Legislation Text

File #: 25-1586, **Version:** 1

Resolution to Approve a First Amended Consent Judgment for Peters Building Co. and Robert Weber v. City of Ann Arbor, Case No. 18-822-NZ
In March of this year, the City Council directed City staff to pursue modifications to the previously executed Consent Judgment for the property at 2857 Packard Road. Planning Services and City Attorney staff have worked with the property owner, Robert Weber and Robertson Brothers Homes to draft the attached First Amended Consent Judgment for the site.

The amendment would provide for a new site plan to be submitted and considered by the City, for Planning Manager approval. This means that any subsequent site plan would be reviewed by all applicable City staff and a determination would be made by the Planning Manager for approval. By nature of the Consent Judgment, this would provide for some flexibility or deviation from City standards where appropriate, as determined by the Planning Manager.

As part of the March directive, City Council identified four priority values in seeking an alternative development proposal. Below are these identified priorities, along with the current estimated likelihood of the value being achieved/furthered:

1. Assessment and protection of landmark trees and woodlands on the site.
    - It is anticipated that this standard will not be significantly achieved. As part of the initial approval, a few landmark trees were identified and prioritized for protection on the original approved plan. These trees are dead or dying based on assessment from City forestry staff.
2. Zero or reduced carbon emissions from the development when compared to typical construction.
    - It is anticipated that this standard will be partially achieved. Construction methodology will likely fall short of zero carbon emissions, but staff and the petitioner will look for methods to improve building performance.
3. Fully electric development.
    - It is anticipated that this will be achievable.
4. The provision of desired housing forms that complement existing housing stock across the City.
    - The proposed housing will likely include first floor bedrooms to provide flexible, aging in place opportunities. Staff will also pursue the availability of accessibility design features for all housing as an available option for future purchasers.

The proposed amended consent judgment will need to be submitted to the court for approval prior to taking effect.

Prepared by: Brett Lenart, Planning Manager
Reviewed by: Derek Delacourt, Community Services Area Administrator
Christopher Frost, Senior Assistant City Attorney
Approved by: Milton Dohoney Jr., City Administrator

Whereas, On November 18, 2019, City Council authorized the execution of a Consent Judgment to settle the Peters Building Co. and Robert Weber v. City of Ann Arbor lawsuit that approved a development on the property at 2857 Packard Road consistent with a proposed PUD zoning, supplemental regulations and site plan submitted to the City, and provided a mutual release of claims;

Whereas, On January 6, 2020, the referenced Consent Judgment was approved by the Circuit Court, resolving all pending claims and closing the case; and

Whereas, The site was not developed pursuant to the Consent Judgment and on March 17, 2025, the City Council directed the City Administrator and City Attorney to present recommendations on any proposed amendments to the Consent Judgment to the City Council in summer of 2025;

RESOLVED, That City Council authorizes the City Attorney to petition the court to amend the Consent Judgment that previously settled Peters Building Co. and Robert Weber v. City of Ann Arbor, 22nd Circuit Court, Case No. 18-822-NZ, consistent with the terms of the First Amended Consent Judgment attached to this resolution;

RESOLVED, That City Council authorizes and directs the Mayor and City Clerk to sign the First Amended Consent Judgment upon approval by the court after approval by the City Attorney and City Administrator;

RESOLVED, That City Council authorizes and directs the Mayor and Clerk to sign any subsequent Development Agreement, documents, or other agreement that result from or are appropriate to implement the First Amendment to the Consent Judgment after approval by the City Attorney or City Administrator as appropriate; and

RESOLVED, That City Council authorizes and directs the City Administrator, City Clerk, Mayor, and City Attorney to take such further actions that are consistent with the purposes of this resolution, and to implement the terms of the First Amended Consent Judgment following approval by the court.