

**PLANNING AND DEVELOPMENT SERVICES REVISED STAFF REPORT**

**For the Planning Commission Meeting of November 19, 2019**

**SUBJECT: MMG Plymouth Road Mixed Use Development  
(3611-3621 Plymouth Road)  
Rezoning – Project no. Z19-007  
Site Plan for City Council Approval with Planned Project  
Modifications – Project No. SP19-003  
Special Exception Use – Project No. SEU19-002**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed Use Development rezoning from PUD to C3 (Fringe Commercial).

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the MMG Plymouth Road Mixed Use Development Site Plan and Planned Project Modifications to increase the maximum height to 65 feet 10 inches and eliminate the maximum front setback requirement for new buildings, subject to providing solar orientation and energy conserving design by using a solar panel array on the roof of the new building and maintaining a minimum of 30% open space.

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the special exception use request for a drive-through facility at 3611 Plymouth Road.

## **SUMMARY:**

This staff report and recommendations have been revised to reflect outstanding review comments which were mistakenly not taken into consideration. Revisions and new paragraphs are highlighted in light gray.

Three related applications have been submitted for approval. First, a petition to rezone this 4.5-acre site from PUD to C3 (Fringe Commercial). Second, a proposed site plan to demolish two of the existing buildings and construct a six-story, 76,200-square foot, 127-room hotel and remodel the existing restaurant into a new restaurant. Planned project modifications are requested as part of the site plan to allow increased height and increased front setback. Third and finally, a special exception petition to allow a drive-through facility to be added to the remodeled restaurant.

## **LOCATION:**

The site is located on the north side of Plymouth Road between US 23 and Green Road (Ward 2).

## **REVISED STAFF RECOMMENDATIONS:**

Staff recommends that the **rezoning** petition be **postponed** until the outstanding site plan items are resolved.

Staff recommends that the **site plan**, including **planned project modifications** to increase the maximum height and maximum front setback standard, be **postponed** to allow additional time for the applicant to address outstanding items noted by the Engineering and Urban Forestry & Natural Resources staff.

Staff recommends that the **special exception use** be **postponed** until the outstanding site plan items are resolved.

## **REZONING PETITION:**

**Description** – The site is currently zoned Bolgos PUD (Planned Unit Development), originally approved on December 18, 1973 and revised on May 3, 1982 and July 6, 1986. On February 2, 2015, 3 acres of the PUD district was **rezoned** to C3 (Fringe Commercial). The **Bolgos PUD district** allows two 2-story 17,244-square foot motels, a one-story restaurant, and retail sales except restaurants and single-tenant office use in a 20,300-square foot building. No other uses or building configurations are allowed. The applicant requests that the remaining 4.5-acres of the PUD district be rezoned to C3.

**Master Plan Recommendation** – The [City Master Plan](#) includes 8 elements, adopted individually between 2009 and 2017, and together by resolution in 2015. Together, the City Master Plan elements seek to guide the City towards sustainability, conservation, and increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets. The Land Use Element recommends “mixed uses” for this site.

**Standards for Approval** – Changes to the text or map of the Unified Development Code (Chapter 55 of the Ann Arbor City Code) may be made pursuant to Section 5.29.9. To assist the Planning Commission and City Council with their decision, applicant [submitted a petition](#) with justifications in support of the request. The petition, available [here](#) and attached, addresses:

1. The extent to which the rezoning is necessary.
2. How the rezoning will affect the public welfare and property rights of persons located in the vicinity.
3. How the rezoning will be advantageous to the City.
4. How this particular location will meet the convenience and service requirements of potential users and occupants.
5. Any changed or changing conditions in any particular area, or in the City generally, which may have bearing on the request.
6. Other circumstances and factors which further justify the request.

**Staff Comments** – In the past 50 years, the Plymouth Road corridor has evolved from a rural road into a commercial and transit corridor. A PUD that only allows retail uses, to encourage development, is no longer necessary. The C3 district is the most appropriate current zoning designation as it allows all types of commercial uses including hotels and restaurants. It is also found adjacent to this site.

In staff’s opinion, it does not make sense for the existing PUD district to be amended and to adopt modern supplemental regulations when the C3 district suits the needs of the applicant, land owner, and community, and provides more flexibility for future uses.

#### **SITE PLAN APPLICATION:**

**Description** – The site currently contains two pairs of two-story Red Roof Inn motel buildings, each pair having a total of 17,244-square feet, and a 5,000-square foot closed Big Boy restaurant. The proposed site plan calls for demolishing the eastern pair of motels, constructing a new six-story, 76,200-square foot, 127 room Hampton Inn hotel, and remodeling the restaurant into a Panera Bread, including adding a drive-through facility. Planned project modifications are requested to increase the maximum height allowed and increase the maximum front setback standard.



adjacent to U.S. 23 are no longer considered front lot lines. By definition they are now side lot lines.

- Height – The C3 district requires a maximum height of 4 stories and 55 feet. The proposed hotel is 6 stories and 76 feet in height. A planned project modification to increase the maximum height is requested to allow the new building as proposed.
- Landmark Trees – There are nine landmark trees on the site. Four are proposed to be removed, including a 21” red oak and three 15-inch hawthorns. The saved trees include a 32” and 30” red oak, a 16” crabapple, a 26” Austrian pine, and a 20” littleleaf linden. Replacement trees will be planted throughout the site to provide a total of 63 inches of mitigation for the removed landmark trees.

**Development Standards Review** – Staff has reviewed the site plan for compliance with all applicable development standards of the C3 district provided in Chapter 55 [Unified Development Code](#). A summary of staff findings is provided in the chart below.

		EXISTING	PROPOSED	REQUIRED/ PERMITTED
Zoning		PUD	C3	C3
Lot Area		4.5 ac. (193,895 sq. ft.)	4.5 acres (193,895 sq. ft.)	6,000 sq. ft. MIN
FAR%		12% (23,326 sq. ft.)	47% (90,533 sq. ft.)	200% MAX (393,294 sq. ft. MAX)
Setbacks	Front	212 ft.	212 ft. [A]	10 ft. MIN – 25 ft. MAX
	Side (E)	96 ft.	60 ft.	None
	Side (W)	55 ft.	55 ft.	
	Rear	87 ft.	58 ft.	None
Height		Motels 2 stories, approximately 24 ft. Restaurant 1 story, approximately 12 ft.	Hotel 6 stories, 76 ft. [B]	4 stories, 55 ft. MAX
Vehicle Parking		195 spaces	229 spaces	227 spaces MIN

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Bicycle Parking	None	6 spaces Class A 3 spaces Class B 3 spaces Class C	6 spaces Class A MIN 3 spaces Class B MIN 3 spaces Class C MIN

*[A] Planned Project Modifications requested to allow increased maximum front setback.*

*[B] Planned Project Modifications requested to allow increased maximum building height.*

**Planned Project Modification Standards and Analysis** -- The Planning Commission may recommend, and City Council may approve, modifications to the area, height and placement regulations of the Unified Development Code in the form of a planned project site plan, as set forth in Section 5.30.1 of the UDC.

As set forth in Section 5.30.1.C Standards for Approval, planned projects must:

- a) Meet the lot size requirement of their zoning district, and
- b) Provide one or more of certain features, and
- c) Not create hazardous traffic to adjacent properties, and
- d) Be consistent with proper development, and
- e) Provide required off-street parking and landscaping and screening, and
- f) Met the density or floor area ratio and open space requirements of their zoning district, and
- g) Have only permitted uses of their zoning district.

The applicant requests a modification to allow an increase in the maximum height permitted in the C3 district, from 4 stories and 55 feet, to 6 stories and 76 feet. The applicant also requests a modification eliminate the 25-foot maximum front setback standard for new buildings in the C3 district.

As stated by the applicant in [their petition](#), the request modifications “will allow a project with greater density, being able to maximize the development footprint [will] allow for the installation of a solar panel array on the top of the proposed hotel.”

Planning Staff Comments -- Staff finds the requested planned project modifications meet the standards for approval provided in Section 5.30.1.C, and in particular, the proposed modifications will provide open space where none is required (Section 5.30.1.C.1.b.i) and solar orientation or energy conserving design (Section 5.30.1.C.1.b.v). Any one of these three features is sufficient per Section 5:70(1)(b). It appears the development has 30% open space. The applicant must confirm the percentage of open space in the development, and that percentage should be a specific condition of planned project modification approval.

The complete planned project modification petition is available [here](#) and is attached.

**Review Staff Comments** – Reviews staff have noted the following outstanding items that must be addressed to meet applicable development standards and regulations.

- *Engineering* – Several revisions and corrections are needed to the dimensional & paving plan sheet and utility sheet of the site plan. Among the necessary corrections, location and size of water and sanitary sewer leads must be shown, proposed easements must be shown and legal descriptions must be prepared, and the sanitary sewer mitigation calculations must be redone.
- *Urban Forestry and Natural Resources* – The proposed landmark tree mitigation species must be changed to straight species native to Michigan. Additional comments may result after the necessary changes are done, as well.

### **SPECIAL EXCEPTION USE PETITION:**

The Planning Commission may approve, with or without conditions, a special exception for certain uses in certain zoning district, as set forth in Section 5.29.5 of the UDC. The Planning Commission must find that the following criteria has been substantially met in arriving at its decision, as provided in Section 5.29.5.D:

1. Consistency with the general objectives of the Master Plan.
2. Compatible with the general vicinity.
3. Consistent with the neighborhood and not detrimental.
4. Not detrimental to the natural environment.
5. Adequate off-street parking.
6. Safe pedestrian circulation.
7. Adequate vehicle movement and traffic.
8. Compliance with other development standards.

In addition, drive-through facilities in the C3 district must meet the use specific criteria of Section 5.16.6.C.3.

The complete special exception use petition is available [here](#) and attached.

**Staff Comments** – The proposed drive-through facility substantially meets the criteria for approval. The drive-through facility has been placed to minimize inconvenience for pedestrians while providing adequate vehicle movement through the site.



Prepared by Alexis DiLeo  
Reviewed by Brett Lenart  
11/15/19; Revised 11/18/19

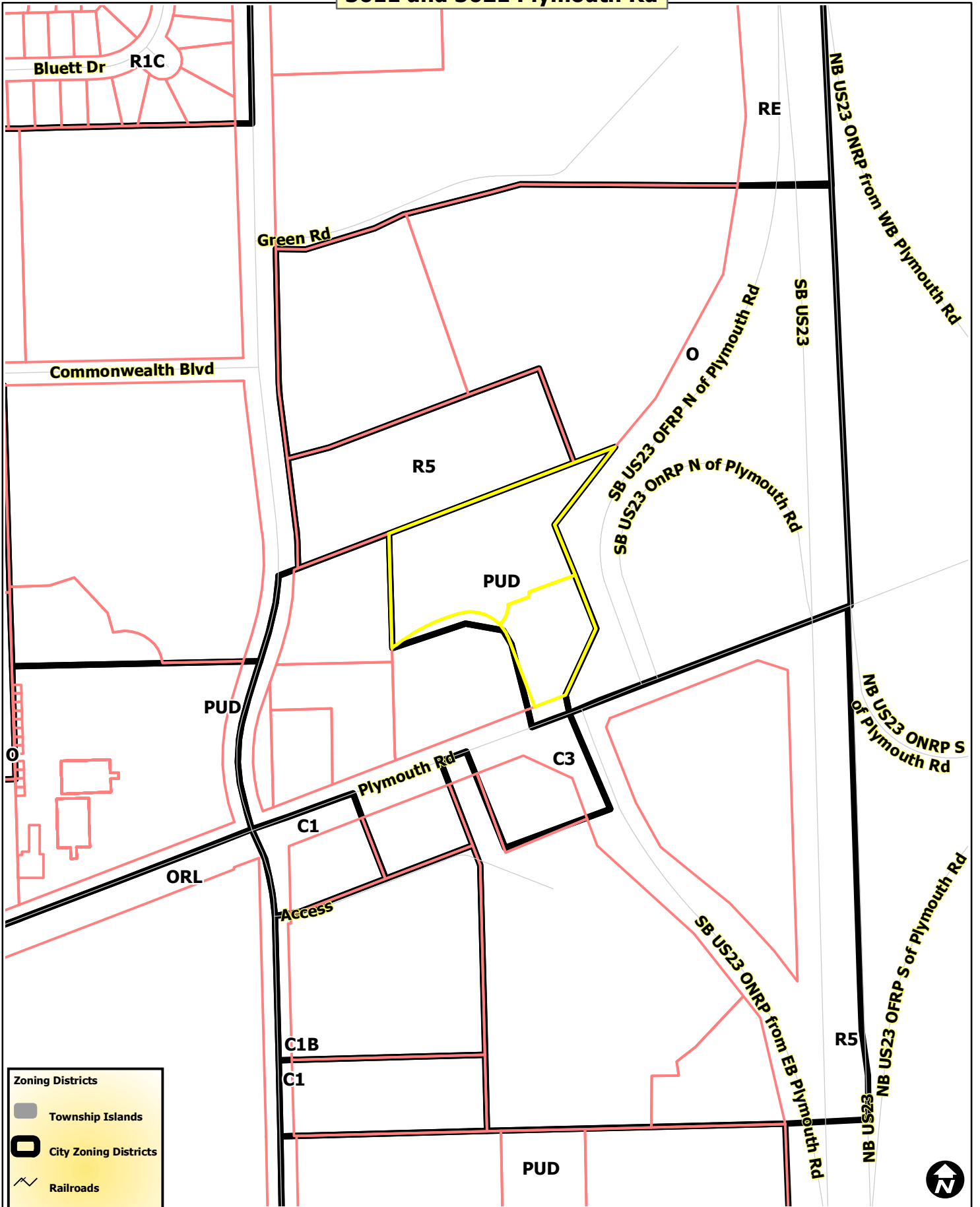
Attachments: Zoning Map  
Aerial Photo  
Planned Project Petition  
Special Exception Use Petition

