



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Minutes City Planning Commission

Tuesday, August 16, 2011

7:00 PM Ann Arbor Municipal Center, 301 E. Huron Street, 2nd Flr.

Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 5th floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

These meetings are typically broadcast on Ann Arbor Community Television Network Channel 16 live at 7:00 p.m. on the first and third Tuesdays of the month and replayed the following Wednesdays at 10:00 AM and Sundays at 2:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website (www.a2gov.org).

1 CALL TO ORDER

Chair Mahler called the meeting to order at 7:07 PM.

2 ROLL CALL

Rampson called the roll.

Present 8 - Bona, Mahler, Woods, Derezinski, Briggs, Westphal, Giannola, and Adenekan

Absent 1 - Pratt

3 APPROVAL OF AGENDA

A motion was made by Adenekan, seconded by Secretary Giannola, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

4 INTRODUCTIONS

11-1020 Resolution of Appreciation

Chair Mahler presented a certificate of appreciation to former Commissioner, Jean Carlberg. Carlberg thanked the Commission for their service to the City.

5 **MINUTES OF PREVIOUS MEETING****5-a** **11-1003** July 7, 2011 City Planning Commission Meeting Minutes

A motion was made by Woods, seconded by Bona, that the minutes be approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

5-b **11-1018** August 3, 2011 City Planning Commission Meeting Minutes

A motion was made by Woods, seconded by Bona, that the minutes be approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

6 **REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS****6-a** **City Council**

Derezinski reported that City Council approved an ordinance that changes the ward boundaries for City Council seats, with minor changes. He noted that Ward 1, which covers the downtown, exhibited some modest growth.

6-b **Planning Manager**

Rampson reminded the Commission that the next meeting is scheduled for Thursday, September 8. She said Professor Dick Norton will be making a presentation on sustainability, in place of the working session on September 13.

Rampson reported that the Summers-Knoll School, which recently received special exception use approval from the Commission, has applied for an administrative amendment to reconfigure the parking lot. She said the revised parking lot layout responds to the Commission's concerns about drop-off and pick-up of children, and the plan includes the additional sidewalk connections requested by the Commission.

Rampson noted that Planning staff has received several requests for extensions of site plans. She said that if a site plan project is not constructed, the petitioner may request two-year extensions. She said staff checks the plans for compliance for any new codes, such as the Area, Height and Placement and Landscape amendments. She said staff is currently reviewing extension requests for The Gallery PUD on North Main; 42 North on South Maple; Forest Cove on Miller next to M-14; and Malletts View Office on Eisenhower across from Briarwood.

6-c **Planning Commission Officers and Committees**

Derezinski reported that the final meeting for the R4C/R2A committee is being

scheduled for mid-September. He also noted that the new City Administrator will be starting on September 15.

6-d Written Communications and Petitions

[11-1038](#) Correspondence to the City Planning Commission

Received and Filed

7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)

None

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

None

9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website (www.a2gov.org.)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

9-a [11-1004](#) Public Hearing and Action on Hofmann Annexation and Zoning - A request to annex the two parcels totaling 0.058 acres at 1643 and 1645 South State Street into the City and zone them C3 (Fringe Commercial District). Staff Recommendation: Approval

Cheng presented the staff report.

Walter Hansen and Hannah Cheadle, 3150 E. Morgan Road, Ann Arbor, the petitioners and owners of Biercamp, said they moved here 6 months ago from New York to open up their business. In their opinion, they are adjacent to the Stimson/South Industrial commercial, and they are surrounded by commercial. They said they had an old appraisal from Alcock that quotes Planning staff as saying that possible zoning designations that could be considered for the parcels are C3 or O. They stated that they have been open for a month. They said that they understand the City is afraid that the owner of the parcel could convert the buildings to a

drive-through McDonald's restaurant, and because of this possibility they are open to revising the request to C2B. They are willing to draw up any contract saying they wouldn't allow any corporate businesses on these parcels. They stated that they love the area, but are limited by the zoning, so C2B or C3 would be ideal. They expressed that they are looking to get a beer and wine license for sale of Michigan products.

Mahler declared the Public Hearing closed at 7:30 pm.

Moved by Derezinski, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hofmann Annexation.

COMMISSION DISCUSSION:

Giannola stated that she doesn't support the rezoning of the parcels to C3 or C2B, since she sees this as spot zoning. She added that she feels for the petitioner's predicament. She noted that while this company is something that we want in Ann Arbor, we need to look at the precedent the City would be setting. She said that since neighbors of the parcels could request the same rezoning, she felt it could become a domino effect along State Street. She said that the Commission needs to use the Master Plan as reasoning for zoning in that area to be consistent. She said the courts have shown that spot zoning is illegal.

