

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 3, 2008

SUBJECT: Proposed Citizens Participation Ordinance Amendments to City Code to Implement an Early and Effective Process for Citizen Participation.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Citizen Participation Ordinance amendments to City Code.

STAFF RECOMMENDATION

Staff recommends that the proposed amendments to City Code be **approved** to implement an early and effective process for citizen participation for petitioners seeking approval of planned projects, planned unit developments, rezonings, and major site plans.

PROJECT BACKGROUND

On February 4, 2008 City Council passed a resolution to direct the City Planning Commission and the Planning and Development Services Unit staff to develop an internal process that will address the implementation of an early notification stage for our citizens. The purpose is to improve communications between real estate developers who are proposing projects, City staff who will be reviewing projects and citizens who may be affected by their plans. City Council is envisioning an ordinance that would formalize or codify a collaborative process.

The Planning & Development Services Unit worked with a core team appointed by the City Council and Planning Commission to develop this process: Council Member Briere, Council Member and Commissioner Lowenstein, Commissioner Westphal. Staff met internally and with the core team to determine the underlying issues and opportunities of a citizen participation ordinance. As part of the process, staff researched other community ordinances and participated in an exchange with the City of Auburn Hills, the only other city in Michigan with this type of ordinance.

On April 16, 2008 a meeting was held in the downtown library to explore the options for the ordinance. Over 160 stakeholders were invited to talk with us at this meeting and later, express their opinions through an email survey. The stakeholders included real estate developers, interested citizens, and representatives from all registered residential neighborhood groups, professional consultants, and local agencies. A follow-up meeting with the Ann Arbor Chamber of Commerce was held on April 24, 2008.

Attached to this report are materials that document the process, including a project schedule, results from the stakeholder outreach and a framework for ordinance content.

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STAFF COMMENTS

The Citizen Participation Ordinance would formalize a process for surfacing issues related to a petition early in the process. Requiring the petitioner to meet with staff and citizens prior to the petition submittal could alleviate complications with the current process of the petitioner often hearing comments and concerns at a public hearing for the first time. The costly and time consuming reworking of plans could be avoided if the petitioner receives comments before the plans are in a more detailed stage of development.

The proposed process would apply to any petitioner applying for or amending planned project modifications, a planned unit development, a rezoning, or a major site plan defined as having the following characteristics:

- (a) a proposed project containing over 80 residential units;
- (b) a proposed project over 65 feet in height;
- (c) a proposed project containing over 50,000 sq.ft. of nonresidential use;
- (d) a proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning and Development Services Unit Manager.

Prior to submitting a petition, a petitioner would meet with the Planning and Development Services Unit to review the requirements of the ordinance. The petitioner would then be required (per specific guidelines as described in the proposed ordinance) to notify residents and arrange for a meeting prior to submitting their petition.

The purpose of the first citizen participation meeting is to inform neighbors and other interested citizens about potential projects. As the first opportunity in a series of opportunities for citizen comment, these meetings are intended to be informative in nature and not attempt to determine if the project meets City codes or plans. Because the information will be conceptual in nature, there will not be an attempt to resolve issues at this meeting, rather to begin a meaningful dialogue about the project possibilities. The petitioner, however, must record citizen issues/concerns and through the formal review process seek to address them.

The petitioner shall then be required to provide a written report in a format provided by the Planning and Development Services Unit on the results of its citizen participation activities with the required petition submittal materials for the appropriate petition type. The proposed ordinance details the report content requirements.

Staff recommends that City staff not attend the citizen participation meetings to avoid compromising their procedural review role. Staff should avoid being put in the position of being advocates for any particular project and review process should be viewed as procedural rather than political. In addition, since the information will be conceptual in nature and not yet part of the formal review process, staff would not be in the position to comment on the project's compliance with City codes or plans. Nor should staff be in the position to comment on behalf of other City departments prior to formal review.

Considerations for Supplementing the City's Existing Routine Notification Procedures:

In addition to the proposed ordinance requirements for a prospective petitioner, the Planning and Development Services Unit staff is researching other ideas to improve the City's existing notification procedures. Some excellent suggestions emerged throughout the stakeholder outreach process. Planning and Development Services Unit staff will determine the feasibility and effectiveness of implementing the following:

1. Create a "joinable" or "opt-in" email distribution list which would become the City of Ann Arbor approved citizen distribution list. Send a postcard to all residents in Ann Arbor asking if they want their email address to be included on this list. Citizens could also "opt-in" via the City website. Add the City's current Standard Media E-mail Distribution List to this list. All public hearing notices would be sent to this distribution list in addition to the U.S. mail notification described in 3c below. The monthly *Tree Town Log* would also be circulated via the email list. The list could be updated on an annual basis.
2. Investigate the cost associated with requesting the Ann Arbor News to find a better location for public hearing notices and ask if they can increase the font size to make the notice easier to read.
3. Provide public hearing notification to property owners and residents within 300 feet and neighborhood groups within 1,000 feet for all projects.
4. Require the petitioner install a sign and information sheets at the project site (City to provide specifications).
5. Improve the City website to make information easier to find. Determine staff requirements for making improvements.
 - a. Maintain a regularly updated list of current petitions that are tied to a simple map. Click on this link to see an example on the City of Boulders website. http://www.ci.boulder.co.us/index.php?option=com_content&task=view&id=426&Itemid=512
 - b. Determine if the Google Calendar is a viable way to post meetings. Tree Town log currently posts public meetings and is available on the City's website. An events calendar like the City of Boulder uses may be more user friendly. Click on this link to see how it works: <http://www.ci.boulder.co.us/calendar/calendar.php>

PROPOSED AMENDMENTS

The proposed Citizen Participation Ordinance amendments are incorporated into two chapters of the City Code: Chapter 55 and Chapter 57. Citizen participations provisions for zoning are incorporated in Chapter 55 and citizen participation provisions for site plans are incorporated into Chapter 57. The language and content of the proposed amendments are consistent with each chapter.

Chapter 55

ARTICLE XII Citizen Participation

5:113 Citizen Participation for Petitions that Require Public Hearings

(1) Intent. The intent of this section is: 1) to ensure that petitioners seeking approval of planned projects, planned unit development zoning district, and amendments to the zoning map and other petitions that require public hearings pursue early and effective citizen participation in conjunction with their proposed developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the development of their neighborhood and community; 2) to provide clear expectations and formal guidance for petitioners to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed development may have on the community; and 3) to facilitate ongoing communications between petitioners and interested or potentially affected citizens throughout the application review process.

(2) Citizen Participation Requirements for planned projects, planned unit development zoning districts and amendments to the zoning map, and major projects. For purposes of this section, a major project is a proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning and Development Services Unit Manager. Before the Planning and Development Services Unit may accept a petition for a new or amended planned project, a new or amended planned unit development zoning district, or amendments to the zoning map, the following requirements shall be completed by the petitioner:

(a) Preliminary Meeting with the Planning and Development Services Unit. The petitioner shall meet with the Planning and Development Services Unit to review the requirements set forth in this Section.

(b) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, residents and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit, at least 10 business days prior to the date of the Citizen Participation Meeting. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit at least 10 business days prior to the date of the Citizen Participation Meeting to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the following in a format provided by the Planning and Development Services Unit:

(i) A statement explaining the citizen participation requirements, including explanation of why and to whom such information is being sent, the opportunities for

participation, and how the information gathered through the citizen participation process will be used by the petitioner.

(ii) A statement that a petition is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the development and site plan.

(iii) The petitioner's schedule for citizen participation meetings, the anticipated petition submittal date and the anticipated City review and approval schedule.

(iv) The date, time, and location of the meetings.

(v) How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.

(c) Citizen Participation Meeting. The petitioner shall hold at least one citizen participation meeting at least 10 business days prior to the established petition submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the Planning and Development Services Unit.