Links: [Site Plan #4](#)  
[October 29, 2019 Engineering Review](#)  
[October 28, 2019 Natural Resources Review](#)

c: Owner and Applicant – Markus Management Group, 251 E. Merrill St, Birmingham,  
MI 48009 (Doriad Markus, [dsmarkus@yahoo.com](mailto:dsmarkus@yahoo.com))  
Applicant's Engineer – PEA ([jsmith@peainc.com](mailto:jsmith@peainc.com))  
Systems Planning  
Project Nos. Z19-007, SP19-003, SEU19-002



**3611 and 3621 Plymouth Rd**



**Zoning Districts**

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 2/5/2019  
 Any aerial imagery is circa 2018 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)





# 3611 and 3621 Plymouth Rd



- Railroads
- Huron River
- Tax Parcels



Map date: 2/5/2019  
Any aerial imagery is circa 2018 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 3611 and 3621 Plymouth Rd







**City of Ann Arbor**  
**PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES**  
 301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647  
 p. 734.794.6265 | f. 734.994.8312 | [planning@a2gov.org](mailto:planning@a2gov.org)

**APPLICATION FOR PLANNED PROJECTS**

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission to approve this planned project request as it relates to the property hereinafter described.

**A. Legal Description**

*(Give or attach legal description and include address of property)*

3611 and 3621 Plymouth Road, Ann Arbor, Michigan 48105

Legal Attached

**B. Petitioner Information**

The petitioner(s) requesting the planned project are:

*(List petitioners' name, address, telephone number, and interest in the land, i.e., owner, land contract, option to purchase, etc.)*

Doraid Markus (Markus Management Group, LLC)

251 East Merrill Street, Suite: 205, Birmingham, Michigan 48009; (248) 892-2222

Land Owner

Also interested in the petition are:

*(List others with legal or equitable interest)*

None

**C. Modification(s) Request**

The applicant requests the following area, height and placement modifications of the following section(s) of the Zoning Ordinance:

For this project the applicant is requesting a modification of the building height to be 65'-10".

For this project the applicant is requesting a modification to Section 5.17-.4 Table 5:17-4 to allow for the building to placed beyond the maximum 25' setback requirement.

Please explain how these modifications will help achieve the objectives of the development program and the standards listed in Section D below (add attachment if necessary):

The increase in building height will allow a project with greater density. Being able to maximize the developable footprint allow for the installation of a solar panel array on the topo of the proposed hotel.

**D. Standards for Approval**

Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the Zoning Chapter in the form of a planned project site plan. Please explain how and to what extent these standards are met by the proposal:

1. The lot or lots included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum gross lot size shall be the combined total of the minimum gross lot sizes for each dwelling on a parcel. However, the following exceptions may apply:
  - a. For purposes of this section, zero lot line duplex or townhouse development shall mean a development containing attached single-family units on individual lots. If a planned project for a zero lot line duplex or townhouse development provides affordable housing for lower income households, the minimum gross lot size and width requirements may be reduced. The number of dwelling units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed development is located.
  - b. In any residential zoning district allowing 3 or fewer dwelling units per acre, when 20 percent or more of the total area of a development is set aside for permanent open space preservation, the gross lot size may be reduced below the minimum lot area per dwelling unit and width requirements for the zoning district in which it is located, as provided in this section.

