

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 18, 2010

SUBJECT: Amendments to Chapter 57 (Subdivision and Land Use Control), Sections 5:131 Fees and 5:136(2) Public Information and Hearings, and Chapter 55 (Zoning Ordinance), Section 5:71(1) Approval Procedures, to revise fee reimbursements, required display of plans under review, and approval procedures for Planned Projects.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 57 (Subdivision and Land Use Control), Section 5:131 Fees to revise fee reimbursement policies.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 57 (Subdivision and Land Use Control), Section 5:136(2) Public Information and Hearings, to revise requirements for display of plans under review.

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 (Zoning Ordinance), Section 5:71(1) Approval Procedures to revise the time in which City Council must act after receiving a recommendation from the Planning Commission regarding Planned Projects.

STAFF RECOMMENDATION

Staff recommends that the proposed amendments to Chapter 57 (Subdivision and Land Use Control) of the City Code, Sections 5:131 Fees and 5:136(2) Public Information and Hearings, be **approved**.

Staff recommends that the proposed amendment to Chapter 55 (Zoning Ordinance) of the City Code, Section 5:71(1) Approval Procedures be **postponed** until public notices are advertised for associated amendments to Chapter 57, Sections 5:121 Area Plans, 5:122 Site Plans, 5:124 Plats and 5:130 Timing. All of these sections address requirements for how and when the Planning Commission provides its report and recommendation to the City Council, and how and when the City Council must take action. Amendments to these sections should be addressed together.

STAFF REPORT

Staff has proposed to amend three sections of City Code with technical revisions. Each proposed amendment is addressed below.

Chapter 57, Section 5:131 Fees.

This section of code covers fees and reimbursements for area plans, site plans, plats, and land divisions. It states that fees shall be established by resolution of the City Council upon the recommendation of the city administrator. In addition, it currently provides for a graduated reimbursement policy depending on when a petition is withdrawn.

Staff recommends that reimbursement policies be removed from Chapter 57, because they typically are established and updated as a part of annual fee resolutions approved by City Council upon recommendation of the city administrator.

The Ordinance Revisions Committee reviewed this proposal in March 2010 and supported the amendment.

Chapter 57, Section 5:136(2) Public Information and Hearings.

This section of code addresses display of area plans, site plans, preliminary plats and land divisions under review. It states that such plans must be displayed in a location in City Hall open to the public 24 hours per day, 7 days each week, for at least 1 week prior to a public hearing.

Given recent security changes to City Hall, this strict standard is virtually impossible to achieve and leaves the City vulnerable to procedural challenges. After normal business hours, and particularly in the overnight hours, there may be instances when City Hall is not open to the public. There have also been times during the normal business day (such as the recent closure of City Hall for 2 hours for an all-employee meeting in January and a 36-hour closure in April due to elevated carbon monoxide levels) when the building was closed to the public. It is anticipated that security procedures will be further revised as the Police/Court facility is occupied in 2011.

When this code requirement was adopted, the only way to review proposed site plans was in person. The extended hours helped citizens who could not visit during the traditional work day. Technology, and access to high-speed communication technology, has changed how citizens get information about planning proposals. Now, proposed site plans can be viewed online any time of the day or night through the Legislative Information Center on the city's web site. In addition, public libraries offer free high-speed internet access including evenings and weekends.

For these reasons, staff recommends revising the display requirement for area plans, site plans and plats to remove the time frame and state simply that the plans be displayed at City Hall in a "publicly accessible location" at least 1 week prior to a public hearing. The proposed amendment, although having broader timing, more clearly states which plans will be available and how to go about reviewing the most recent version. The requirement for display of a proposed land division is suggested for removal because these types of petitions are no longer reviewed and approved by either the Planning Commission or City Council and do not have public hearings.

The Ordinance Revisions Committee discussed this proposed amendment in March 2010. Members agreed that the requirement to maintain plans available to the public 24 hours per day, 7 days per week for at least 1 week prior to a public hearing was unrealistic but were concerned that the plans would be less available in the future. Staff could not identify another location where access to paper copies of plans could be assured 24 hours per day, but emphasized that the current practice of placing a copy of the plans initially submitted in the lobby will not change. As renovation to City Hall continues, staff will seek to find the most accessible location for this display. The Committee agreed the proposed amendment was the best solution to prevent any procedural challenges, while maintaining a commitment to providing open and honest communication with the community.

Chapter 55, Section 5:71(1) Approval Procedures.

This section of code addresses the timeframe in which City Council must approve or deny a Planned Project after receiving a report from the Planning Commission. There are now more procedural requirements for processing petitions than when this section was adopted and an increased number of staff who review City Council submittal materials. Given these changes, the strict time limits may be too restrictive. While the code contains a provision for City Council to approve a reasonable time extension if necessary, this adds staff time to process an extension that could better be used to resolve issues with the actual petition.

Staff recommends the time limit in this section be revised to match amendments previously proposed by the City Attorney's Office to the area plan, site plan, plat and timing procedure sections in Chapter 57 (Subdivision and Land Use Control). The Commission may recall that the City Attorney's Office proposed amendments to those sections in 2009, which the Commission recommended with revisions. The City Attorney's Office has finalized the requested revisions to those sections, and a public hearing by the Planning Commission has been advertised for June 1, 2010. As the subject of Section 5:71(1) is so closely related to the area plan, site plan, plat and timing procedure sections, staff advise that all proposed amendments should be addressed together for a more coherent discussion as well as an opportunity to incorporate any additional revisions consistently.

The Ordinance Revisions Committee discussed this amendment in March 2010 and agreed planned project procedures should be treated the same as area plans, site plans, and plats.

PROPOSED AMENDMENTS

The proposed text amendment to Chapter 55 (Zoning Ordinance) will be provided in a future staff report. The following text amendments are proposed in Chapter 57 (Subdivision and Land Use Control) of City Code. Proposed language to be deleted is shown with strikethrough (example: ~~strikethrough~~), proposed language to be added is underlined.

5:131. Fees.

An area plan, site plan, PUD site plan, plat or land division shall not be considered to have been filed with the City until all required materials are submitted and applicable fees are paid as established by resolution of the City Council upon the recommendation of the City Administrator. Reimbursements shall be offered as established by resolution of the City Council upon recommendation of the City Administrator.

~~(1) Reimbursements.~~

~~(a) When a petition is withdrawn, by written request, before publication of the notice of public hearing by the City Planning Commission, the community services area administrator or designee shall reimburse the petitioner the entire filing fee.~~

~~(b) If a petition is withdrawn, by written request, before publication of the notice of public hearing by the City Council, the community services area administrator or designee shall reimburse the petitioner 1/2 of the required filing fee.~~

~~(c) If the petitioner requests a Planning Commission rehearing after Commission action, the petitioner shall pay one-half of the original filing fee.~~

~~(d) If the petitioner requests a rehearing by Planning Commission or City Council after City Council action, the petitioner shall pay the entire original filing fee.~~

5:135. Public information and hearings.

(2) Area plans, site plans, site plans for Planning Commission approval, PUD site plans, and preliminary plats and land divisions under review shall be displayed in a publicly accessible location in City Hall ~~open to the public 24 hours per day, 7 days each week~~, for at least 1 week prior to the City Council and Planning Commission public hearings. Plans shall be current at the time of placement and subsequent revisions, if any, shall be available in the planning offices.

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jsj/5/13/10

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