



Legislation Details (With Text)

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Title: Resolution to Approve an Amendment to the Consent Judgment Regarding the New Life Church Site Plan (1541 Washtenaw)

Sponsors:

Indexes:

Code sections:

Attachments: 1. New Life Church Staff Report with Attachments, 2. NEW LIFE CHURCH SP, 3. NEW LIFE CHURCH Landscape Plan, 4. New Life Church SEU SP Staff Report, 5. 1547 Washtenaw Ave Aerial Map Zoom, 6. 1547 Washtenaw Ave Zoning Map, 7. NewLifeChurchConsentJudgment.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|----------|--------|
| 10/17/2016 | 1 | City Council | Approved | Pass |

Resolution to Approve an Amendment to the Consent Judgment Regarding the New Life Church Site Plan (1541 Washtenaw)

Approval of this resolution will allow for the construction of eight parking spaces along the property line between the New Life Church site and the adjacent site, 1547 Washtenaw Avenue (Frieze House), for shared use by both properties.

Petition Summary:

In 2004, after application by New Life Church for a Special Exception Use Permit and Site Plan at 1541 Washtenaw Avenue, the Planning Commission denied the application. Subsequently, New Life Church filed suit to appeal the denial based on several claims. The lawsuit was settled by Consent Judgement in 2005, which included approval of the New Life Church Site Plan. The current proposed revisions to the Site Plan would be reviewed and approved by the Planning Commission if not for the Consent Judgement.

The City Planning Commission, at its meeting of March 15, 2016, approved the special exception use and site plan for the neighboring property located at 1547 Washtenaw Avenue, known as the Frieze House. New Life Church proposes using the Frieze House parcel as a complementary staff office, for small meeting space supporting the Church, and as a caretaker residence.

The previously approved site plan for 1541 Washtenaw Avenue (New Life Church) requires amendment in order to add eight parking spaces along the shared property line between the New Life Church site and the adjacent Frieze House site. A 15-foot wide conflicting land use buffer and landscaping have been provided along the east property line consistent with landscaping and screening requirements. The Planning Commission approved the site plan amendment for New Life Church on September 20, 2016.

While site plan amendments have been reviewed and approved by the City Planning Commission for both parcels, the site plan for New Life Church is a component of the Consent Judgement. Any amendment to the Consent Judgement requires City Council approval, as presented here.

Attachments: 3/15/16 Planning Staff Report (1547 Washtenaw Approval)
3/15/16 Planning Commission Minutes (1547 Washtenaw Approval)
9/20/16 Planning Staff Report (1541 Washtenaw Approval)
9/20/16 Planning Commission Minutes (1541 Washtenaw Approval)
4/25/05 New Life Church Consent Judgment

Prepared By: Brett Lenart, Planning Manager
Kevin McDonald, Senior Assistant City Attorney

Reviewed By: Derek Delacourt, Community Services Area Administrator
Stephen A. Postema, City Attorney

Whereas, On November 16, 2004 the Planning Commission denied the special exception use petition for New Life Church for expansion of the Church facility at 1541 Washtenaw Avenue, and New Life Church of Ann Arbor subsequently filed suit against the City;

Whereas, The City and the petitioner, New Life Church of Ann Arbor, entered into a Consent Judgment to settle the litigation regarding the New Life Church Site Plan and Special Exception Use (Circuit Court Case No. 04-CV-75014) on April 25, 2005;

Whereas, In the Consent Judgment the City approved the New Life Church Site Plan and Special Exception Use;

Whereas, The petitioner subsequently acquired the adjacent property at 1547 Washtenaw Avenue for office, small meeting, and residential use which received special exception use and site plan approval by the Planning Commission on March 15, 2016;

Whereas, The amended New Life Church Site Plan for 1541 Washtenaw Avenue, received approval by the Planning Commission on September 20, 2016; and

Whereas, The petitioner has requested that the Consent Judgment be amended to allow for the addition of eight shared parking spaces that are partially on the site of New Life Church at 1541 Washtenaw;

RESOLVED, That City Council approve the amendment of the Consent Judgment and the underlying Settlement Agreement to allow the amendment of the New Life Church Site Plan to include the addition of eight parking spaces to be shared with the property at 1547 Washtenaw Avenue, as shown on the New Life Church Site Plan, dated May 24, 2016; and

RESOLVED, That the Mayor and City Clerk be authorized to sign an amendment to the Consent Judgment, and any other documents necessary to implement this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney.