



## Legislation Details (With Text)

**File #:** 18-0531      **Version:** 1      **Name:** 5/7/18 -- Ordinance to Rezone Briarwood Mall Parcel 2

**Type:** Ordinance      **Status:** Passed

**File created:** 5/7/2018      **In control:** City Council

**On agenda:** 6/4/2018      **Final action:** 6/4/2018

**Enactment date:** 5/7/2018      **Enactment #:** ORD-18-11

**Title:**

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-11 Briarwood Rezoning Ordinance Briefed and Approved.pdf, 2. 18-11 Briarwood Mall Rezoning Briefed.pdf, 3. Ordinance to Rezone Briarwood Mall Parcel 2.pdf, 4. March 20, 2018 Planning Staff Report, 5. 18-11 Briarwood Rezoning Ordinance Approval Notice.pdf

Date	Ver.	Action By	Action	Result
6/4/2018	1	City Council	Held and Closed	
6/4/2018	1	City Council	Adopted on Second Reading	Pass
5/7/2018	1	City Council	Approved on First Reading	Pass

.Title

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of Approximately 1.8 Acres from P (Parking District) to C2B (Business Service District), Briarwood Mall Parcel 2 Rezoning, 700/720/760 Briarwood Circle (CPC Recommendation: Approval - 7 Yeas and 1 Nays) (Ordinance No. ORD-18-11)

Approval of this resolution will rezone a 1.8-acre portion of a 4.4-acre parcel from P to C2B to allow commercial activities such as special sales and entertainment events to be held in that area.

The Briarwood Mall consists of six parcels owned by five different entities. Briarwood LLC owns parcels 1 and 2. Parcel 2, 4.4 acres, is a relatively narrow, irregular shaped lot that includes two freestanding restaurants (occupying about 1 acre), three rows of parking stalls (occupying about 1.8 acres) and two private streets. The area under the restaurants is currently zoned C2B while the area of the parking stalls and private streets is zoned P.

The applicant seeks to enable temporary outdoor sales by businesses and vendors that do not have a brick-and-mortar presence on these parcels or within the Mall to occur, such as tent sales of spring plants, fall pumpkins, Christmas trees, and boat/rv/car shows, etc. As the P district allows just one permitted principle use, the storage of personal vehicles, none of those events can currently take place. Upon rezoning to C2B, a business or vendor with permission from property owner Briarwood LLC may apply to the Planning Commission for special exception use approval for their desired activity on Parcel 2. This situation already occurs at other shopping centers in the City, two examples being the fireworks tent at Maple Village Shopping Center (zoned C3) and the westside farmers market at Westgate Shopping Center (zoned C3).

No new construction or site improvements are proposed as part of this rezoning request.

The applicant requested that both of their parcels, the 27.5-acre Parcel 1 (of which 13.1 acres is currently zoned P) and a portion of the 4.4-acre Parcel 2 (of which 3.3 is currently zoned P), be rezoned to C2B. The portion of Parcel 2 to be rezoned is the only functional area where temporary outdoor sales and events could realistically be held. It currently contains three rows of parking, measuring approximately 140 feet wide and 560 feet long, covering 78,400 square feet or 1.8 acres. Each parcel requested for rezoning was considered separately.

The City Planning Commission determined that the proposed rezoning of Parcel 2 is consistent with the adjacent zoning, the surrounding land uses, and the City's Master Plan and recommended approval of the request at its meeting of March 20, 2018. Rezoning would facilitate most of the temporary outdoor sales and events for whom the applicant has established relationships and commitments, and would bring a benefit to the property owner, the surrounding businesses and the community at large.

The City Planning Commission could not determine if the proposed rezoning of Parcel 1 was consistent with the surrounding land uses and the City's Master Plan at its meeting of March 20, 2018. Offering a recommendation was postponed to a date uncertain until more analysis and a better understanding of the long term development impacts of an additional 13 acres of commercially zoned land could be done. The Planning Commission's recommendation for Parcel 1 will be forwarded to City Council for first reading separately when ready.

Attachments: March 20, 2018 Planning Staff Report  
March 20, 2018 Planning Commission Minutes

Prepared by: Alexis DiLeo, City Planner

Reviewed by: Brett Lenart, Planning Manager and Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-18-11

First Reading: May 7, 2018

Approved: June 4, 2018

Public Hearing: June 4, 2018

Published: June 14, 2018

Effective: June 24, 2018

BRIARWOOD MALL PARCEL 2 REZONING  
(700, 720, AND 760 BRIARWOOD CIRCLE)

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:

Commencing at the Northeast corner of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S01°39'00"E 623.58 feet along the East line of said Section and the centerline of

State Street; thence N87°39'00"W 100.24 feet; thence N01°39'00"W 25.24 feet along the Westerly right-of-way line of State Street; thence along the Southerly and Easterly lines of Mall Drive in the following five (5) courses: Westerly 26.12 feet along the arc of a 70.00 foot radius circular curve to the left, through a central angle of 21°22'50", having a chord that bears N76°57'40"W 25.97 feet, N87°39'00"W 466.08 feet, Southwesterly 185.00 feet along the arc of a 200.00 foot radius circular curve to the left, through a central angle of 53°00'00", having a chord that bears S65°51'00"W 178.48 feet, S39°21'00"W 224.47 feet and Southerly 47.12 feet along the arc of a 30.00 foot radius circular curve to the left, through a central angle of 90°00'00", having a chord that bears S05°39'00"E 42.43 feet; thence N50°39'00"W 33.89 feet along the Northeasterly right-of-way line of Briarwood Circle Drive; thence S39°21'00"W 56.00 feet to a point on the Southwesterly right-of-way line of Briarwood Circle Drive, said point being the POINT OF BEGINNING; thence S16°51'00"W 554.62 feet; thence N73°09'00"W 137.50 feet; thence N16°51'00"E 611.57 feet; thence S50°39'00"E 148.83 feet along the Southwesterly right-of-way line of Briarwood Circle Drive to the Point of Beginning. Being a part of the Northeast 1/4 of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 1.84 acres of land, more or less. Being subject to easements and restrictions of record, if any in the City of Ann Arbor, Washtenaw County, Michigan as C2B (Business Service District).

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

### CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of June 4, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on June 14, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk