



## Legislation Details (With Text)

**File #:** 09-0721      **Version:** 2      **Name:** 7/20/09 City Place Site Plan and Development Agreement Approval Resolution  
**Type:** Resolution/Public Hearing      **Status:** Passed  
**File created:** 7/20/2009      **In control:** City Council  
**On agenda:** 9/21/2009      **Final action:** 9/21/2009  
**Enactment date:** 9/21/2009      **Enactment #:** R-09-388

**Title:** Resolution to Approve City Place Site Plan and Development Agreement, 1.23 acres, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Recommend Approval Failed - 5 Yeas and 1 Nay)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Place request.pdf, 2. Public speakers re City Place, 3. City Place Dev Agree Revised (5-4-09).doc, 4. City Place Minutes 7-7-09.pdf, 5. City Place Staff Report.pdf, 6. City Place Opposition Emails, 7. City Place Communication from Mark & Judy Wenzel, 8. T. Whitaker opposition email.pdf, 9. CityPlace\_ltr081209.pdf, 10. City Place PUD Public Hearing Notice.pdf

Date	Ver.	Action By	Action	Result
9/21/2009	1	City Council	Held and Closed	
9/21/2009	2	City Council	Approved	Pass
7/20/2009	1	City Council	Held and Continued	
7/20/2009	1	City Council	Postponed	Pass
7/20/2009	1	City Council		

Resolution to Approve City Place Site Plan and Development Agreement, 1.23 acres, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Recommend Approval Failed - 5 Yeas and 1 Nay)  
Attached is a resolution requesting approval of the construction of two, three-story apartment buildings with a total of 24 units (144 bedrooms) and 36 surface parking spaces. A Development Agreement has been prepared to address public and private utilities, preservation of landmark trees, park contribution, street tree escrow, construction and maintenance of on-site storm water management system, and footing drain disconnections. The City Attorney's Office has reviewed the Agreement and the petitioner has acknowledged concurrence with its provisions. The City Planning Commission Motion to Approve failed on July 7, 2009.

On July 20, 2009 the Ann Arbor City Council granted a postponement of the City Place Site Plan until January 19, 2010. The resolution also included permission for the developer to submit an application for a planned unit development (PUD) on the site during the postponement. In the resolution, the developer was given the option to submit a written request and have the site plan scheduled for immediate public hearing and consideration by City Council instead of the PUD. The developer has submitted such a letter, and the attached site plan is now before you for your consideration.

Prepared by: Carol King, Management Assistant

Reviewed by: Wendy L. Rampson, Interim Planning & Development Services Manager, Jayne Miller, Community Services Administrator

Whereas, Fifth Avenue Limited Partnership has requested site plan approval in order to construct

two, three-story apartment buildings with a total of 24 units (144 bedrooms) and 36 surface parking spaces south of East William Street and north of East Jefferson Street;

Whereas, A Development Agreement has been prepared to address public and private utilities, preservation of landmark trees, park contribution, street tree escrow, construction and maintenance of on-site storm water management system, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on July 7, 2009, recommended denial of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated May 4, 2009;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve the City Place Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied.