

## MEMORANDUM

TO: Mayor and Council

FROM: Jayne Miller, Community Services Administrator

DATE: September 24, 2007

SUBJECT: Amendment to Chapter 55, Rezoning of 0.31 Acre from PL (Public Land District) to R1C (Single-Family Dwelling District), 1000 Cedar Bend Drive (CPC Recommendation: Approval – 9 Yeas and 0 Nays).

This ordinance will zone this property to R1C. No development is proposed for this property, which contains an existing single-family home. The proposed zoning is consistent with the City's Master Plan. The City Planning Commission, at its meeting of August 21, 2007, recommended approval of the request.

Prepared By: Laurie Foondle, Management Assistant  
Reviewed By: Mark Lloyd, Planning and Development Services Manager  
Jayne Miller, Community Services Administrator  
Approved By: Roger W. Fraser, City Administrator

Attachments: Proposed Ordinance  
8/21/07 Planning Commission Minutes  
Planning Staff Report

AN ORDINANCE TO AMEND THE ZONING MAP BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

Part of the Southeast  $\frac{1}{4}$  of Section 21, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, described as: Commencing at the Southeast corner of said Section 21; thence South  $87^{\circ}50'00''$  West 511.50 feet along the South line of said Section 21, said line also being the centerline of Fuller Road (66 feet wide) to the point of beginning; thence continuing South  $87^{\circ}50'50''$  West 113.58 feet along said South line of Section; thence North  $03^{\circ}39'04''$  West 158.12 feet along the East right-of-way line of Cedar Bend Drive (50 feet wide); thence North  $87^{\circ}50'50''$  East 121.12 feet; and thence South  $00^{\circ}55'07''$  East 158.10 feet to the Point of Beginning,

in the City of Ann Arbor, Washtenaw County, Michigan as R1C (Single-Family Dwelling District).

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

**AUGUST 21, 2007 PLANNING COMMISSION MINUTES**

a. Public Hearing and Action on 1000 Cedar Bend Drive Rezoning, 0.33 acre. A proposal to rezone this site from PL (Public Land District) to R1C (Single-Family Dwelling District) to allow single-family residential use – Staff Recommendation: Approval

DiLeo explained the proposal and showed photographs of the site.

Jim Kosteva, 1015 Ridge Road, Canton, recent owner of 1000 Cedar Bend and representing Jesse Scott and Melissa Woodall, purchasers of the property, stated that the existing house has always been used as a single-family home. In 1964, he said, the University of Michigan purchased the property and, subsequent to that, the City changed the zoning to PL (Public Land), which was consistent with University-owned property. Now that the property was under private ownership, he said, the City was requesting that the zoning be changed to reflect the private residential use. He said the new owners intended to continue using the house as a single-family residence, adding that he was available to answer questions.

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

**Moved by Carlberg, seconded by Potts, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1000 Cedar Bend Drive Rezoning from PL (Public Land District) to R1C (Single-Family Dwelling District).**

Potts recalled that this house had a large setback along Fuller Road, but that it was reduced when the City undertook the Fuller Road widening project. It was her understanding that the house was now a legal nonconforming use.

DiLeo clarified the front setbacks, along both Fuller Road and Cedar Bend Drive. She stated that the setback along Fuller Road was 40 feet wide, which met the minimum requirement, but that the setback along Cedar Bend Drive was 20 feet wide, which fell short of the 25-foot requirement. She confirmed that this was a legal nonconforming use.

Enter Pratt.

A vote on the motion showed:

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

**Motion carried unanimously.**

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 21, 2007**

**SUBJECT: 1000 Cedar Bend Drive Rezoning  
File No. 9214A18.2**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 1000 Cedar Bend Drive Rezoning from PL (Public Land District) to R1C (Single-Family Dwelling District).

**STAFF RECOMMENDATION**

Staff recommends that the rezoning be **approved** because it is consistent with the Northeast Area Plan, would not affect the public welfare and property rights in the vicinity, would be advantageous to the City and conditions have changed in the area.

**LOCATION**

This site is located at the northeast corner of Cedar Bend Drive and Fuller Road and is in the Huron River watershed.

**DESCRIPTION OF PETITION**

The petitioner requests to rezone a 13,500-square foot parcel that is currently zoned PL (Public Land District) to R1C (Single-Family Dwelling District). The current property owner is private. Rezoning is sought to enable the parcel to have the same development rights as its neighbors as well as all other single-family parcels.

The parcel contains a single-family dwelling and detached garage. No development is proposed at this time, although the current owners are considering some interior and exterior renovations in the future.

**SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Single-Family Residential	R1C (Single-Family Dwelling District)
EAST	University of Michigan North Campus	PL (Public Land District)
SOUTH	University of Michigan Mitchell Field Parking	PL
WEST	Single-Family Residential	R1C

## COMPARISION CHART

		EXISTING	REQUIRED
Zoning		PL	R1C
Gross Lot Area		14,375 sq ft	7,200 sq ft MIN
Lot Width		113 ft (on Fuller Road), 125 ft (on Cedar Bend)	60 ft MIN
Setbacks	Front	Approx. 40 ft to Fuller Road Approx. 20 ft to Cedar Bend – <i>would be considered legal nonconforming building.</i>	25 ft MIN
	Side	Approx. 5 ft north side	5 ft MIN
	Rear	Approx. 65 ft	30 ft MIN
Height		1 ½ stories; approx. 20 ft	30 ft MAX

### HISTORY

The University of Michigan was a past owner of the parcel, twice removed. Neither the University nor the subsequent private property owner petitioned for rezoning when the parcel was sold into private ownership. Transfer of ownership, regardless of entity, does not automatically trigger a rezoning and must be formally requested.

### PLANNING BACKGROUND

This site is located in the Northeast Area. The 2006 Northeast Area Plan recommends single and two-family residential uses for the site as well as the rest of the Cedar Bend Drive neighborhood.

### REZONING ANALYSIS

Changes to the text or map of Chapter 55 (Zoning Ordinance) can be made pursuant to Section 5:107 and 5:108. Petitioners are asked to provide evidence and justification for the requested rezoning, including describing the extent to which the rezoning is necessary; how the rezoning will affect property rights of others in the vicinity; how the rezoning will be advantageous to the City; whether it will satisfy unmet needs; and how circumstances are different than when first zoned. This information has been provided by the petitioner and is contained in the petition file.

### SERVICE UNIT COMMENTS

Planning and Development Services – Staff recommends approval as the circumstances of the property have changed and the requested district is consistent with the surrounding area as well as the Northeast Area Plan future land use recommendation.

Prepared by Alexis M. DiLeo  
Reviewed by Mark Lloyd  
jsj/8/14/07

Attachments: Parcel and Zoning Map  
Aerial Photo  
Property Survey

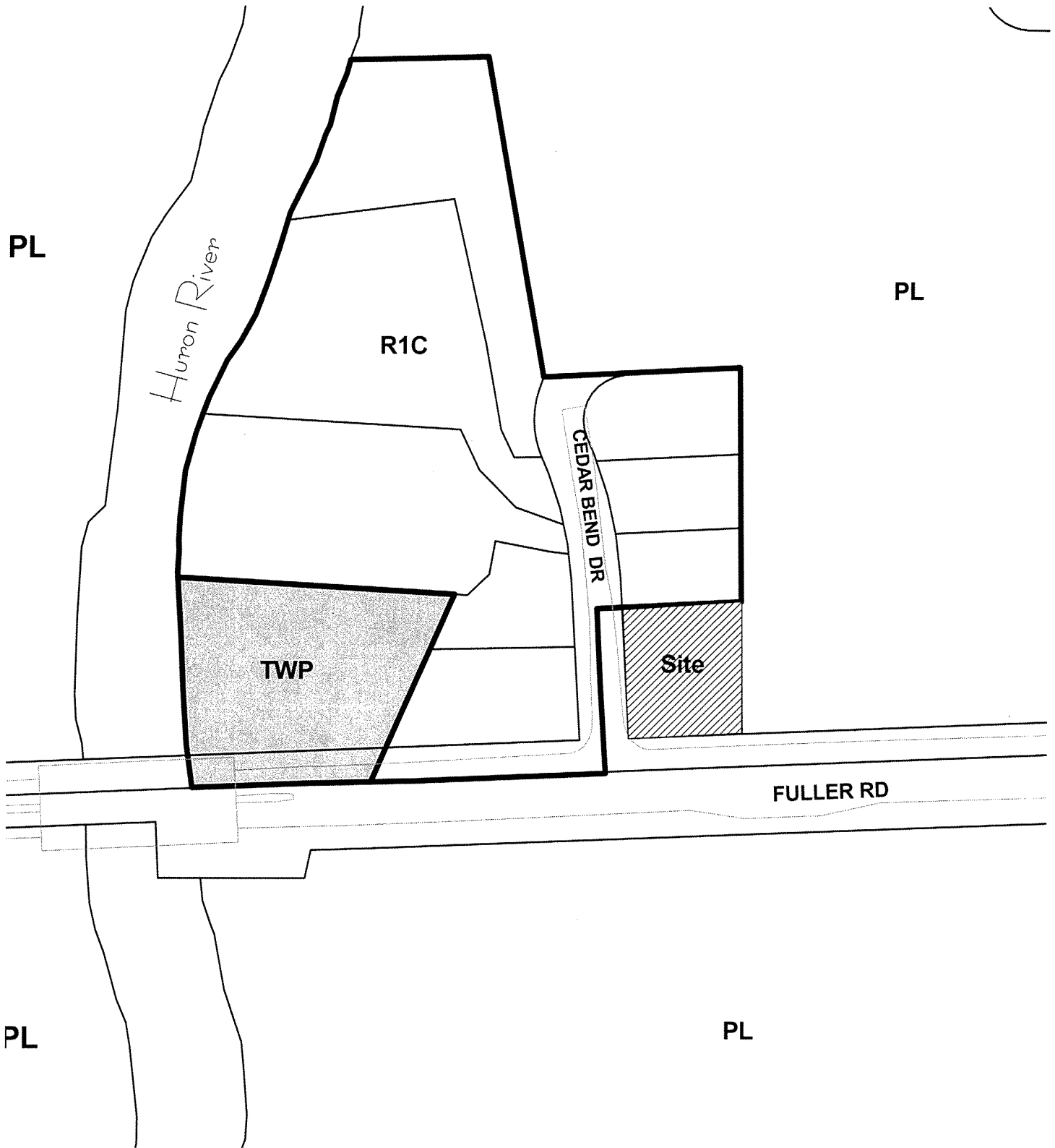
c: Petitioner/Owner: Jesse Scott and Melissa Woodall  
1000 Cedar Bend Drive  
Ann Arbor, MI 48105

