights, one of which, Ms. Gillotti would like to see relocated. She stated that staff recommends approval with various conditions and items being addressed administratively by Planning staff prior to review by City Council.

Some discussion was held by board members on the signage and it was the consensus to not allow either pole signs or the monument sign, maintaining B3 requirements.

Commissioner Clark moved that the Planning Commission approve the Planned Unit Development (PUD) plan and rezoning to PUD based on the following findings:

Findings:

1. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefits.
2. The project will develop an acre of the 38 acre city-owned Water Street redevelopment area with retail more urban than suburban in form, and with careful consideration of vehicular and pedestrian access to help accommodate future adjacent development.
3. The proposed use will be consistent with all surrounding uses, in particular to the east.
4. The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
5. The proposed redevelopment meets numerous Master Plan and DDA goals.
6. Two exemptions are recommended:
 - Provide exemption to zoning ordinance reducing parking spaces to a maximum of 29 based on zoning guidelines.

- Provide exemption to Entryway Overlay District requirements due to the Master Plan desire for a more urban form and treatment.
7. 10' sidewalk on Michigan Avenue should extend to Lincoln Street.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

Conditions:

1. Provide dimensions for wall signage and elevation re-evaluating the presence of a monument sign with staff to confirm it meets zoning requirements.
2. Move "tags" on site plan to match relocation of barrier-free parking and ramp.
3. All items from engineering letter dated Sept 13, 2013.
4. Consider relocating proposed light pole on south side out of easement location.
5. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec 122-834(9).
6. Final plans to be submitted to MDOT for approval.

The following waivers are requested under Sec 122-713:

Waivers:

1. Waiver from 3 foot berm requirement between Michigan Avenue and parking lot, to maintain urban form and/or request different treatment.
2. Waiver from foundation shrub and tree planting requirements along Michigan and foundation tree plantings on Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.

The motion was supported by Commissioner Hollifield. A roll call vote was taken and carried unanimously.

2. Thompson Block Rezoning & PUD Plan

Commissioner Bullard moved to remove this item from the table (Support: G. Clark) and the motion carried unanimously.

Ms. Gillotti provided the staff report stating that this item was reviewed for site plan approval and PUD zoning at the August 28, 2013 meeting and it was agreed that it should be postponed awaiting some revisions, which included changes to parking lot layout, pedestrian access, etc. to its adjacent neighbors.

She proceeded to review the various changes beginning on the River Street side. Their architect did some grade changes on the frontage, which was quite steep. They plan to extend out from the building to the outdoor café section and re-route the sidewalk going north with a ramp up to where the outdoor café will be. There will be street trees between the on-street parking and the sidewalk and then raised outdoor café with railing around the edges with stair entrance on south side and ramp entrance on north side. The loading zone will be on River St on the south end with 2 on-street parking

spaces. Going north, there will be a metal gate with walkway, which is the entrance for upper storey residents.

Commissioner Bedogne asked the width of sidewalk on north side and Mr. Beal responded approximately 6-8'. Commissioner Zuellig referred to landscape and grading plan on Cross St, which appears to be different than the architectural site plan. She noted there was no landscaping on east side and the west side has 3' plants. It is her opinion that these plants don't fit and wonder if they could be eliminated.

Stewart Beal, owner – stated that he had reviewed the 14 items listed on the on-line version of the report and reviewed all with his comments. Overall, he appreciated staff's feedback.

After further comments and questions by commissioners, Commissioner Bedogne moved that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:

Findings:

1. The application substantially complies with Sec 122-127 and Sec 122-576.
2. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
3. The project will restore a historically significant building to productive use and serve as a good example of redevelopment of existing structure. It will also provide improvements within the right of way that will enhance and complement the existing Depot Town streetscape.
3. The proposed use will be consistent with all surrounding uses
4. The proposed use will not have an adverse impact on traffic or other public services and infrastructure.
5. The proposed redevelopment meets numerous Master Plan and DDA goals including encouraging the rehabilitation of historic structures, rehabilitation of upper stories for loft housing, and revitalization efforts for Depot Town.
6. A single exemption is requested, from the requirements of Sec 122-394.

Conditions:

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

1. Install fencing in accordance with Sec 122-703 along north side of structure in cooperation with adjacent owners
2. Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
3. Sidewalk on Cross Street shall continue through drive at 6 feet width
4. Update required percentage to reflect entire project area and confirm calculation
5. Add bicycle parking
6. Consider a metal gate on the east side of the pedestrian access on north side of the building
7. All items from engineering review letter dated 9-13-13

8. A list of plantings for the bioswales should be provided.
9. Provide a maintenance plan for bioswales,
10. Provide height for all pole lights
11. All fixtures on north side of building shall be down-directed and full cutoff.
12. Add one additional tree to parking area
13. Note all exemptions from zoning basis on the site plan.
14. HDC approval is required for all exterior work.
15. Applicant will work with staff on appropriate landscaping on south side of parking area.

The following waivers are requested under 122-713:

1. Waiver requested to permit installation of landscaping and wall for off-street parking landscaping in lieu of berm to satisfy the requirements of 122-704(c)(2).
2. Waiver from foundation plantings requirement of 122-706 due to lack of setbacks and need to integrate pedestrian access to all building frontages.
3. Request waiver from 122-712 to omit provision of a sprinkler system; applicant shall note alternate means of keeping landscaping watered.

The motion was supported by Commissioner Zuellig. A roll call vote was taken and carried unanimously.

3. Reimagine Washtenaw Right-of-Way Update

Ms. Gillotti stated that this is a presentation by both Nathan Voght, Community & Economic Development at Washtenaw County and Commissioner Cheryl Zuellig (SmithGroupJJR).

Mr. Voght gave some background information stating that this effort was started by a planner in the County who reached out to different communities along the stretch between Ann Arbor and Ypsilanti realizing that there was a lot of potential for developing the corridor of the 4-5 mile stretch of Washtenaw Avenue. A lot of interest developed, which has now turned into a large effort to transform this corridor; a realization of potential because of traffic volumes already there; potential because of high transit ridership and potential because of infrastructure already there. The four communities got together and formed the JTC in 2009 to get stakeholders together and in 2010 an actual strategic document was adopted to focus on sidewalks, bike lanes, transportation. We are now in the implementation stage. There are various active partners, i.e. MDOT, AATA, etc with subcommittees consisting of various people.

Commissioner Zuellig presented an overview highlighting the various cross sections for the corridor. Three public meetings have been held as well as an on-line survey noting issues that were important, i.e. pedestrian crossings, bike lanes, add more street trees, better lighting. They came up with three scenarios along the corridor and although one cross section does not fit all, the current five lane cross section which includes bike lanes, landscape buffers and consistent sidewalks does fit but additional ROW would be needed.

This is a vision of how this corridor could be transformed in the next 15-20 years.

She showed the various renderings of how each cross section would look with the traffic lanes and wider boulevard to Hogback, and a slightly narrower boulevard from there to Ypsilanti,

which is a transition from 4 lanes of traffic to approximately three lanes that would continue to Cross Street. This whole vision is predicated on people using more buses and bikes as well as walking, which would be a considerable shift from vehicles towards transit.

Commissioner Zuellig stated that the next step is to finalize public access requirements, develop super stops for buses and mid-block crossing concepts, and develop phasing strategy and final community meeting.

Board members were very receptive of this presentation. Commissioner Clark asked if consideration could be made regarding the super stops, i.e. include information areas on various activities on art exhibits, messaging centers, etc.

VII. NEW BUSINESS

1. 615 E. Michigan

Ms. Wessler, Planner I, stated that this item had been presented at a previous meeting where they received a variance. They are proposing to expand connecting the two existing buildings in the corner and are now requesting site plan approval. Her initial concern with this site plan was the landscaping since this property is located in the Entryway Overlay District which has stringent landscaping requirements. They have included two bike spaces in the revised plan located at the far east of the lot; no photometric plan was included and site safety is a concern expressed by many members of the public as well as lack of clarity on signage. They have removed the shed from the site plan and they are no longer showing pedestrian access from the sidewalk. Engineering was able to review the plans and was confident that any concerns could be handled by the Building Department.

Some concerns were brought up by board members, regarding number of parking spaces, location of bike spaces, and addition of trees in front of office, as well as the photometric plan. The engineer representing the applicant agreed that they will make all the necessary changes as requested.

Commissioner Bullard moved to postpone action on the site plan for the Harmony House Expansion at 615 E. Michigan with the following conditions outlined in the staff report dated September 13, 2013:

1. Provide a complete landscape plan that conforms with the landscaping ordinance, in particular the minimum area requirements; greenbelt dimensions and layout, and parking layout. Ensure it addresses all other issues raised in this review.
2. Eliminate the three parallel and three perpendicular spaces adjacent to the frontage; meet the requirements of Sec 122-704, and ensure that garbage trucks have a clear path of entry and exit from the site.
3. Clarify signage type(s) and location(s). Note that all new or altered signage must conform to the ordinance.
4. Continue to restrict access to the rear of the buildings. Monitor those areas.
5. Show relocated shed on site plan, if shed is to remain.
6. Remove concrete post/footing in front of perpendicular building.
7. Ensure pedestrian access from public sidewalk is ADA compliant.

8. Submit photometric plan that conforms to the provisions of Sec 122-641.
9. Engineering conditions as outlined in forthcoming engineering letter.

The motion was supported by Commissioner Zuellig and carried unanimously.

VIII. COMMITTEE REPORTS

Non-Motorized Committee

A copy of the minutes from the August 1, 2013 meeting was included in the packet.

VII. FUTURE BUSINESS DISCUSSION/UPDATES

834 Railroad
333 S. Prospect
Master Plan
212/216 N. Huron
615 E. Michigan

VIII. ADJOURNMENT

Since there was no further business, Commissioner Bullard moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 9:10 p.m.



City of Ypsilanti

Planning and Development Department

Planning Commission Agenda: August 28, 2013

Revision: September 18, 2013

**Staff Review of Site Plan and
Planned Unit Development (PUD) rezoning
216 E. Michigan (proposed address) – southwest corner of
E. Michigan Ave and Park Street
Ypsilanti, Michigan**

GENERAL INFORMATION

Applicant: Morning Star Partners, LLC on behalf of Core Resources, LLC
1404 Vine Street
Cincinnati, Ohio 45202

Project Name: Family Dollar

Application Date: July 17, 2013

Location: 216 E. Michigan (proposed address) – southwest corner of E.
Michigan Ave and Park Street

Zoning: B4, General Business District; EO, Entryway Overlay

Action Requested: Site plan approval; Rezone to Planned Unit Development (PUD)

PROJECT AND SITE DESCRIPTION

Planning Commission previously reviewed the site plan and PUD request at their August 28, 2013 and had requested several changes to the site plan based on staff review of the development agreement between the City of Ypsilanti and Core Resources, the draft zoning ordinance, the draft master plan and the existing master plan and zoning ordinance. The applicant has made the majority of these changes.

REQUIRED INFORMATION – PUD SUBMITTAL

Section 122-575 provides application requirements for Planned Unit Developments. These requirements include cover letter from applicant and owner, legal description, site plan at a maximum scale of one inch equals 50 ft. or larger prepared in accordance with 122-125 (site plan review). Additional required information: copy of agreements, covenants, or deed restrictions which will assure that the development will be completed and maintained as shown

on the plans by the developer and successive owners; open spaces areas; architectural sketches; copy of deed restrictions; and required fees.

Required information has been submitted. The following has been provided:

- Ownership of existing parcel
- Legal description for parcel
- Updated ALTA survey for proposed parcel
- Development Agreement

Items to be Addressed: None

PUD PROCESS

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

- 1) Pre-application conference
- 2) Formal PUD Application
- 3) Planning Commission Review, Public hearing, and Recommendation
- 4) City Council Action

The project is currently at stage #3, above, although the public hearing was held at the Commission's first review on Aug. 28, 2013.

MASTER PLAN CONSIDERATION

In 2008, the Planning Commission adopted an amendment to the 1998 City of Ypsilanti Master Plan specific to Water Street (attached). Specific Land use recommendations (page 82) include:

- Redevelopment of the site including a mix of residential, retail, office, entertainment, medical, research, or other land uses or combinations compatible with the downtown business district
- Coordination of individual development projects to ensure compatibility both within the site and with nearby land uses
- Design standards that create an urban, rather than suburban or exurban, form
- Effective transportation connections to the downtown business district and surrounding areas, including non-motorized, vehicular, and transit options
- Application of environmental best practices, such as LEED certification, low-impact design, etc, where practical

(page 83)

Office, medical, research, and similar uses should take urban forms, avoiding low-density "office park" or automobile-oriented "strip" commercial configurations"

This facilitation is expected to include rezoning of these parcels to incorporate the goals of this target area, in order to provide potential developers with maximum predictability during the development process; future zoning amendments or Planned Unit Development proposals may be necessary to accommodate developments not predicted

during this initial rezoning. The use of a new zoning district or overlay district and/or changes to existing zoning districts that communicate the desired development quality should be considered to add predictability to the development review process while achieving community goals for the area.

Appropriate zoning districts for this target area include new "Commercial/Residential Redevelopment Districts" designed to meet the Target Area's goals, and could also include B3 for the Michigan Avenue frontage and R/C or RO for the site interior. Specialized craft-industrial uses, such as those found in the W/S district, could also be appropriate.

As noted, the future land use map designates the area Mixed Residential/Commercial. For the purposes of this review, staff is recommending the use of B3 Central Business district as the base layer for review based on the text included in the master plan update above.

In 2009 the Planning Commission proposed zoning changes to the Water Street Development area including two new zoning districts. City Council ultimately tabled the zoning; however, they indicated that it should be used for negotiating future development. As noted above, it is to serve as a guideline for the proposed development. It is included as an appendix to the development agreement.

The 2013 Draft master plan provides direction for the layout for the Water Street Redevelopment area as well as an approval process and standards. In particular, the recommendation is to replicate the existing downtown grid in the development area. A separate section below compares the proposed development in relation to these recommendations.

Figure 2: Site Aerial Photo (2010)



Table 1: Surrounding Land Use and Zoning

	LAND USE	ZONING
NORTH	New Beginnings Academy Charter School, BP gas station	B4, General Business EO, Entryway Overlay
EAST	Metro PCS retail store and retail strip. Salvation Army	B4, General Business EO, Entryway Overlay
SOUTH	Vacant Water Street Redevelopment Area	B4, General Business EO, Entryway Overlay M2, General Manufacturing PL, Public Land
WEST	Vacant Water Street Redevelopment Area	B4, General Business EO, Entryway Overlay M1, Light Manufacturing

AREA, WIDTH, HEIGHT, SETBACKS, DEVELOPMENT STANDARDS

The underlying district for the subject area is B4 General Business; however section 122-572 of the zoning ordinance has this provision:

In a planned unit development, the principal uses which shall be permitted shall be based on the underlying zoning district. City Council may also consider, upon Planning commission recommendation, the City of Ypsilanti Master plan as a basis for principal uses permitted in a planned unit development.

As noted above, the update to the Master Plan in 2008 specifically for the target area of the Water Street Redevelopment Area notes that B3, Central Business would be a suitable district for the Michigan Avenue frontage. The B3 district is utilized as the underlying district for PUD>

Section 122-573 (3) of the PUD regulations state that base regulations may be modified to encourage flexibility and creativity in development, provided such modifications result in a higher quality of development than would otherwise be possible. Exemptions will be listed below to be noted on plans and in PUD agreement.

Table 2: Area, Width, Height, Setbacks

	REQUIRED (B3 Central Business)	Existing	Proposed
LOT AREA / WIDTH / COVERAGE	The minimum lot area and width and the maximum percent of building coverage shall be determined by the use and the required off-street parking, loading, screening walls and yard setbacks as provided in this chapter for the respective uses and use districts.	Vacant 38 acre parcel	Lot Area: 38,859 sf (.84 acres) Project area: approx 1.1 acres Width: 230.74 ft Lot Coverage: approx. 24%
SETBACKS			
Front (Michigan)	Not less than 5 feet (ZG) – not greater than 10 ft.	n/a	5 feet
Street side (Park)	Not less than 5 feet	n/a	Approx 114 ft List all setbacks
Street side (Lincoln)	3 feet	n/a	10 foot
Rear	10 feet	n/a	Approx 56 feet List all setbacks
HEIGHT	Six stories or 75 feet, whichever is smaller (ZG) – No building shall be less than 3 stories in height at street frontage.	n/a	20.5 feet – single story.

SIDEWALKS	provide a sidewalk or shared-use path (see additional requirements in development agreement review section)	5. foot sidewalk along Michigan Ave. 4 foot sidewalk along Park Street	6 foot sidewalk shown on Lincoln and Park streets. 10 foot sidewalk shown on Michigan Ave., except small segment between building edge and Lincoln Street. Extend 10 foot sidewalk on Michigan Ave to Lincoln Street.
LANDSCAPING	10% = 3,885 sf	n/a	9,805 sf provided
PARKING	Ordinance: 1 for every 200 feet of gross floor area: $8320/200 = 42$. With 20% reduction: 34 (ZG) Zoning guidelines: Maximum of 3 parking spaces per 1,000 square feet of non-residential use. $8320/1,000 - 8 \times 3 = 24$	n/a	29 supplied including 2 handicap spaces Provide exemption from ordinance requirement based on development agreement requirement to utilize zoning guidelines for review.
SIGNAGE	Provisions vary based on type starting in section 122-861	n/a	Provide dimensions for wall signage and elevation including dimensions for monument sign. B3 zoning does not allow for monument sign. Provide exemption and use existing B4 sign criteria to evaluate (100sf with 10 ft height)

Items to be Addressed:

1. List all building setbacks on site plan
2. Provide dimensions for wall signage and elevation including dimensions for monument sign. Confirm it meets zoning requirements

Exemptions to be noted:

1. Provide exemption to zoning ordinance reducing parking spaces to a maximum of 24 based on zoning guidelines.
2. Provide exemption to Entryway Overlay District requirements due to the Master Plan desire for a more urban form and treatment.
3. Provide exemption for proposed monument sign; however make it subject to monument standards in the B4 district.

BUILDING LOCATIONS AND SITE ARRANGEMENT

The proposed Family Dollar building will be oriented toward the corner of Lincoln and Michigan Ave, with the length of the building along the Michigan Avenue frontage. Sets of windows 8'8" in height repeat along the Michigan Avenue frontage. Three banks of smaller windows grouped in threes 2 1/8' tall and tinted gray have been added along the Lincoln Street frontage. The entrance is located at the corner of Michigan Ave and the parking lot.

The parking area is located between the building and storm water detention/rain garden area. A screening wall is proposed between the Michigan Avenue sidewalk and the parking area. A dumpster enclosure is provided on the southeasterly side of the building. A loading zone is proposed to the west of the dumpster, still in the rear of the building. The access drive extends from Lincoln to Park Streets at the rear of the building, with additional parking to the south of the drive.

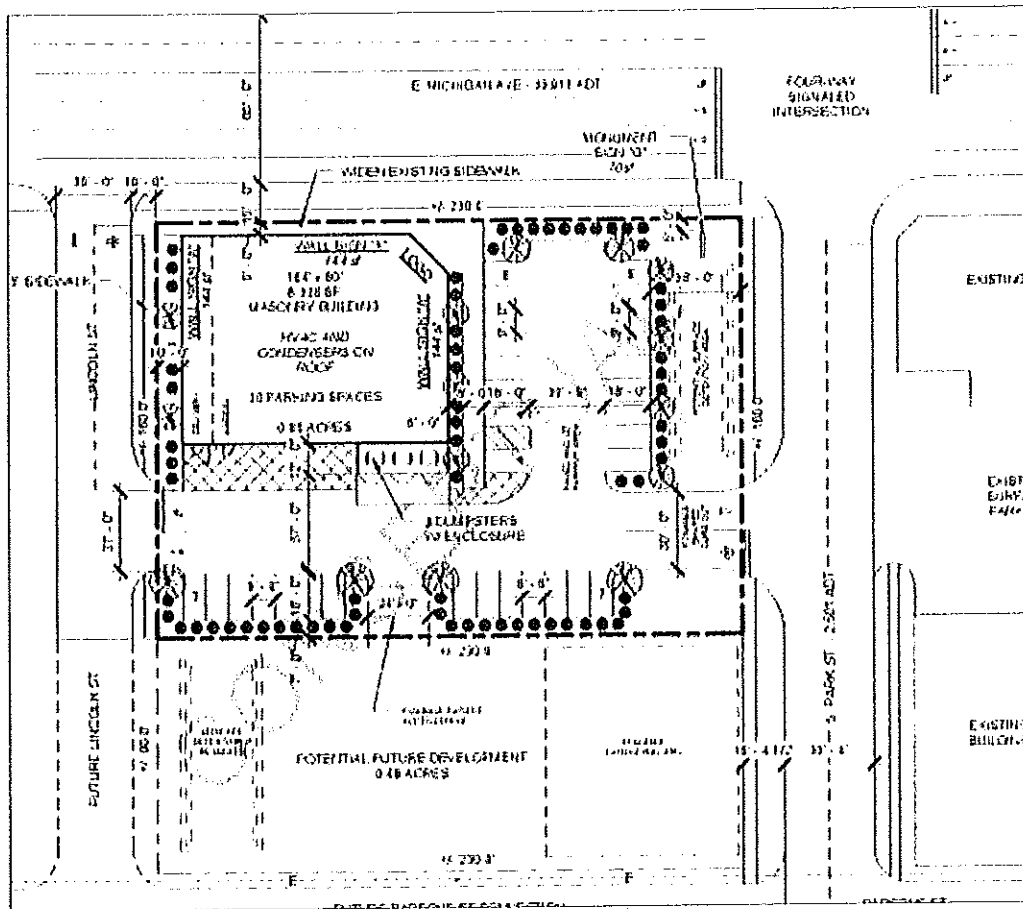
Items to be addressed:

- 1. Remove tinting from Lincoln Street windows.*

SITE ACCESS AND CIRCULATION

The parcel being created for the Family Dollar is based on maintaining the existing street grid created by Park St., Michigan Ave/ and the future S. Lincoln Street. Originally, building out Parsons Street was of interest to the City, but Core Resources determined they did not need the additional land. A revised scenario (below) shows that a separate buildable parcel can be created out of the land south of Family Dollar, but north of a proposed Parson Street extension west (see below). In this scenario, shared access to the curb cuts on the proposed Lincoln and Park Streets as well as an access drive to the south are necessary.

Figure 3: Conceptual Site plan from Development Agreement



The

building entrance is located off Michigan Ave. and the parking lot to the east of the structure. Sidewalk is provided on Michigan, Park Street and the proposed Lincoln Street, including a walkway between the building and parking lot extending from Michigan Ave. south to the extent of the structure. An ADA ramp is provided between the barrier-free parking spaces in the parking lot, to the walkway. ADA ramps are also noted at the corner of Michigan and Park Street. The pedestrian crossing of Lincoln is expected to be flush with the curb/street. Three bike racks are provided near the building entrance on Michigan Ave. providing space for 6 bicycles.

Vehicular access is available from both Park and Lincoln Streets. The proposed site plan envisions a full movement intersection at Lincoln and Michigan Ave. as well as at the signalized intersection at Michigan Ave and Park Street. Vehicles can enter the drive at the rear of the building from both streets, with access to parking south and east of the building. The drive width is shown at 30 feet. The engineering letter from Sept. 13, 2013 notes that the drive and approach be reduced (see attached). A note has been provided that the drive as well as potential connection to the southern parcel will have an access easement. The maneuvering lane for the parking east of the building is 24 feet. Truck access is available from either street but is expected primarily from Park Street do to the signalized intersection. A loading area has been designated at the southwest side of the structure, and exceeds the 10 x 50 requirement

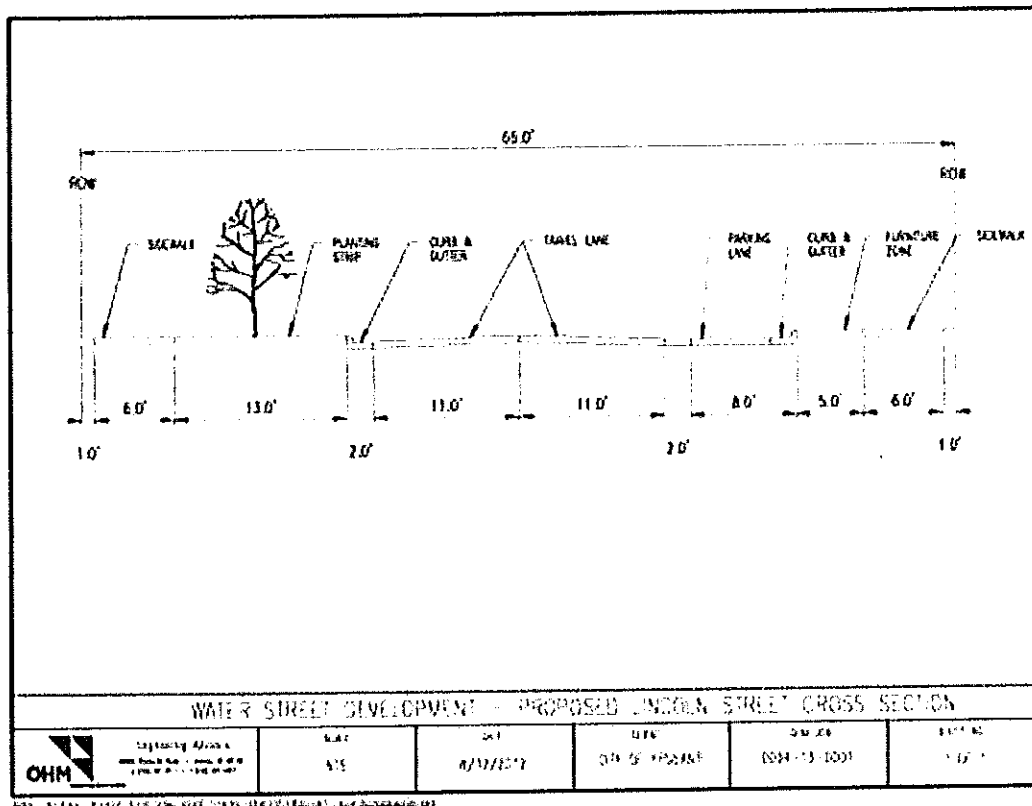
An existing bus stop is available on Michigan Ave west of the proposed building as well as almost directly across the street for AATA route #20. That service is once per hour in a loop Monday – Saturday with no service on Sundays.

