

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of January 6, 2009**

**SUBJECT: Amendment to Chapter 55, Section 5:110, to Allow Certain Zoning Petitions to be Waived from Citizens Participation Requirements**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City 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 citizens participation requirements.

### **STAFF RECOMMENDATION**

Staff recommends that the proposed amendment to Chapter 55 of the City Code be **approved** to allow the Planning and Development Services Manager to waive the citizens participation requirements for certain zoning petitions.

### **BACKGROUND**

Citizens participation requirements were adopted on September 8, 2008 that require would-be petitioners to notify citizens near their petition sites of their intentions to submit a petition. Requirements differ depending on the scope of the project. Planned projects, planned unit development zoning districts, amendments to the zoning map, and major projects require the petitioner to notify and meet with citizens within 1,000 feet of the site before submitting the petition, and provide documentation of their efforts as part of their submittal package. Any other petition that requires a public hearing must notify citizens within 500 feet of the site within five business days of acceptance of a petition. The Citizens Participation Ordinance was adopted by City Council as Ordinance Number ORD-08-29 and is effective on January 1, 2009.

### **STAFF REPORT**

As currently written, the citizens participation ordinance does not offer any mechanism to exempt or waive any of the requirements for any reason. In preparing to implement the ordinance by its effective date, January 1, 2009, staff noted that there are certain types of amendments to the zoning map that would not benefit from the heightened level of participation called for by the ordinance. These certain types of zoning petitions are those requesting PL (Public Land District) designations or those associated with annexation petitions for individual single-family parcels.

In the case of PL zoning petitions, these come at the culmination of other public processes that themselves involve significant public participation. The PL district is a zoning classification for any land that is publicly owned, whether by the City of Ann Arbor, Ann Arbor Public Schools, Washtenaw County or the University of Michigan. Each of these agencies utilizes their own established review procedures and approval procedures to acquire land. In some cases, such as parkland dedications, the land has been acquired by donation from a developer following approval of a site plan, which itself is subject to compliance with the citizens participation ordinance.

Zoning petitions to designate the lands PL are simply to amend the zoning map to reflect that fact that the land is owned by a public agency. Once the land has been acquired, rezoning to PL is routine City business.

Staff also suggest that zoning petitions that are associated with annexation of an individual single-family parcel be waived from the citizens participation requirements. Generally, individual property owners, not commercial developers, initiate annexation and zoning petitions and quite often the parcel to be annexed and zoned already contains a single-family dwelling. The petitioners are not seeking to further develop their property, rather to simply annex into the City and be designated R1A, R1B, R1C or R1D (Single-Family Dwelling District), depending on the surrounding zoning districts and the future land use recommendation. It would be a significant financial burden for a petitioner to notify their neighbors within 1,000 feet of their home and there would be little, if any, added benefit gathered from soliciting citizen participation in these instances. Staff suggest two acres as the site size threshold for waiving these zoning petitions as this is the same threshold used for petition fees. Combined annexation and zoning petitions for single-family residential land of two acres or less has a significantly reduced fee, recognizing that these are not the traditional development petitions normally filed with the City.

### **PROPOSED AMENDMENT**

The following paragraph is proposed to be added to the 5:110 (Citizens Participation) of the Zoning Ordinance:

- (4) The Planning and Development Services Manager, or designee, may waive these requirements for petitions to amend the zoning map when (1) the requested zoning designation is PL Public Land; (2) the petition is to annex a parcel of less than 2 acres and zone for single family residential use; or (3) there is no proposed change in land use and no development is proposed.

### **STAFF COMMENTS**

Staff believe that there would be very little benefit achieved from following the current citizens participation requirements for certain types of projects, and may in fact serve to dilute the importance of notifications related to projects that are proposing significant changes, new development, or different land uses. Staff believe it would not be a good use of taxpayer funds to notify citizens when simply conducting routine business in the case of PL rezoning petitions, and it could be significant financial hardship on top of petition filing fees, improvement charges, special assessments, and the like, when annexing single-family residential property into the City.

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jsj/12/23/08

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Attachments: Proposed Ordinance Amendment