

Planning Commission Minutes
January 6, 2009

(a) Public Hearing and Action on Gas Station/Tim Hortons Site Plan, 1.32 acres, 3240 Washtenaw Avenue. A proposal to demolish the existing building and to construct a 4,507-square foot gasoline filling station, restaurant and retail building with 18 parking spaces – Staff Recommendation: Approval

Cheng explained the proposal and showed photographs of the property.

Leo Gonzales, of 550 Forest Avenue, Plymouth, Michigan, said that in 2005, Safeway Oil purchased 45 Shell stations in the Detroit area, with the intention of going through the inventory on a case-by-case basis, looking for opportunities to better serve communities by renovating stations. He stated that this would be a station with raised and rebuilt pumps, tanks, landscaping, a new building, and a co-brand with Tim Hortons. He noted that Safeway, as owner and operator of the station, is fully vested in its success. He noted that the president of Safeway Oil and Mr. Gonzales, the future operator of the station, were both in attendance.

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

Moved by Derezhinski, seconded by Carlberg, that the City of Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Gas Station/Tim Hortons Site Plan, subject to payment of street escrow of \$631.65 and subject to the disconnection of one footing drain prior to issuance of certificate of occupancy.

Carlberg said she noticed a wide, green setback on Washtenaw from Platt almost to this site. This project does not continue that pattern of a nice, wide swath between the road and sidewalk, she said. She said that there appeared to be room for a wider setback and that the proposed setback would be harder on pedestrians. She said that it was aesthetically and functionally better for pedestrians to walk on sidewalks farther from the street. She said there appeared to be a 20-foot swath between the pavement and the sidewalk, and she asked whether that might enable trees to be nearer the street, instead of sidewalk? She also asked what the sign would look like and where it would be located? She said she appreciated the redesigned parking away from the pumps and from the front setback, and she said she assumed that the pump aisles were wide enough for cars to pull around cars parked at pumps. She asked whether the driveway on Huron Parkway needed to be left wide.

Cheng said that with regard to changing the location of the sidewalk, the petitioner's current proposal exceeded (satisfied) the code requirement by two feet. He said it could, theoretically, be moved and that it might be possible to reconfigure landscaping, but that it would have to be discussed with Engineering to see if the setback could be moved five more feet. He noted that signage is not addressed at this stage of planning, and that the City had a sign enforcement officer who would eventually ensure that the site conformed to code. He said the petitioner might be able to describe the sign. He said he was unsure about the decision to keep the driveway its current width.

Derezhinski said that knowing the corner, he believed this proposed project was an improvement. He asked a question with regard to the trees on the site. He asked whether the setback might be extended to improve sight at the corner and to remove blind spots. He also asked whether the site would operate 24 hours per day, and whether there would be interior seating for the restaurant.

Gonzales stated that there would be between 20-30 seats in restaurant. He noted that seating varies from operation to operation. He said that many Tim Hortons are 24 hour operations, and

that this one very well could be. They took the stance with some of the co-brands to run the facilities 24 hours, he said. He said that one in Inkster ran 24 hours, and one in Southgate began as a 24 hour operation, but then elected to cut back its hours. He said it varies from site to site.

Derezinski asked, with regard to the installation of new tanks, if there were any known problems with the old tanks.

Gonzales said he was unaware of any confirmed releases. He noted that whatever contamination was found in the ground would be removed. He said that certain systems within the station would monitor fuel, and that any problem would be immediately reported to the state.

Woods, asked the petitioner to talk about lighting at the station. Also, she noted that another nearby project was supposed to begin soon, and asked the petitioner to discuss the building timeline. She said that there was a pretty devastated area to the west of this site, and that she hoped the proposed project would not run into financing issues.