Petitioner's Representative: James Kosteva  
1015 North Ridge Road  
Canton, MI 48187

City Attorney  
Systems Planning  
File No. 9214A18.2

1000 Cedar Bend Drive

Parcel and Zoning Map



200 0 200 400 Feet



1000 Cedar Bend Drive

Aerial Photo



Univ. of Mich.  
North Campus

Cedar Bend Dr

Fuller Road

Univ. of Mich.  
Mitchell Field/Pkng



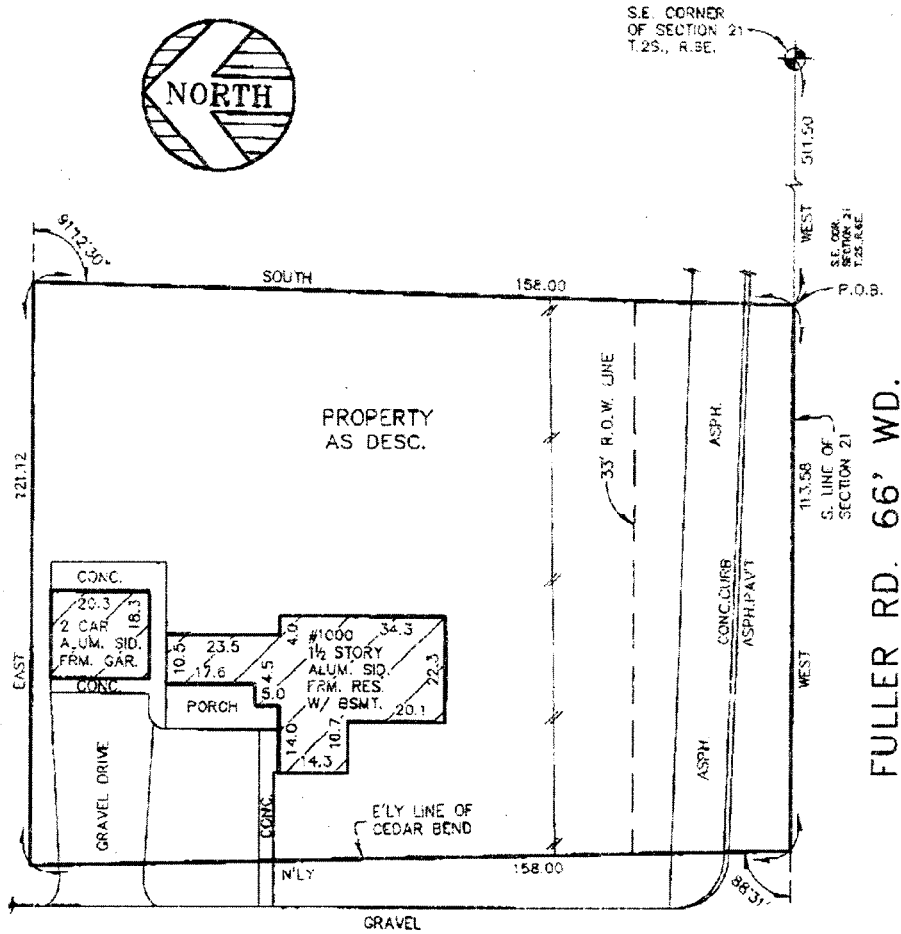


MORTGAGE SURVEY

Certified to: NATIONAL CITY MORTGAGE

Applicant: JESSE C. SCOTT AND MELISSA WOODALL

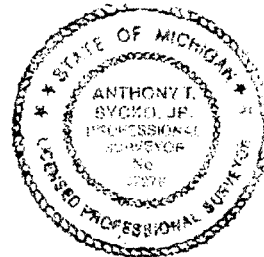
Property Description:  
SEE PAGE 2 OF 2



CEDAR BEND DRIVE 50' WD.

L. 229 PG. 628

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.  
PAGE: 1 OF 2

JOB NO: 07-06001 SCALE: 1"=30'  
DATE: 4-23-07 DR BY: BDB

**KEM-TEC**  
LAND SURVEYORS

22556 Gravel Avenue  
Eastpointe, MI 48021-2312  
(588) 772-2222  
FAX: (588) 772-1045

**KEM-TEC WEST**  
LAND SURVEYORS

800 E. STADIUM  
Ann Arbor, MI 48104-1412  
(734) 964-0888 \* (800) 433-0133  
FAX: (734) 964-0887