Items to be addressed:

1. Michigan Ave. 10 foot sidewalk should extend to Lincoln Street
2. Move "tags" on site plan to match relocation of barrier-free parking and ramp
3. Reduce aisle and approach radii per Engineering Letter dated 9-13-2013

ENGINEERING/STORMWATER REQUIREMENTS

The proposed Lincoln Street is being constructed based on the existing 66 foot right-of-way standard for the City, with components in line with the draft master plan layout and requirements for the Water Street redevelopment area. A cross section is shown below; please note that the either side can be repeated on the other in this scenario.



The Lincoln Street right-of-way has been designed to meet city standards. Lincoln Street now includes on-street parking spaces on the east side including curb, gutter and 6' sidewalk on both sides. Based on Planning Commission feedback, an area of concrete has been added between the on-street parking spaces and the sidewalk to improve access. On-street parking spaces on the west side as well as sidewalk will be the responsibility of the adjacent property developer. Responsibility for the construction of Lincoln Street is that of the applicant, per the executed development agreement (see attached).

Concrete curb has been provided around the majority of the parking areas with the exception of the west side of the parking area immediately adjacent to the building. A single spillout is provided to the east near the rain garden area. Parking bumpouts are indicated on the west side of Park Street, providing on-street parking as proposed in the draft master plan.

A rain garden is proposed on the east side of the parcel between the parking lot and Park Street. This garden is designed to treat first flush prior to storm water runoff being release to the park street storm sewer to outlet to the Huron River. A cross section of rain garden and proposed planting list have been included.

Items to be addressed:

1. All items from engineering letter dated Sept 13, 2013.

SCREENING

	Required	Existing Conditions	Proposed
Lighting	• down-directed and shielded • not >0.5 fc @ lot line • not >16'in height • not < 0.3 fc	Two existing streetlights are located on Michigan Avenue frontage, as well as a third on Park street frontage.	Streetlight on Park street is noted to be relocated by others. Standard wall pack lights are located on all building frontages. A single light is noted in the southern parking lot in the area of the easement. Consider relocating to one side or other. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and 122-834 (9).
Screening Between Land Uses	None required	None	
Off-Street Parking Landscaping	1 tree per 8 spaces (29/8 = 4)	None	6 trees provided
	landscape island per 16 continuous spaces	n/a	n/a
	ends of all aisles and corners protected		provided
	minimum distance of 3' from curb backside to landscaping		provided

Family Dollar – Sept 18, 2013

	must be screened per 122-703 if conflicting land use	No conflicting land uses	None
	must be screened from public ROW with 3 foot berm	None	Waiver from berm requirement to maintain urban form and/or request different treatment.
	prevent vehicular encroachment into landscaping, structures		
Greenbelt Landscaping			
Foundation Landscaping	Minimum of one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of building frontage.		Provide building dimensions
	North: approx 90 feet = 3 trees and 18 shrubs	None	Waive tree requirement due to addition of street trees on frontage Waive shrub requirements to provide more urban form.
	East: approx 66 feet 2 trees and 12 shrubs	None	10 Anthony Waterer spirea and 21 Green Germ Boxwood Provide waiver to locate 2 foundation trees elsewhere on site.
	West: 80 feet 3 trees and 18 shrubs	None	28 Miss Kim Lilacs Waive tree requirement due to street trees requirement on street frontage
Refuse Containers	masonry enclosure 1' taller than dumpster (no less than 6'), in rear yard, 80% opaque swing door, on a concrete pad		Provided elevation and dimension detail.
Exterior Electrical	when visible from ROW screen	None	Roof-mounted equipment proposed.
Maintenance	install underground sprinkler system		Note provided
Fencing, hedges, walls, berms	no taller than 10' in side/rear yard	None	3 foot screen wall between Michigan Ave sidewalk and parking

Items to be addressed:

- 1.*** Consider relocating proposed light pole on south side out of easement location.
- 2.*** Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec. 122-834 (9).
- 3.*** Waiver from 3 foot berm requirement between Michigan Ave. and parking lot, to maintain urban form and/or request different treatment.
- 4.*** Provide building dimensions
- 5.*** Waiver from foundation shrub and tree planting requirements along Michigan and foundation tree plantings on Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.

REQUIREMENTS FROM DEVELOPMENT AGREEMENT

Requirement	Proposed
(i) cause the Access Drive Improvements to be constructed pursuant to MDOT and City standards and extend same from Michigan Avenue to the southerly property line of the property;	Lincoln Street Improvements shown according to cross section provided by the City. Costs to be incurred by applicant except for sidewalk on west side. Final pans to be submitted to MDOT for approval.
(ii) commit to install trees on the street frontages of Michigan, Park Street and the future Lincoln Street;	Three street trees added in bumpout locations. Trees shown east of raingarden/detention area in lieu of street trees. Additional street tree shown south of curb cut.
(iii) install a six foot sidewalk on Lincoln Street within the Access Easement (hereinafter defined) and increase the sidewalk to a width of ten feet on Michigan Avenue and Park Street;	Six foot sidewalk shown on Lincoln and Park. Park reduction to 6 feet allows for minimal change to road to provide on-street parking and is recommended by staff. 10 foot sidewalk shown on Michigan Ave., although it appears to not extend to Lincoln Street.
(iv) cause the store entrance to be oriented toward Michigan Avenue;	Shown as corner entry between Michigan Ave., and parking area to east of building.
(v) install six foot windows on the Michigan Avenue frontage of the Improvement for the entire width of the frontage;	Windows sized at 8' 8" shown along Michigan Avenue frontage. The entrance windows and window bays to the east and west of the entrance (Michigan Ave, and parking lot frontage) will be clear. Other windows along Michigan Avenue will be clear windows with film on the inside.
(vi) require Purchaser to grant to the lands south of the Property and north of Parsons Street a shared curb cut and access easement through the curb cuts proposed to be constructed on Lincoln and Park Streets within the Property, and	Easements noted.
(vii) require placement of the Building in the northwest corner of the Property fronting Michigan Avenue and the proposed Lincoln Street extension, generally described on Exhibit C-1.	Property orientated toward the proposed Lincoln/Michigan Ave. frontage.

Items to be addressed:

- 1. Final pans to be submitted to MDOT for approval.*

ZONING GUIDELINES – CRD Commercial Redevelopment District

Requirement	Proposed
Permitted uses: retail businesses	Family Dollar meets existing definitions
Front yard: Buildings shall be oriented so that 70% of the lot frontage shall include building(s) to the front yard	The building occupies about 90 feet of the Michigan Ave. frontage, which extends 230 feet, or roughly 40% of the frontage.
Minimum Floor Area Ratio of 1:1	The FAR of the proposed development is 0.23.
Development Standards (1) Access, parking, service a. No parking area is permitted in the front yard setback. Uses allowed within front setback include sidewalk cafes or customer service areas, plazas, patios and landscaping. b. No minimum parking standard shall apply to any commercial use ... a maximum of 3 spaces per 1,000 square feet of non-residential use. c. Bicycle parking spaces shall be provided for all uses at a ratio of 1 bicycle parking space per 5 automobile parking spaces provided. d. Buildings must have pedestrian access and orientation to the major thoroughfare. Vehicular access to individual lots shall not be permitted directly from the major thoroughfare e. A minimum of one improved non-motorized access route must be provided at intervals no less than every 350 feet of development frontage or fraction thereof. f. Service areas shall be screened to minimize views from publicly accessible areas. g. Adjoining uses shall share access drives and parking...	a. Parking located in side and rear yards. b. 31 parking spaces proposed – 24 required. c. 5 bicycle spaces required. 6 provided. d. Pedestrian access to building along Michigan Ave. Vehicular access from Park and Lincoln Streets. e. Provided f. n/a g. Easement noted on plans.
(2) Building Scale and Articulation a. A minimum 50% area of the first floor façade facing a street right-of-way must be comprised of windows and/or doors, openings or other architectural design features to limit the appearance of blank walls, and have a minimum of 75% transparency. b. For stories above the 1st floor, a minimum fenestration standard of 20% glass area of the total floor façade area. c. No blank wall exceeding 10 feet horizontally or	a. Requirement appears to be met along Michigan Ave., façade due to windows and building entrance. Three sets of windows are opaque and tinted. Lincoln Street frontage has windows, but does not meet 50%. Parking lot frontage does not meet the standard. b. n/a

vertically along any street frontage shall be permitted on the first or second floors. No blank wall exceeding 25 feet vertically or horizontally is permitted on any street frontage.	c. Three banks of windows and canopies provided along Lincoln Street frontage. Windows noted to have gray tint. Remove tint.
(3) Building Materials a. All walls visible from any public or private right-of-way shall be finished primarily in a durable hard surface such as brick, glass, stone, wood, ceramic, precast panels, integrally tinted textured masonry block, or concrete siding. These primary materials shall make up a minimum of 60% of the solid wall area, exclusive of windows and doors. b. Materials not permissible as primary materials on exterior walls are concrete block, cinder blocks unless burnished fluted or sculpturally textured, residential grade sidings, plastic siding, asphalt, EIFS, stucco, highly reflective or highly color tinted glass. These materials may be used as trim or accent materials, but shall total less than 40% of the surface area of walls, exclusive of windows and doors. c. All materials should be used consistently on all sides of the building d. Innovative or new environmentally sensitive materials are encouraged provided they are of quality durable material. e. Reflective glass or spandrel glass not permitted on first two floors along any street frontage	a. Architectural concrete masonry units will comprise the majority of all building sides. Samples available for planning commission during meeting. b. Stucco/EIFS to be used as accent material son parking lot, Michigan Ave. and Lincoln Street sides. c. materials used consistently d. none suggested e. Windows with tint are clear with film applied, except for Lincoln Street windows.
(4) Landscaping a. Where screening of development or parking area is required, landscaped berms shall not be used. Screening shall be provided via solid walls, fences, or evergreen plantings. b. Greenbelt and foundation landscaping requirements shall be waived for any portion of a building that has no setback from the property line... c. Street trees shall be provided along all street right-of-ways, within the right-of-way. A minimum of one street tree shall be provided for each 30 feet of street frontage...	a. No berms proposed; 3 foot screening wall and evergreen shrubs proposed along Michigan Ave. frontage. b. Foundation planting requirements to be waived along building frontage due to 5 foot setback. c. Addressed earlier in review.

Items to be addressed:

1. Lincoln Street windows should be clear glass.

SHAPE YPSI draft master plan recommendations

Requirement	Proposed
Block perimeter should be 1200 feet or less.	Current block estimated at 1,000 feet
Street layout should connect to existing streets such as Michigan Avenue to the north, Lincoln to the west and Park to the east.	Site plan includes Lincoln Street extension to the extent of the proposed parcel
All streets have on-street parking	On-street parking proposed for Lincoln and Park Streets. On-street parking on Michigan to be pursued at a later date.
All streets have sidewalks	All streets have sidewalk
All streets have space for trees and other stuff	Street trees to be provided on all street frontages
All driveway aprons have the same design	Drive aprons to be approved by City engineer (OHM)
All buildings are built for multiple uses - with a ground floor to ceiling at a minimum of 12 and a maximum of 14 feet	Ceiling noted as less than 12 feet, but height available for subsequent use.
Buildings along "A" streets (Michigan Ave., Park and River Streets), should follow the following urban design rules: • 90-100% of building should face the street • It is built one-to five feet from street right of way • 60% of the front of the first floor is transparent window or glazing • Primary entrance faces "A" street • The first floor of buildings should have active uses – stores, restaurants, services – where people come and go often.	• Estimated 40% of building facing street • Building has 5 foot setback from ROW • 25% of 1st floor windows are transparent • The primary building entrance at corner of Michigan and parking area • Retail uses meets goals

Items to be addressed:

1. None.

REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

Section 122-573 provides the following requirements for Planned Unit Developments:

- (1) **Unified Control.** *The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.*

STAFF COMMENT: Core Resources, LLC has executed a development agreement with the City of Ypsilanti for purchase and development of a Family Dollar.

- (2) **Minimum Size.** *The minimum size of a Planned Unit Development shall be forty-three thousand, five hundred sixty (43,560) square feet (one acre) of contiguous land or 21,870 sf (1/2 half acre) if the proposal involves the preservation and/or adaptive reuse of a historically significant structure. The historical significance shall be determined by the city historic district commission.*

STAFF COMMENT: The development area is 1.1 acres.

- (3) **Applicable Base Regulations.** *Unless waived or modified in accordance with the procedures and standards set forth in this Article, the yard, bulk, parking, loading, landscaping, lighting, general provisions, and all other standards set forth in the Zoning Ordinances for the uses listed below shall be applicable for uses proposed as part of a Planned Unit Development:*

STAFF COMMENT: As noted earlier, the B3, Central Business zoning will be applied as the base regulation for the entire parcel based on Planning Commission recommendation based on Master Plan goals for the Water Street Redevelopment Area.

To encourage flexibility and creativity in development consistent with the planned Development concept, departures from compliance with the base regulations may be granted by the City Council, upon recommendation of the Planning Commission, as a part of the approval of the Planned Development. For example, such departures may include modifications of lot dimensional standards, setback requirements, density standards, parking and landscaping requirements, and similar requirements. Such departures may be approved only on the condition that they will result in a higher quality of development than would be possible using conventional zoning standards.