(d) Final Citizen Participation Report. The petitioner shall provide a written report in a format provided by the Planning and Development Services Unit on the results of its citizen participation activities along with the required petition. At a minimum, the report shall include the all of the following information in a format provided by the Planning and Development Services Unit:

(i) Detailed description of the petitioner's efforts used to involve citizens, including: dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications;

(ii) A written statement of the number of citizens contacted by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.

(iii) A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the petitioner has addressed or intends to address each of these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

(3) Citizen Participation Requirements for Other Projects. For any other type of petition that requires a public hearing under this chapter, but is not specified in Section 5:113(2), the following requirements shall be completed by the petitioner:

(a) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, residents and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit, within 5 business days of acceptance of the petition by the Planning and Development Services Unit. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit within 5 business days of acceptance of the petition to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the following in a format provided by the Planning and Development Services Unit:

(i) A notice that a petition has been submitted with a written description of the proposal and a conceptual sketch of the development and site plan.

(ii) How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.

(b) Citizen Participation Report. The petitioner shall provide the Planning and Development Services Unit with written documentation of any meetings or discussions that are held with citizens at least 10 business days prior to the planning commission public hearing on the petition.

Text for reference to all procedural sections in Chapters 55:

(a) Before submitting a _____ for formal review, the petitioner shall comply with section 5:113 (Citizen Participation for Petitions that Require Public Hearings).

(b) Pre-Petition Conference. Before submitting a petition, the petitioner shall contact the Planning and Development services manager or designee to schedule a pre-petition conference. At the conference, the petitioner shall present the proposed conceptual site plan and development program. The staff may provide the petitioner with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan and policies, and whether the project will require citizen participation, consistent with section 5:113.

Chapter 57

5:135 Citizen Participation for Petitions that Require Public Hearings

(1) Intent. The intent of this section is: 1) to ensure that petitioners seeking approval of planned projects site plans, planned unit development site plans, major site plans and other petitions that require public hearings pursue early and effective citizen participation in conjunction with their proposed developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the development of their neighborhood and community; 2) to provide clear expectations and formal guidance for petitioners to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed development may have on the community; and 3) to facilitate ongoing communications between petitioners and interested or potentially affected citizens throughout the application review process.

(2) Citizen Participation Requirements for planned project site plans, planned unit development site plans and major site plans. For purposes of this section a major site plan is defined as having at least one of the following characteristics:

- (a) a proposed project containing over 80 residential units;
- (b) a proposed project over 65 feet in height;
- (c) a proposed project containing over 50,000 square feet of nonresidential useable floor area;
- (d) a proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning and Development Services Unit Manager. Before the Planning and Development Services Unit may accept a petition for a new or amended planned project site plan, a new or amended planned unit development site plan, or a major site plan, the following requirements shall be completed by the petitioner:

(a) Preliminary Meeting with the Planning and Development Services Unit. The petitioner shall meet with the Planning and Development Services Unit to review the requirements set forth in this Section.

(b) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, residents and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit, at least 10 business days prior to the date of the Citizen Participation Meeting. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit at least 10 business days prior to the date of the Citizen Participation Meeting to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the following in a format provided by the Planning and Development Services Unit:

- (i) A statement explaining the citizen participation requirements, including explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the petitioner.
- (ii) A statement that a petition is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the development and site plan.
- (iii) The petitioner's schedule for citizen participation meetings, the anticipated petition submittal date and the anticipated City review and approval schedule.
- (iv) The date, time, and location of the meetings.
- (v) How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.

(c) Citizen Participation Meeting. The petitioner shall hold at least one citizen participation meeting at least 10 business days prior to the established petition submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the Planning and Development Services Unit.

(d) Final Citizen Participation Report. The petitioner shall provide a written report in a format provided by the Planning and Development Services Unit on the results of its citizen participation activities along with the required petition. At a minimum, the report shall include the all of the following information in a format provided by the Planning and Development Services Unit:

- (i) Detailed description of the petitioner's efforts used to involve citizens, including: dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications;
- (ii) A written statement of the number of citizens contacted by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
- (iii) A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the petitioner has addressed or intends to address each of these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

(3) Citizen Participation Requirements for Other Projects. For any other type of petition that requires a public hearing under this chapter, but is not specified in Section 5:113(2), the following requirements shall be completed by the petitioner:

(a) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, residents and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit, within 5 business days of acceptance of the petition by the Planning and Development Services Unit. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit within 5 business days of acceptance of the petition to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the following in a format provided by the Planning and Development Services Unit:

(i) A notice that a petition has been submitted with a written description of the proposal and a conceptual sketch of the development and site plan.

(ii) How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.

(b) Citizen Participation Report. The petitioner shall provide the Planning and Development Services Unit with documentation of any meetings or discussions that are held with citizens at least 10 business days prior to the planning commission public hearing on the petition.

Text for reference to all procedural sections in Chapters 57:

(a) Before submitting a _____ for formal review, the petitioner shall comply with section 5:113 (Citizen Participation for Petitions that Require Public Hearings).

(b) Pre-Petition Conference. Before submitting a petition, the petitioner shall contact the Planning and Development services manager or designee to schedule a pre-petition conference. At the conference, the petitioner shall present the proposed conceptual site plan and development program. The staff may provide the petitioner with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan and policies, and whether the project will require citizen participation, consistent with section 5:113.*

*Note: currently, pre-petition meetings are only required for PUD site plans. Requiring pre-petition conferences for all projects will enable staff to determine if the project should be considered a "Major Project".

Prepared by Connie Pulcifer
Reviewed by Alexis DiLeo and Mark Lloyd
jsj/5/29/08
c: City Attorney
Systems Planning



Attachments: Project Schedule
Results from Stakeholder Outreach
Ordinance Content Outline



CITY OF ANN ARBOR, MICHIGAN

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Community Development 734.622.9025

Parks & Recreation 734.994.2780 Planning & Development 734.994.2674

Date: May 8, 2008

To: City Planning Commissioners
From: Connie Pulcifer, Senior Planner

Project Memorandum Citizen Participation Ordinance

On February 4, 2008 City Council passed a resolution to direct the City Planning Commission and the Planning and Development Services staff to develop an internal process that will address the implementation of an early notification stage for our citizens. The purpose is to improve communications between real estate developers who are proposing projects and citizens who may be affected by their plans. City Council is envisioning an ordinance that would formalize or codify a collaborative process. We have been working with a core team appointed by the City Council and Planning Commission to develop this process: Council Member Briere, Council Member and Commissioner Lowenstein, Commissioner Westphal.

We have met as city staff and the core team to determine the underlying issues and opportunities of a citizen participation ordinance. We have researched other community ordinances and participated in an exchange with the City of Auburn Hills, the only other city in the state with this type of ordinance. On April 16 a meeting was held in the downtown library to explore the options for the ordinance. Over 160 stakeholders were invited to talk with us at this meeting and later, express their opinions through an email survey. The stakeholders included real estate developers, interested citizens, representatives from all registered residential neighborhood groups, professional consultants, and local agencies.

Attached are materials that document our progress including a project schedule, results from the stakeholder outreach, and a framework for ordinance content. We are currently working with the core team on ordinance language. We look forward to discussing these materials with you at the Planning Commission Working Session on Tuesday, May 13.

Citizen Participation Ordinance Development Process - Schedule
 3.4.2008 (rev. 4.1.08, 4.14.08, 4.29.08)

Task	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16
I. Ordinance Development Process and Schedule																
a. Select Core Team																
b. Develop Process and Schedule																
II. Issues and Opportunities																
a. Core Team Comments																
b. Staff Comments			*3.19.08													
c. Compile Comments																
d. Auburn Hills Exchange			*3.25.08													
e. Core Team Meeting				4.3.08												
III. Stakeholder Meeting(s)																
a. Stakeholder Meeting(s)						*4.16.08										
b. Summarize Comments						4.14.08										
IV. Ordinance Language																
a. Draft Ordinance						4.14.08										
b. Core Team Review							4.21.08	4.28.08								
c. Final Ordinance																
V. Ordinance Approval Process																
a. Planning Commission Working Session											*5.13.08					
b. Planning Commission Regular Meeting													*6.3.08			
c. City Council Meeting First Reading																*6.16.08

*note: indicates proposed meeting date (all other dates are "week beginning" dates).



