

9/15/09 Planning Commission Minutes

- a. Public Hearing and Action on Briarwood Lots 12, 13, 14 and 15 PUD Supplemental Regulations Text Amendment, 1201 Briarwood Circle. A staff-initiated revision to the approved PUD Supplemental Regulations to create two distinct PUD Zoning Districts and PUD Supplemental Regulations – Staff Recommendation: Approval

DiLeo explained the proposed amendment.

Dennis Cowan, 38505 Woodward in Bloomfield Hills, of the law firm of Plunkett Cooney representing CW Capital, stated that CW Capital is known in the commercial mortgage industry as a special servicer and they manage pools of properties for commercial mortgages. He said this particular property is in a pool that is headed by Wells Fargo Bank. He said Wells Fargo is also the trustee for this pool. He said as a special servicer, CW Capital, working with Plunkett Cooney, petitioned the Circuit Court for a Receiver and there has been one appointed for this property with the power to sell the property under the guidelines and the order of the court. He stated that Plunkett Cooney and the Receiver NAI Farbman Group are working on some strategies for revitalization and the reoccupation of the property by an appropriate end user. He said he and the Receiver's representative met with City staff in July and they discussed the proposed petition. He stated that CW Capital supports the staff's technical amendments; however, they had a wide ranging discussion and they believed it was appropriate to revisit the motel and restaurant use provision. He said there has been hotel and motel development in the area and he was unsure if there was room for more competitors. He suggested that it might be appropriate to discuss a trade off of the motel provision for some flexibility in the restaurant provision before returning before the Commission. He finished by saying that CW Capital and the Receiver would like to show their cooperation and interest in the property.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Carlberg, seconded by Derezinski, the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to the Briarwood Lots 12, 13, 14 and 15 Planned Unit Development Supplemental Regulations to rename the development, remove references to Lot 12 and 13 and reduce the minimum size of the district.

Derezinski asked how long the property had been in receivership.

Cowan replied that the order of the court was issued on June 3 of this year.

Bona asked if the small piece of land on the other side of the expressway was part of the PUD.

Dileo stated the zoning map indicated that the land was in the PUD, but the legal description contained in the supplemental regulations only says Briarwood Lots 12, 13, 14 and 15 of the Briarwood Subdivision. She said she would need to go back to see if that small parcel was attached to one of the lots. She said it could be an error of the map.

Bona thought it might be a result of the expressway cutting through a parcel.

DiLeo stated that may be correct, but she believed that the expressway was older than the mall.

Bona said it is probably not older than the farm that was there before the mall. She said this should be cleaned up by staff at some point. She believed that it was most appropriate that the PUD described Lots 14 and 15 as the PUD.

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezinski, Giannola, Westphal, Woods
NAYS: None
ABSENT: Briggs, Mahler, Pratt

Motion carried.