Gonzales said that all of the lighting would be contained onsite, and adhere to code. He said that this station would probably have a little softer lighting on the building because of all new lighting inside. He said there would be continuity between the inside and outside, given the new construction. He also noted that the current Capitol Improvement Plan showed a 12" water main being installed on Washtenaw Avenue, and that the proposed project would try to coincide with that project. He said he would need more information from the Engineering Department before setting a kick-off date. He said the goal was to maximize coordination.

Woods asked whether the construction of buildings would put traffic lanes out of commission for any period of time, and whether it would impact the blind spots. She asked the petitioner or staff to talk about traffic.

Gonzales said that generally when curb cuts are moved, adjusted or replaced, there can be a traffic interruption. He said they would try to minimize the impact, noting that no improvements were proposed on Huron Parkway, and only slight improvements on Washtenaw Avenue. He said he was cognizant that it would be good to coordinate the project with the water main project, so that the site could tie into the main during that construction.

Woods said she was surprised that the proposed project indicated minimal traffic impact, and wanted to look for the specific language in the proposal.

Potts said she did not look at the site as closely as Commissioner Carlberg, but said that this project should continue whatever is already happening along Washtenaw with regarding street frontage, trees, location of sidewalks and pedestrian traffic. She said that although few pedestrians do walk there, as stores move in, there may be more pedestrians. She said it is always recommended for pedestrians to be as far from a street with no parking on it as possible. And she said that trees should be between pedestrians and cars, whenever possible. She noted her other concern was right-in/right-out turns on the site. She said she understood why MDOT requires right-in/right-out turn driveways, but she said they were hard on users and assume users want to continue in that direction, rather than turning around to go home. She said right-in/right-out turns are safer, but inconvenient, forcing users to do u-turns in others' parking lots. She said that the petitioner should be prepared for customer problems, and wanted to go on record as saying this.

Borum said that with regard to sidewalks, the Planning Commission had approved a site plan to the west where the sidewalk was pushed all the way to the road.

Pratt asked whether he meant east or west. He asked if he meant Arlington Shops.

Borum said yes, stating that we the Planning Commission should base a decision now on the prior decision. He said he just wanted to point that out to staff. He said he had one other minor thing to note. In regard to the floor plans, he said the footprint drawing and site plan show different layouts; both corners were clipped along back of building in one drawing, but not the other. He said this should be fixed before moving forward. He also asked staff for clarification regarding the definition of a drive-thru and whether it required a special exception. He asked if Council had ever approved this.

Cheng said that drive-thrus were permitted without special exception. With regard to the width of the driveway, he said that it was 30 feet and that code allowed between 20 and 30 feet. He also noted that Arlington Shops had a 10-foot wide sidewalk extension along Washtenaw Avenue.

Pratt asked to comment on several issues. First, he said he respectfully disagreed with Commissioner Potts regarding right-in/right-out turns. He said he was unsure whether the petitioner needed to fully restrict left turns onto Huron Parkway, and that they may want to consider restricting left turns between 3:00 p.m. and 6:00 p.m. He said he had a safety concern with Huron Parkway, noting that he'd like to see signage discouraging left turns onto Huron Parkway. He said that with regard to Commissioner Woods's concern about the traffic impact, 50 trips per hour sounded about right for this type of facility. He said it meant 50 trips through the pumps at peak time pumps, and that a lot of traffic was out on that road anyway. Either way, he believed that the right-in/right-out turns were a step in the right direction. With regard to the trees, he said he agreed with the idea, so long as the trees did not block vision. He said that ornamental trees, like crab trees, allow drivers and pedestrians to see underneath. He concurred with Commissioner Carlberg that moving a sidewalk farther from the road was better. He suggested adding an easement to back people away from the street and asked whether the knee wall was proposed to be removed.

Gonzales said yes, the wall was to be removed.

Potts said she saw no impediment to moving the sidewalk.

