



Legislation Text

File #: 19-0299, **Version:** 1

Resolution to Direct the City Attorney to Stay Proceedings in Peters Building Co. and Robert Weber v. City of Ann Arbor, Case No. 18-822-NZ, in Order for City Council to Consider an Alternative Site Plan

City Council denied the 2857 Packard Site Plan on November 21, 2017. The developer, Peters Building Co., and owner of the property, Robert Weber, subsequently filed a lawsuit challenging the denial. City Council noted the City's natural features protection ordinances in regards to the landmark trees and wooded areas on site, among the reasons that the Site Plan was denied. The developer has offered to stay the proceedings in the lawsuit, in order to submit an alternative development proposal for the site that addresses the concerns raised by Council. The proposal will consist of a PUD zoning and PUD site plan that will have the same number of dwelling units on site, but will include preservation of more natural features. (The single-family dwelling units on the interior of the site will be attached, which is not allowed under current zoning.) The developer will submit the alternative proposal following all procedures and requirements of the Unified Development Code, including citizen participation and public review at Planning Commission and City Council. If City Council approves the PUD zoning and PUD site plan, the lawsuit against the City will be dismissed.

Prepared by: Kevin McDonald, Senior Assistant City Attorney

Approved by: Stephen Postema, City Attorney

Whereas, On November 21, 2017, City Council denied the 2857 Packard Site Plan;

Whereas, The developer, Peters Building Co. ("Developer"), and the owner of the property, Robert Weber, subsequently filed a lawsuit against the City (Peters Building Co. and Robert Weber v. City of Ann Arbor, Case No. 18-822-NZ), challenging the denial;

Whereas, In the interest of finding a mutually beneficial resolution of the lawsuit, the Developer has offered to submit a PUD zoning and PUD site plan for City consideration that would allow the same number of dwelling units on the site while protecting more of the natural features on the site; and

Whereas, The Developer will submit the PUD zoning and PUD site plan to the City for review in compliance with all requirements and procedures of the Unified Development Code;

RESOLVED, That City Council directs the City Attorney to execute a Stipulated Order for Stay of Proceedings in form and substance materially matching the attached Order; and

RESOLVED, That the City Administrator and the City Attorney are authorized and directed to take all necessary actions to effectuate this resolution and the attached Order.

Sponsored by: Mayor Taylor