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Citizen Participation Ordinance Development Process Meeting Summary

Date: Wednesday, April 16, 2008—6:30 pm to 8:30 pm

Location: Downtown Public Library Multi-Purpose Room

Attendees: listed at end of document

Connie Pulcifer, Senior City Planner opened the meeting with team introductions and an explanation of the review process and schedule for the ordinance development. Jeff Kahan, City Planner presented an overview of the City review process for development projects.

The remainder of the meeting was for participant's comments and questions about the citizen participation process. Discussion focused on four general discussion topics: What types of projects should go through this process? At what stage of the project should the meetings occur? How should citizens be notified? What are the benefits and challenges of a citizen participation ordinance?

The comments and questions are summarized and organized by discussion topic below ((in blue type) :

- 1. What types of projects should go through this process?**
 - a. Define "small" versus "substantial" projects. Understand what constitutes a "major" project.
 - b. All projects that require City Council approval should be part of the notification process.
 - c. Opposed to extending the requirement to all projects. This will add time and cost to project review. The Ann Arbor review process is already very time consuming and costly. Require that only Planned Unit Development (PUD) projects go through the process.
 - d. All "major" projects should go through the process. City will need to define "major". All downtown projects should be considered "major".

- 2. At what stage of the project should the meetings occur?**
 - a. The public should be notified as early as possible. Consider notification when the petitioner first comes to the City with an idea. (*mentioned seven times*)
 - b. Addressing issues early could reduce time and project costs.
 - c. A pre-petition meeting with the between the developer and staff should be required for all project types.
 - d. City staff should be responsible for providing earlier notification.
 - e. Public should be notified of Development Review Committee meetings.

- 3. How should citizens be notified?**
 - a. The City will need to clearly determine who gets notified and the notification method.

- b. More information should be posted on the project site. The information should be on larger signs with an information sheet available to take away.
- c. Use the project address when notifying the public about a project. The project names often change and can be confusing.
- d. Public likes to be notified primarily through U.S. mail and email. There is little enthusiasm for phone call notification. Other web outlets (blogs, ezines, etc.) are ok as long as they don't replace other, more direct, methods. Some people don't like to search online for information.
- e. Update the City website and make it easier to find information. Is the Google calendar on the City website an option for posting meetings?
- f. Provide an updated list of petitions on the City website. Users should be able to click on the petition to obtain additional information. Is it possible to link these to a map so users can see where the projects are?
- g. Let the public choose the method of distribution. Consider a "joinable" email distribution list that allows people who want to hear about all projects to receive notification.
- h. The formal notice should be City staff's responsibility.
- i. There should be another method for determining notification area to include more people. The notification area should relate more to the density of the area and the size of the project. *(mentioned five times)*
- j. Not all neighborhoods are the same—some are more involved than others.
- k. Ann Arbor New notification needs improvement. The print size is too small and the location (in the advertisement section) is too buried in the newspaper.
- l. Media notification should be expanded to include more than just the Ann Arbor News.
- m. There is an over reliance on the notification of neighborhood groups. Many groups are not active and do not forward information to the neighbor.
- n. Provide additional informative / educational materials at CPC and CC meeting.

4. What are the benefits and challenges of a citizen participation ordinance?

- a. Citizens need to clearly understand their role in the approval process as compared to the role of the City Planning Commission (CPC) and the City Council (CC).
- b. Early meetings have been effective on some projects. For example, early meetings for the University Village project has resulted in some positive revisions to the petitioners early plans.
- c. The petition should not be accepted by the City until citizen notification and meetings take place.
- d. There should be an objective mediation process to work out issues between the petitioner and the neighbors.
- e. The Citizen Participation requirement should be a formal requirement.
- f. There is little flexibility to influence projects that are not "Planned Projects" or PUDs. Citizens should clearly understand when they do not have influence.
- g. I think early in the process will make for a more efficient system. Written process followed by a limited public address. The sooner potential problems get address the better, for all sides.

5. Other Comments?

- a. Projects need to be monitored so the building is close to what was presented in architectural drawings. There have been too many unpleasant surprises when the building is complete. We need good outcomes.
- b. Notification should be sent to the public again when a petition is tabled at either a CPC and/or a CC meeting.
- c. Staff comments during the petition review process should be available to the public.

This following questionnaire was distributed at the end of the April 16, 2008 public meeting. 19 surveys were completed and turned in at the end of the meeting. In addition, an email with these survey questions and some additional questions was distributed to 160 email addresses. 17 email responses were received. All responses received by Wednesday, April 23 are summarized below (in blue type).

1. A citizen participation ordinance should apply to the following types of projects (check all that apply):

- Zoning / rezoning requests *(24 votes)*
- Planned Unit Development (PUD) Site Plan *(25 votes)*
- Planned Project Site Plan *(22 votes)*
- Site Plan for Council Approval *(15 votes)*
- Site Plan for City Planning Commission Approval *(14 votes)*
- Other, please explain *(10 votes)*:
 - a. Any projects under jurisdiction should be publicized and information made available for all required meetings (including Development Review Committee meetings) should be posted on public calendars.
 - b. All that projects that change the site (single family house to 12 units; two story building to five story building; wood building to brick building).
 - c. Non-profits and schools should be required to comply.
 - d. Anything with potential community impact.
 - e. All major projects.
 - f. None
 - g. Rezoning only if it does not comply with the master plan. if the zoning request complies with the master plan there should be no citizen participation requirement.
 - h. If a project complies with the existing zoning ordinance it should have no participation requirements.
 - i. It is important to receive input from citizens regarding changes that may occur that would have impact on the community, especially if it affects the quality of life and the financial stability of the community at large. However, it needs to be balanced, as the opinions of the community should be considered to prevent lost time and financial investment further down the planning process.
 - d. My opinion on this, is that local citizens, especially those in the immediate area of a proposed project should be given the opportunity to speak or at least address their opinion at just about any stage on any of these projects. Written statements would be more efficient and cost effective than open dialog, especially at early stages of development. If the builder or city knows they are going to face a strong legal battle over a project the sooner the better as far as cost go.
 - j. Any citizen participation ordinance should only apply to Planned Unit Development (PUD) Site Plans because these, by definition, are discretionary and not an as-of-right development that projects that conform to existing zoning regulations would qualify as.
 - k. A citizen participation ordinance is not a good idea because it would be subjective and not objective.
 - l. I think you can't restrict participation on any of these issues; however, I think there is a fine line between participation and control, If property rights are to be restricted by participation then its hard to support such restriction. If there is to be true participation on technical and quantifiable issues then positive results occur to those that need and are more directly affected by these changes.

- m. No new ordinance, you already have a public hearing process.
- n. All of these unless shown by precedent, no need

