



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
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CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 5/5/14

C-2 – An Ordinance to Amend Sections 5.1; 5.10; 5.10.12; 5:10.21, and 5:10.23 of Chapter 55 (Zoning) Regarding Drive-Thru Facilities and Permitted Uses (CPC Recommendation: Approve – 9 Yeas and 0 Nays)

Question: I appreciate that staff has taken the time to update CH55 to reflect the modern, current utilization of drive-thru facilities, to clarify what's allowed in the various zoning districts and to provide general guidelines. What is not clear to me though is what impact these changes will have (if any) on the proposals/petitions we typically see. Can you please elaborate on that? (Councilmember Lumm)

Response: The most significant change is that these amendments will allow the Planning Commission to decide whether a proposed drive-thru facility, which is an accessory use of a building, is appropriate for a particular location. For example, the Commission could deny a request for a drive-thru facility if the site has access problems and traffic studies show the situation would be worsened by adding a drive-thru facility to the allowable restaurant use.

Another significant change is the placement standard, prohibiting the drive-thru window on the front of a building, as there currently are no placement or design standards for drive-thru windows, just the driveway. This is particularly important in ensuring that

more pedestrian-friendly design gets incorporated into redevelopment along older commercial corridors.

As an alternative to denying a drive-thru facility, and furthering the ability to address placement and design issues, the Planning Commission also has the authority as part of the special exception use approval to impose reasonable conditions to mitigate impacts, for instance a minimum vehicle stacking queue or limits on amplified sound when next to a residential area.

DS-1 – Resolution to Approve Amendment No. 4 to the Professional Services Agreement with CDM Smith Michigan, Inc. (Formerly CDM Michigan, Inc.) for the Footing Drain Disconnection Program (\$748,106.00)

Question: CDM Smith is responsible for providing oversight for the footing drain disconnect program, not for installing footing drains or determining which houses should be disconnected. But there continues to be a need for oversight and responding to complaints. If this contract is not extended, who will do that? How many complaints result from the existing footing drain program per year (an average)? Is there any trend - are complaints fewer or more frequent than they have been? Are they more complex, and therefore more expensive to resolve? What type of oversight over footing drain disconnects and sump pump installation is necessary - and on average, what does such oversight cost per incident? (Councilmember Briere)

Response: If the contract is not extended, City Staff or other consultants will have to pick up this additional work. Construction projects for this season have already been let, and they generally cannot be delayed, therefore resources must be committed to completing these projects. Therefore, the additional work may need to be accomplished by putting other consultants in charge of managing and/or inspecting other Capital projects to free up availability to manage this work.

Question: Is there an alternative for wastewater (developer) mitigation? Since developers are expected to mitigate the wastewater that is produced by their new development, are there any choices for developers that would allow this contract to be completed without an extension? And exactly what role does CDM Smith play in this process? Do they determine which houses are offered disconnections? Do they determine whether the developer has found the number of willing property owners and completed the work to the City's specifications? (Councilmember Briere)

Response: There are alternatives other than FDD that developers may use, however most of them have opted to use FDD to fulfill their obligations. Other alternatives would still require review and inspection to be performed as well. CDM's role in this is to verify that the homes selected by developers are eligible to be disconnected (for example, that they HAVE footings to disconnect), then to inspect the disconnections once they are performed and maintain records of all completed disconnections. CDM does not seek out the eligible homes - that is the responsibility of the developers.

Developers that have opted to use FDDs to fulfill their obligation have the FDD commitment worked in to their site agreements. The City must have inspection and oversight authority to insure accurate completion of the work. Staff has found in the past that this is best accomplished through the use of consultant, such as CDM, that has the expertise to adequately perform the work. If the City brought in another consultant to do this, it would take almost the length of the proposed amendment to request and review proposals, obtain Council approval for the contracts, and get that consultant up to speed on the program.

Question: Community outreach is a significant component of any mitigation program - especially one like this, which directly involves privately-owned property and property owners. I read in the contract that CDM Smith will be responsible for updating the website, meeting with a committee on a regular basis, and responding to residents' concerns. Who is currently responsible for maintaining the website? Is this currently a proprietary (CDM Smith) website, or the City's web page? If this contract is not extended, how would this work be done?

Is the FDD advisory committee currently active? Is this a Council-appointed representative group, or one that CDM Smith maintains? Are the meetings regular and well attended? Are the minutes and other committee materials available to the public? (Councilmember Briere)

Response: CDM has been responsible for all of these activities. If the contract is not renewed, City staff will either have to assume these duties or possibly put "non-urgent" aspects (such as updating the website, and FDDCAC meetings) on hold for the near term.

This would also seriously hamper the City's ability to investigate corrective measures that may be needed to existing FDD homes based on complaints we heard from the FDD survey. This is less an issue of hours and staff time than it is of technical expertise, which existing City staff does not have to the degree necessary to fully investigate and implement corrective measures.

Question: The multi-family housing (Walden Hills) that should be considered for the FDD program - how many years has this been in discussion? What are the reasons why the FDD program has not been implemented already? What is the anticipated benefit of this multi-family complex being part of the program?

If CDM Smith does not receive an extension to this contract with an amended budget, what impact would this have on completing the study of Walden Hills?

For that matter, what impact should we anticipate to the FDD program in all of its variations if this contract is not extended and if the budget is not amended? And, with an average (anticipated) cost of \$100K per month, I'd find it valuable to understand how

much has been spent on average per month over the duration of the existing contract.
(Councilmember Briere)

Response: Work has already been progressing incrementally on multi-family developments within the five study areas over the years, but has not yet been completed. The benefit of these disconnections would be to reduce the risk of sanitary backup further downstream in the residential Dartmoor area. The Sanitary Sewer Wet Weather Project is currently evaluating the present risk in this area. There is a possibility that the risk in this area will be sufficiently low that the multi-family work is not critical.

The work on multi-family disconnections could be paused, however this would require an action by Council. If it is determined that multi-family disconnects do not need to proceed at this time, the City would not pay CDM for that work, and would amend their contract accordingly.

It should be noted that this amendment to CDM's contract does not require additional funds to be appropriated - funding is already available in the approved capital budget.