Giannola noted that the State Street corridor was also a part of the Planning Commission Work Program until recently when their funding for the research was taken away by City Council, which she interprets to mean that the City Council is not interested in looking at rezoning that area. She asked if it would be favoritism to be rezoning just these parcels when they need to be looking at the whole area to see if it is zoned correctly or needs to be rezoned. She said that this business could be located anywhere in Ann Arbor and in order for it to exist in this location, it has to have a community benefit. She stated that the benefit for their existence in this location is for the petitioner and not for the community. She said since the petitioner didn't do their due diligence before they rented a location that was in the Township and was zoned Industrial, she questioned if the City might now be taking on the risk of a future lawsuit.

Derezinski thanked Giannola for her input and noted that sometimes it turns out the the intended zoning designation for some areas doesn't end up turning out that way, which he felt was the case in this situation. He felt this parcel was unique since it was coming from the Township and would therefore have little precedential value. He noted that the staff has recommended approval of this annexation and requested further staff input on Giannola's concerns.

Cheng explained that the petitioner's request to annex into the City was to be able to connect to the City's utilities. Cheng said that staff had asked the petitioners if they would consider rezoning 1645 S State Street, the parcel to the south, to M1. He said that the petitioners felt that their application would be stronger by keeping the parcels zoned the same.

Cheng clarified that the request before the Commission was the approval of the annexation and a recommendation from staff to postpone the zoning part of the petition, noting that staff is still coordinating with the Township to get the petitioners a Certificate of Occupancy. He said if they can get a Certificate of Occupancy in the Township, it would allow their use to be grandfathered into the City. Cheng said that if they rezoned the parcels to M1, they would still be allowed to exist but wouldn't be able to expand or do something different, such as retail, in the future.

Cheng further explained that in speaking with the Township, the I 1 zoning and M1 zoning in the City are very similar, with the exception of sales. He noted that the City's M1 zoning allows for 20% of the floor area for incidental sales. He said that after speaking with the petitioners he didn't think they would be using more than 20% of their floor area for retail sales. He said in the Township they allow sales on 100% of the floor area. Cheng said that they might have problems with selling beer and liquor that is not made on site.

Cheng said that once the State Street corridor study was complete, staff would be open to a possible commercial zoning if the study found that commercial would be more of a viable use there. He said that staff is going by the land use recommendation originally included in the South Area plan, which has now been incorporated in the Master Plan Land Use Element, noting that it is a 20-year-old document. He said that staff doesn't consider the parcels to be located adjacent to Stimson nor South Industrial Highway, and the appropriate zoning should be M1.

Briggs said that she strongly supports rezoning the parcels to C2B. She said if we are just looking to our Area Plan guide, then it is recommending the M1 zoning. She noted that that document is out of date and the Commission is in the process of trying to update it. She said if we are looking to a more current guide as to what the City is looking for in terms of our environmental goals and sustainability goals to guide us, then she felt they would be pointing us towards uses like this one that we are trying to encourage for our City. She stated that she felt we should support this business and nurture it so we see more of it along the corridor, adding that the benefit to the community is the locally-produced food.

Westphal asked staff if they are currently operating without a Certificate of Occupancy and if that is typical.

Cheng responded yes, that they are currently operating without a Certificate of Occupancy in the Township.

Westphal asked if the petitioner could annex into the City but still keep the Township zoning and they could keep operating as they are.

Cheng said that while they are in the process of annexing into the City, they would be allowed to continue operating as they are, but since they have started the process of annexation into the City, the City rezoning is a second step in that process.

Westphal asked if there had been other rezoning requests along the South State corridor.

Cheng answered, yes, he recalls the other one was a few parcels further south, for a Tim Horton's restaurant, with a drive-thru and he believed they were requesting to go from Office to C3. He explained that specific request was denied.

Westphal asked if other possible petitioners have discussed the issue with staff.

Cheng answered yes, but when they read the Master Plan they don't go any further.

Westphal said the fairness issue strikes him when looking at them individually without doing a comprehensive study. He noted that several of the Commissioners have advocated the necessity for a long time to get the study completed, since this area seems to be of interest. He said he would advocate for staff to make the decision on the fairness issue of these requests. Westphal stated that it was important to realize that the zoning stays with the parcel and is long term versus businesses that come

and go.