2. When should the citizen participation occur (check all that apply)?

- Before the petition is submitted to the City *(15 votes)*
- After the petition is submitted and before City Planning Commission recommendation *(11 votes)*
- Before City Council action *(5 votes)*
- No citizen participation should occur *(5 votes)*
- Other, please explain *(9 votes)* :
 - a. Citizen participation already occurs and City Planning Commission and Council levels.
 - b. Public comments should be made part of public record.
 - c. Public should be notified of projects at the pre-submittal phase.
 - d. There should be consequences for failure to notify and include participation.
 - e. As soon as a concept plan is available.
 - f. Needs to be as early as possible, but with City notice. This must be codified and required. Staff needs to help developer find the addresses and neighborhood groups.
 - g. Early on in the project.
 - h. The process already allows for citizen participation at the CPC and CC level.
 - i. There should be early consultation at preliminary staff review.
 - j. Citizens should be notified of an impending council vote.
 - k. After the petition is submitted and before staff has begun their review.
 - l. It should be after some formal process is initiated with the city but prior to the actual petition. Know knowing the exact existing process it seems like there should be a way to indicate an interest in seeking a rezoning/PUD/PPSP that could then trigger the notification of citizens. This would be much like the way a developer informally now shows a sketch plan to a city planner to get initial feedback prior to the actual petition.
 - m. I would like to require early meetings with the public of all developers submitting PUD's, planned developments, conditional zoning, and major projects of any type. I know, we then have to define "major". I think we can do that. I also think that the A2D2 process puts a great emphasis upon avoiding negative impact upon character, historic, and residential neighborhoods in and near downtown. Some of them are defined as "interface" areas, but not all. Any changes in these areas, including changes in zoning as well as new developments of any kind, should require the petitioner to have a early meeting with property owners and residents within 1000 feet.
 - n. Before the petition is submitted to the City for large projects only.
 - e. Probably after the petition is submitted, that way there is something concrete to address. Again the sooner the better, but not so soon as to stop any thought or plan.
 - f. Citizen participation should occur after a petition is submitted and before the Planning Commission public hearing and recommendation.
 - g. Citizen participation should be at the Public Hearing conducted by the Planning Commission..
 - h. The current system requires the developer to have a neighborhood meeting within a short period after application submittal (editor's note: there is currently no such requirement). I think that notification should be upon application. Usually this is about the time that the project is still in conceptual stages or having a conceptual stages from the development side.
 - i. You already have a public hearing process.
 - j. Definitely before Council and preferably as part of Planning Commission--I realize slightly different criteria apply to each body's actions

3. How should citizens be notified of citizen participation meetings?

- Through the regular public hearing notification process. Currently mailings are sent to all addresses within 300 feet of the project site and to adjacent registered residential neighborhood groups. *(11 votes)*
- To all addresses within 300 feet of the project site and to adjacent registered residential neighborhood groups within 1,000 feet of the project site. *(11 votes)*
- Other, please explain *(13 votes)*:
 - a. Public should be notified of projects at the pre-submittal phase of a project.
 - b. All public within 1,000 feet of the project site should be notified.
 - c. Notification area should be proportionate to the size of the project.
 - d. There should be flexibility in the notification area.
 - e. Large red and white signs posted at the site—at least two per project. There should be a box next to the signs with information sheets explaining the project concept, process and contacts.
 - f. To all neighborhood organization citywide.
 - g. Plus general notice all interested citizens.
 - h. Signs / mass communication.
 - i. Mailings to addresses and neighborhood groups within 1,000 feet of the project site; to an “opt-in” email group; Ann Arbor News; improved City website connections. To reduce confusion about where possible projects are, could the City website use a map format? The Observer’s maps about crime statistics are very usable / easily readable. Look at the www.gridskipper.com website for a nice example of how data can be provided.
 - j. Emails lists, City website, Ann Arbor New in the community page in regular format type.
 - k. There should be multiple opportunities for notification: website, “opt-in” email list, etc.
 - l. If possible to all residents and property owners within 1,000 feet of the project.
 - m. Expand area of notification depending on the size and nature of the project.
 - n. There should not be a limit, rather a geographic area that will be impacted by the project.
 - o. Also publish in the Ann Arbor News for city-wide interested people.
 - p. All addresses within 500 feet of site, all neighborhood groups within 2,000 feet.
 - q. By email or on website. Why can't the project data, reports, and planning commission agenda be posted and/or emailed to interested parties on the Friday before the meeting, same as when the planning commission gets it? otherwise we learn about projects far too late to be able to come and support them, and you end up with only speakers who want to say 'no' to a project.
 - r. To all addresses within 1,000 feet of the project site. The two listed options are not adequate.
 - s. Looks like 300ft & 1000 ft might even go as far as all addresses with in 1000 ft. This might also have to be changed on a case by case situation if there is significant impact to the area.
 - t. Citizens should be notified through the regular public hearing notification process. This is a fair requirement and distance, especially in the context of higher density city developments, as opposed to if this were considered in more rural township, low density areas.
 - u. The current law is for three hundred feet. I would not have a problem with the 1000 foot mark; I do believe that three football fields is quite a long ways away; would you want your neighbor 1000 feet from your home telling you what color to paint your house? Better be careful with this one?
 - v. I suggest mailings as above plus a dedicated portion of the city's web site. Another suggestion is a standing task force or committee to pull in certain reps from the community to have a role in a particular project. I think this might serve a dual purpose of letting citizens better understand the the constraints under which the bodies operate.

Is there anything else you would like tell us about a citizen participation ordinance? Please use the back of this sheet for any other questions or comments.

- a. Please align and coordinate with other ordinances and proposed A2D2 implementation.
- b. What role can the new project management software play?
- c. Staff is assigned to projects and information is accessible to public by phone, etc.
Accountability is integral to the process.
- d. All comments are part of public record.
- e. Make a proposed Design Review Board part of the public participation process (PPP) and the PPP integral to the entire process beginning with pre-submittal activities.
- f. Staff should be represented at all public meetings because accountability of developers is unreliable.
- g. I hope you meet with developer groups as well. How much more does this cost the average develop and how does this affect the affordability of housing?
- h. Guard against this process being only a “have to” by developers. Saying we met with neighbor and met our obligation—there must be some type of reasonable compromise.
- i. I think it is very important to have a citizen participation ordinance. I think it would be good to look at Boulder’s ordinance to see how theirs is set up because they feel it works well.
- j. Please update the “submitted petitions page” on the City website. Those of us who are interested will check it regularly.
- k. As contact person for my neighborhood, I will notify everyone in my association. Visit our new website: www.westlibertyheights.org
- l. Try not to have the meetings dominated by staff like tonight’s presentation. At least ten minutes was occupied in cautioning us not to talk too much.
- m. Send notices again when items are tabled by CPC or CC.
- n. Cost Comparison: Typically one would prefer to hear comments early in the process in order to reasonably respond and incorporate any changes that are beneficial without having to submit multiple and expense detailed revisions further down the review timeframe.

4. (Specifically for petitioners and petitioners’ agents): Consider comparing the cost of sharing conceptual plans with citizens early in the process to the expense of preparing detailed plans and hearing comments for the first time at a public hearing. Would you prefer to hear comments from citizens earlier or later in your review process?

- a. As a citizen, I would prefer to have a voice earlier. It pains me to see developer with good intentions to go through the process and expense of project development only to get surprised and slammed down my City Council. There is no logic in that.
- b. Earlier can be good, except that too often citizens change their minds! It is also difficult because a great deal can change between conceptual plans and full construction drawings; would the developer be held to keeping to every single detail in those conceptual plans? The citizen would say every detail should be kept, but that is rarely the case in ANY project.
- c. Earlier
- d. Participation in a project that falls **within** preconceived development
 - i. Most concerns of neighbors do not rest in the conceptual arena – they usually occur at the level of detail.
 - ii. The zoning and planning documents should adequately address the conceptual questions about scale, impact of project density, appropriateness of the use, etc. The input of citizens should be in how specific requirements of project are fulfilled – not in whether the project should occur. There is a great difference in how much uncertainty is introduced into a process if the quest is “how” and not “whether”. The process in the conceptual stage should be clearly defined so that the developer is not subject to the personal desires or whims of some disgruntled neighbor who is mad at the world.

- e. Participation in a project that falls **outside** preconceived development
 - i. If the developer is proposing a project that does not fall into the predefined vision for potential development than it would be helpful to have a process to receive input from planning + citizens of the acceptability of a proposal.
- f. I think early in the process will make for a more efficient system. Written process followed by a limited public address. The sooner potential problems get address the better, for all sides.
- g. If this ordinance is applied to projects that meet existing zoning regulations then unnecessary time (and cost) will be incurred on matters that are not discretionary under the law because they are permitted as a right of the zoning for the property.
- h. Earlier would be preferred, but there must be a 'cut off' period for citizen comments.
- i. I again feel that early comments from the neighbors are key as long as there are comments that can actually be addressed; I don't think neighbors should be allowed to set zoning policy that is what planning is for; i do think that neighbors should be heard from and communicated with by the City and by the developer. I think neighborhood meetings about developments on private property should be an opportunity to share information and gain understanding about the project and a time for the developer to understand the concerns of the neighbors. The technical aspects of the project are more difficult for the neighbors to understand and this is where its up to the developer and the City Engineers to educate the citizens as to the steps we both have taken to make sure these issues are properly addressed
- j. If a person with a project wants citizen's input early in the process they can do it now if they want to without an ordinance. If they want to wait until the public hearing they can do it that way. The choice is with the land owner or developer of the project. It is not dictated to them.

