

## **City of Ann Arbor Development Engagement Requirement and 721 S Forest Ave.**

**Summary:** Residents of 721 S Forest Ave. emailed the Renters Commission informing that after renewing their leases in January, they were informed in March that their units were no longer available to rent due to an approved redevelopment project at the site. This prompted staff discussion of the Citizen Participation Requirement. The Citizen Participation Requirement is a formalized procedure required by Chapter 55 of City Code. It requires developers to communicate with residents early in the development review process and is intended to alleviate complications from receiving comments and concerns from residents for the first time at a public hearing. The ordinance does not explicitly state that residents of the project site are included in the required notification.

### **Possible Next Steps:**

- Discussion about inclusion of current residents in the Citizen Participation Requirements
- Discussion about making a recommendation to the Planning Commission and/or City Council about amending Chapter 55 Section 5.28.4

### **Attachments:**

1. Chapter 55 Section 5.28.4 – Section of Code Defining the Citizen Participation Requirements
2. Developers Guide to the Citizen Participation Requirements– A handout available to developers that explains the process and helps plan meetings.
3. Redacted emails from residents of 721 S Forest Ave.

approval, the Planning Commission shall hold a public hearing. Whenever a Wetland Use Permit is required under this chapter, the public hearing or hearings required in this subsection shall be held concurrently with the public hearing or hearings required by Section 5.29.4. Also, Public hearings shall be held by the City Council, Planning Commission, and Zoning Board of Appeals as otherwise required by the procedures in this chapter.

2. A public hearing will be continued to or re-opened on a later date and the continued or reopened hearing shall be conducted in the same manner if either:
  - a. Final action by the Planning Commission or City Council is delayed more than six months after the initial public hearing.
  - b. In the judgment of Planning Manager, the proposal has been substantially revised.

#### **5.28.4 Citizen Participation Requirements<sup>83</sup>**

##### **A. Purpose**

The intent of this Section 5.28.4 is to:

1. Ensure that Applicants seeking approval of certain applications 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. Provide clear expectations and formal guidance for Applicants 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.
3. Facilitate ongoing communications between Applicants and interested or potentially affected citizens throughout the application review process.

##### **B. Type 1 Applications**

1. For purposes of this Section 5.28.4, a Type 1 application includes:
  - a. any application for a new or amended planned project site plan
  - b. a new or amended Planned Unit Development zoning district
  - c. an amendment to the zoning map
  - d. a proposed project containing over 80 Dwelling Units
  - e. a proposed project over 65 feet in height

<sup>83</sup> Ordinance No. ORD-18-20, effective October 31, 2018.

- f. a proposed project containing over 50,000 square feet of Floor Area
  - g. a Special Exception Use Permit
  - h. any proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning Manager
2. For Type 1 applications, the following requirements shall be completed by the Applicant:

**a. Preliminary Meeting**

The Applicant shall meet with the PDSU to review the requirements set forth in this Section 5.28.4.

**b. Required Notification**

The Applicant shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project site, as well as the PDSU, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the PDSU. An electronic copy of the information must also be provided to the PDSU at least ten business days prior to the date of the citizen participation meeting to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written information shall include all of the following in a format provided by the PDSU:

- i) A statement explaining the citizen participation requirements, including identification of who is sending the notice, an 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 Applicant.
- ii) A statement that an application 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 Applicant's schedule for citizen participation meetings, the anticipated application submittal date and the anticipated City review and approval schedule.
- iv) The date, time, and location of the meetings.
- v) How citizens will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

**c. Citizen Participation Meeting**

The Applicant shall hold at least one citizen participation meeting at least ten Business days prior to the established application submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the PDSU.

**d. Final Citizen Participation Report**

The Applicant shall provide a written report in a format provided by the PDSU on the results of its citizen participation activities as part of the required information submitted for approval. At a minimum, the report shall include all of the following information in a format provided by the PDSU:

- i) Detailed description of the Applicant'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 sent notices 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 Applicant has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

**C. Type 2 Applications**

Type 2 Applications include any other type of application that requires a public hearing under this chapter but is not covered by Subsection 5.28.4B for Type 1 applications. The following requirements shall be completed by the Applicant:

**1. Required Notification**

The Applicant shall mail a written announcement to all property owners, addresses and registered neighborhood groups within 500 feet of the proposed project site, as well as the PDSU, within five business days of acceptance of the application by the PDSU. Addresses shall be provided by the PDSU. An electronic copy of the announcement must also be provided to the PDSU within five Business days of acceptance of the application to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written announcement shall include all of the following information in a format provided by the PDSU:

- a. A statement that an application has been submitted with a written description of the proposal and a conceptual sketch of the Development and site plan.