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2. The proposed modifications of zoning requirements must provide one or more of the following:
- a. Usable open space in excess of the minimum requirement for the zoning district. Where no minimum usable open space standard is required by the zoning district, a minimum usable open space standard shall be established by the approval of the planned project.
  - b. Building or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum building or parking setback is required by the zoning district, a minimum setback standard shall be established by the approval of the planned project.
  - c. Preservation of natural features that exceeds ordinance requirements, especially for those existing features prioritized in the land development regulations as being of highest and mid-level concern.
  - d. Preservation of historical or architectural features.
  - e. Solar orientation or energy conserving design.
  - f. An arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.
  - g. Affordable housing for lower income households.
  - h. A recorded conservation easement or similar binding instrument providing for permanent open space of 20 percent or more of the planned project, in any residential zoning district allowing 3 or fewer dwelling units per acre.

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The project is proposing the installation of a solar panel array on the top of the building.

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3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.  
Access to the development will be provided via an existing ingress-egress easement

4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.

The proposed uses will serve and support the surrounding businesses and properties by providing a hospitality and restaurant use for the Ann Arbor travelers. The proposed uses will be harmonous with adjacent land uses.

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5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 (Off-Street Parking) and Chapter 62 (Landscape and Screening).

The standards for off-street parking for cars and bicycles are provided for on-site.

Parking and landscape requirements are both met.

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6. The standards of density, allowable floor area and required usable open space for the zoning district(s) in which the project is located must be met.

The standards have all been met or exceeded.

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7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

The proposed uses are consistent with the C-3 Zoning District. (Note: Applicant is requesting a rezoning to a C-3 Zoning District).

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8. In any residential zoning district allowing 3 or fewer dwelling units per acre and where 20 percent or more of the total area is proposed for permanent open space, projects shall meet the following standards:

- a. The minimum gross lot size of the parcel proposed for the planned project shall be 2 acres. The size and shape of the portions of the planned project designated for open space preservation shall be reviewed and approved in conjunction with a planned project site plan, a planned unit development site plan, or a plat, in relation to natural features or characteristics specific to that site.
- b. The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of the permanent open space. Minimum lot width and setback requirements shall meet or exceed standards of the R1B residential zoning district.
- c. Permanent open space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, natural features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear open space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
- d. Land in permanent open space may be, but is not required to be, dedicated to the use of the public.
- e. Prior to the issuance of any permit, the permanent open space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the permanent open space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for open space preservation. Such permanent open space shall constitute 20 percent or more of the total area of a development.



- f. The option of utilizing a conservation easement or plat dedication for open space preservation for not less than 20 percent of the total area may be exercised only one time on a parcel of land.

N/A

The Commission or Council may add conditions to the approval of the planned project to achieve conformity to these standards.

### E. Supporting Plans

Attach a site plan and building elevations of the property proposed for planned project approval, showing the boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls) and the Land Development Regulations.

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: 1/31/19

Signature: [Signature]

DORIED MARTEL  
251 Emerald #205  
Birmingham MA 02009  
(Print name and address of petitioner)

STATE OF MICHIGAN

COUNTY OF WASHTENAW

On this 31<sup>st</sup> day of JAN, 2019, before me personally appeared the above named petitioner(s), who being duly sworn, say that they have read the foregoing petition and by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: [Signature]

DENISE L. KECK  
(Print name of Notary Public)

My Commission Expires: 11/9/22

**DENISE L. KECK**  
Notary Public, Macomb County, MI  
My Commission Expires: 11/09/2022  
Acting in the County of OAKLAND

## LEGAL DESCRIPTIONS

### PARCEL 09-09-14-400-009

(Per Reputation First Title Agency (First American Title Insurance Company)  
Commitment No. 26857, Commitment Date January 22, 2018.

The land referred to in this Commitment is described as follows:

Situated in the City of Ann Arbor, County of Washtenaw, State of Michigan.

Commencing at the South 1/4 corner of Section 14, T2S, R6E, City of Ann Arbor, Michigan; thence N 00 degrees 05' 50" E 810.08 feet along the North and South 1/4 line of said Section; thence N 70 degrees 54' 30" E 759.87 feet along the centerline of Plymouth Road for a PLACE OF BEGINNING; thence N 19 degrees 05' 30" W 243.0 feet; thence 43.57 feet along the arc of a tangential curve to the left, radius 108.0 feet, chord N 30 degrees 39' W 43.29 feet; thence Northeasterly 59.62 feet along the arc of a non-tangential circular curve to the left, radius 65.0 feet, chord N 23 degrees 38' E 57.37 feet; thence N 70 degrees 53' 40" E 58.86 feet; thence N 19 degrees 06' 20" W 13.0 feet; thence N 70 degrees 53' 40" E 129.33 feet; thence S 19 degrees 06' 20" E 152.16 feet; thence S 25 degrees 53' 40" W 266.60 feet; thence S 70 degrees 54' 30" W 30.26 feet along the centerline of Plymouth Road to the Place of Beginning, being part of the Southeast 1/4 of said Section.