STAFF COMMENT: The applicant requests the following exemptions:

1. None. PUD requirement per development agreement.

All departures or exemptions should be noted on the PUD plan.

- (4) **Street Access.** *Each lot, main building, and principal use within a Planned Development district shall have vehicular access to a public street. Adequate provision shall be made for dedications of land for streets and essential services.*

STAFF COMMENT: The site will have adequate access to public streets.

- (5) **Usable Open Space.** *The proposed development shall contain at least as much open space as would otherwise be required by the existing underlying zoning.*

STAFF COMMENT: The proposed development exceeds the B3 district requirement.

- (6) **Landscaping and Maintenance of Common Areas.** *All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.*

Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and not changed to another use.

STAFF COMMENT: Rain gardens shall be maintained to provide adequate drainage per Washtenaw County stormwater standards. Planning Commission may want to request a maintenance plan as a condition of the PUD agreement approval.

- (7) **Additional Considerations.** *During review of a proposed planned development, the Planning Commission shall take into account the following considerations which may be relevant to a particular project: perimeter setbacks and screening; thoroughfares, drainage, as provided for in best management practices as appropriate, and utility design; underground installation of utilities; insulating pedestrian circulation from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction mechanisms, particularly in cases where non-residential uses adjoin off-site residentially-zoned property.*

STAFF COMMENT: Staff recommends that Planning Commission discuss these considerations listed above to make sure the plan is satisfactory. Public sidewalks are provided along the development. The development substantially achieves compliance with these standards.

Items to be addressed: 1) Provide maintenance plan for raingardens and landscaping areas.

STANDARDS FOR APPROVAL

Section 122-576 provides the standards that the City must be met in order that a Planned Unit Development be approved.

- (1) *Conformance with the planned development concept. The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of this article, as well as with specific project design standards set forth in this chapter*

STAFF COMMENT: The project and overall design are consistent with the intent of the PUD article. It will help achieve master plan goals related to development of the Water Street Redevelopment Area including redevelopment of the site with commercial uses more urban than suburban in form, and with careful consideration of future development on site.

- (2) *Recognizable benefits. The planned development will result in recognizable and substantial benefits to the ultimate users of the project and to the community in general where such benefits would otherwise be unfeasible or unlikely to be achieved*

STAFF COMMENT: The redevelopment of the Water Street Redevelopment Area has been a goal for more than 20 years. This represents the start of development on the site.

- (3) *Compatibility with adjacent uses. The proposed planned unit development shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:*

- a. The bulk, placement, architecture, and types of materials used in construction of proposed structures

STAFF COMMENT: The location, development of infrastructure and pedestrian access have been carefully considered in relation to future adjacent development on the site and include the development of access easement for shared drives.

- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development

STAFF COMMENT: As noted, this has been considered carefully, including development of a "remainder" parcel that can be sold for future development using the same vehicular and expanded pedestrian access.

- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development

STAFF COMMENT: Outdoor storage is not proposed. A single dumpster enclosure is proposed at the rear of the building.

- d. The hours of operation of the proposed uses

STAFF COMMENT: Hours of Operation are consistent with adjacent B3 uses.

- e. Landscaping, preservation of historic features, and other site amenities

STAFF COMMENT: Landscaping, in particular street trees and expanded sidewalks have been included to provide a more urban feel. The rain garden is expected to add open space to the parcel.

- (4) Impact of traffic. The planned development shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:

- a. Estimated traffic to be generated by the proposed development
- b. Access to major thoroughfares
- c. Proximity and relation to intersections
- d. Adequacy of driver sight distances
- e. Location of and access to off-street parking
- f. Required vehicular turning movements
- g. Provisions for pedestrian traffic
- h. Access to loading and unloading areas

STAFF COMMENT: The limitation of access to the site from the existing signalized Park Street and the future Lincoln Street will improve vehicular access to the site, and provide for future access to adjacent parcels. Provisions for pedestrian traffic have been accommodated, as well as access for truck and delivery traffic.

- (5) Public services. The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities; including but not necessarily limited to water and sewer services, public roads, fire and police protection, and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment

STAFF COMMENT: The proposed development will not result in a material increase in need for public services if it is well managed through-out its life cycle.

- (6) Compatibility with master plan and this chapter. The proposed development shall be compatible with the adopted city master plan and with the spirit and intent of this chapter.

STAFF COMMENT: The redevelopment meets numerous goals of the Master Plans goals related to redeveloping the Water Street Area including more urban than suburban form, desired uses and carefully defined vehicular and pedestrian access.

- (7) Economic impact. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties

STAFF COMMENT: As noted, development has been expected on this site since the early 2000s. This will be the first development on the 38 acre city-owned parcel.

- (8) Compliance with applicable regulations. The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations

STAFF COMMENT: *The development shall comply with all applicable laws.*

- (9) Phasing. When a project is proposed for construction in phases, the project shall be designed that each phase, when completed, shall be capable of standing on its own in

terms of the presence of services, facilities, and open space; and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area

STAFF COMMENT: *No phasing is planned for this project.*

Items to be addressed: The proposed project is in substantial compliance with the standards of 122-576.

RECOMMENDATIONS

The proposed Family Dollar is consistent with the Planned Unit Development concept in that it is allowing development of the Water Street Redevelopment Area including redevelopment of the site with commercial uses more urban than suburban in form, and with careful consideration of future development on site. Only nominal flexibility in the below standards is being requested in return. The existing property is currently vacant, and the proposed redevelopment is in line with numerous Master Plan and DDA goals, and will greatly benefit for the Michigan Avenue business district.

Staff recommends that the Planning Commission approve the Planned Unit Development plan and rezoning to PUD based on the following findings:

1. The proposed use is consistent with the PUD concept of providing zoning flexibility in return for material community benefit.
2. The project will develop an acre of the 38 acre city-owned Water Street redevelopment area with retail more urban than suburban in form, and with careful consideration of vehicular and pedestrian access to help accommodate future adjacent development.
3. The proposed use will be consistent with all surrounding uses, in particular to the east.
2. The proposed use will not have an adverse impact on traffic or other public services and infrastructure,
3. The proposed redevelopment meets numerous Master Plan and DDA goals
4. Three exemptions are recommended:
 - Provide exemption to zoning ordinance reducing parking spaces to a maximum of 29 based on zoning guidelines.
 - Provide exemption to Entryway Overlay District requirements due to the Master Plan desire for a more urban form and treatment.
 - Provide exemption for proposed monument sign; however make it subject to monument standards in the B4 district.

The approval of the PUD plan is conditioned on the following items being addressed and reviewed administratively by Planning and Development staff before review by City Council:

1. List all building setbacks on site plan
2. Provide dimensions for wall signage and elevation including dimensions for monument sign. Confirm it meets zoning requirements
3. Remove tinting from Lincoln Street windows.
4. Michigan Ave. 10 foot sidewalk should extend to Lincoln Street
5. Move "tags" on site plan to match relocation of barrier-free parking and ramp
6. All items from engineering letter dated Sept 13, 2013
7. Consider relocating proposed light pole on south side out of easement location.
8. Indicate locations for parking lot lighting along with photometric plan per Sec. 122-641 and Sec. 122-834 (9).
9. Provide building dimensions
10. Final plans to be submitted to MDOT for approval.

The following waivers are requested under 122-713:

1. Waiver from 3 foot berm requirement between Michigan Ave. and parking lot, to maintain urban form and/or request different treatment.
2. Waiver from foundation shrub and tree planting requirements along Michigan and foundation tree plantings on Lincoln Street due to street tree requirement. Relocate required 2 trees on Park street side elsewhere on the site.

Teresa Gillotti, Director, Community and Economic Development

Cc: File
Developer: Bill Tippman, Core Resources, LLC
Architect/Engineers: Josh Allen, Morning Star Partners



ARCHITECTS. ENGINEERS. PLANNERS.

August 9, 2013

City of Ypsilanti
Planning and Development Department
One South Huron Street
Ypsilanti, Michigan 48197

Attention: Ms. Teresa Gillotti

Regarding: Family Dollar
Site Plan Review No. 1
OHM Job No. 0094-13-1041

Dear Ms. Gillotti:

The applicant is requesting site plan approval for a Family Dollar on the southwest corner of Park Street and Michigan Avenue. The site plan is dated July 17, 2013. We have reviewed the plans and do not recommend site plan approval from an engineering standpoint. The applicant must address the comments below prior to resubmitting the plans:

1. The Lincoln Street right-of-way shall be 66-feet wide. We will provide the applicant with a cross section of the required right-of-way improvements.
2. Parking bump-outs shall be provided on the west side of Park Street. The bump out area shall be extended 8-feet west of the existing back of curb. It appears that two parking spaces can be accommodated north and south of the proposed curb cut. The sidewalk along the entire Park Street frontage shall be 6-feet wide.
3. Street trees will be required on Park Street, Michigan Avenue, and the east side of Lincoln Street. We understand Planning and Development will provide the spacing requirements.
4. A truck circulation plan including turning movements for the largest anticipated vehicle shall be provided.
5. The drive width at Park and Lincoln Streets shall be reviewed. The smallest drive throat and radii that accommodate both Fire Department and delivery vehicle needs shall be provided.
6. The proposed sidewalk shall be extended across both driveways. ADA treatment at the drive crossings shall be consistent.
7. Concrete curb and gutter is required around all proposed pavement.
8. Preliminary calculations shall be provided showing storm water runoff volumes and capacity of the proposed storm water collection and conveyance system. We recommend the applicant's engineer contact OHM directly to discuss the storm water requirements for this site.
9. We do not recommend an inverted crown design for the parking lot. All drainage shall be directed to the concrete curb along the perimeter of the site. Spillways can be provided to channel flow to rain garden and bioswale areas. Two-foot diameter inlets with sumps shall be provided at catch basin locations.
10. A cross section of rain garden and proposed planting list shall be provided.
11. We recommend the storm outlet connect to the storm sewer on Park Street.
12. The storm sewer pipe material and size shall be indicated.

An Ordinance Entitled "FAMILY DOLLAR PLANNED UNIT DEVELOPMENT"

THE CITY OF YPSILANTI ORDAINS:

That the .85 acre property defined in the attached survey included in site plans dated 10-3-13 for the development of a Family Dollar Store

BE REZONED FROM B4, GENERAL BUSINESS AND EO ENTRYWAY OVERLAY, TO PUD, PLANNED UNIT DEVELOPMENT

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2013

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2013.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2013.

FRANCES MCMULLAN, City Clerk

Notice Published: _____

First Reading: October 15, 2013

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2013-200

October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "Maple-Cross Alley Vacation" to vacate a certain 16.5 foot wide alley from E. Cross Street heading north to the extent of the northerly parcel boundaries of 11-11-04-495-023 (400-412 N. River) and 11-11-04-495-015 (107 E. Cross) in the City of Ypsilanti, Michigan be approved on Second and Final reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2013-201
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled, "Maple-Cross Alley Vacation" to vacate a certain 16.5 foot wide alley from E. Cross Street heading north to the extent of the northerly parcel boundaries of 11-11-04-495-023 (400-412 N. River) and 11-11-04-495-015 (107 E. Cross) in the City of Ypsilanti, Michigan be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2013 –202
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of October 1, 2013 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Draft

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 1, 2013
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:02 p.m.

II. ROLL CALL –

Council Member Jefferson	Present	Council Member Robb	Present
Council Member Moeller	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

All present

III. INVOCATION –

The Mayor asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. INTRODUCTIONS –

The Mayor introduced City Clerk Frances McMullan, Deputy Clerk Nicole Sumpter, Assistant to the City Manager Ericka Savage, Fire Fighters President Ken Hobbs, Labor Attorney Rick Fanning, and Lieutenant Schultz.

VI. AGENDA APPROVAL –

The agenda was approved as submitted.

VII. PRESENTATIONS –

None

VIII. ~~ORDINANCES – SECOND READING~~

Ordinance No. 1197

- ~~1. An ordinance entitled "Maple Cross Alley Vacation".~~
 - ~~1. Resolution No. 2013 192A, determination~~
 - ~~2. Open public hearing~~
 - ~~3. Resolution No. 2013 192, closes public hearing.~~

IX. AUDIENCE PARTICIPATION –

Ken Hobbs, Fire Fighter President, spoke on the Fire Fighters contract negotiations that have been ongoing for about a year and a half. He stated that six months ago they were at a stale mate not sure if they would move forward or not. He stated however that both sides have worked diligently through the process and Rick Fanning, City Negotiations Attorney, could attest to that fact. He said the objective of the matter was to be fair but not sign a contract that included Public Safety. He said that the fire department has done what is in the best interest of the citizens and the best interest of the fire department to keep Fire and Police separate. He said that significant concessions were made on vacations days to cut back on the overtime process and the two tiered benefits. He encouraged council members to look at the work that they had done and vote yes for the contract approval.

