

## Planning Commission Minutes June 2, 2009

(c) Public Hearing and Action on Retail Plaza Annexation, Zoning and Planned Project Site Plan, 1.11 acres, northwest corner of Platt and Ellsworth Roads. A request to annex this parcel into the City, zone it C1 (Local Business District), and a proposal to construct an 8,000-square foot retail building with a 21-space on-site parking lot and an additional 5 off-site parking spaces in the commercial development across the street – Staff Recommendation: Approval

DiLeo made a brief presentation and provided a summary of the proposed project.

Ehab Samaha, 3891 Platt Road and owner of the property, noted that he had been working on this project since 2007. He believed his project was simple and would work well in the area. He noted that large townhouses to the west and north of his site would be able to utilize the proposed retail, due to the lack of retail in the immediate area. He believed the project would offer retail along an otherwise underdeveloped gateway to Ann Arbor. He thanked the Commission for their time and hoped they would approve his project.

Noting no further speakers, Bona declared the public hearing closed at 7:49 p.m.

**Moved by Derezhinski, seconded by Carlberg, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Retail Plaza Annexation, Zoning and Planned Project Site Plan, subject to conveying the easterly 27 feet of the property to the City for right-of-way upon annexation and recording a shared parking easement prior to issuance of any building permits.**

Carlberg asked the petitioner if he would agree to prohibit the sale of alcohol in the plaza, as requested by neighbors.

Samaha replied that he had no problem with that.

Carlberg thanked him.

Potts agreed that the area could use retail, and was glad the petitioner agreed to ban alcohol sales. She hoped the plaza would contain a variety of stores, but she was concerned about the parking across the street.

Pratt asked about the adjacent parcel that was still in the Township.

DiLeo noted that the piece was a panhandle shaped piece that wrapped around the back of the site.

Pratt asked if it would eventually be zoned C1 as well.

DiLeo replied yes.

Pratt thanked DiLeo, noting that he wanted to avoid a hodge-podge of zoning. He expressed concern about access to the site from East Ellsworth Road, noting that a left turn from the site near the existing traffic light would be tricky. He asked if alternative arrangements were explored.

DiLeo replied that the City's traffic engineer had reviewed the plans and had met several times with the petitioner. She said several scenarios had been explored, and that the engineer felt moving the drive a few feet would not make much difference.

Pratt asked if the entrance could be designated right-in and right-out only.

Samaha confirmed that it was.

Pratt thanked the petitioner, and commented that he saw no problem with the position of the parking lot in front of the building on the site, given the surrounding parcels.

Westphal supported extending the windows on the south elevation and stated that the shared parking arrangement did not bother him, though he hoped the parking on the other side of the street would be used by employees. He asked staff to explain the easement along Platt Road, and what options the adjacent property owner would have once the project was complete. He also asked about the annexation timeline.

DiLeo responded that the right of way easement was a hold over from an earlier agreement between the property's prior owner and the County Road Commission. She said the easement would make the right of way consistent with the rest of the north side of East Ellsworth Road. She said the City was asking for additional 27 feet on the Platt Road side to line up with west side of Platt Road south of East Ellsworth Road. She noted that there was no anticipated need for additional lanes, and that the easement was simply to make things consistent. She responded to the second question by saying that the petitioner had been in touch with the adjacent property owner, and she noted that the existing buildings on the adjacent site looked like a very old service garage. Based on layout, she said it might not be easy to integrate the sites.

Woods asked what differentiated the back of the petitioner's property from the next property. She assumed that users of the park might want to access the retail establishment, and she was concerned that they would not know that they should not walk across the property separating the park from the retail plaza.

DiLeo replied that the petitioner was proposing a retaining wall to serve as a clear demarcation of the property line. She did not believe anyone would walk straight through the field as a cut through, given the deep grass and brush. She noted that there would be a sidewalk along the sides of the site, as close as conveniently possible for persons at the park.

Woods asked the petitioner what he anticipated for the parcel behind his, and about foot traffic from the park.