### PARCEL 09-09-14-400-008

(Per First American Title Insurance Company Commitment File No.  
NCS-881874-HOU1, Commitment Date November 28, 2017.

The land referred to in this Commitment, situated in the County of Washtenaw, City of Ann Arbor, State of Michigan, is described as follows:

Commencing at the South 1/4 corner of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 349.47 feet along the centerline of Plymouth Road; thence North 00 degrees 05 minutes 30 seconds East, 347.77 feet for a place of beginning; thence continuing North 00 degrees 05 minutes 30 seconds East, 299.23 feet; thence North 70 degrees 54 minutes 30 seconds East, 641.13 feet; thence South 41 degrees 20 minutes 20 seconds West, 258.60 feet; thence South 19 degrees 06 minutes 20 seconds East, 142.85 feet; thence South 70 degrees 53 minutes 40 seconds West, 129.33 feet; thence South 19 degrees 06 minutes 20 seconds East, 13.0 feet; thence South 70 degrees 53 minutes 40 seconds West, 58.86 feet; thence 59.62 feet along the arc of a nontangential circular curve to the right, radius 65.0 feet; chord South 23 degrees 38 minutes West, 57.37 feet, thence 116.47 feet along the arc of a nontangential circular curve to the left, radius 108.00 feet, chord North 73 degrees 06 minutes 20 seconds West, 110.91 feet; thence 200.28 feet along the arc of a circular curve to the left, radius 500.0 feet, chord South 64 degrees 30 minutes 30 seconds West, 198.94 feet to the place of beginning, being a part of the Southeast 1/4 of said Section 14.

Together with and subject to the rights of others in a Non-exclusive 27 foot wide easement, the centerline of which is described as: Commencing at the South 1/4 corner of Section 14; Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East, 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 349.47 feet along the centerline of Plymouth Road; thence North 00 degrees 05 minutes 30 seconds East, 347.77 feet for a place of beginning; thence 200.28 feet along the arc of a nontangential circular curve to the right; radius 500.00 feet, chord North 64 degrees 30 minutes 30 seconds East, 198.94 feet; thence 160.05 feet along the arc of a circular curve to the right, radius 108.0 feet; chord South 61 degrees 32 minutes 45 seconds East, 145.80 feet; thence South 19 degrees 05 minutes 30 seconds East, 243.0 feet to the place of ending, being a part of the Southeast 1/4 of said section, for the purpose of ingress and egress from Parcel II above as created by Development and Easement Agreement recorded in Liber 1673, page 501, Washtenaw County Records, as amended by document recorded in Liber 3877, Page 724 Washtenaw County Records.

Together with and subject to the rights of others in a Non-exclusive 27 foot wide easement, the centerline of which is described as: Commencing at the South 1/4 corner of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East, 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 759.87 feet along the centerline of Plymouth Road; thence North 19 degrees 05 minutes 30 seconds West, 243.00 feet; thence 43.57 feet along the arc of a circular curve to the left, radius 108.00 feet, chord North 30 degrees 39 minutes West, 43.29 feet for a place of beginning; thence Northeasterly 59.62 feet along the arc of a nontangential circular curve to the left, radius 65.0 feet, chord North 23 degrees 38 minutes East, 57.37 feet for a place of ending, being a part of the Southeast 1/4 of said section, for the purpose of ingress to and egress, as created by Development and Easement Agreement recorded in Liber 1673, page 501, Washtenaw County Records, as amended by document recorded in Liber 3877, Page 724 Washtenaw County Records.



# City of Ann Arbor

## PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES

100 North Fifth Avenue | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647

p. 734.794.6265 | f. 734.994.8312 | [planning@a2gov.org](mailto:planning@a2gov.org)

### APPLICATION FOR SPECIAL EXCEPTION USE

See [www.a2gov.org/planning/petitions](http://www.a2gov.org/planning/petitions) for submittal requirements.

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission to approve this special exception use request as it relates to the property hereinafter described.

