

JANUARY 6, 2009 PLANNING COMMISSION MINUTES

(b) Public Hearing and Action on Amendment to Chapter 55 (Zoning Ordinance), Section 5:110 (Citizens Participation). Proposal to add a new paragraph to allow the citizens participation requirements to be waived for petitions to zone land to PL (Public Land District) and petitions to zone annexed land for single-family residential use if less than 2 acres – Staff Recommendation: Approval

DiLeo explained the proposed amendment.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Westphal, seconded by Pratt, that the City of Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 55, Section 5:110, to allow certain zoning petitions to be waived from the citizens participation requirements.

Derezinski asked for an example of a category three petition; one that proposes neither a change of land use or development.

DiLeo said the change has been proposed for when rezoning something to public land when there has been an error located on the map. She said map changes would really be about the only thing – no development, no change of use, just to correct a map error.

Potts said that the Commission often gets annexations that, at the time, have no proposed development, but that doesn't mean that development isn't possible. She said she had a little problem with that. She said in some cases, neighbors knew a property was being annexed and zoned in order for the owner to divide and develop the property. She asked how they might distinguish between cases.

DiLeo said it was up to the Development Services Manager, but that the intent is only for pro forma cases. She said that anything remotely controversial should have citizen participation. She said that what someone later does may be controversial, but the intention is to waive the requirement is for simple cases.

Potts said that someone may not share their intent to develop. She said they may not even know it. She asked how anyone can make a judgment regarding less than two acres, when no development is proposed at time. She said that categories 2 and 3 require a crystal ball as to what intentions are. She said the amendment seemed good at the Planning Commission working session, but that now she was having second thoughts.

Carlberg said she understood the concern, but the purpose of citizen participation is to get the public to participate. She said that if no development or change in use was proposed, then people could only comment on fears or suspicions. She said she they couldn't base a decision on potential fears or what ifs. She said she did not see this kind of participation as valuable.

Potts asked whether a later development proposal on the type of parcel being discussed would trigger public hearings.

DiLeo said yes.

Pratt asked to confirm that the current practice of notifying property owners within 300 feet of any proposed annexation would continue.

DiLeo said yes.

Pratt asked whether the adjacent property owners and those within 300 feet would still be notified of the public hearing regarding the proposed annexation.

DiLeo said yes, that the City would continue to hold public hearings, as it has done, and that this amendment would release the property owner from scheduling their own public hearing, as required by the citizens participation ordinance.

Pratt said he was confirming that those people most directly affected by annexations would still be getting notified, even with this amendment.

DiLeo said yes.

Mahler asked to speak to Commissioner Potts' concern. He said that if no development is proposed, then the waiver would apply. He said that if a development is proposed, then the waiver would not apply. He said he was not concerned about bait and switch, because safeguards were in place. He said he believed the Citizens Participation Ordinance would address the very concerns she expressed.

Westphal asked whether there were many township parcels greater than two acres in the annexation pipeline.

DiLeo said no. She said she believed the only ones would be the three Nixon properties on Nixon, north of Dhu Varren, which were 80 or so acres, and a few properties in the Geddes Road area. She said most properties were closer to half an acre, and would be exempt. She said properties like Nixon would not be exempt.

Westphal suggested that maybe three acres would be a less burdensome threshold. He said that two acres might be burdensome for some property owners.

Alexis said that this number could change.

Bona said that staff was very attuned to what might be controversial, and that the flexibility in the amendment gave staff room to require meetings. She said she was very comfortable with the amendment.

A vote on the motion showed:

YEAS:	Bona, Borum, Carlberg, Derezinski, Mahler, Potts, Pratt, Westphal, Woods
NAYS:	None
ABSENT:	None

Motion carried.