

City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Formal Minutes - Final

Thursday, September 8, 2011

7:00 PM

Ann Arbor Municipal Center, 301 E. Huron Street, 2nd Flr.

City Planning Commission

- 9-b 11-1117** Hofmann Zoning - A request to zone two annexed parcels at 1643 and 1645 South State Street C3 (Fringe Commercial District) that totaling 0.058 acres.

Cheng presented the staff report.

PUBLIC HEARING:

David Diephuis, 2096 S. State Street, said he is opposed to the proposed rezoning to C2B. He said the rezoning to commercial is contrary to the master plan. He said C2B would allow for any future use, from drive-thrus to dry cleaning and could cause congestion along a heavily traveled corridor. He felt that rezoning before the master plan efforts are complete would be premature. He noted that the M1 zoning would allow Biercamp to continue to operate as it has since it opened.

Hannah Cheadle and Walt Hanson, petitioners, said that the master plan should be followed, but is open to interpretation. They said that the language of the master plan says that commercial zoning is appropriate for properties adjacent to the Stimson and South University area. They expressed their desire to sell products not made on site, and therefore would need C2B zoning. They would be open to leaving 1645 S State as is for zoning and only rezone their business site at 1643 S State as C2B, which would not allow drive-thrus. This location is next to Produce Station and within walking distance from offices and neighborhoods. They pointed out that the Produce Station was rezoned from M1 to C3 in 1998 and turned out great. They said they are not expanding the space, but would like to provide more products. They noted that traffic hasn't been a problem. They referenced that staff interviewed for a previous appraisal had recommended commercial use since the master plan was outdated.

Public Hearing closed at 7:48 PM

A motion was made by Westphal, seconded by Derezinski, that the Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Hofmann Zoning to C3 (Fringe Commercial District).

COMMISSION DISCUSSION:

Giannola said she was having trouble finding justification for C2B or C3 zoning. She said that she feels for the applicants but that they leased a place that had the wrong zoning for their use. She said it wasn't the mistake of the City or the Township and could have been avoided with due diligence from the petitioners. She said that even though the Commission is redoing the State Street corridor plan, we currently don't know what the recommendations will be. She had concerns about setting a precedent for that area.

Westphal said that if we could rezone for this business, it would be different, but the Commission makes recommendations to Council that go with the land [parcel]. He said that he hopes the owners can hang in until the State Street corridor study is completed. He asked if this petition could be considered for a PUD to limit the uses on the site. He added that he is in opposition to rezoning the site.

Pratt said he agreed that there is a need for change in the corridor, but there is a master plan that shouldn't change until we go through the public process involved. He stressed the need for the State Street Corridor Study to be funded and completed. He asked if the Commission had consider other alternatives for zoning?

Cheng said that a PUD zoning would require additional expenses and the applicant would need to justify public benefit. He added that the petitioner hadn't requested to go in that direction.

Pratt said that he is left with M1 zoning as the best option to allow them to continue operating their business.

Woods agreed with the Commissioners' comments and said that we should be cautious in recommending PUDs. She said that while the master plan is old, it does serve a purpose by providing continuity and it lets neighbors know what to expect in their area. She agreed that it was important to get the funding for the corridor study to be completed, noting that she didn't feel comfortable making zoning changes in the area until the document was completed. She stated that she couldn't support the request.

Derezinski said that it boils down to the differences of what is currently sold on site and what could go into this site in the future. He added that the petitioners have a great business, but the Commission is in a dilemma. He would like for the Commission to follow this issue, and revisit it if the State Street study is delayed. He said he will encourage his Council colleagues to support the study to move forward. He said he

would love to see things change in the Master Plan, and that's why the City is currently looking at the zoning maps.

Pratt asked if it would be better to deny the C3 rezoning request or amend the motion to specify M1 zoning so that the parcel isn't left unzoned.

Rampson answered that it was the petitioner's call as to what their request is, noting that they had stated at this evening's meeting that they were open to split zoning for the two parcels, with one being zoned C2B and the other M1. She explained that City Council will have the final decision on the rezoning and if they deny the petitioner's request then staff would follow through with their recommendations, noting that the City has two years in which to zone annexed parcels after they are brought into the City.

Mahler said he is concerned about the spot zoning, and he hopes the State Street Corridor study will make recommendations for upzoning the whole corridor.

Derezinski mentioned that an annarbor.com editorial had brought up entrances to the city, which included the State Street corridor. He said we have to look at ways to move forward to bring these corridors up to date.

Adenekan said she agreed with the Commissioner's comments, and hopes something can be worked out in the future.

On a roll call vote, the Chair declared the motion defeated.

Yeas: 0

Nays: 7 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Absent: 2 - Bonnie Bona, and Erica Briggs

A motion was made by Westphal, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Major and City Council waive the area plan requirement for the Hofmann Zoning petition because no new construction is proposed and a survey of the improvements has been provided. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 7 - Evan Pratt, Eric A. Mahler, Wendy Woods, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 2 - Bonnie Bona, and Erica Briggs