#### A. Legal Description

*(Give or attach legal description and include address of property)*

See Attached

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#### B. Petitioner Information

The petitioner(s) requesting the special exception use are: *(List petitioners' name; address; telephone number; and interest in the land; i.e., owner, land contract, option to purchase, etc.)*

Doraid Markus, Markus Management Group, 251 East Merrill, Suite: 255. Birmingham, Mi 48009  
248-892-2222; Owner

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Also interested in the petition are: *(List others with legal or equitable interest)*

Owner

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#### C. Use Request

The applicant requests special exception use approval to permit the following use(s): *(state intended use)*

The special exception request is for the construction of a drive thru for the proposed Panera Restaurant

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**D. Specific Standards**

The proposed use is allowed in accordance with the Schedule of Use Regulations, Chapter 55 (Zoning Ordinance), Section 15.166, Paragraph C3. Specify how the project meets all standards cited. Add attachment if necessary.

The proposed drive thru has been designed to not impair general vehicle circulation on site.

The proposed drive thru is located between two building and does not directly impact traffic flow.

The one (1) pedestrian crossing is to be signed and will have pavement markings denoting the crossing.

**E. General Standards**

The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. Please explain how and to what extent the following standards are met by the proposal:

1. Will be consistent with the general objectives of the City Master Plan.

Yes, the project will be consistent with the general objectives of the City Master Plan

2. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

Yes, the project will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

Yes, the project will be generally consistent with the character of the neighborhood related to scale and bulk.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general.

Yes, the project will not detrimental to the surrounding | neighboring properties.

The current site has a restaurant and hotel use. The proposed project is planning the same uses.

5. Will not have a detrimental effect on the natural environment.

The proposed project will not have any detrimental effects on the natural environment.

For this project we are preserving the existing landmarked trees

The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. Please explain how and to what extent the following standards are met by the proposal:

6. The location of and access to off-street parking and the safe provision for pedestrian traffic.  
The proposed drive thru is located along the side wna dbehind the proposed Panera. There is one pedrestrian crossing at the southwest coner of the building. At this location, pedrestrian crossing signs and pavement marking are proposed to protect pedrestrians making this crossing.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections.  
The drive thru is located away from the private access drive which will allow for traffic circulation without the potential for drive thru backs. The amount of drive thru for a typical Panera is low volume, it is mainly for customer convenience.

8. Vehicular turning movements in relationship to traffic flow routes.  
The turning movements for vehicles are generally 90 degree turns, which allow for maximum visibility and orderly traffic flow

9. The intensity and character of traffic and parking conditions on the site and in the general area.  
The site is design to provide for sufficent parking fields in and around the proposed uses. Traffic will enter the site from a private access drive from Plymouth Road. The existing parking area around the site have a similar type design.

10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.  
The proposed uses will not require additional public services or facilities. The proposed uses will not be detrimental to the social and economic welfare of Ann Arbor. The new uses will provide for additional employment opportunities and increase the property values in the area since it replacing an outdated hotel and and closed restaurant.

**F. Variance Information**

In addition to the granting of the special exception use, the following variances from City regulations will be requested:

No variances are being requested.

Attached is a site plan of the property proposed for special exception use approval, showing the

boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls).

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Print name and address of petitioner)*

STATE OF MICHIGAN

COUNTY OF WASHTENAW

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me personally appeared the above named petitioner(s), who being duly sworn, say that they have read the foregoing petition and by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls).

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: 5/9/19

Signature: *Dan Walsh*

251 E MARSHALL St #205  
BIRMINGHAM MI 48009

(Print name and address of petitioner)

STATE OF MICHIGAN  
*o Oakland*  
COUNTY OF ~~WASHTENAW~~

On this 9<sup>th</sup> day of May, 192019, before me personally appeared the above named petitioner(s), who being duly sworn, say that they have read the foregoing petition and by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: *Natasha Ouro*

NATASHA OURO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Apr 18, 2024  
ACTING IN COUNTY OF Oakland

My Commission Expires: 4-18-2024



## LEGAL DESCRIPTIONS

PARCEL 09-09-14-400-009

Per Reputation First Title Agency (First American Title Insurance Company)  
Commitment No. 26857, Commitment Date January 22, 2018.

The land referred to in this Commitment is described as follows:

Situated in the City of Ann Arbor, County of Washtenaw, State of Michigan.

Commencing at the South 1/4 corner of Section 14, T2S, R6E, City of Ann Arbor, Michigan; thence N 00 degrees 05' 50" E 810.08 feet along the North and South 1/4 line of said Section; thence N 70 degrees 54' 30" E 759.87 feet along the centerline of Plymouth Road for a PLACE OF BEGINNING; thence N 19 degrees 05' 30" W 243.0 feet; thence 43.57 feet along the arc of a tangential curve to the left, radius 108.0 feet, chord N 30 degrees 39' W 43.29 feet; thence Northeasterly 59.62 feet along the arc of a non-tangential circular curve to the left, radius 65.0 feet, chord N 23 degrees 38' E 57.37 feet; thence N 70 degrees 53' 40" E 58.86 feet; thence N 19 degrees 06' 20" W 13.0 feet; thence N 70 degrees 53' 40" E 129.33 feet; thence S 19 degrees 06' 20" E 152.16 feet; thence S 25 degrees 53' 40" W 266.60 feet; thence S 70 degrees 54' 30" W 30.26 feet along the centerline of Plymouth Road to the Place of Beginning, being part of the Southeast 1/4 of said Section.

PARCEL 09-09-14-400-008

(Per First American Title Insurance Company Commitment File No. NCS-881874-HOU1,  
Commitment Date November 28, 2017.

The land referred to in this Commitment, situated in the County of Washtenaw, City of Ann Arbor, State of Michigan, is described as follows:

Commencing at the South 1/4 corner of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 349.47 feet along the centerline of Plymouth Road; thence North 00 degrees 05 minutes 30 seconds East, 347.77 feet for a place of beginning; thence continuing North 00 degrees 05 minutes 30 seconds East, 299.23 feet; thence North 70 degrees 54 minutes 30 seconds East, 641.13 feet; thence South 41 degrees 20 minutes 20 seconds West, 258.60 feet; thence South 19 degrees 06 minutes 20 seconds East, 142.85 feet; thence South 70 degrees 53 minutes 40 seconds West, 129.33 feet; thence South 19 degrees 06 minutes 20 seconds East, 13.0 feet; thence South 70 degrees 53 minutes 40 seconds West, 58.86 feet; thence 59.62 feet along the arc of a nontangential circular curve to the right, radius 65.0 feet; chord South 23 degrees 38 minutes West, 57.37 feet, thence 116.47 feet along the arc of a nontangential circular curve to the left, radius 108.00 feet, chord North 73 degrees 06 minutes 20 seconds West, 110.91 feet; thence 200.28 feet along the arc of a circular curve to the left, radius 500.0 feet, chord South 64 degrees 30 minutes 30 seconds West, 198.94 feet to the place of beginning, being a part of the Southeast 1/4 of said Section 14.

Together with and subject to the rights of others in a Non-exclusive 27 foot wide easement, the centerline of which is described as: Commencing at the South 1/4 corner of Section 14; Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East, 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 349.47 feet along the centerline of Plymouth Road; thence North 00 degrees 05 minutes 30 seconds East, 347.77 feet for a place of beginning; thence 200.28 feet along the arc of a nontangential circular curve to the right; radius 500.00 feet, chord North 64 degrees 30 minutes 30 seconds East, 198.94 feet; thence 160.05 feet along the arc of a circular curve to the right, radius 108.0 feet; chord South 61 degrees 32 minutes 45 seconds East, 145.80 feet; thence South 19 degrees 05 minutes 30 seconds East, 243.0 feet to the place of ending, being a part of the Southeast 1/4 of said section, for the purpose of ingress and egress from Parcel II above as created by Development and Easement Agreement recorded in Liber 1673, page 501, Washtenaw County Records, as amended by document recorded in Liber 3877, Page 724 Washtenaw County Records.

Together with and subject to the rights of others in a Non-exclusive 27 foot wide easement, the centerline of which is described as: Commencing at the South 1/4 corner of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Michigan; thence North 00 degrees 05 minutes 50 seconds East, 810.08 feet along the North and South 1/4 line of said Section; thence North 70 degrees 54 minutes 30 seconds East, 759.87 feet along the centerline of Plymouth Road; thence North 19 degrees 05 minutes 30 seconds West, 243.00 feet; thence 43.57 feet along the arc of a circular curve to the left, radius 108.00 feet, chord North 30 degrees 39 minutes West, 43.29 feet for a place of beginning; thence Northeasterly 59.62 feet along the arc of a nontangential circular curve to the left, radius 65.0 feet, chord North 23 degrees 38 minutes East, 57.37 feet for a place of ending, being a part of the Southeast 1/4 of said section, for the purpose of ingress to and egress, as created by Development and Easement Agreement recorded in Liber 1673, page 501, Washtenaw County Records, as amended by document recorded in Liber 3877, Page 724 Washtenaw County Records.