X. REMARKS BY THE MAYOR –

None

XI. MINUTES –

Resolution No. 2013-193, approving the minutes of September 17, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of September 17, 2013 be approved.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

On a voice vote the minutes were approved.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-194, approving IAFF (International Association of Fire Fighters) contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the labor contract between the City of Ypsilanti and Ypsilanti International Association of Fire Fighters (I.A.F.F.) be adopted with the following changes:

Existing Employees:

1. **Five year Contract (July 1, 2012 — June 30, 2017)**
2. **Wage increase of: 0% increase for 2012; 5% upon ratification 2013 (this is restoration of the Fire Department's pay cut that they took in 2010); 1% on July 1, 2014; 1% on July 1, 2015; 1% increase on July 1, 2016.**

Health Insurance:

- a. **Employees will continue to have our current BCBS Community Blue PPO**

b. Health Care – Employee contributions toward health plan premium, prescription premium, wrap plan cost, and administrative costs shall be governed by PA 152 of 2011.

c. Employees hired after July 1, 2012 and who reach a base salary in excess of \$40,000 shall have deductibles of \$250 for single and \$500 for two person and family.

Pension:

- a. Keep at a 3% multiplier and employee contribution at 10%. Employees may withdraw all of their contributions at retirement.
- b. Maximum pension 90% of FAC for current employees.
- c. Employees hired after July 1, 2012 will have a 2.5% multiplier with a 75% cap and a 10% employee contribution.

Life Insurance:

To increase from \$30,000 - \$60,000

Bonus: The 14 current members of the IAFF as of 1/01/2013 who are still actively employed by the City as of the date of ratification by all parties, will receive a bonus of \$1,500; another bonus of \$1,500 will be distributed on July 1, 2014. This bonus will not be included in the FAC calculation.

Dental and Vision Insurance: there will be a modest increase in the quality of these insurances for the 14 IAFF members hired prior to 7/01/2012.

Food Allowance: Each union member of the Fire Department will receive a food allowance for each 24-hour duty or extra duty day actually worked according to the following schedule:

Effective July 1, 2012, \$10.30 per day.
2013, \$10.82 per day, upon ratification.
2014, \$10.93 per day.
2015, \$11.04 per day.
2016, \$11.15 per day.

Uniform Allowance:

Allowance for 54 hour schedule:

Effective July 1, 2012,	\$675.00
2013,	\$709.00, upon ratification
2014,	\$716.00
2015,	\$723.00
2016,	\$730.00

All 40-hour fire personnel shall receive a uniform allowance payable the first pay of July, which will be \$75.00 above 54-hour personnel.

Allowance for 40 hour schedule:

Effective July 1, 2012,	\$750.00
2013,	\$784.00, upon ratification
2014,	\$791.00
2015,	\$798.00
2016,	\$805.00

Drop Program 5%: Letter of Agreements should be placed in Union Contract along with DROP Program language and eliminate the 5% contribution for employees choosing to enter the DROP system. Subject to approval of the Retirement Board 5% accumulated contributions will be paid to any DROP participants as soon as feasible following ratification.

Single Slot Vacation: Currently employees may schedule off 48 hours of vacation, CAD and/or personal time per day. This would be changed as follows:

- **Effective January 1, 2014:** Up to 24 hours of vacation may be scheduled off per day. An additional 24 hours of CAD or personal leave may also be scheduled.
- **Effective July 1, 2016:** Up to 24 hours of vacation or CAD may be scheduled off per day. An additional 24 hours of personal leave may also be scheduled.

Manning: Minimum of four (4) union employees working per day, minimum of fifteen (15) unit personnel, no layoffs of current unit personnel before June 30, 2017.
(Note: this minimum manning is one less fire fighter from the previous contract)

Fire Marshall: Fire Marshall Duties may be contracted out for the duration of the agreement, or performed by other employees. The position will remain in the unit if it is filled by the City. If the City fills the position, the position will be filled under the terms of the agreement.

Contract Language Changes

Additional contract language changes were outlined in the packet provided to City Council previously. This will be found in the document provided by Rick Fanning dated August 13, 2013.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

Labor Attorney Fanning explained the background on the contract negotiations. He stated that Council members have been kept informed throughout the process. He said that the contract in front of Council shows concessions that the fire fighters have made, particularly with new hires and given the number of employees at the fire department and the drop plan, there could be a good measure of turnover during the lifetime of the contract. The tier two benefits had been discussed previously included no retiree health care, lower starting wage step, lower leave time, and reduced sick payout for retirees. He said the exclusivity provision was discussed and was narrowed through negotiations.

He stated that a method of scheduling called Single Slot Vacationing was obtained which would reduce the amount of overtime and will start in January 2013. In addition Contract Adjustment Days (CAD) would begin in July 2016 also reducing overtime. He stated that the contract included a reduction in minimum staffing requirements, wage adjustments, and two lump sum bonuses. He said that there were many changes that were made to the contract in which Council has been made aware of.

Mayor Schreiber asked if this was a five year contract.

Mr. Fanning answered that it is five years max but it is measured from the expiration of the last contract. So the contract will go through June 30, 2017 however, under Michigan Law any improvements in the collective bargaining agreement are not retroactive pursuant to Public Act 54 of 2011. He stated that in a manner of speaking it is a five year agreement but in reality it is less than four.

Council Member Murdock questioned the bonuses for the current 14 members to begin on July 1, 2014.

Mr. Fanning answered that he would have to look at the tentative agreement but he could not remember right off. He said he would research further and get an answer. He then said that the second payment would then go to any member of the bargaining unit at that time.

Mayor Pro tem Richardson said that she thought it both bonuses were just for the current members.

Mr. Fanning, answered that the first one would be for the current members' and the second bonus would be for anyone who was hired in the interim.

Mayor Pro-Tem Richardson asked what was the modest increase in the quality for the dental and vision insurance. She then proceeded to read the section of the IAFF contract pertaining to dental and vision.

Mr. Fanning answered both increases reflect changes that were already made. He said that it is an increase in what was in the prior contract but not currently in place. He said some changes were made by the City of Ypsilanti that the fire fighters had received the benefits of. He explained the vision was simply to include the current plan and the dental increased the annual maximum. He went on to read the current coverage's and the different classes of service changes. He stated that Ms. Smith was the expert in the subject matter and a member of his team that he relied heavily on. He said however what could have happen is that the City of Ypsilanti had bought better coverage's and implemented it.

Mayor Schreiber asked if there were any final comment or other questions from council for Mr. Fanning

Council Member Robb stated that what is hurting the City right now is the pension cost and retiree health care and the contract doesn't address that however, he said is fine with everything else. He said that next year the City will be at 10 mills, by 2017 at 17 mills. He stated that at this time he would have to vote against the IAFF contract.

On roll call, the vote to approve Resolution No. 2013-194 was as follows:

Council Member Moeller	Yes	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Jefferson	Yes
Council Member Robb	No		

VOTE:

Yes: 6 No: 1 (Robb) Absent: 0 Vote: Carried

Ordinance 1198

2. Resolution No. 2013-195, approving Ordinance No. 1198, an ordinance to amend various sections of the Ypsilanti City Code to clarify which sections are blight violations, to provide for placing debts for blight violations on the tax rolls, to provide for a resolution for costs and to provide for a Chief Administrative Hearing Officer and that Officers duties. (Second Reading)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an ordinance entitled "AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YPSILANTI CITY CODE TO CLARIFY WHICH SECTIONS ARE BLIGHT VIOLATIONS, TO PROVIDE FOR PLACING DEBTS FOR BLIGHT VIOLATIONS ON THE TAX ROLLS, TO PROVIDE FOR A RESOLUTION FOR COSTS, AND TO PROVIDE FOR A CHIEF ADMINISTRATIVE HEARINGS OFFICER AND THAT OFFICER'S DUTIES" be approved on Second and Final Reading.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Jefferson

Attorney John Barr gave a brief explanation.

SUMMARY & BACKGROUND

The City of Ypsilanti in August of 2010 established an Administrative Hearings Bureau (AHB) and set forth its authority, rules, and procedures pursuant to the authority granted in the Home Rule Act in MCL sections 117.41, 117.4q, and 117.4r. Multiple chapters and sections of the Ypsilanti Code were also amended to convert violations of each to blight violations that would then fall within the jurisdiction of the Administrative Hearings Bureau.

The original legislation does not specifically set forth procedures and rules for appointment of multiple Administrative Hearing Officers. The City has at times had the need for a second Administrative Hearing Officer. The rules promulgated by the AHB must be approved by the Administrative Hearing Officer. If more than one Administrative Hearings Officer has been appointed, only one should be designated as approving the rules. Therefore, these amendments in part provide for one Administrative Hearing Officer to be designated as the Chief Administrative Hearing Officer who would have that authority.

Additionally, the original legislation included certain chapters within the jurisdiction of the AHB without specifically amending all the sections within those chapters to be consistent with that inclusion. To make precisely clear which sections are and are not within the jurisdiction of the AHB -- these amendments are designed to clarify the previous legislation by specific amendments to more precisely set forth those sections included.

Also, these amendments set forth a more detailed definition of "blight violation" and the potential penalties and sanctions for the purpose of clarification.

Finally, these amendments specifically provide for the City Council to set the costs of the AHB (in addition to the fines) by resolution and to specifically authorize the unpaid debts to be put on the tax rolls.

On a roll call, the vote to approve Resolution No. 2013-195 was as follows:

Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Jefferson	Yes
Council Member Robb	Yes	Council Member Moeller	Yes
Council Member Vogt	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolutions No. 2013-196, approving appointments to Boards, and Commissions was as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Heidi Jugenitz (replacing Kelly Weger) 327 Miles Street Ypsilanti, MI 48198	Planning Commission	5/1/2014
Adam Gainsley (replacing Alex Easley) 726 N. Prospect Rd. Ypsilanti, MI 48198	YDDA	7/17/2017
Erica Mooney (replacing Morgan Cox) 109 Ferris St., Apt. 4 Ypsilanti, MI 48197	Millennial Mayors' Congress	12/4/2014

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Vogt

Mayor Schreiber introduced Adam Gainsley, one of the nominees and asked if he wanted to say a few words.

Adam Gainsley gave a brief introduction and background on himself.

On a roll call, the vote to approve Resolution No. 2013-196 was as follows:

Mayor Pro-Tem Richardson	Yes	Council Member Jefferson	Yes
Council Member Robb	Yes	Council Member Moeller	Yes
Council Member Vogt	Yes	Council Member Murdock	Yes
Mayor Schreiber	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

XIII. LIASON REPORTS -

A. SEMCOG Update-

Mayor Pro-Tem Richardson- General Session scheduled for October 24, 2013. Invitations will be emailed.

B. Washtenaw Area Transportation Study-

Council Member Murdock- Washtenaw County Road Commission asked to join in on the extension of the striping and dieting between Hewitt and the Ypsilanti City limits down to Ballard Street. The CIL had a meeting of the minds and the project should be done at a reasonable cost.

C. Washtenaw Metro Alliance- None

D. Urban Counties- None

E. Freight House-

Council Member Murdock- Friends of the Freight House wants the City of Ypsilanti to apply for a 60/40 grant for the fire protection system for \$80k to \$100k.

XV. COUNCIL PROPOSED BUSINESS –

MURDOCK

- Commented that he and Mayor Schreiber attended the public housing meeting for a Rental Assistance demonstration. He would like for the Commission or the Director to give a demonstration on the changes within the program.

Mayor Schreiber asked that Mrs. McMullan contact Mr. Fosler to set-up an appointment.

- Mr. Murdock asked about the eligibility list for the Fire Fighters to fill the vacancies and how the process was moving along. In addition he wanted to get a copy of the biweekly overtime report per division to see exactly how much it is costing.

Mrs. McMullan asked what time period he was requesting for the overtime reports.

Mr. Murdock answered from now going forward.

Mrs. McMullan answered that she will get an update and report back to him with her findings.

ROBB

- Appreciated the presence of the Police patrol downtown however, he said they cannot ride on the sidewalks. He stated that signs are posted and asked that this be relayed to the police department.
- He commented that he is looking for support on the Fire and Police Chief pension Ordinance. He said he would like to get it published and ratified. He stated that three council members were here in February 2007 when they spoke with Mr. Fanning. After Chief Roberts retired we changed his pension to a 3% multiplier for every year that he worked up to 25 years; although he only worked under a contract with a 2.5% multiplier. Also a change was made in his FAC from 75% to 100%. He commented that an actuarial came back and said that Chief Roberts should make more than his salary in retirement, yet they capped out at 100%.

He stated that this should be remediated and council can do this without any negotiations. He said that the ordinance would also set them up for future Chiefs and would be beneficial in the process of looking for the new Police Chief. He went on to say as an interesting side note, the actuarial said that they increased the unfunded liability of the pension by 6.5% for just one guy. He is waiting for staff to get back with him on this but it is estimated at \$300k

He asked Mr. Barr to please take a look at the ordinance and asked to move forward.

Mayor Schreiber stated that it would be good if Mr. Lange reviewed this and asked if that had been done.

Council Member Robb answered no. He said he is looking for support from Council and wanted bring it to them first. He said that he would have had a memo to go along with his proposal but staff could not get him the information in time.

Mayor Schreiber state that Mr. Lange should have an opinion on this but if council wanted to support the ordinance as is they were welcome to. He said that he could not support it as is right now. He asked council if they wanted to support it as is.

Council Member Moeller asked if they had to vote on this right now.

Council Member Robb answered they could think it over and give him a call as it is a matter of getting the resolution published.