Mahler said he preferred to leave the Huron Parkway curb-cut wide for people entering and exiting on that street. He said he did not anticipate much foot traffic and that his main concern was pedestrians traversing the area. He said he didn't anticipate enough foot traffic to justify a worse log jam in cars. He said the bike parking requirement was for two Class B and a minimum of three Class C spots, and commented that the site plan showed five Class B and no Class C spots. He asked whether the petitioner planned to put any Class C in or whether that had been covered with staff.

Gonzales asked staff to explain the difference between Class B and Class C bike spaces.

Cheng said that Class B was higher, and that upgrades were allowed.

Westphal said he wanted to reiterate the importance of matching the lawn extension to what was there to the west. He said he thought the five-foot extension was narrower than what the City liked for trees.

Cheng said that the City requires three feet, and the petitioner was asked to, and did, provide five feet.

Westphal said that in residential areas, six feet is considered better for the health of trees. He also said he agreed with other Commissioners that maintaining the existing tree setbacks on Washtenaw was a good idea.

Potts asked whether there needed to be an amendment made to the plan for the changes to the sidewalks or trees.

Bona said the Commission should ask the petitioner if they have any comments relative to the request. She also asked whether the berm identified in the landscaping plan between the sidewalk and the paving was a requirement.

Cheng said yes, that a 30-inch wall, a berm or a hedge was required.

Bona said that without a well-defined solution to the sidewalk issue, and given that so many Commissioners have raised issues regarding the location of the sidewalk, she believed that between the minutes and a follow-up meeting with Mark Lloyd and Commissioner Derezinski, the Commission's position would be communicated.

Potts said it may be difficult to ask Council to consider the sidewalk issue without input from the Commission.

Bona said that based on the Commissioners comments, she was hopeful that the petitioner could work with staff to make accommodations. She then asked if the petitioner had a response.

Gonzales asked that they be allowed to work with staff to look at options. He said that if the sidewalk were moved to line up with the existing property to the west, the site would still need a 30 inch berm. He said there might be a liability issue because the sidewalk would be five feet onto the property, noting that two feet were already on the property. He said he looked forward to seeing if he and staff could find a solution.

Bona said she agreed with other Commissioners that it would be nice to line up the sidewalks. She said to Cheng that she did not see anything relative to street trees, and asked whether the trees on the property side of the sidewalk were meant to be street trees.

Cheng said yes, that the petitioner would be contributing \$630.

Bona asked whether trees can fit in the five-foot space between the road and the sidewalk. She said she remembered a seven to eight foot requirement, and that she would like to see this requirement met at a minimum. To be pedestrian friendly, she said trees were needed between the sidewalk and the traffic. She also noted that the entrance on Huron Parkway looked narrower, which she preferred. She said Commissioners probably had varying opinions on this. She asked the petitioner and staff how pedestrian traffic would flow from the sidewalk to the main building. She noted that the proposed project was a far more efficient use of land than the current site configuration, but that it was still not pedestrian friendly. She said there ought to be a connection from the sidewalk to the building, or pedestrians won't use it. She asked how to pedestrians would get to the front door.

Gonzales said they had considered this, and that he had spoken to staff and his engineer that day. He said that from a practical standpoint, he operates gas stations for the utility of cars and the circulation around the building and canopy is for cars. He said it becomes difficult to create a pedestrian path, but that on other sites, as well as this site, five to six foot ramps have been installed on the front of the building. He said it is difficult to predict where the critical mass of pedestrians will be, and that customers in cars are as important as customers on foot. He said they could create a cross-hatched section from the pumps to the building, but that would not help someone get from Washtenaw Avenue to the station. He said that pedestrians from the street are much less frequent than people walking from the pumps to the store, and that the cross-hatched path might be a solution. He said that the site in Inkster near I-96, which is similar in size and circulation, has good circulation and has had no negative impacts. He said that in tight spots, people overcompensate. Pedestrians will still have to cross paths on thoroughfares to get to the station, he said. He said their goal was to accommodate local people.