Westphal asked if it would be possible to do some type of Development Agreement or deed restrictions for these parcels.

Rampson responded that deed restrictions aren't enforceable by the City because they are private agreements.

Westphal said that he would like to get an official study done as fast as possible so that the City can move ahead on these zoning issues.

Cheng said that staff isn't concerned with parking issues under the current business, but if the City were to rezone the property to C2B and it changed hands and they put a different business in there, parking would become an issue since they wouldn't meet the minimum requirements. He noted that they have room for 14 spaces but would be required to have 20 spaces. He added that the City doesn't have a traffic study on this parcel and it doesn't know what kind of mitigation would be required.

Woods asked what would happen if the City annexes the parcels but the Certificate of Occupancy wasn't issued by the Township.

Rampson explained that currently the operation of the business is still under the jurisdiction of the Township and they would be making the decisions on what they allow. She added that the City also doesn't want to inherit an issue that has been unresolved at the Township level.

Woods enquired about the shared parking at The Produce Station.

Cheng responded that he wasn't aware of any formal agreement between Biercamp and the Produce Station.

Woods agreed with Giannola and said she agreed with the postponement of the petition until all issues have been resolved.

Bona asked why the connection of utilities was occurring now if the business has existed. She also asked if getting the business in compliance first, would it potentially slow the process of the completion of the annexation as it moves on to city Council.

Cheng said in order for the petitioners to receive their approval from the Department of Agriculture to operate in compliance and make food on site, they had to hook up to City utilities.

Cheadle stated that they needed to have their septic system tested and the Township said they would have to connect to City utilities.

Rampson added that the owner of the parcels, Stephen Hofmann, had been requested to voluntarily connect to the City's utilities in 2009, but the City hadn't followed through at that time.

Bona asked the petitioner if they are currently operating.

Cheadle said, yes, that according to Hamlin at the Township they only needed the Certificate from the Department of Agriculture. She explained that they are asking for the Building Certificate of Occupancy from the Township only to allow them to be grandfathered into the City.

Cheng stated that the annexation process could continue while they were in anticipation of the Certificate of Occupancy from the Township Building Official. He was hopeful that it would be forthcoming shortly before the annexation came before the City Council. Cheng added that it could be possible to annex a parcel into the City and leave it unzoned for some time.

Bona said that she would like to see the petitioner be able to annex into the City and continue to operate their business while they were working on resolving the Certificate of Occupancy issue.

Cheng explained that the City's M1 zoning would allow them to continue operating their business.

Bona said that she agrees with the Commissioner's comments and added that a Master Plan isn't just a land use plan but it looks at traffic, alternative transportation and adjacent uses. She noted that the vehicular traffic is far more significant in commercial districts and State Street is a very busy street, specifically since it narrows down to one lane just north of the proposed parcels.

Bona said we need to push hard for a Corridor Study of State Street and in the meantime hopefully have a back-up plan for what might or might not transpire. She noted that the City has several Commercially zoned areas where a small business could operate.

Bona added that a more formal parking agreement between the petitioner and the Produce Station would be desirable since she hoped the petitioners would be very successful and need lots of parking.

Adenekan asked if they were currently in operation and for how long.

Cheadle responded yes and for about a month.

Adenekan asked how many cars and bicycles they could have in the parking lot at one time. She also asked if they had bicycle racks available.

Cheadle said that they had space for 14 cars and that they have approximately 5 cars a day in the parking lot with 4-5 bicycles. She said that they are in the process purchasing a bike rack for 10 bicycles.

Mahler asked what would happen if the petitioner doesn't receive the Certificate of Occupancy from the Township.

Cheng said that they would then be back before the Commission requesting the C2B or C3 to allow them into the City for retail. He added that the M1 is the only zoning that would allow them to operate at the current site while meeting the zoning requirements for parking.

On a roll call, the vote was as follows with the Chair declaring the motion carried.

Annexation approved by City Planning Commission and forwarded to City Council.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

Moved by Derezinski, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Hofmann Zoning to C3 (Fringe Commerical District).

Moved by Woods, seconded by Derezinski, to postpone the zoning request.

On a roll call, the vote was as follows, with the Chair declaring the motion passed and action on the Zoning postponed.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

Moved by Derezinski, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby waives the area plan requirement for the Hofmann Zoning petition because no new improvements or alterations to the site are proposed.

Moved by Woods, seconded by Derezinski, to postpone the Area Plan waiver request.