- b. How citizens who have been sent notices will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

## **2. Citizen Participation Report**

The Applicant shall provide the PDSU with written documentation of any meetings or discussions that are held with citizens at least ten business days prior to the Planning Commission public hearing on the application.

## **D. Waiver of Requirements**

The Planning Manager may waive these requirements for applications to amend the zoning map when:

1. The requested zoning designation is PL (Public Land).
2. The application is to annex a parcel of less than two acres and zone the parcel for Single-Family residential use.
3. There is no proposed change in land use and no Development is proposed.
4. The Planning Manager may waive these requirements for any Special Exception Use Permit that they determine to be a temporary use.

## **5.28.5 Design Review**

### **A. Intent**

The intent of this section is to foster excellence in the design of the City's built environment and apply the Downtown Design Guidelines, as approved by City Council, by requiring a mandatory review of certain projects in the downtown area by the Design Review Board. This section provides Applicants with the requirements of the Design Review Board's review process.

### **B. Applicability**

Projects that meet all of the following criteria shall submit an application to the Design Review Board:

1. The project is on a Lot zoned D1 or D2; or is located within the Downtown Development Authority boundary on a Lot currently zoned or proposed to be zoned PUD.
2. The project is on a Lot that is not located within a historic district; and
3. The project proposes an increase in Floor Area.
4. The project is a:
  - a. Site Plan for City Council Approval.
  - b. a Planned Unit Development Site Plan.
  - c. a Site Plan for Planning Commission Approval.
  - d. a Planned Project Site Plan.



# Developer's Guide

## to the Citizen Participation Requirements

This serves as a tool for developers to fulfill the Citizen Participation Requirements, a formalized procedure for surfacing issues related to a project prior to the project's submission. Requiring developers to meet with Planning Staff and communicate with residents early in the process is intended to alleviate complications from receiving comments and concerns from residents for the first time at a public hearing.

Based on the development size, type, and impact, a project is considered either a Type 1 or Type 2 project. The requirements for each project can be found on pages two and three of this guide.

### Type 1 Projects

*A Site Plan containing over 80 residential units, exceeding 65 feet in height, containing over 50,000 square feet of non-residential usable floor area.*

or

*A Planned Project, Rezoning, Special Exception Use, or Planned Unit Development (PUD).*

or

*As determined by Planning Manager*

### Type 2 Projects

*A Site Plan containing fewer than 80 residential units, is less than 65 feet in height, and that proposes less than 50,000 square feet of non-residential usable floor area.*

## First– Ask Us!

Make sure you know and understand the responsibilities and requirements. Contact Planning Services at 734-794-6265 or [planning@a2gov.org](mailto:planning@a2gov.org) to schedule an appointment well before you anticipate submitting a project application.

### Helpful Documents

[Step-by-Step Guide to the Development Review Process](#)

[Petitioner Checklist](#)

[Petition Application Form](#)

[Unified Development Code \(UDC\)](#)

## Type 1 Projects

Plan, hold, notice, and report on your Resident Participation Meeting.

**1. Plan your Meeting** Your meeting must take place no fewer than 10 business days before you submit your application. Your meeting location should have accessible parking, seating, and restrooms, be on a bus line, a logical location for the meeting based on the proposed project area, and a generally recognized “public” gathering place. Religious holidays, mornings, early afternoons, Fridays, Saturdays, or Sundays are not appropriate for meetings. *Sample Meeting Locations: Ann Arbor Public Schools, UofM Facilities, Libraries, and City Parks & Recreation Facilities.*

### Your meeting may need the following items:

- Writing Utensils
- [Sign-In Sheet\(s\)](#)
- Handouts/Business Cards
- Directional Signs
- Seating
- Projection Equipment
- Easels for Boards
- Microphone
- Speakers

**2. Request Labels & Draft Meeting Notice** Per the ordinance, you are responsible for the cost of mailing the notices. The City provides a [postcard template](#) for use. To request your address labels, send an email to [planning@a2gov.org](mailto:planning@a2gov.org) that contains your project address/location and your project type. You will then be provided with address labels in Word and Excel formats for commercial and residential neighborhood associations within the City and for property owners and residents within 1,000 feet of your project site. Send notices to all addresses provided.

### Your notice must include:

**A statement explaining the resident participation requirements, including an explanation of why and to whom the information is being sent, and how the information gathered through the resident participation process will be used by the developer.**

**A written description of the proposal including but not limited to: the proposed use(s), buildings that will be constructed or demolished, streetscape modifications, brownfield incentives requested, and proposed zoning changes.**

**A map of the project location and a conceptual rendering of the development.**

**How individuals who receive notices will be provided an opportunity to discuss the application with the developer and express any concerns or questions they may have about the proposed project.**

**Contact name, phone number and email.**

**Meeting logistics: date, time, place.**

**3. Review & Mail your Notices** Provide a final PDF copy of the mailing so that Planning Staff can post the meeting information to the City's website and notify subscribers of GovDelivery. Drop your notices in the mail at least 10 business days before the meeting date.

**4. Hold your Meeting** Meeting attendees are permitted to audio or video record meetings. If your meeting must be cancelled, post a notice at the meeting location and inform Planning Staff as soon as possible. [Continued on next page](#)



## 5. Prepare Meeting Report

Your final report should be mailed or emailed to meeting attendees prior to submitting your application.

**Your report must include:**

**Date(s) and location(s) of meeting(s), copies of all written materials prepared and provided to the public (letters, meeting notices, emails, newsletters, etc.).**

**Number of residents sent notices by mail, email or other; number of residents attending; and copies of attendance or [sign-in sheets](#).**

**Summary of comments, concerns, issues, or problems expressed by residents; statement of how you have addressed or intend to address those concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.**

## 6. Submit Application

After your meeting has taken place, you can submit your project application with the meeting report.

### 1. Request Labels & Draft Notice

Per the ordinance, you are responsible for the cost of mailing the notices. The City provides a [postcard template](#) for use. To request your address labels, send an email to [planning@a2gov.org](mailto:planning@a2gov.org) that contains your project address/location and your project type. You will then be provided with address labels in Word and Excel formats for commercial and residential neighborhood associations within the City and for property owners and residents within 500 feet of your project site.

**Your notice must include:**

**A statement explaining the resident participation requirements, including and explanation of why and to whom such information is being sent, and how the information gathered through the resident participation process will be used by the developer.**

**A written description of the proposal including but not limited to: the proposed use(s), buildings that will be constructed or demolished, and streetscape modifications.**

**A map of the project location and a conceptual rendering of the development.**

**How individuals who receive notices will be provided an opportunity to discuss the application with the developer and express any concerns or questions they may have about the proposed project.**

### Type 2 Projects

Submit your project, notify residents, and report on resident communication.

## 2. Submit Application

In conjunction with your address list request, submit your project application.

## 3. Review & Mail your Notices

Inform Planning Staff that your notice has been mailed and upload a final PDF of your mailing to your project file.

## 4. Document Communication

Provide Planning Staff with a report of all resident communications. If no communication has occurred, be sure to specify in your report. Your report must be provided to Planning Staff no later than 10 business days before your public hearing.



**From:** M [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:50 AM  
**To:** Ann Arbor Renter's Commission <[RentersCommission@a2gov.org](mailto:RentersCommission@a2gov.org)>  
**Subject:** Rental Issue

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Dear Renter's Commission Members,

My name is M [REDACTED] and I am writing this e-mail to seek help, support, and advice from you. I am a student at University of Michigan (currently a junior) and since my sophomore year (Fall 2021), I have lived at: Forest Place (721 S Forest Ave, Ann Arbor MI 48104).

In January of 2023, I was offered to renew my lease which me and my roommates did renew and we have a signed lease (renewal) starting from August 16, 2023 to August 9, 2024.

On March 25<sup>th</sup> we received an email from the management company that they want us to cancel our lease. Then again, yesterday, we got another e-mail suggesting locations that we should look for housing. The tone of both e-mails creates the perception that our signed lease (the binding contract) has NO meaning, and they are giving us the impression that we cannot live there for the 2023-24 term since they have sold the property and on March 21<sup>st</sup> the planning commission has approved a big building on this site.

We are writing with a sense of huge urgency. We expect that as tenants with signed binding lease for next year we have rights and laws that protect us and just because they want to develop the site they cannot pressure us into terminating the lease contract. Frankly the repeated communication from them is starting to feel like harassment and intimidation.

At this time of year it is nearly impossible to find student housing on campus for the Fall. All this has created immense stress for us. We are in the final few weeks of the semester with enormous academic pressure already and DO NOT have time to seek housing or any viable choices to look at for that matter. We renewed in January precisely because we are aware of the tight housing situation on campus.