5. What concerns you most about the proposed ordinance?

- a. How to get the word out City-wide. Many people are concerned beyond their neighborhood, especially downtown.
- b. That if this is executed poorly we could stifle all creative development and all developments will strictly adhere to existing zoning (for better or for worse).
- c. So, my opinion is that Ann Arbor is already way too heavy into citizen participation. I've observed "citizen participation" to be a code term that only serves to enable trenchant NIMBYism and stall worthwhile developments. You can't freeze the City in amber, nor should you hamstring City employees (and/or planning commissioners, and/or City Council) from making good decisions just because there are a couple squeaky wheels who are motivated by self-interest.
- d. Development in our city may become less attractive with increased costs and time frames.
- e. Citizen participation can be very out of control and limits development in the city. Only large projects should be required to have pre-meeting citizen participation; a simple rezoning, small office building, or duplex house should not.
- f. The amount of weight that the opinions of the community may carry over major opportunities that may be presented. This needs to be clear. We don't want to disinterest investors from considering developing in the Ann Arbor Area.
- g. I don't want the ordinance to be watered down by petitioners and their lobbyists.
- h. Another level of uncertainty introduced into the process
 - i. It will make development very difficult and cause people to look elsewhere to develop because of the uncertainty introduced into the process.
 - ii. The current system already has a level of uncertainty that makes development difficult. A developer n spend thousands of dollars developing a proposal that meets the zoning ordinance and have the proposal rejected because "I don't like it..." or have it held hostage by special interest groups who use opposition to the project to make a statement for their own agenda.
- i. Limiting discussion to proposed project:

- i. The major concern is that the proposal be held hostage by neighborhood concerns that are peripheral to the proposal. i.e. existing problems or perceived issues of traffic or increased activity or noise. It has been my experience that often perceptions weigh more heavily than facts – I have heard people say “I do not believe what you are saying” or “I just know that this will be a problem” or “I do not want things to change” or “the potential of this project is the source of my present issues”
- j. Development hindered by perception of “one more hoop”
 - i. I have also experienced people taking information shared at these types of meetings and have them reinterpret them to fight the proposed project.
 - ii. This is also perceived as another hoop one has to jump through to get project approval. It introduces a significant element of risk that makes proposing development less attractive.
- k. The process will take too much time + addition development cost
 - i. This process potentially adds another level of cost to an already costly process.
 - ii. It has the potential to add thousands of dollars to the cost of securing options on property as part of the due diligence process.
 - iii. Plans need to be developed in enough detail to adequately portray the intended proposal + details to address concerns – so that objective criteria can be used to evaluate how adequately concerns for compliance to zoning requirements are addressed.
- l. I was not at the meeting and do not know the details of the ordinance. My concerns would be adding another step in an increasingly long process that would mitigate growth and development in our community. Including positive growth.
- m. Narrowly applied to PUD projects, the process should only focus on encouraging a developer presentation to area residents in advance of the formal public hearing at the Planning Commission level. On PUD projects this would reasonably enable interested residents to be informed about the facts surrounding a project and intelligently address their points during the normal public hearing. It is not reasonable to expect that every resident’s concern could be addressed, or that consensus could actually be reached even among residents as to what should occur to remedy the concern. Furthermore, residential or other special interest input should be curtailed when City Council needs to approve development projects. This double approval process not only lengthens approvals, but as importantly permits issues that were satisfactorily resolved at the Planning Commission level to be re-hashed at Council. It also enables certain politically motivated groups to defer comment at the Planning Commission level and unfairly advancing issues that should have been presented and addressed at that time. This very unfairly costs a petitioner significant time and money, when they reasonably expect that Planning Commission approval should lead to City Council approval and does not, due to this sort of late-in-the-game presented opposition. In addition; projects that meet current zoning should not be subject to City Council review. This would shorten the overall review process and add greater weight to projects being submitted that are in compliance with the City’s objectives defined in current zoning.
- n. I am concerned that the ordinance is subjective and not objective.
- o. The city does a great job in enforcement of the current zoning regulations and there is a staff in place to make sure that no adverse effects or hardships are put on the neighbors. I’m in favor of letting the city planning do their job; I do feel that constructive neighborhood participation is always needed. My concern is this ordinance may take the power out of planning and council’s hands and give it to the coalitions; at that point the people that are most affected by these developments are not properly served and educated to their needs?
- p. Property owners have rights, and just because there is a change that some people do not like that should not be the basis of the decision. People can come in and act like experts with no

basis for their claims and the property owner has to spend a lot of money answering baseless claims.

6. What would help mitigate your concerns?

- a. Assurance that we could be involved before everything in a project is set and before it's too late for comment.
- b. A well documented list of development practices that the city finds desirable. Thus, when a developer tries to seek a variance from the existing zoning to make a "better" project they have a target. Right now a developer may respond to city staff suggestions based on current best practices and then get shot down by citizens (or council) for not following zoning. We need to focus the discussion on the trade-offs of the variance rather than if the development should happen at all.
- c. A process used in conservation zoning may be of some use. A developer does a quick sketch plan to show what the current zoning can yield. Then, using that result, the yield is then rearranged in a more ecologically sensitive way. Having a baseline understanding of what the existing zoning can yield would help not just citizens but decision makers understand the tradeoffs in a rezoning/PUD/PPSP. Then they can decide are we better off sticking with what we have or will we do better with the proposal on the table. That in my mind is the nexus of the discussion.
- d. Having short, defined time periods and methods to collect public input.
- e. Limit the requirement to only large projects that are changing the zoning. Move the emphasis on citizen participation to the master plan process and out of the single project review process.
- f. To have a professional mitigator control the discussions who could maintain an unbiased position, yet assist in explaining technical aspects of projects to the community before emotions take over decisions.
- g. Making sure input from ordinary citizens, and neighborhood associations, takes priority over input by petitioners and their lobbyists.
- h. The process should not replace the PUBLIC HEARING Process – it could be an informal version at planning staff level – the burden of this input should not be on the developer. People can exhibit a high level of animosity at the private level of meetings...
- i. The process should be public – preferable moderated by Planning Staff
- j. The process must have a clear definition of desired results
- k. It must have clear rules + guidelines governing the process and desired results
- l. Process should not be subject to "private agendas" or "preferences"
- m. Process must give the developer the latitude to control decisions that affect the project viability. (citizen participation cannot be a way to "co-design" the project.
- n. Requirements must fall within a predefined process
- o. Concerns regarding the proposal should be the result of clarifying the intentions of the zoning ordinance
- p. Process should remove uncertainty of approval of proposals within zoning ordinance + master plan requirements (not create another level of uncertainty)
- q. Implementation might become slow and time consuming, guidelines would have to be written for all participating in the process. Need one standard that everyone can and has to follow.
- r. Not adopting the proposed ordinance.
- s. Council should balance the findings of Staff Planners and Engineers with the concerns of the neighbors.
- t. Use the current process correctly.