On a roll call, the vote was as follows, with the Chair declaring the motion passed and action on the Area Plan waiver request postponed.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

9-b [11-1005](#)

Public Hearing and Action on Scio Township Parcels Annexation and Zoning; 545 Allison Drive, 427 Barber Avenue, 3225 Dexter Road, 3249 Dexter Road, 3313 Dexter Road and vacant adjacent lot, 305 Pinewood Street. - A request to annex seven parcels totaling approximately 2.94 acres into the City and zone them R1C Single-Family Residential Use-. Staff Recommendation: Approval

Cheng presented the staff report.

There were no speakers for this item.

Mahler declared the Public Hearing closed at 8:15 pm

Moved by Bona, seconded by Briggs that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Scio Township Annexations at 305 Pinewood Street, 3313 Dexter Road and adjacent, 3225 Dexter Road, 427 Barber Avenue, 545 Allison Drive, and 3249 Dexter Road, and R1C (Single-Family Dwelling District) zonings.

COMMISSION DISCUSSION:

Westphal asked if 3313 Dexter with adjacent lot, was recommended for single-family from the master plan, since it is next to multiple-family zoning.

Cheng confirmed that the master plan recommends single-family zoning for all of

these parcels.

On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

9-c [11-1006](#)

Public Hearing and Action on Clark Rezoning - A request to rezone the 0.13 acre parcel at 1712 South State Street from "O" Office District to "C1" Local Business District and waive the Area Plan Requirement. Staff Recommendation: Denial

Cheng presented the staff report.

Dorie Epperz, the petitioner, said they are a non-profit medical marijuana dispensary. She said the neighborhood on the west side of State is made up of converted homes, containing uses such as massage therapy and palm reading. She said they have been open for a year and use the entire building. Staff told them that a barrier to rezoning is in the master plan, but she noted that City Council has broad discretion. She said the purpose of the master plan is to provide guidance to city residents about land use. She could find nothing in the plan that said departing from the plan is illegal. She said that spot zoning is in the public interest, such as PUDs. She referred to a report she distributed from the State that talks about 60% of population served are low-income. She said that clients prefer easy access. She believes it is in the public interest to allow the dispensary to remain in the current location to serve their clients.

Mahler declared the Public Hearing closed at 8:25 pm.

Moved by Westphal, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Clark Rezoning from O (Office) to C1 (Local Business) and that the Ann Arbor City Planning Commission hereby waives the area plan requirement because no new improvements or alterations to the site area are proposed.

COMMISSION DISCUSSION:

Giannola stated that this is another reason why a complete study needs to be done for the South State Street area. She reiterated the difficulty in deciding on zoning for these businesses, specifically since they are only a few parcels apart. She asked that the Commission look at the precedent that they are setting if they follow or don't follow the existing plan. She asked why Office zoning wasn't included in the medical marijuana dispensaries ordinance.

Cheng responded that from his discussion with Jill Thacher, he understood that the reasoning was that a dispensary was more like a pharmacy than a doctor's office, which brings it closer to the commercial use than an office use.

Bona noted that was her observation on commercial zonings. She asked why C1 was chosen for this designation.

Cheng responded that C1 was the least intense commercial zoning that would allow for a medical dispensary, noting that C2B and C3 would be for more intense uses than what C1 would allow.

Bona asked if the neighboring massage therapist and the palm reader businesses would be allowed in an Office-zoned district.

Cheng responded that the massage therapist would be allowed, and he wasn't sure about the palm reader business, noting that it had recently been annexed into the City.

Bona commented that the PUD classification was something that was written into the site plan and required the petitioner to give something in order to get something.

Woods asked Derezinski what the City Council's view is on dispensary locations and if they intended them to relocate to appropriately-zoned districts.

Derezinski responded that the City Council wanted to allow existing dispensaries to continue in their existing locations given specific requirements as well as the added moratorium on new dispensaries. He said Council took the issue very seriously and reviewed the licensing ordinance and zoning ordinance separately in order to make sure they had a balance of the issues. He noted that there are currently several bills waiting for action at the State level, which have come about because of the ambiguity of the way the state medical marijuana law was originally written and passed.

Woods asked if there are other dispensaries in the City that are in non-C1 zoned districts that will come before the Commission in the future asking to be rezoned.

Rampson responded that there are several located in office districts and given the City's licensing ordinance, a few have notified the City that they are looking for alternative locations.

Cheng stated that the petitioner had notified residents and owners within 1,000 ft of the parcel and held a public meeting; however, no one had attended the meeting.

Briggs stated that she feels the business seems to fit well into the Office district and she feels that it differs from the previous applicant in that it doesn't border a compatible commercial district. She said she supports the placement of the business in this location and expressed her frustration with the situation.

Westphal asked if for-profit or non-profit had any bearing on zoning.

Cheng responded no.

Westphal verified that this zoning would also stay with the parcel and not follow the business.

Cheng said that is correct.

Westphal said he feels for the petitioner being in their current situation because of laws changing. He said he wouldn't be able to support the rezoning request.

Giannola asked staff if there was any way to allow for a Special Exemption Use for this request at this location.

Cheng responded, no, not in the Office districts.

Giannola asked if the City Council could add the Office districts to the existing allowable districts.

Rampson explained that the City Council would have to ask the Planning Commission to review and rewrite the medical marijuana zoning amendments before this could happen.

On a roll call, the vote was as follows with the Chair declaring the motion failed, which will move forward to Council as a recommendation for denial of the rezoning request.

Yeas: 0

Nays: 8 - Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, Eleanore Adenekan, and Bonnie Bona

Absent: 1 - Evan Pratt

9-d [11-1007](#)

Pittsfield Retail Site Plan for City Council Approval - A proposal to demolish an unenclosed canopy and construct a 9,500 sq ft addition to the east of the existing retail building at 3590 Washtenaw Avenue and reconfigure the parking lot to add bio-swales for detention. Staff Recommendation: Approval

Cheng presented the staff report.

Damian Farrell, 3011 Miller Road, Ann Arbor, architect for the petitioners, introduced the project.

Dennis Richey, 2210 Parkwood Ave, Ann Arbor, said he lives directly south of this building and he is pleased to see improvements to this shopping center and hopes it will expand to the rest of the sites. He said the current tenant has been less of a problem than Frank's Nursery. He said the property is owned by the same owner, and the City is working with AATA for a transit stop. He has looked for drawings on the proposed AATA project, but hasn't found them. He wants to be sure that this does not have any impact on the project. He asked about additional improvement plans for the site.

Mahler declared the Public Hearing closed at 8:47 pm.

Moved by Derezinski, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Pittsfield Retail Site Plan, subject to preliminary approval from the Washtenaw County Water Resources Commissioner prior to City Council approval, and subject to recording of a permanent off-site parking easement prior to the issuance of permits for the addition.

COMMISSION DISCUSSION:

Derezinski said having a vibrant business here is better than a vacant lot. He said it fits well with the Washtenaw Avenue corridor strategy. He noted that there will be an AATA "Super Stop" on the west end of the shopping center, which will be a great improvement.

Woods agreed and said that it is appropriate that this project incorporates bioswales, which Commissioner Carlberg advocated for. She asked if someone wants to cross the street, would they have to cross at Pittsfield? She suggested a pedestrian overpass might be called for.

Derezinski explained that AATA was thrown out of Arborland, so for the time being, pedestrians will need to cross at the light. She said that the Re-Imagine Washtenaw strategy group will continue to meet while they are going through a transition. He added they are looking at various forms of collaboration.

Rampson added that MDOT is currently working on a pedestrian connection that would go under the US 23 overpass. She said staff is continuing to meet with MDOT in discussions on design for this area.

Westphal asked whether the service drive is within the State right of way.

Rampson said she believed it was an easement to the City of Ann Arbor and not to MDOT.

Westphal said this project clearly meets the zoning, with the new addition meeting the reduced setback on Yost. He noted that certain materials are recommended for use; stating it is unclear if this side will be an active doorway.

Farrell said that the tenant has not yet specified their exterior material requirements. He said the current elevation shows stucco and thin brick.

Rampson clarified that materials are not necessary to be shown on elevations for a site plan.

Farrell said the facade for the entire building will be updated, and brick would be a component.

Bona referenced the landscape plan, with the new parking along the west property line, which shows a wide aisle. She asked if staff had spoken to the petitioner about the width of the aisle, which would allow for the islands to be larger.

Farrell said the western aisle is 22 feet from the western property line, adding that the parcels are separate and they were only site planning one site. He said that to incorporate the adjacent parking lot would require restriping and a new site plan.

Bona asked about the material in the space between the sidewalk and building on the east side.

Farrell said this is intended to be landscaping.

Bona said this would be an opportunity to take advantage of the outdoor area and maybe incorporate outdoor seating.

On a roll call, the vote was as follows with the chair declaring the motion carried.

Yeas: 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

10 **AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**

None

11 **COMMISSION PROPOSED BUSINESS**

None

12 **ADJOURNMENT**

Adjourned at 9:07 pm

Eric Mahler, Chair
mg