We are seeking your help in asking them to STOP bothering us, honor the lease contract for 2023-24 and set the start of their development project to August 10<sup>th</sup> of 2024 once the leases/obligations signed are fulfilled by both parties.

We do appreciate any help and/or advice that you can provide.

Please do not hesitate to reach me at: [REDACTED] for any additional information and/or clarification.

I have also attached a copy of the lease, as well as screenshots of the emails that were sent by management.

Thank you,

M [REDACTED]

Dear M. [REDACTED]

On Tuesday, March 21, the Ann Arbor planning commission recommended approval of the redevelopment of Forest Place apartments that would impact your lease starting August 2023. There are further approvals required before this project can move forward but we wanted to ensure we are transparent with you every step of the way.

If you wish to cancel your lease, at no penalty, we ask that you provide this request in writing and we will honor all cancellation requests at this time.

We will be working to provide detailed market information in regard to pricing and availability and will be able to assist with any questions you may have. We will reach out to each of you individually to discuss how we may assist, and provide updates as they are received.

We recognize the impact this approval will have on each individual and want to work alongside you to minimize any inconveniences.

Best,

The Forest Place Team

Hello Residents,

#### Leasing Information

As a lot of you have been made aware, as of Tuesday, March 21, the Ann Arbor planning commission recommended approval of the redevelopment of Forest Place apartments that would impact leases starting August 2023. Due to this, those who have renewed their leases with us were sent out an email on March 25th, advising to cancel their lease. I have also personally been in contact with local management companies throughout the Ann Arbor area to check for any availability they might potentially have for our renewed residents. So far, I have only received notice from two of the places I have reached out to. Those being:

[The Yard Ann Arbor](#)

[Sterling Blu Ann Arbor](#)

Please note, that these places are higher than your current offerings at Forest Place, and we are unable to negotiate lower leasing terms.

**From:** Y [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:49 AM  
**To:** Ann Arbor Renter's Commission <[RentersCommission@a2gov.org](mailto:RentersCommission@a2gov.org)>  
**Subject:** [Urgent] Rental Issue

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Dear Renter's Commission Members,

My name is Y [REDACTED] and I am writing this e-mail to seek help, support, and advice from you. I am a student at the University of Michigan (currently a junior) and since my sophomore year (Fall 2021), I

have lived at 721 S Forest Ave., Ann Arbor, MI 48104. In January of 2023, I was offered to renew my lease which me and my roommates did renew and we have a signed lease (renewal) starting from August 15, 2023 to August 9, 2024.

On March 25<sup>th</sup> we received an email from the management company that they want us to cancel our lease. Then again, yesterday, we got another e-mail suggesting locations that we should look for housing. The tone of both e-mails creates the perception that our signed lease (the binding contract) has NO meaning, and they are giving us the impression that we cannot live there for the 2023-24 term since they have sold the property and on March 21<sup>st</sup> the planning commission has approved a big building on this site.

We are writing with a sense of huge urgency. We expect that as tenants with a signed binding lease for next year we have rights and laws that protect us and just because they want to develop the site they cannot pressure us into terminating the lease contract. Frankly, the repeated communication from them is starting to feel like harassment and intimidation.

At this time of year, it is nearly impossible to find student housing on campus for the Fall. All this has created immense stress for us. We are in the final few weeks of the semester with enormous academic pressure already and DO NOT have time to seek housing or any viable choices to look at for that matter. We renewed in January precisely because we are aware of the tight housing situation on campus.

We are seeking your help in asking them to STOP bothering us, honor the lease contract for 2023-24 and set the start of their development project to August 10<sup>th</sup> of 2024 once the leases/obligations signed are fulfilled by both parties.

We do appreciate any help and/or advice that you can provide.

Thank you,

Y [REDACTED]

**From:** A [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:43 AM  
**To:** Ann Arbor Renter's Commission <[RentersCommission@a2gov.org](mailto:RentersCommission@a2gov.org)>  
**Subject:** URGENT Rental Issue

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Dear Renter's Commission Members,

My name is A [REDACTED] and I am writing this e-mail to seek help, support, and advice from you. I am a student at University of Michigan (currently a junior) and since my sophomore year (Fall 2021), I have lived at 721 S Forest Ave (Forest Place).

In January of 2023, I was offered to renew my lease which me and my roommates did renew and we have a signed lease (renewal) starting from August 15, 2023 to August 9, 2024.

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We do appreciate any help and/or advice that you can provide.

Please do not hesitate to reach me at: [REDACTED] for any additional information and/or clarification.

Sincerely,

A [REDACTED]