Mayor Schreiber asked Council Member Robb if he would meet with Mr. Lange.

Council Member Robb answered sure if he has any questions. He said Council is his peer group and he needs four members to do anything, so he wanted to bring it to them first and what Mr. Lange thinks is not necessarily important. He stated that there were two other Council members here when this was originally done. He went on to say that the staff pulled a fast one and after speaking to Mr. Fanning he had never heard of a pension being changed retroactively. So as far as what staff says about the pension he is little cautious and wanted to present this to Council first and would speak to Mr. Lange when he is back in town.

Mayor Schreiber said that maybe they could get this on the next agenda.

Council Member Moeller stated that she does not have any history on this ordinance and she is not sure what this is about. She asked if Robb would explain it to her.

Council Member Robb went on to explain how it changed when Fire Chief Roberts retired.

Council Member Moeller asked about Chief Walker's retirement and if she would be getting 3% and 100%.

Council Member Robb answered yes.

Council Member Moeller asked if the rank and file get is 2% and 75%.

Council Member Robb answered everyone knows that we hire in at 2% and 75%.

Council Member Moeller said then she supported Council Member Robb's proposal to look into the ordinance.

Mayor Schreiber asked if Council Member Moeller was supporting to put it on the agenda and publish it.

Council Member Moeller answered yes is supporting putting it on the agenda for next meeting.

Mayor Schreiber asked if Moeller was supporting it without Mr. Lange's input. So if so it would be published.

Council Member Robb explained he asked Mr. Barr to look at it for form and to update a couple of numbers.

Mayor Schreiber pointed out that approval to the form is one thing but actual policy is another and a recommendation could be given by the City Manager that maybe he had not thought of.

Council Member Robb replied that he understood and maybe that could be brought up at the first reading.

Mayor Schreiber stated that there is cost associated with publishing and if they publish it without Mr. Lange's input they would have to reprint and that would be an additional cost to the city.

MOELLER

- Commented on EMU students wanting bus passes and AATA cost are approximately \$500k. She wanted to know if the City could provide any help to reduce the burden on EMU.

Council Member Murdock answered that EMU as already looking at something similar to what U of M is doing with their transportation system. He said the EMU is going to have to come up with some of the cost and work it out with AATA.

- Council Member Moeller commented on the safety issues and current on-campus robberies. She inquired about the hiring of more police officers.

JEFFERSON

- Commented on the robbery issues on EMU's campus and said he would like to see the hiring process begin for police officers.
- Council Member Jefferson commented on the Grow Facility at 75 Catherine and questioned whether they are in compliance yet.

Council Member Murdock commented on the DDA questions on fines and fees for illegal dumping and if there is a possibility to increase those fees to mirror the States law.

XVI. COMMUNICATIONS FROM THE MAYOR –

- Mayor Schreiber stated that the Housing Commission is in the process of investigating whether converting public housing into a public/ private partnership using low income housing tax credit funding is feasible. He said they have hired Chesapeake Advisors and would use Hamilton Crossing as a model. He said that the meeting on public housing was well attended.
- Mayor Schreiber questioned where Council members were on the City Managers evaluation.

Nominations:

Ypsilanti Planning Commission

Heidi Jugenitz (replacing Kelly Weger)
327 Miles Street
Ypsilanti, MI 48198
Term Expires: 5/1/2014

Ypsilanti Downtown Development Authority

Adam Gainsley (replacing Alex Easley)
726 N. Prospect Rd.
Ypsilanti, MI 48198
Term Expires: 7/17/2017

Millennial Mayors' Congress

Erica Mooney (replacing Morgan Cox)
109 Ferris St., Apt. 4
Ypsilanti, MI 48197
Term Expires: 12/4/2014

XVII. COMMUNICATIONS FROM THE CITY MANAGER -

None

XVIII. AUDIENCE PARTICIPATION -

None

XIX. REMARKS FROM THE MAYOR -

None

XX. ADJOURNMENT -

Resolution No. 2013-197, adjourning the City Council Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the meeting adjourned at 7:55 p.m.



Resolution No. 2013 – 204
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Sally Lusk (reappointment) 1111 W. Clark Rd. Ypsilanti, MI 48197	Ethics Board	10/16/2018
Tyler Weston (open) 302 N. Grove Ypsilanti, MI 48198	YDDA	7/7/2017
Ben Elmgren (open) 230 W. Michigan Avenue #1 Ypsilanti, MI 48197	Human Relations	2/6/2016

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2013 – 205
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Mark Teachout (open) 974 N. Prospect Rd. Ypsilanti, 48198	YDDA	7/7/2014

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Statement from Sally Lusk:

Sally Lechlitrner Lusk, PhD, RN, FAAN, FAAOHN

Dr. Lusk, an Ypsilanti resident, is a Professor Emerita in the University of Michigan School of Nursing. She earned her BSN from Indiana University, and her MPH and PhD degrees from the University of Michigan. During her 34 years at the School of Nursing she conducted research to promote worker health and safety, taught courses to all levels of students, directed BSN and MS programs.

As a believer in good government delivered with integrity and transparency, she is interested in serving on the City's Ethics Board. According to the City Ordinance 819, the Board is to study ethical problems, make recommendations to the City Council, and may be asked to review complaints received by the City Attorney. Her ability to serve in this role is based on: an understanding of the structure and functioning of local government; experience with local and federal agencies; teaching of ethical principles in college courses; and a strong commitment to ensuring that the City of Ypsilanti delivers high quality services while observing the letter and spirit of laws and rules.

Statement from Tyler Weston:

My name is Tyler Weston and I am writing today to describe why I feel that I am a good fit for the Ypsilanti DDA Board Position. I will also discuss my history in business, service in the community as well as some of the goals and ambitions I will bring to the current board.

I started my career in Real Estate in 2002 with McKinley Properties working as a leasing agent at Glencoe Hills Apartments in Ann Arbor. My previous sales experiences as well as my education background in Marketing at Baker College and Davenport University ended up being a great match for this position and in a short amount of time I was one of our companies top leasing agents. This positive start encouraged McKinley to move my talents to Schooner Cove apartments and ultimately to Lake in The Woods Apartments both located here in Ypsilanti. During my tenure at Lake in the Woods I helped this community of 1028 units go thru a massive renovation and rebranding effort as the Lake Shore Apartments. After a four-year stint at this location I moved to the communities largest competitor Harbor Club Apartments an 1115 unit property on the shores of Belleville Lake. I continued through this company rebranding and renovation efforts to diversify my knowledge in marketing, management, communication, branding, promotions, and customer service at this community and remained the area's top leasing agent.

After purchasing my home in Ypsilanti Township in 2009 I began to recognize value of buying a home in a down market and began to become encouraged about helping other young people that wanted to make their foray into real estate in the Ypsilanti arena. This ultimately led me to Surovell Realtors at the end of 2010 and the start of my career as a Real Estate Agent as "The Ypsi Real Estate Guy". During the last two and a half years I have been able to help 90 people purchase or sell their home, which has lead to recognition among my peers and my company as a success story, in an often-troubled Real Estate climate.

In 2008 I also started volunteering with the YMCA running afterschool basketball programs at Adams Elementary. During this time I really felt like I found my calling and I fell in love with the kids who know me as "Coach T". After this first session the YMCA expanded the program and began football and soccer as well as adding more schools to the programming. They asked me to help the new programs and train volunteers as a part time employee of the Y and I graciously accepted.

Around this same time I became interesting in coaching Special Olympics Basketball, which I was involved with as a youth in my hometown of Big Rapids, MI. When I learned that there was no team in Ann Arbor I set out to make one and did so, and then started a team here in Ypsilanti the following year. Both of these teams have grown tremendously. The experience has been amazing, for both myself and the awe-inspiring children the program serves.

In 2009 I also started with my involvement in the Ypsilanti Jaycees. In 2010 this 75-year tenured Ypsilanti volunteer organization honored my efforts in the community with the "Chairperson of the Year". In 2011 I was elected by my peers to serve as the Community Vice President, a position designed to empower general members with a passion for helping the community bring their dreams to fruition.

Additionally, I have served or are currently serving on the current boards and committees: YMCA volunteer retention committee, Advisory Board for the Boys and Girls Club of Huron Valley, Board member for Mentor 2 Youth, Advisory Committee for Ypsilanti Public Schools – Willow Run Merger, Ypsilanti Open House, Ypsi PRIDE, and the Eastern Leaders Group.

I see the importance of a strong DDA board and a strong DDA district as utmost importance to help move our city forward economically, environmentally, and socially. I currently have interest in both the "Downtown" and "Depot Town" districts on many levels both real estate and personally. I take pride as someone who is a good listener, which asks good questions, and is always focusing on the outcome of a discussion and how we can bring our ideas to fruition. I come to the board with no personal interests to pursue, but simply to be of service to the DDA, my fellow board members, businesses in the DDA districts, and my community and region as a whole. I am humbled to be asked to serve my city in this way and can promise to do my best to live up to the nomination by our Mayor Paul Schreiber to this board. In closing I would like to thank you for your time, and for honoring me with your consideration for this position, I hope that this is the start of a great tenure on the board filled with hope and promise for our great city.

Statement from Mark Teachout

My wife Danielle Teachout and I own and operate Cafe Ollie and Mi. General Store in Ypsilanti's Historic Depot Town. I previously owned and operated Sweet Science Boxing and Fitness Gym in Portland Oregon. Currently I serve as treasurer of the Depot Town Merchants Association where I also handle the print media promotion of our events.

As a member of the Ypsilanti DDA I wish to strengthen and expand the business community with a strong focus on proactive and progressive ideals.

Again, Thank You.

Mark

Statement by Ben Elmgren

Benjamin P. Elmgren

230 W. Michigan Avenue #1 □ Ypsilanti, Michigan 48197 □ Phone: (248) 404-8110 □ E-Mail: belmgren@gmail.com
www.BenjaminElmgren.com

Page 1 of 2

Professional Experience

Director of Communications – EMU Student Government 2012-2013

- Cultivated media bureau of local and regional press contacts
- Created and disseminated all media releases for purposes of event & program promotion
- Contributed to meetings & discussions with high-level University administrators and boards
- Effectuated policies and procedures leading to substantial increases in social media presence and traffic

Graduate Researcher – Center for the Study of Equality & Human Rights 2012-2013

- Advised and consulted weekly with director and associate director of the Center regarding strategic planning
- Conceived and facilitated an “LGBT Summit” with administrators and community stakeholders
- Proposed significant and instrumental changes in the Center’s web presence; facilitated implementation of these changes with University administrators

Organized grassroots universal restroom access campaign; shepherded policy revisions through various EMU student affairs committees to Board of Regents based on data originating with the Center

Graduate Researcher & Teaching Assistant – Eastern Michigan University 2011-2013

- Crafted syllabi and curricula for communication courses
- Instructed courses in public speaking and intercultural communication
- Facilitated data acquisition and analysis for course assessment, specifically relating to communication apprehension

management in students taking the basic speech course

Assistant General Manager – Ansara Restaurant Group 2009-2011

- Managed approximately 80 employees at each of seven different locations
- Selected by the Regional Operations Director to troubleshoot systems compliance (health & safety, profit/loss, etc.)

at four locations

- Recognized for consistent systems compliance and delivering on financial goals

Campaign Consultant – Strategic Consulting Group 2007-2009

- Consulted two political campaigns on field organization, communication, and fundraising
- Staffed candidates and campaign officials at various media events and public gatherings
- Led a staff of nine organizers, regularly gathering and analyzing reporting data

Education

M.A. Communication – Eastern Michigan University 2011-2013

- Academic focus on public discourse, diversity issues, and postmodern critical/cultural studies
- Presentations & Publications:
 - Queer Pilgrimage: Liminality, Communitas, and Identity Consonance in Ex-Gay Survivor Narratives
Presented at the National Communication Association’s 2012 Conference - Orlando, Florida
 - Shifting Images of Togetherness: Television’s Changing Representation of Marriage and Family
Presented at the Eastern Communication Association’s 2013 Conference - Pittsburg, Pennsylvania
- G.P.A.: 3.97

Benjamin P. Elmgren

Page 2 of 2

(cont.) Education

B.A. Political Science – Oakland University 2005-2009

- Academic focus on American politics, public discourse, and campaign politics
- Minor in Communication Studies
- Graduated with honors

Committees & Professional Associations

Departmental Representative – EMU Grade Grievance Committee

- Heard petitions from students requesting review of instructor grading decisions
- Responsible to fairly adjudicate and exercise due process as prescribed by University policy

Executive Board Member – EMU Student Government

- Advised elected student representatives on matters of policy, both internal and external to our organization

- Effectuated several key policy changes affecting student and academic affairs

Member – Academic IT Advisory Committee

- Reviewed information technology policies affecting the University
- Recommended policy changes and capital expenditures related to information technology infrastructure

Founding Member – EMU Queer Summit

- Collaborated with community LGBT stakeholders to facilitate effective and cohesive equality-positive campus action
- Conceived and facilitated an advocacy campaign promoting universal restroom access

Member – National Communication Association

- Member since 2012
- The National Communication Association is the largest professional association of communication professionals & academics

Additional Skills

- Meticulously organized, self-starter
- Excellent oral & written communication skills
- Extensive experience with public speaking and presenting to large audiences
- Experienced in crisis management and organizational change management
- Technology skills
- Software proficiency in Microsoft Office, Adobe Creative Suite, iWork, SPSS
- Basic computer networking infrastructure and hardware
- Intermediate web development skills, included PHP/MySQL administration, database administration, CMS (including Wordpress, Drupal, and Joomla! development)
- New media skills, including Facebook Insights expertise, Buffer & Tweriod integration, and proven track record of exceeding traffic performance metrics
- Conversational in Spanish (basic-intermediate)

Statement by Clarence Hollifield

**Mayor Paul Schreiber
City of Ypsilanti
Ypsilanti, MI 48197**

Dear Mayor Schreiber,

My name is Clarence I. Hollifield. I am a lifetime resident of Ypsilanti. I was born at Beyer Hospital, and received my education through the Ypsilanti Public School System. I also attended Tennessee State University for two years. I was drafted into the U.S. Army and received an honorable discharge. I am now after 42 years of employment a retiree from Ford Motor Company. My wife and I have raised our family in Ypsilanti. We attend Metropolitan Memorial Baptist Church.