Bona said she respectfully disagreed with the petitioner, and that she was not as concerned about pedestrians getting from the cars to the entry of the building. Typically, she said, pedestrians cross driveways on all sites. She said she was more concerned about pedestrians getting from the bus stop to the gas station. She noted that a pedestrian coming from the bus stop on Huron Parkway has to walk through the driveway entrance on Huron Parkway; there is no sidewalk that gets them part of the way. She continued by saying that this was also the case on Washtenaw Avenue. She said she was not sure how to resolve the issue on Huron Parkway. She said that as the site plan existed without a way to get pedestrians from the driveways to the front entrance, she could not support the plan.

Gonzales said that he read the email and misunderstood the question. He suggested that the site plan could be simply revised, and the issue addressed, by creating a sidewalk from the corner of the site, where pedestrian traffic was likely to be highest, diagonally to the station. He said he would shift the berm and taper the sidewalk to allow for wheelchairs and pedestrians to move into the driveway and on to the convenience store.

Bona said that the Commission would not discuss that modification at this point. She recommended that the petitioner come up with something before going to the City Council, but that she probably would not support this plan at tonight's meeting.

Gonzales said he would like the Chair's support, and that the project has already been open for twelve months. He asked if the Chair was looking for an access point from the sidewalk to the asphalt.

Bona said she was looking for a path to the building. She then asked if anyone would like to table the project so that the petitioner could revise.

Pratt said he thought the question was straightforward, and that staff and the petitioner could handle this with the other sidewalk issue.

Derezinski said that there was a CIP hearing or meeting on Thursday that could potentially delay the project to install the 12-inch water main on Washtenaw Avenue, due to citizen concern about the impact on businesses.

Carlberg asked Bona if she was interested in a pedestrian path to front door in terms of a raised sidewalk or other paving material.

Bona stated that, to clarify, there is no path from the sidewalk to the parking area, and yes, some other type of walkway.

Carlberg noted that in other projects, some other type of paving, such as brick, was required to make clear that it was a path from the sidewalk to a front door. She asked the petitioner what their storm water retention system would do to help Malletts Creek.

Gonzales stated that there was currently no drain on site, and that the new system would collect water on site and run it through a cleaning system, to chambers, and then outlet to a sewer at the agriculture rate. He said this would reduce the amount of water making its way to Malletts Creek. He said the goal was to reduce volume and improve the cleanliness of water making its way to the Creek.

Carlberg clarified, asking if the water then went through a cleaning system.

Gonzales said yes, it was called a vortex system, cleaning anything that comes off of the asphalt of impurities and then returning it to the river system.

Carlberg asked whether the soil on site allowed for any infiltration, and whether the site could use perforated pipes, allowing some water to return to the soil.

Cheng said it was his understanding that the soil allowed for some infiltration, and that overflow would go into the existing storm pipe. He said he had spoken to the land development coordinator that day, but that he wanted to double check.

Mahler asked to go on record to say that he could not imagine not supporting this project over a sidewalk the sidewalk issue. He stated that the plan met all of the C3 zoning requirements, and that it was a vast improvement over the existing site. He said he couldn't deny support to this project due to the absence of a design feature that was not required by the code. He read the Code's intent language for C3-zoned parcels, noting that the zoning was designed for the types of businesses that cater to customers who come directly by automobile, making a separate stop for each errand, that pedestrians were less frequent in these districts than in the central business district, and that good automobile circulation was essential to these districts. He said he would be supporting the project regardless of whether the sidewalk was moved farther from the street or whether an extra sidewalk was added to the site unless he heard a compelling legal reason to oppose the project.

Bona said her opposition was based on public safety and the Non-motorized Transportation Plan, and that all sites should be pedestrian friendly. She said she thought this plan increased the potential for pedestrian/car conflict, and that that was the basis for her opposition.

A vote on the motion showed:

YEAS:	Borum, Carlberg, Derezinski, Mahler, Potts, Pratt, Westphal, Woods
NAYS:	Bona

Motion carried.