7. What benefits can you see coming from the proposed ordinance?

- a. Developers would know of problems before much work is done and money spent.
- b. I am not sure there really will be any benefit as many of the protests of development proposals happen regardless of whether the development meets or seeks a variance from zoning. Perhaps though it will help clarify to the citizens the difference between a development that meets all city codes and one that seeks a variance or is a PUT/PPSP where the city has a say.
- c. Citizens would have more satisfactory representation from the City Planning Commission and City Council. Citizens would have an opportunity to articulate concerns earlier in the process. Developers would not waste as much time and money if public opinion was addressed earlier in the cycle. City Council would not lower the unexpected boon at the last point in the approval process. The current perception that our city is hard to work with in the development process may be alleviated.
- d. I would hope that developers would listen to the public and really change certain portions of the project where is very objectionable. That might lessen the public outcry later on.
- e. I have seen many developers work the concerns of the citizens into the projects that they propose in order to move projects moving forward, and meeting the concerns of the citizens at the same time. This is far more difficult to achieve once a project has progressed deep into the planning stages.
- f. The major benefit from the proposed ordinance is that affected residents and petitioners would be required to discuss the project before petitioners have committed substantial time and money to a particular design which may be unsatisfactory. Therefore, the ordinance should say that the citizen participation should occur before the petition is submitted to the City.
- g. Defining a clear process of communication with “stake-holders” of a development that has clear boundaries, clear articulation expectations of expected results and does not put a project that meeting zoning requirements at risk would take away some risk of project approval.
- h. Sounds like it will bring together the community and let people have a little more say in the process. Might also help build bonds between all factions in the process, could lead to a stronger community and smart development.
- i. Unfortunately, I do not see any positive benefits from the petitioner’s perspective. Most reasonable developers already have a process by where they will meet with and address neighbor concerns prior to Planning Commission action. For projects that are submitted that do not meet zoning guidelines, this is just smart business practice.
- j. There is already an opportunity for citizen participation in the current ordinance as written. It is not necessary to expand the process by adding another layer for approval, therefore there does not appear to be any benefits for the proposed ordinance.
- k. This will increase the amount of citizens informed of any given project; it will also give the City additional feedback so they can gauge the concerns of the neighbors; It will make doing business in A2 more difficult by empowering certain coalitions against growth. Overall it may slow the process but if desired effect is to inform the neighbors it will help.
- l. NONE, it can be done that way now.

8. What is the best way to accomplish meaningful citizen participation? Feel free to comment on how meetings should be conducted, how information should be presented to neighbors, how feedback should be gathered and responded to, etc.

- a. Brief location information and concept plan, perhaps a simple sketch of proposal and context. Then citizen comment. The only meaningful response would be to have a modified plan presented to staff. Citizens making comments will know whether or not they were heard. If the plan does not respond to comments, the comments will no doubt be reported at hearings.

- b. The public testimony process used at planning commission and council meetings is about the worst format possible. There are a number of good public processes out there. Whatever processed is used it should be: 1) inclusive – every participant gets their thoughts recorded; 2) equitable – any consensus building exercise is a one-person/one-vote type process; 3) knowledge based – citizens should be educated in the basics of zoning issues and understand the perimeters of the discussion; and 4) transparent – that the entire process may be documented so when the inevitable decent occurs it can be put in the proper perspective.
- c. Developers should be required to present a project information session to citizens. There should be no period for public comment in that initial information session, instead only time for questions to clarify the presented material. Feedback to the information presented should be gathered through recorded means- letters, emails, and voice mail for a limited period of time after the information session. The public should have access to a compilation of the recorded feedback and the city planning commission and council members should receive a summary of it before they make recommendations. It seems logical that the feedback should be collected and compiled by the developer. The developer should have an opportunity to address the feedback at a second public meeting. These meetings would be limited to allowing the developer to respond to feedback collected prior to the meeting. It would be at the developer's discretion to collect additional public comment at that time. Notice of these public meetings should be posted on the city's web site and in the newspaper. Finally, citizens could take additional comments to the city planning commission, city council meetings, and/or directly to their ward representative before recommendations and rulings are made.
- d. A couple of local meetings, held in the neighborhood where the project is proposed if at all possible, is ideal. It would be good to have a city official there (planner?) so an impartial person can document what was said, by whom, and what changes if any were made as a result of the meeting. It would also be helpful to have an interactive website where people could review proposed projects online with full drawings and other resources, and a place to leave their comments. A city development blog, so to speak.
- e. I sat on the Cornerstone Development Authority in Southfield, which consisted of key community leaders, business leaders and citizens, as appointed by the Mayor. When projects were to be considered to come into the area, the CDA cumulatively had the power to recommend projects to the city, as well as to invest money into keeping up areas of the city. The CDA met on a monthly basis; information was given out in detail a week prior to the meetings about the different projects; developers had the opportunity to present their vision/project, and issues were brought up at that time. The developers were given the opportunity to revise the project if needed, and present the revision at the next meeting. Then the group would vote on the program. This was the best format to gather information and get insight on each party with vested interest in the community, without any one party having too much power over the other.
- f. I think written notices should be sent to all addresses within 1,000 feet. Doing less may in reality not give effective notice to those people affected by the project.
- g. Citizen Participation should take place in a public setting with clearly articulated guidelines of what the expectations & results should be of the input.
 - i. The meetings should be moderated by planning staff
 - ii. The input affecting project should be limited to the project proposal
 - iii. Request from the neighbors must fall within clear project requirements – if request fall outside zoning requirements their consideration should be voluntary.
 - iv. There must be an appeal process that is swift and outside the courts (does not require litigation or legal action to get a hearing or judgment)
 - v. Feedback should be gathered & reported by planning staff to assure information is unbiased.

- h. Flyers, e-mail and electronic communication is an asset. Trying to foster neighborhood organizations could and would be a great idea. We need to help get people talk again. Seems neighborhoods are dying in the community sense, people these days do not seem to communicate. Who knows their neighbor these days? Or at least knows all of them?
- i. Possibly one way to improve meaningful citizen participation is to have some level of the petitioner's plan/proposal available on the City's website that speaks to the issues necessary for proper PUD approval by the City. The package in the form of a PDF could have a graphic of the site layout, and the petitioner's narrative about the project addressing the usual and main points for consideration (i.e. traffic, compatibility, economic benefit, natural features, etc.)
- j. Through the current process.
- k. Through the formal public hearing method now in place.
- l. We may have just gotten lucky, but I can report excellent results after some rocky starts with Morningside (Liberty Lofts). The fact that Ron Mucha and others took the time to meet with interested OWS residents/board members informally did much to help citizen understanding of what was proposed. This outreach continued for the entire term of the project. The OWSA was able to help determine how much more information needed to be disseminated to that neighborhood before everything was locked in stone. In addition, as issues arose, there was already a rapport and a forum of sorts to use toward resolution.
 - i. Where there has been only a presentation and not give and take, this pre-Council process has been less helpful. For example, Ashley Mews and Jefferson Court established no means beyond the initial presentation for citizen input. Also, the OWSA was not given the opportunity to be further involved in the development of these projects as they evolved.
 - ii. Even where the process is most informal such as architects meeting with a couple of Board reps, hearing the ideas and goals at the formative stage has been greatly appreciated. The give and take about why have something or why something is questioned seems to be without rancor.
 - iii. IME, communications must be face to face. More is imparted and more learned. Items that are not understood will be seen more clearly and more information can be asked. It is just easier to get beyond blanket statements with this sort of gathering.
 - iv. This is nothing more than we used to do in the business consulting world of getting clients to buy in to a need and then helping answer that need, I think.
 - v. What concerns me most about the proposed ordinance is that somehow incorporating citizen involvement will somehow add a step of formalized, bureaucratic complications without really getting citizen give and take. Perhaps each neighborhood group should have to decide at the onset of a project how involved citizens need be for that particular neighborhood and then something else might be used to represent citizenry as a whole.
 - vi. I think I have enough confidence in the people trying to make this work to sit back and see what happens initially.
 - vii. The benefits are fewer sand-bagged projects and maybe we all get closer to the win-win of developers having a smooth process for projects that citizens embrace or at least understand the factors leading to approval.

9. Other responses not submitted in the above format.

- a. As a citizen who is interested in what happens to Ann Arbor, I think developers should be required to meet with neighbors during the development process. The developer should consider him or herself as a new neighbor willing to listen to the concerns of the existing neighbors.

Most of the time economics (the costs of the land, development costs, and potential sales value) dictate the number of units a residential developer needs to build.

Even when there is little flexibility that we can influence, there might be something--perhaps the placement of a fence, placement and amount of lighting, input on landscaping, and appearance of buildings. The existing neighbors can also share information about the neighborhood with the developer and give him or her an idea of what it is like to live there.

I, personally, love where I live and want others to understand what a great place it is to live in. I want to protect my neighborhood from negative influences. I invite you to learn more about the history of the West Liberty Heights subdivision by visiting our website:
<http://www.westlibertyheights.org>

I will share my experience with "developer meetings." I have had this experience five times. I don't think I was able to influence any changes in the proposals, but at least I felt I "had my say."

1.

Just the other night, Wood Partners met with neighbors regarding 42 North. Several of us came away from the meeting thinking that "This is going to happen." Now that their petition meets all zoning guidelines, there is not much we can do, even though we think the development is totally inappropriate for the area.

2.

As part of the Allen Creek Watershed group, I met with Jim Haeussler of Peters Building Co. regarding the Liberty Heights proposal. My take on that meeting was that he was not going to compromise on the design in any way. In the end, after both Planning Commission and City Council denied him, he sued; and Liberty Heights exists.

3.

Several of the neighbors in our group (S. Maple-West Liberty Homeowners) met with the director of the Discovery Center regarding their addition. We did not have any issues regarding the addition, but we did want them to rezone the northern portion of their parcel to office. It remains C1. See our subdivision website for information on this. Go to <http://www.westlibertyheights.org/SURROUNDING%20AREA.htm>

There will be a place to click on the timeline for the 775 S. Maple rezoning. I am still very disappointed about this outcome.

4.

The most positive experience I have had is with The Concannon Company. As part of the West Towne Condominiums process, four out of seven of the immediate neighbors and two other interested parties met with Michael Concannon and Leo Gonzales at the Kroger meeting room. Our main issue with their plan was the placement of two large buildings only 15 feet from W. Liberty.

I still wonder about the marketability of these buildings (even in a normal economy), but I came around after seeing the design and supported them at City Council caucus.

The Concannon Company has been a good neighbor during the construction process, and I am looking forward to having them complete their first building. It's quite attractive from the

front (where it faces the pond), which makes me feel even better about having one like it face Liberty.

I was disappointed to see City Council deny their petition for Liberty Place. See our website for the timeline on this project:
<http://www.westlibertyheights.org/SURROUNDING%20AREA.htm>

In the paragraph below the one about 775 S. Maple, you can click to see the West Towne Condos timeline.

5.

I and some neighbors on Russell Street met with the organization planning Maple View Apartments at 900 S. Maple Road, a 10-unit apartment building for homeless disabled residents. Our problem with this development was that it increased the number of low-income units in the neighborhood.

With the construction of these apartments we now have 185 low income housing units within a half mile area along S. Maple Road, which breaks down as follows:

10 units at Maple View Apartments

29 low income units at Maple Meadows

6 (or more?) units at Hillside Manor on Pennsylvania

5 Habitat for Humanity homes on Bens Street

6 Habitat for Humanity homes on Russell Street
(was 7 but one is currently for sale for \$199,000)

129 units at Pinelake Village Cooperative

In 1994, RAAH proposed to build "work force" condominiums on the parcel east of I-94 on the north side of W. Liberty. Subsequently, The Concannon Company proposed market-rate condos on this site. As you know, their proposal was denied recently at City Council and the land is for sale.

I'm sure you can see why we would not be surprised if a building to replace the 100 "Y" units were constructed there. When it comes to "affordable housing," I believe citizens in smaller neighborhoods such as ours have little power to prevent more from being built.

- b. I believe citizens should be made aware of zoning and Site Approvals that need to go to the City Council for their approval. Participation should be early enough to influence the process but late enough to have good info to review and consider. Given the criteria, I'd think participation should start at about the same time plans are being sent for the first time to the City Planning Commission for their review. Notification should be as it seems today.... that is to all addresses within 300 feet and to all adjacent neighborhoods within about a quarter mile.
- c. Received and appreciate the e-mail you sent regarding your continued seeking of input for the above named ordinance. As I was in attendance last Wednesday, I thought that many of the suggestions were very appropriate and direct. I do want to repeat at this time for emphasis, since there may be several ways to get communications out to the public regarding development projects, the following:

Please use the List of Groups and Individuals Registered through the Plan. Dept. more effectively and frequently. I believe that for ANY development that is considered for ANY part of the City, at least all those registered should be informed as quickly as possible, so as to start getting the information out to their neighborhoods.

As with this past situation again regarding "42 North" on S. Maple Rd., the developer scheduled a "neighborhood" meeting for Thursday last week, it was interesting that the developer did NOT contact any of us who are registered on the Plan. Dept. list and yet we represent a large segment of the geographical area that will be impacted by such a development. There are four of us registered representing groups that have already had contact to the Plan. Com. and City Council about this development since Oct., yet at this late hour before Woods Partners gives another go around none of us were notified. Why is the Plan. Dept. not giving out pertinent group rep. names or e-mails especially for those in the geographic area of the City at this time? Why are we registered--just to get a notice about a spring "burn" in some other section of the City?

I do hope that the Plan. Dept. will consider all the input ideas that come through and especially take into account those by the residents who are the ones impacted by what the developers are doing to our City.

Response from the Chamber of Commerce follows:

The city is proposing adding a new requirement to the development process in the city of Ann Arbor.

The city council has asked staff to "develop an ordinance requiring any proposed development to engage in citizen participation early in the process"¹

Why

The changes were proposed after several projects that had been approved by planning commission were soundly defeated at council in a fairly contentious meeting.

How the process currently works

Public Notice

The site plan approval process requires a notice to be sent to anyone within 300 feet of a proposed development or rezoning. In addition notices are sent to any registered neighborhood association city wide.

Public Hearing

Public hearings are held at both the planning commission and city council level, giving ample opportunity for citizen participation.

How the process is proposed to work

The city is working on proposed ordinance language based upon the City of Auburn Hills Ordinance, (copy attached). This can be looked at more closely after a draft ordinance has been written.

Public Notice

Notice to any interested parties registered within the city (neighborhood associations)
Notice to anyone within 1,000 feet of the proposed development (increased from 300 feet)

Public Meeting(s).

The developer is then required to report on meetings held, process used, number of people who participated, numbers of letters/mailings/newsletters sent out

The report must also include concerns raised and what the developer is proposing to do in response.

Proposed position

The Ann Arbor Chamber opposes the addition of this new requirement to the development process

The new ordinance will increase the cost and time required to site plan a project with a fairly nebulous new requirement without improving the quality of the product.

The current process includes notification of neighbors and neighborhood groups. In addition there are public hearings at both the planning commission and city council level creating ample opportunity for public input and participation.

If every project is going to be subject to a popular vote by its neighbors we should just eliminate the city's zoning altogether.

A compromise

A more reasonable compromised is to limit this new requirement to PUD projects.

Additional point

The current discussion is about adding an additional requirement to the development process which will add to the time and cost required to get a site plan approved.

If one of the goals is to have a straightforward, transparent and efficient development process we propose the following;

If a proposed project meets all requirements of the zoning and is not asking for a zoning change there is no reason for the project to go to city council. If the project is approved by planning commission and is not asking for anything outside of what is allowed in the current zoning it should be approved at that time.

This will have the following effects;

- Reduce the time it takes to get a project approved
- Push developments to fit within the zoning of an area
- Reduce the cost of getting a project approved.

Attendees from 4.16.08 Public Meeting

Anglin, Michael
Armentrout, Vivienne
Briere, Sabra
Carlberg, Jean
Clark, Kathy
Copler, Nancy
Detter, Ray
Eaton, John
Kahan, Jeff
Ladd, Maggie
Lowenstein, Joan
Marks, Judith
Martin, Kristie
Pollack, Peter
Potts, Ethel
Pulcipher, Connie
Pzam, Linda
Ralph, Alice J.
Smith, Sandi
Teeter, John
Weatherbee, Julie
Westphal, Kirk
Williams, Marion
Williams, Dick
Wong, Margaret
Young, Linda

Additional Names from Email Responses

Aalderink, Kim
Anderson, Tim
Brummer, Christine
Cahill, David
Cowherd, Doug
Cox, Norman
Finkbeiner, Jane
Meier, William
Petz, John J.
Ramirez, John
Sheldon, Kerry
Tucker, Sara

Pulcipher, Connie

From: Kristie Martin [Kristie@annarborchamber.org]
Sent: Monday, April 28, 2008 4:57 PM
To: Pulcipher, Connie
Cc: Jesse Bernstein; 'John Petz'; 'John Teeter'; Jeff Helminski; 'Dave Pierle'
Subject: Citizen Participation: Meeting Follow-up
Follow Up Flag: Follow up
Flag Status: Red
Attachments: image003.jpg; image002.gif

Connie,

Thank you for taking the time to meet and discuss the business/developer interest in considered changes to the public participation process for proposed developments. We appreciate your time and the Council's commitment to help improve the process for all!

I am sure you gathered from our discussion, the first and foremost areas of concern for the Chamber and business community are costs and process time – an increase in cost or time will not achieve the overall goal of improving the process for all. As well, we encourage the City and review committee to strongly consider incorporating changes into a best practice or guideline rather than a full ordinance which mandates what many developers already do.

Our conversation focused on the following issues:

1. **Type of project to include:** We could support the inclusion of PUDs and Planned Projects; anything further questions the purpose of zoning and design guidelines.
2. **Timing of Meetings:** Meetings should occur early in the process, during the conceptual stage. Depending on the timing of meetings, allowances should be made for two tracks of work to occur simultaneously – citizen meetings and city staff review. We discussed having a citizen meeting take place prior to Planning Commission Public Hearing though not necessarily before the project submission date. A citizen meeting requirement should not prohibit a project submission.
3. **How to accomplish meaningful participation:** Many details come into play with respect to this question. Specifically speaking, we believe the citizen meetings should be City and Developer run meetings at City provided facilities – recognizing that the City is a neutral party in all projects. As well, the City should provide the notification of such meetings to interested people/groups/etc. We also discussed attendance by at least 3 Council Members and at least 3 Commission Members.
4. Further discussion is necessary with respect to how reports of meetings will be made/submitted.
5. We welcome and invite further discussion on the idea of citizen meetings occurring for an informational presentation to the public, with allowances for an exchange, rather than a debate on a projects merit.

The challenge we face is to balance the future development needs of the city with the desire to maintain our current “look and feel.” It is human nature to fear change and maintain the status quo. However, if we are to maintain our place as a nationally recognized leading small city we need a process that promotes citizen involvement and supports the development of an appropriate physical environment desired by all demographic groups. City Council must be able to approve developments because the process worked and not be held hostage (late in the process) for reasons unrepresentative of the whole.

Again, I really appreciate the hand you have extended to include the business community voice in this issue and your ultimate

5/29/2008

recommendation. As always I am available to discuss any of these points in greater detail.

Best,
Kristie

Kristine Profit Martin

Ann Arbor Area Chamber of Commerce
Vice President of Government Affairs
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- Business education
- Voice in public policy issues**

For more information visit www.annarborchamber.org

City of Ann Arbor Citizen Participation Ordinance Content Draft
April 23, 2008 (revised April 29, 2008; May 6, 2008; May 19, 2008)

- 1. Prevailing opinions collected from public outreach:**
 - a. Early notification—pre-submittal preferred
 - b. Supplement our current notification procedures
 - c. Apply Citizen Participation Ordinance to as many projects as practical.

- 2. Planning and Development Services Unit recommendations for ordinance content:**
 - a. Planned unit developments, planned projects, rezonings, and “major” site plans shall require Citizen Participation prior to petition submittal. A “major” project shall be defined as follows (the definition may changed over time as required):
 - i. A proposed project over 80 residential units.
 - ii. A proposed project over 65 feet in height.
 - iii. A proposed project over 50,000 s.f. for a non-residential use.
 - iv. A proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning and Development Services Unit Manager.
 - b. The petitioner shall meet with the Planning and Development Services Unit prior to submitting a planned project, a planned unit development, a rezoning or a major site plan to review the requirements of the citizen participation ordinance. This shall take place with sufficient time to meet the notification, meeting, and final report preparation requirements described below.
 - c. The petitioner shall provide documentation of discussions items and responses from the citizen participation meeting. Proceedings from these meetings shall be mailed or emailed to all participants at the meeting. A petition will not be accepted until the requirements in the ordinance are met.
 - d. Petitioners of planned unit developments, planned projects, rezonings, and “major” site plans shall provide notification to property owners, residents and neighborhood groups within 1,000 feet. Notification shall also be emailed to citizens on the City of Ann Arbor approved citizen distribution list (see 3a below).The written information shall include at least the following in a format provided by the Planning and Development Services Unit:
 - i. Information about the citizen participation meeting and a description of the proposed project.
 - e. All other petitions (those other than described in 2a) shall require the petitioner to do the following: Provide documentation of any discussion that is held with neighbors; and provide notification to property owners and residents within 300 feet and neighborhood groups within 1,000 feet of their project; and email the notification to the City of Ann Arbor approved citizen distribution list. Discussions and notification shall occur within one week after the project is submitted. The written information shall include at least the following in a format provided by the Planning and Development Services Unit:
 - i. A notice that an application has been made and a complete description of the proposed project.
 - ii. How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.
 - f. The petitioner will be responsible for notifying citizens per requirements. City staff will provide the mailing list. City Council and Planning Commission members will be included on the mailing list.

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Note: The purpose of the first citizen participation meeting should be to inform neighbors and other interested citizens about potential projects. As the first opportunity in a series of opportunities for citizen comment, these meetings should be informative in nature and not attempt to determine if the project meets City codes or plans. Because the information will be conceptual in nature, there will not be an attempt to resolve issues at this meeting, rather to begin a meaningful dialogue about the project possibilities. The petitioner, however, must record citizen issues/concerns and through the formal review process seek to address them.

We recommend planning staff not attend the citizen participation meetings to avoid compromising our procedural review role. We want to avoid the perception of being advocates for any particular project and do not want our role to be viewed as political (rather than procedural) in any way. In addition, since the information will be conceptual in nature and not yet part of the formal review process, staff should not be in the position to comment on the project's compliance with City codes or plans. Nor should staff be in the position to comment on behalf of any City department prior to formal review.

3. **Considerations for supplementing the City's routine notification procedures:**
 - a. Create a "joinable" or "opt-in" email distribution list which would become the City of Ann Arbor approved citizen distribution list. Send a postcard to all residents in Ann Arbor asking if they want their email address to be included on this list. Citizens could also "opt-in" via the City website. Add the City's current Standard Media E-mail Distribution List to this list. All public hearing notices would be sent to this distribution list in addition to the U.S. mail notification described in 3c below. The monthly *Tree Town Log* would also be circulated via the email list. The list would be updated on an annual basis.
 - b. Investigate the cost associated with requesting the Ann Arbor News to find a better location for public hearing notices and ask if they can increase the font size to make the notice easier to read.
 - c. Provide public hearing notification to property owners and residents within 300 feet and neighborhood groups within 1,000 feet for all projects.
 - d. Require the petitioner install a sign and information sheets at the project site (City to provide specifications).
 - e. Improve the City website to make information easier to find. Determine staff requirements for making improvements.
 - i. Maintain a regularly updated list of current petitions that are tied to a simple map. Click on this link to see an example on the City of Boulders website.
http://www.ci.boulder.co.us/index.php?option=com_content&task=view&id=426&Itemid=512
 - ii. Determine if the Google Calendar is a viable way to post meetings. Tree Town log currently posts public meetings and is available on the City's website. An events calendar like the City of Boulder uses may be more user friendly. Click on this link to see how it works:
<http://www.ci.boulder.co.us/calendar/calendar.php>