Upon retirement I have found I have more time to devote to community concerns. One of my concerns is housing for lower income persons. I have great concern that our community housing continue to grow in an efficient and equitable fashion. The Hamilton Crossing project is a good example of efforts toward decent affordable housing.

Statement by Valerie Bieberich

Ypsilanti is the first city that I have actively chosen for myself, rather than being moved to by my parents or being placed there by school. I moved to Ypsilanti from Ann Arbor because I love this city's rich history, eclectic and diverse citizens, and willingness to pursue new opportunities in the creative economy and sustainability—the master plan got it right in identifying the best parts of our city. I would love to help cultivate these assets and shape Ypsilanti's future by sitting on the Ypsilanti Housing Commission.

As a member of the YHC, I could put the skills I have learned in law school to work, in applying local ordinances as well as state and federal regulations to make our city even greater. Housing is crucial to shaping Ypsilanti—it will determine where our citizens live, who can afford to live here, and where else they spend their money. I believe that my legal mindset will allow me to offer a different and crucial perspective to the current board. Even though the new master plan is still just a draft, I would love to be part of building the foundation for future development, from the beginning. The YHC can respond to current needs with an eye to the future outlined by our citizens in the plan.

The archetypal struggle in a community's development—between economic growth, social equity and environmental sustainability—is one that often plays itself out in the provision of public

housing. For instance, when developing new low-income public housing, the YHC must determine which areas of the city can support lower rents, and how this development will support the growth of the market, a more sustainable lifestyle, and the quality of life of a neighborhood's residents. These decisions are difficult, but I believe I am up for this challenge, in large part because the master plan lays out a path to make these decisions in a way that will achieve the goals we have set out as a community. The decision matrix in the new master plan will guide us all as we ask whether this development encourages economically and environmentally sustainable housing that contributes to a diverse, safe, viable neighborhood. I believe this will enhance my own education, so that I may learn more about how the operation of laws affects citizens' lives.

Even though I am still new to Ypsilanti, I am passionate about this place and its people. Managing the citizen engagement for the climate action planning process was a crash course in Ypsilanti, and I learned a lot about what matters to the community, how our history and culture shapes development now, and where citizens want to go. I would relish the opportunity to learn even more through participation in the YHC. I also would love to communicate to the broader community of Washtenaw County and southeast Michigan about the great things that are happening in our city.

I want to write legislation after I graduate from law school, and I also want to involve more citizens in the decision-making processes that surround lawmaking. I would love to do the same with the YHC. I enjoy making subjects that seem boring and overly-complex to most people—like housing regulations—understandable and accessible. One of the goals of the master plan is to increase communication within and without the community. The YHC must increase communication not only about service provision, but also about its successes and shortcomings. Better citizen engagement and education, and an honest dialogue about the challenges facing the YHC and those it assists, will allow the YHC to better pursue its mission of creating access to opportunity.

Valerie C. Bieberich 318 Washtenaw Ave, Ypsilanti, MI 48197 | valcbieb@umich.edu | (269) 579-2134

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

J.D. expected May 2015

Legal Practice, *Senior Judge*

- Will mentor first-year students, review and cite-check papers, and otherwise assist Professor Ted Becker.

Frank Murphy Society, *Policy Chair*

- Connected students to politicians and policymakers through events such as a panel discussion of the 6th Circuit's invalidation of Michigan's affirmative action initiative.
- Stumped students and professors at a political trivia bar night.

UNIVERSITY OF MICHIGAN, Ann Arbor, MI

B.A. in Political Science with High Honors, May 2010

Political Science Honors Thesis, *Evaluating Community Organizations: A Tactics-Based Approach*

- Researched the impact of Battle Creek community organizations' tactics on securing government support for neighborhood revitalization activities. Defended April 2010.
- Published in Michigan Journal of Political Science, Spring 2010.

Roosevelt Institute Campus Network, *Chapter President Fall 2007 – Winter 2010*

- Planned, organized and managed successful events, including a regional conference on Midwest unemployment.

- As a member, published in 4 journals, including a policy proposal on expanding the Weatherization Assistance Program, which Washtenaw County reviewed in developing its weatherization programming.

EXPERIENCE

Ann Arbor City Attorney, Ann Arbor, MI

Law Intern May 2013 – August 2013

- Researched and reported on pressing issues as varied as preemption, constitutional rights, and tax exemptions. Memos were used in ordinance revision, contract negotiations, and at a statewide conference.
- Sat in on numerous City functions, including appellate arguments, a jury trial, and a council agenda session.

Michigan Suburbs Alliance, Ferndale, MI

Talent Programs Coordinator July 2010 – August 2012

- Convened a group of elected officials and young leaders from 23 cities, and researched city policy initiatives and talent attraction efforts as coordinator of the Millennial Mayors Congress.
- Wrote and edited three small-city climate action plans as part of a team. Coordinated all community outreach for this public planning process, and conducted online and in-person presentations, focus groups and other meetings.
- Developed and coordinated the Suburbs Alliance's intern and volunteer program. Directly managed a number of interns, ran a weekly blog and developed a curriculum around local development efforts.

Cool Cities Fellow June 2009 – August 2009

- Managed Cool Cities interns from across Michigan, helped plan conferences, interviewed Cool Cities catalyst project sites, and wrote a report for the state on talent attraction efforts.

Steffel & Steffel, Attorneys at Law, Battle Creek, MI

Legal Assistant May 2007 – June 2010

- Researched and wrote briefs on behalf of three claimants awarded Social Security disability benefits



Resolution No. 2013-206
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Great Lakes and St. Lawrence represent the largest body of surface fresh water in the world and are a vibrant, diverse ecosystem that is critically important to the economic well-being and quality of life of the Canadian and U.S. population in the region; and

WHEREAS, over 180 invasive species have entered the Great Lakes and its connecting water ways over the years and caused widespread damage and disruption to the natural balance of the system, as well as significant economic damage; and

WHEREAS, one of the most serious threats ever presented by invasive species currently comes from Asian carp, including silver, bighead and black varieties; and

WHEREAS, these varieties of carp were introduced to the southern United States for use in fish farms for algae control in the 1970s and escaped into the Mississippi River system; and

WHEREAS, invasive species already inflicted hundreds of millions in damage across the Great Lakes and St. Lawrence, and invasive carp pose a serious threat to the 7 billion sport and commercial fishery that support the economy and help define the culture of the entire region; and

WHEREAS, the invasive carp have migrated northward through the Mississippi River system as far north as Wisconsin, Minnesota, Illinois, Indiana, and Ohio, reducing significantly or eliminating populations of the more desirable species of fish because of their voracious food consumption and prolific reproduction; and

WHEREAS, the invasive carp are threatening to enter the Great Lakes at a number of points across the region; and

WHEREAS, many federal, state, provincial, and local government agencies in the United States and Canada have worked diligently and expended tens of millions of dollars over the past 10 years on a variety of projects to keep invasive carp out of the Great Lakes; and

WHEREAS, including the invasive carp, there are 39 invasive species in the two basins that present a threat to cross over into the other basin in the near future; and

WHEREAS, once an invasive species establishes itself in an ecosystem, it is exceedingly difficult, if not impossible, to eradicate it, and it often inflicts serious damage on the ecosystem and imposes major costs in efforts to control it; and

WHEREAS, Asian carp pose a dangerous risk of injury to recreational users on waters infested with Asian carp; and

WHEREAS, Canadian and U.S. citizens across the basin have expressed serious concern about the invasive carp and other invasive species, and are demanding prompt action; and

WHEREAS, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study across the U.S. side of the Great Lakes basin called the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines 19 separate locations where invasive carp could cross from the Mississippi River Basin to the Great Lakes Basin, and considers a large number of potential ways to stop the further migration.

NOW, THEREFORE, BE IT RESOLVED, that the invasive carp in the Mississippi River system pose one of the greatest threats to the integrity and well-being of the Great Lakes and St. Lawrence ecosystem, including the 40 million Canadians and Americans who live there.

BE IT FURTHER RESOLVED, that preventing the invasive carp from entering the Great Lakes and St. Lawrence ecosystem needs to be approached with the greatest sense of urgency by all those responsible for dealing with this matter.

BE IT FURTHER RESOLVED, that physical separation is feasible and can be done in a way that maintains or enhances water quality, flood control, and transportation in the system.

BE IT FURTHER RESOLVED, that additional steps must be taken in the interim to keep invasive carp out while the long term solution is put in place.

NOW THEREFORE BE IT RESOLVED that the City of Ypsilanti strongly urges all parties involved to identify a preferred solution to the invasive carp issue and move forward to implement that solution with the greatest sense of urgency.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Adopted on October 15, 2013 by the City of Ypsilanti.

Signed: _____
Paul T. Schreiber, Mayor

Date: _____

RECEIVED
2013 OCT -8 P 4:31

CITY OF YPSILANTI
OFFICE

September 25, 2013

Honorable Paul Schreiber
City of Ypsilanti City Hall
One South Huron Street
Ypsilanti, MI 48197-5420

Dear Mayor Paul Schreiber,

I am writing you because people in your community are concerned about Asian carp invading our Great Lakes and, with them, we are asking for your help. Would you consider joining the more than 30 communities around the Great Lakes region who have passed a resolution supporting the finding of a permanent solution to stop the Asian carp? A copy of that resolution, developed in partnership with the Great Lakes and St. Lawrence Cities Initiative, is enclosed and a map of communities who have passed the resolution can be found on our website at freshwaterfuture.org.

Asian carp, an invasive species, are swimming toward our Great Lakes. Asian carp, including bighead and silver carp, are well suited for our climate. They consume vast amounts of food, reproduce quickly and are wiping out native fish where they thrive. In Illinois, the Asian carp population has doubled every year since they swam into the Illinois River. Silver carp can jump 10 feet high, resulting in numerous injuries to boaters and other recreational users. If these invasive fish become established, our \$7 billion regional fishing industry would be at risk along with our family past times and recreational enjoyment of our favorite lakes and rivers because:

- Invasive species are one of the greatest sources of ecological and economic damage to the Great Lakes;
- Three varieties of Asian carp, including silver, black, and bighead carp, have moved up the Mississippi and Illinois Rivers to a point 40 miles from Lake Michigan; and
- Asian carp are voracious eaters and reproduce so rapidly they take over many waterways, driving out other kinds of fish, including prized sport fish.

Local units of government can play an important role in stopping this threat. Tens of thousands of people have contacted their Members of Congress, letting them know they want the strongest actions possible to stop Asian carp. Thus far pressure from the Great Lakes region has had a meaningful impact that resulted in a policy moving us in the right direction, but the job itself is far from done. Support for these efforts from local units of government can help move solutions forward. We need to keep this momentum going and demonstrate to Congress growing support for stopping the Asian carp.

This summer Freshwater Future reached out to people in communities around the region and we heard back from members of your community – see the enclosed post cards. Your community can help by passing the “Keep Asian Carp Out of the Great Lakes” resolution in support of stopping Asian carp and

protecting your community, its inland rivers, lakes and streams and the Great Lakes from this invasive species. Your community can be part of the growing chorus of support around the region letting decision makers know we want the Asian carp stopped and we want fast action.

If you have any questions, please don't hesitate to contact me at Cheryl@freshwaterfuture.org or 231-571-5001. If you are able to pass this resolution in your community, please let me know as I would welcome the opportunity to add your community to the list of communities around the region supporting efforts to stop the Asian carp from invading our Great Lakes.

Sincerely,

Cheryl Kallio, Associate Director
Freshwater Future



REQUEST FOR LEGISLATION

From: Stan Kirton, Director of Public Services

Date: October 15, 2013

Subject: Agreement with Orchard, Hiltz & McCliment, Inc. for Prospect Bridge Deck Design Engineering Services

Summary and Background:

Local Bridge Program funding has been programmed for repairs to the Prospect Bridge Deck in the 2014 construction season. This project is anticipated to include shallow concrete overlay, approach work and slope protection repairs.

The total project cost is estimated at \$239,000 less \$227,050 Federal Funds (95%), the City's estimated share including design and construction engineering will be \$91,250. Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar improvement projects, and possesses a depth of experience with the infrastructure in the project area, therefore I recommend hiring OHM to provide design engineering services for this project at a not exceed cost of \$26,300.

The FY 13-014 budget allocated funding for the design engineering services needed for this project.

Attachments: OHM Proposal

Recommended Action: Approval

Date Received: _____ Agenda Item No.: _____

City Manager Comments: _____

For Agenda of October 15, 2013 Finance Director Approval _____

Council Action Taken: _____



Resolution No. 2013-207
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Local Bridge Program Funds has been programmed for shallow concrete deck overlay, approach work and slope protection repairs to the Prospect Bridge in the year 2014 construction season; and

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure design engineering services to meet MDOT permitting requirements and keep this project on schedule for the 2014 construction year;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of \$26,300; and

THAT the Mayor and City Clerk are authorized to sign this proposal, subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2013-208
October 15, 2013

RESOLUTION TO APPROVE AMENDMENT # 3 TO THE ARTICLES OF INCORPORATION OF
ANN ARBOR AREA TRANSPORTATION AUTHORITY

WHEREAS, the Charter Township of Ypsilanti desires to join the Ann Arbor Area
Transportation Authority; and

WHEREAS, the City of Ann Arbor is supportive of the action and has approved Amendment
3 of the Articles of Incorporation of the Ann Arbor Transportation Authority; and

WHEREAS, Amendment # 3 of the Articles of Incorporation of the Ann Arbor
Transportation Authority would add the Charter Township of Ypsilanti as an incorporator
and give the Charter Township of Ypsilanti a seat on the board, and provide for other
things; and

WHEREAS, the Council of the City of Ypsilanti determines that approval of Amendment # 3
of the Articles of Incorporation of the Ann Arbor Transportation Authority is in the best
interests of the City of Ypsilanti and the Ann Arbor Area Transportation Authority.

NOW THEREFORE BE IT RESOLVED THAT Amendment # 3 of the Articles of Incorporation
of the Ann Arbor Area Transportation Authority, admitting the Charter Township of
Ypsilanti to membership, is hereby approved, and the City Clerk is directed and authorized
to transmit a copy of this resolution to the City of Ann Arbor, the Charter Township of
Ypsilanti, and the Ann Arbor Area Transportation Authority.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

AMENDMENT 3 OF THE ARTICLES OF INCORPORATION OF
ANN ARBOR AREA TRANSPORTATION AUTHORITY

This amendment to the Articles of Incorporation of the Ann Arbor Area Transportation Authority are adopted by the City Council of the City of Ann Arbor, the City Council of the City of Ypsilanti, the Board of the Charter Township of Ypsilanti, and the Board of the Ann Arbor Area Transportation Authority for the purpose of adding the Charter Township of Ypsilanti as an incorporator with all rights granted members under Act 55 of the Public Acts of Michigan of 1963.

ARTICLE I

NAME OF AUTHORITY

The name of this public corporation is the Ann Arbor Area Transportation Authority (referred to hereinafter as "Authority" and also known as AAATA).

ARTICLE II

PURPOSES

The Authority is incorporated for the purposes of acquiring, owning, operating or causing to be operated a mass transportation system within the corporate limits of the Cities of Ann Arbor and Ypsilanti, and the Charter Township of Ypsilanti, and beyond the said corporate limits.

ARTICLE III

POWERS, DUTIES AND LIMITATIONS

Section 1. The Authority shall be a body corporate with power to sue and be sued in any court in the State of Michigan.

Section 2. The Authority shall possess all the powers necessary to carry out the purposes of its incorporation and all things incident thereto.

Section 3. The Authority by contract may employ a management firm, either corporate or otherwise to operate the mass transportation system under the supervision of the Authority.

Section 4. The Authority may acquire property for a mass transportation system by purchase, construction, lease, gift or devise, either within or without the area served by such mass transportation system, and may hold, manage, control, sell, exchange or lease such property.

Section 5. The Authority, with the consent of the Ann Arbor City Council, may utilize any appropriate statute for the purpose of condemnation of real property within the City of Ann Arbor, with the consent of the Ypsilanti City Council may utilize any appropriate statute for the purpose of condemnation of real property within the City of Ypsilanti, and with the consent of the Charter Township of Ypsilanti Board may utilize any appropriate statute for the purpose of condemnation of real property within said Township.

Section 6. The Authority may establish and charge such fares and enter into contracts for the service provided by the mass transportation system as shall be necessary to provide funds to meet the obligations of said Authority.

Section 7. For the purpose of acquiring, improving, enlarging or extending a mass transportation system, the Authority may issue self-liquidating revenue bonds in accordance with the provisions of state law. No such bonds shall be a general obligation of the Authority, but shall be payable solely from the revenues of the mass transportation system.

Section 8. All property owned by or leased to the Authority shall be exempt from all taxes levied by the State and by the political subdivisions in which the Authority is incorporated. All such leased property in order to be exempt shall be used and owned by the company which is under contract with the Authority for the operation of the Authority's mass transportation system. The Authority shall be required to pay taxes or assessments upon its real and personal property situated

outside the corporate boundaries in which the Authority is incorporated.

Section 9. The Authority shall meet at regular intervals and conduct all meetings of the Board in compliance with the Open Meetings Act (Act 267 of the Public Acts of 1976). The Authority shall obtain an annual audit in accordance with generally accepted government auditing standards as promulgated by the United States General Accounting Office and satisfy all federal, state or local regulations related to grant requirements. Copies of the Annual Audit shall be filed with the clerks of the City of Ann Arbor, the City of Ypsilanti and the Charter Township of Ypsilanti, and made available for public review by the Authority. In addition, the books and record of the Authority and the Board shall be open for inspection and audit by the Cities of Ann Arbor and Ypsilanti at all reasonable times during the Authority's fiscal year. The Authority and the Charter Township of Ypsilanti shall submit an annual report to the governing bodies of the City of Ann Arbor, the City of Ypsilanti and the Charter Township of Ypsilanti and such additional reports as may from time to time be requested on the operations of the Authority

Section 10. The powers stated in these Articles of Incorporation pursuant to the above named enabling Act are in addition to those granted by any statute or by the Charters of the City of Ann Arbor, City of Ypsilanti and Charter Township of Ypsilanti, or any future statute or amendment thereto, and the enumeration of any power either in these Articles of Incorporation or in the enabling Act shall not be construed as a limitation on the general powers of this Authority.

ARTICLE IV

GOVERNING BODY – OFFICERS

Section 1. The Authority shall be directed and governed by a Board which shall consist of eight members appointed by the Mayor of the City of Ann Arbor with the concurrence of the Ann Arbor City Council, one member appointed by the Mayor of the City of Ypsilanti with the concurrence of the Ypsilanti City Council, and one member appointed by the Supervisor of the Charter Township of Ypsilanti with the concurrence of the Township board. All appointments to the Board shall be in accordance with the adopted policies and procedures for appointment for the respective governing bodies and each governing body retains the right to remove and replace such members in accordance with the same procedures. There shall be no limit to the number of consecutive terms an appointee can serve.

Section 2. Members of the Ann Arbor Transportation Authority board as of June 15, 2013 shall continue in and complete their terms on the Board and at the expiration of any Board member's term the Mayor of Ann Arbor shall fill the position on the Board with the concurrence of the Ann Arbor City Council. All appointments shall be for a term of five years other than the terms of Ann Arbor Transportation Authority board members as of June 15, 2013 who became members of the Authority board for the remainder of their original terms. All regular appointments to the Board shall be made to coincide with May 1st of each calendar year; however, seated members will hold over until a successor has been appointed, and when such a successor has been appointed the appointment term shall be modified so that it terminates to coincide with the regular appointment term. Any vacancy in office shall be filled by the legislative body appointing said member for the remainder of the term. Members of the Board shall serve without compensation but may be reimbursed for expenses.

Section 3. The Board shall designate one of its members as chairman, one of its members as secretary, and one of its members as treasurer, each to be designated for such term in office as may be fixed in the Board's bylaws.

Section 4. The Board shall adopt and may amend bylaws and rules of procedure.

Section 5. The chairman shall preside at meetings of the Board and shall sign and execute all authorized bonds, contracts, checks and other obligations in the name of the Authority when so authorized by the Board. The chairman shall do and perform such other duties as may be fixed by the bylaws and from time to time assigned to him by the Board.

Section 6. The secretary shall keep the minutes of all meetings of the Board, and of all committees thereof, and books provided for that purpose. The secretary shall attend to the giving, serving, and receiving of all notices or process of or against the Authority. The secretary shall sign with the chairman in the name of the Authority all contracts authorized by the Board. The secretary shall have charge of all books and records, which shall at all reasonable times be open to inspection and examination of the Board, or any member thereof and in general perform all the duties instant to this office. The secretary shall preside at meetings of the Board in the absence of the chairman.

Section 7. The treasurer shall have custody of all the funds and securities of the Authority which may come into his hands or possession. When necessary or proper, the treasurer shall endorse in behalf of the Authority for collection, checks, notes and other obligations and shall deposit them to the credit of the Authority in a designated bank or depository. The treasurer shall sign all receipts and vouchers for payments made to the Authority. The treasurer shall jointly with such other officer as may be designated by the Board sign all checks, bonds, promissory notes or other obligations of the Authority when so ordered by the Board. The treasurer shall render a statement of his cash account when required by the Board. The treasurer shall enter regularly in the books of the Authority

to be kept by him for this purpose full and accurate accounts of all monies received and paid by him on account of the Authority, and shall at all reasonable times exhibit the books and accounts to the Board or any member thereof when so required. The treasurer shall perform all acts incidental to the position of treasurer fixed by the bylaws and as assigned to the treasurer from time to time by the Board. The treasurer shall be bonded for the faithful discharge of the duties of treasurer, the premium to be paid by the Authority.

ARTICLE V

PUBLICATION AND FILING

The City Clerk of the City of Ann Arbor is charged with the responsibility of causing this amendment to the Articles of Incorporation to be published at least once in the Washtenaw County Legal News. The Authority shall reimburse the City of Ann Arbor for the costs of publication. In addition, the Clerks of the City of Ann Arbor, the City of Ypsilanti and the Charter Township of Ypsilanti shall publish this amendment to the Articles of Incorporation on their respective websites. The said City Clerk of the City of Ann Arbor is further charged with the responsibility of filing with the Secretary of State of the State of Michigan and with the County Clerk of the County of Washtenaw a printed copy of this amendment to the Articles of Incorporation certified as a "true copy" with the date and place of publication.

ARTICLE VI

AMENDMENTS

Amendments may be made to these Articles of Incorporation in the same manner in which the said Articles were originally adopted.

ARTICLE VII

REGISTERED OFFICE

Location of registered office and post office address of this Authority is the Office of the Ann Arbor City Clerk, City Hall, Ann Arbor, Michigan.

ARTICLE VIII

MEMBERS ADMISSION AND RELEASE FROM THE AUTHORITY

Admission of and release of a political subdivision from the Authority shall be evidenced by an amendment to the Articles of Incorporation, adopted, executed and published and filed in the same manner as the original articles of incorporation. Any such release shall be subject to the conditions set forth in Act 55.

ARTICLE VIX

EFFECTIVE DATE

These Articles of Incorporation shall become effective and be in full force upon the filing of a printed copy with the Secretary of State of the State of Michigan and the County Clerk of the County of Washtenaw as herein provided.

IN WITNESS WHEREOF, the Ann Arbor City Council, the Ypsilanti City Council, the Board of the Charter Township of Ypsilanti and the Ann Arbor Area Transportation Authority Board have adopted and authorized to be executed these Articles of Incorporation in behalf of the City of Ann Arbor, a Michigan municipal corporation, by the Mayor and City Clerk, by the City of Ypsilanti, a

Michigan municipal corporation, by the Mayor and City Clerk, by the Charter Township of Ypsilanti, a Michigan municipal corporation, by the Supervisor and Clerk, and by the Ann Arbor Area Transportation Authority by the chairperson and secretary.

WITNESSES:

CITY OF ANN ARBOR, a Michigan
Municipal Corporation,

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

CITY OF YPSILANTI, a Michigan
Municipal Corporation,

By: _____
Paul Schreiber, Mayor

By: _____
Frances McMullan, City Clerk

AAATA

By: _____
Charles Griffith, Chair

By: _____
Any Dale Secretary

The foregoing Articles of Incorporation were adopted by an affirmative vote of the majority of the members elect of the City Council of the City of Ann Arbor, Washtenaw County, Michigan, at a meeting duly held on the _____ day of _____, 2013.

WITNESSES:

CITY OF ANN ARBOR, a Michigan
Municipal Corporation,

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

The foregoing Articles of Incorporation were adopted by an affirmative vote of the majority of the members elect of the City Council of the City of Ypsilanti, Washtenaw County, Michigan, at a meeting duly held on the _____ day of _____, 2013.

WITNESSES:

CITY OF YPSILANTI, a Michigan
Municipal Corporation,

By: _____
Paul Schreiber, Mayor

By: _____
Frances McMullan, City Clerk

The foregoing Articles of Incorporation were adopted by an affirmative vote of the majority of the Board of the Charter Township of Ypsilanti, at a meeting duly held on the _____ day of _____, 2013.

CHARTER TOWNSHIP OF YPSILANTI,
a Michigan Municipal Corporation,

By: _____
Brenda L. Stumbo, Supervisor

By: _____
Karen Lovejoy Roe, Clerk



Resolution No. 2013-209
October 15, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: