

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 1, 2010

SUBJECT: Amendments to Chapter 55 (Zoning), Section 5:71(1) and Chapter 57 (Subdivision and Land Use Control), Sections 5:121, 5:122, 5:124 and 5:130 related to procedures and timing of Planning Commission recommendations and City Council actions on planned projects, area plans, site plans, and plats, and general time limits.

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), Section 5:71(1) related to procedures for Planning Commission recommendations and City Council action on planned project petitions.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 57 (Subdivision and Land Use Control), Sections 5:121, 5:122, 5:124, and 5:130 related to procedures and timing for Planning Commission recommendations and City Council actions on area plans, site plans and plats, and general time limits.

STAFF RECOMMENDATION

Staff recommends that the proposed amendments to Chapters 55 (Zoning) and 57 (Subdivision and Land Use Control) of the City Code be **approved**.

STAFF REPORT

Several sections of City Code address the required procedures the Planning Commission and City Council must follow to approve (or deny or postpone) development petitions. For area plans, site plans, and plats, the Planning Commission must make its recommendation to City Council within 60 days of receiving the staff recommendation. The Planning Commission must also make a recommendation to City Council for planned projects but there is no specified time limit. The City Council must make a final decision within 30 days of receiving the Planning Commission's recommendation on area plans, site plans and plats, and within 90 days of receiving the Planning Commission's recommendation for planned projects. The Planning Commission must make a recommendation for a tentative preliminary plat within 60 days after a petition is filed. A site plan petition is considered to be recommended for approval by the Planning Commission and is approved by the City Council unless each body acts within the specified time limits, however, either body may vote to extend the time limits for 30-day periods.

None of these time limits are required by state law, and for the most part, these limits are obsolete given the current process to review petitions and set City Council agendas. Long ago when the time limits were incorporated in code, the information required to be submitted and reviewed for a development petition was much simpler and not as comprehensive. Today, much more information is required, and the review is often more complex. Reviews are now more thorough and both the Planning Commission and City Council are provided with detailed staff reports and memorandums to consider. The current code requirements represent the most optimistic, best-case scenarios for development petitions to be processed and leave almost no room for the resolution of complex issues. Formally voting on an extension uses valuable staff, Planning Commission or City Council time which would more effectively used to process or resolve issues with the actual petition. The presumption that a petition is approved is particularly burdensome.

Amendments to four sections of Chapter 57 (Subdivision and Land Use Control) were proposed by staff and recommended for approval by the Planning Commission on April 7, 2009. Although the Commission recommended approval, they expressed concern that the proposed language did not offer any assurance to petitioners that their petitions would be acted upon in a reasonable time. The Planning Commission asked that the proposed language be further amended prior to consideration by City Council. Following the Planning Commission's recommendation for the four sections of Chapter 57, staff noticed that one section of Chapter 55 (Zoning) also contained required procedures and timing requirements for a development petition.

Five sections of city code are proposed to be amended and are described in this staff report. The proposed amendments to sections of Chapter 57 are revised from the language proposed in 2009 in response to the Planning Commission's direction. The amendment to Chapter 55 is newly proposed.

The Ordinance Revisions Committee considered and supported the proposed amendments at its meeting in March 2010. The City Attorney's office has reviewed the proposed amendments and finds the language to be consistent with the Zoning Enabling Act.

PROPOSED AMENDMENTS

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.

Chapter 55 – 5:71. Approval procedure.

(1) The planned project application, site plan and other required materials shall be filed with the planning and development services manager or designee. The planning and development services manager or designee shall review the materials filed and, after conferring with the applicant and appropriate City service areas, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a report and recommendation to the City Council. The City Council shall approve or reject the planned project within 90 days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review. Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. Upon receipt of the~~

Planning Commission's recommendation, the City Council shall approve or reject the planned project within a reasonable time following the close of the public hearing.

Chapter 57 – 5:121. Area plans.

(2) *Area plan procedure.* Before submitting an area plan for formal review, the petitioner shall meet with the planning and development services manager or designee to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other required materials, as specified in this Chapter and the Land Development Regulations, shall be filed with the planning and development services manager or designee. An area plan shall not be considered filed until all drawings and other required materials have been submitted. An area plan may be rejected if these materials are inadequate to make the foregoing determinations. The planning and development services manager or designee shall review the materials filed and, after conferring with the petitioner and appropriate City departments, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a report and recommendation to the City Council within 60 days of the receipt of the report and recommendation from the planning and development services manager or designee. The City Council shall approve or reject the area plan within 30 days of the approval of the Planning Commission.~~ Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the planned project within a reasonable time following the close of the public hearing. If approval by the City Council is conditioned on changes to the plan, the petitioner must submit revised drawings with the necessary changes to the planning and development services manager or designee within 30 days of approval by City Council or the area plan approval shall lapse.

Chapter 57 – 5:122. Site plans.

(3) *Site plans for City Council approval.* Except as otherwise provided in this section, City Council shall review and approve or reject a site plan after receiving a report and recommendation from the Planning Commission. ~~The Planning Commission shall submit its report and recommendation to the City Council within 60 days of receiving a report and recommendation from the planning and development services manager or designee. The City Council shall approve or reject the site plan within 30 days of the recommendation by the Planning Commission.~~ Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the planned project within a reasonable time following the close of the public hearing. If approval is conditioned on changes to the site plan, the petitioner shall submit revised drawings with the necessary changes to the planning and development services manager or designee within 30 days of approval by the City Council or the site plan approval shall lapse. Any changes to a condition placed on the site plan by City Council shall require City Council approval.

Chapter 57 – 5:124. Plats.

(2) *Plat procedures.* Drawings and other required materials, as specified in this Chapter and the Land Development Regulations, shall be filed with the planning and development services manager or designee. The planning and development services manager

or designee shall review the materials filed and, after conferring with the petitioner and appropriate City departments, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a recommendation to the City Council on the tentative approval of a preliminary plat within 60 days of its complete filing.~~ The Planning Commission shall make a recommendation to the City Council on the tentative approval of a preliminary plat. The Planning Commission shall also make a report and recommendation to the City Council prior to the time the City Council must act on the final approval of a preliminary plat. Prior to approval of the final plat, the City Administrator will provide the City Council with a report and recommendation on the plat.

Chapter 57 – 5:130. Time Limits. Reserved.

~~The planning commission will be considered to have recommended the approval of a site plan covered by this chapter unless it acts within the specified time limits. The City Council shall be deemed to have approved a site plan covered by this chapter unless it acts within the specified time limits. However, for good cause, the planning commission and the City Council may, by affirmative vote, extend time limits for periods not to exceed 30 days each.~~

Prepared by Alexis DiLeo
Reviewed by Wendy Rampson
jsj/5/26/10

c: City Attorney
Systems Planning