Samaha replied that to the north side, a retaining wall plus a fence would be installed to tell people that his was a separate property. He said the fence was important because the adjacent parcel contained an old garage with a lot of junk, and he was trying to hide that from his shopping center. He said most people currently utilizing the park stay near roads and on the sidewalks.

Woods asked if the blighted adjacent property was something community standards should look at.

Lloyd said that because it was a Township parcel, staff could contact them.

Pratt asked to have the proposal clarified, stating that a decorative fence would be preferable to a guard rail. He asked staff to make note that the Commission would prefer a fence to a guard rail. He believed guard rails were not attractive.

Bona noted that a retaining wall over 30 inches required a pedestrian guard rail.

Mahler thanked the petitioner for agreeing not to sell alcohol, and asked if he was also willing to prohibit the sale of weapons or fireworks, as requested by neighbors.

Samaha replied that this would be fine.

Mahler asked if a draft development agreement could be written to record these promises.

Carlberg suggested legal staff could be directed to pursue this.

Lloyd replied that staff could pursue this on behalf of the Commission, and work with legal staff, but he noted that planned project petitioners are authorized to undertake any regulated use permitted in the zoning district. Given the willingness of the petitioner to limit the uses on the site, however, Lloyd believed an agreement of some sort could be possible.

Mahler said he suggested a development agreement because of the petitioner's willingness to agree to restrict his own site.

Lloyd replied that Planning staff would work with legal staff to explore what types of restrictions could be required. He noted that in a planned project, a petitioner was permitted to any use allowed in the zoning district. He commented that a development agreement could not restrict the uses of the land. He said staff would pursue the restrictions with the petitioner, as the petitioner was amenable to applying restrictions.

Bona asked the petitioner to revise the south elevations to show extended windows before moving on to Council with regard to extending windows. She asked staff about the existence of a bus stop in front of the property, noting that she did not see a bus stop on Platt Road.

DiLeo replied that staff had contacted AATA, and that AATA was monitoring the area and waiting for a development such as this. She said AATA was looking to install a bus stop 80 feet north of the intersection on Platt Road in this general area. She said AATA would work with the petitioner during construction to locate the bus stop at the ideal location.

Bona asked the petitioner about his comment regarding an expansion of the development around the site. She asked whether the square layout of the parking would allow for a future development to share it with the petitioner's site.

Samaha saw no problem with this.

Bona asked the petitioner if he would consider moving the access to his site if a shared parking lot could be developed.

Samaha replied that he was amenable to that.

Bona thanked the petitioner.

Potts asked if it was one-way circulation on the site.

Bona replied that drives were two way.

Potts asked if both entrances and exits were two way.

DiLeo replied that this was correct.

Potts asked why the building was proposed to be built up to the rear lot-line.

DiLeo replied that it was for efficiency, and that what looked like the rear lot-line was technically the side lot-line. She said there was no side set-back requirement, but there was a 20-foot rear lot-line requirement.

Potts said she was bothered by the inability to restrict uses on the site, and was concerned that a future owner may choose to sell alcohol, even if the current owner chose not to. She said she liked the project, but wanted the neighbors to have assurances that no unwanted uses would be present on the site.

Samaha believed that the prior owner had placed a restrictive deed on the properties before selling them. He believed the deed on his property restricted the sales of alcohol or tobacco.

Pratt believed that for Commissioner Bona's idea of a potential single driveway for future use to happen, the site plan would need to be flagged so future staff persons would be informed. He believed an attachment to the site plan or some sort of agreement would be necessary. He also asked if the 12-foot drive lanes were okay with Fire Services.

DiLeo replied that Fire Services had reviewed the plan.

Pratt suggested to the petitioner that he confirm with his garbage collectors that there was enough space on site to get collection vehicles in and out without disturbing the landscaping.

Westphal noted that the west elevation in the staff report needed to read as east elevation.

A vote on the motion showed:

YEAS:	Bona, Carlberg, Derezinski, Mahler, Potts, Pratt, Westphal, Woods
NAYS:	None
ABSENT:	Borum

**Motion carried.**