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April 29, 2016

Ms. Jacqueline Beaudry
City Clerk
City of Ann Arbor
301 E. Huron Street
Ann Arbor, MI 48108

Via Certified Mail and Hand Delivery

Re: Request for Public Hearing/816 S. Forest-815 Church/File No. Z15-007 (the
Parcels)

Dear Ms. Beaudry:

I represent the owners of the Parcels, and submit this letter on their behalf. At its April 18, 2016 meeting, City Council voted to not advance the proposed re-zoning of the Parcels to a second reading (at which typically a public hearing before Council is held). Notwithstanding this action, my clients still desire the opportunity to petition Council, at a public hearing, for this re-zoning of the Parcels.

Pursuant to MCL 125.3401(4), I request that Council schedule and hold a public hearing on the requested re-zoning. My clients make this request based on their status as "interested property owners." Providing my clients with an opportunity to present their case to the legislative body, which is the decision-making body for a re-zoning, is also consistent with the language of the Ann Arbor Zoning Ordinance, which states that "(a) public hearing shall be held..." by Council when considering zoning amendments. Section 5:107(4)(a). (This is also be consistent with Section 5:107(3), which refers to a "...public hearing to be held by City Council.")¹

While the City Charter, in Section 7.3(b), does provide Council the authority to not advance **general** ordinances to a second reading, zoning matters are governed by the Michigan Zoning Enabling Act, and as such, the Charter cannot implement a procedure related to zoning that is contradictory to the State statute. Therefore, based on a request by my clients under MCL 125.3401(4), Council must still hold a public hearing on the re-zoning and allow my clients the opportunity to petition their elected officials.

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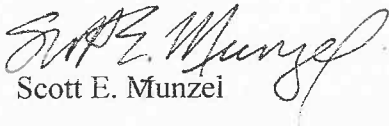
¹ I note that while Council may choose not to hold a public hearing on its own volition pursuant to MCL 125.3401(1), it nevertheless "shall grant a hearing" if requested by an interested property owner under MCL 125.3401(4).

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I suspect we may have some ongoing conversations regarding this request; please feel free to contact me so that we can discuss it and proceed as smoothly as possible. Thank you in advance for your attention to this matter.

Sincerely,


Scott E. Munzel

cc: Kevin McDonald
Alexis Deleo
Se Kim
Dina Cocco