

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 6, 2008

SUBJECT: Amendment to Chapter 55, Section 5:10.12, to Include Beauty Salons and Day Spas as Special Exception Uses in the Office Zoning District

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 55, Section 5:10.12, to include beauty salons and day spas as special exception uses in the office zoning district.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment to Chapter 55 of the City Code be **approved** to allow beauty salons and day spas as special exception uses in the office zoning district.

BACKGROUND

Personal services are considered to be the shop or place of business of a person who performs a service to or for another person. Currently, personal services are not permitted in any form in the office district. They are permitted as principal uses in all commercial districts. A petition to consider permitting some or all personal services in the office zoning district was initiated by City Council resolution. It is understood that this petition was initiated on behalf of a local business owner who is seeking to locate a day spa in a vacant space in the office district.

City Council requested that a recommendation for such an amendment be brought forth no later than July 21, 2008.

STAFF REPORT

Permitted uses in any zoning district are divided into three categories:

1. Principal Uses – uses that are allowed anywhere in the district without further limitation (often referred to as “by right” uses).
2. Special Exception Uses – uses that require approval by the Planning Commission for the specific site. Approval is based on any specific conditions listed and the standards for special exception use approval.
3. Accessory Uses – uses that are allowed only in conjunction with a principal or special exception use but are not allowed on their own.

The permitted principal, special exception and accessory uses that are currently allowed in the office zoning district can be briefly summarized as follows (please note below is an edited summary and not the exact language as contained in Section 5:10.12):

8b

Principal Uses

- Executive and administrative offices
- Offices in which items are not manufactured, displayed or sold in that office (such as business offices, medical/dental offices, banks, business services)
- Artist studios with limited display and sales areas
- Funeral homes
- Private institutions of higher education
- Residential (single-family, two-family, multiple-family, hotel and motel)

Special Exception Uses

- Veterinary hospitals and kennels
- Indoor court games in enclosed buildings (racquetball, squash)

Accessory Uses

- Incidental services for building occupants (deli, restaurant, barber, etc.) in a limited area, accessible only from inside said building, with no external advertising.

Personal services include beauty and barber shops, dry cleaning and laundries, shoe and garment repair and alteration, and photography shops. They are permitted as principal uses in commercial districts – C1 Local Business, C1A Campus Business, C1B Community Convenience Center, C2A Central Business, C2A/R Commercial Residential, C2B Business Service, C2B/R Business Service/Residential, and C3 Fringe Commercial.

The permitted uses in any zoning district, and the designation of land into zoning districts, is typically based on compatibility of uses with other uses in the same district and with those allowed in adjacent districts. Like uses are grouped together in a district and the various districts are arranged to provide for a transition between the uses. It is quite common to use the office district, as Ann Arbor does, as a buffer between residential and commercial districts. This is because office uses usually generate low traffic volumes and the traffic that is generated is mostly concentrated to one inbound trip in the morning and one outbound trip in the afternoon. Traffic due to deliveries and shipments is anticipated to be much less in office districts. Also, office uses usually generate little, if any, noise, odor, light, dust, vibration or other environmental pollution. Finally, office districts need less pedestrian and vehicular accessibility than commercial uses as they are mostly centers of employment and not customer-oriented.

In Ann Arbor, office districts are found scattered throughout the City, each covering a relatively small tract of land. Notable office district locations are the State/Eisenhower area, the Huron Parkway/Washtenaw area, the Packard/Eisenhower area, the Plymouth/US-23 area, the Plymouth/Green area, the West Stadium/Pauline area, the East Stadium/Washtenaw area, and the South Main/Pauline/West Stadium area. Almost all existing office districts abut residential districts.

PROPOSED AMENDMENT

The following paragraph is proposed to be added to the permitted uses in Section 5:10.12 (Office District) of the Zoning Ordinance:

8. Beauty salons and day spas with special exception use approval in accordance with Section 5:104. Incidental sales of products used in the salon or spa shall occupy no more than 150 square feet of the total floor area.

STAFF COMMENTS

Staff considered the following alternatives to amend the permitted uses in the office district:

- (a) Adding the entire category of personal services as principal uses.
- (b) Adding the entire category of personal services as special exception uses.
- (c) Adding beauty salons and day spas as principal uses.
- (d) Adding beauty salons and day spas as special exception uses.
- (e) Adding beauty salons and day spas with additional site requirements as special exception uses (i.e., a minimum lot size of 10,000 square feet, or for sites not abutting land used or zoned for residential, etc.).

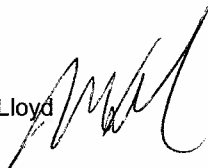
Staff did not feel that there is significant demand to add the entire category of personal services as a permitted use to the office district and so did not support alternative (a) or (b). While the line has been blurred, staff believes that the office district is still predominantly a center of employment rather than a customer-oriented commerce area and so did not support alternative (c). However, staff recognizes that beauty salons and day spas provide a service not too different from a medical or dental office, and they can have similar impacts regarding traffic generation, noise, and odor as medical and dental offices and even veterinary hospitals. Medical and dental offices and veterinary hospitals are permitted as principal uses and special exception uses respectively.

Since there is obviously a demand for at least one beauty salon/day spa to be located in an office district, but the intent of the office district is to provide a buffer between residential and commercial areas, staff believes that alternative (d) is the best option. Through the special exception use process, a specific site can be evaluated against the adopted standards that include considering compatibility with the existing character of the area, traffic impacts, and effects on the environment. If the standards are met, demonstrating that a specific site can accommodate a beauty salon or day spa without unduly impacting the surrounding neighborhood – particularly a surrounding residential neighborhood – staff would wholeheartedly support a petition. This is not to say that every petition for a salon or spa would be recommended for approval. A proposed salon or spa would have to fit in with the character of the proposed location. For example, a large, high-volume spa may not be appropriate for the office district along Main between Pauline and Stadium but might be suitable in the office districts surrounding the Briarwood Mall or near Eisenhower.

After consideration, staff believes there is no compelling reason to require additional site requirements beyond the special exception use standards as considered by alternative (e).

It should be noted that, in March, the Ordinance Revisions Committee discussed adding personal services to the permitted uses in the office district. Two of the four members were in attendance that day and both felt that adding the entire category of personal services as a principal use was acceptable. Staff took their comments into account but concluded that only beauty salons and day spas should be allowed as special exception uses for the reasons stated in this report.

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jsj/5/1/08
c: City Attorney
Systems Planning



Attachments: Proposed Ordinance Amendment
Office-Zoned Sites Map

AN ORDINANCE TO AMEND SECTION 5:10.12 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Section 5:10.12 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.12. O office district.

- (1) Intent. This district is primarily for office buildings. The office district classification will be applied as a transitional use buffer between residential uses and uses which would be incompatible in direct contact with residential districts.
- (2) Permitted principal uses.
 - (a) Executive and administrative offices for establishments whose plants, warehouses or outlets are not permitted in the "O" district.
 - (b) Any office in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, such as the following:
 1. Business offices of a public utility, real estate, insurance, commercial or industrial establishment.
 2. Offices of physicians, dentists and other health practitioners; legal, engineering, architectural and surveying services; accounting, auditing and bookkeeping services.
 3. Finance, insurance and real estate offices; travel bureau; and banks.
 4. Government offices.
 5. Business services such as: advertising, consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services.

6. Office of nonprofit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations and religious organizations.

7. Veterinary hospitals and kennels providing medical, surgical, boarding, grooming and bathing facilities for small nonfarm animals such as dogs, cats and birds as a special exception use pursuant to section 5:104. All facilities must be completely enclosed in a sound proof building in such a way as to produce no objectionable odors at the lot lines.

8. Beauty salons and day spas with special exception use approval in accordance with section 5:104. Incidental sales of products used in the salon or spa shall occupy no more than 150 square feet of the total floor area.

(c) Any permitted principal use of the "R" dwelling district, subject to all the regulations of the district in which such use first occurs.

(d) Indoor court game facilities, including, but not limited to, handball, racquetball, paddleball, squash, ping-pong and similar uses, when located in an enclosed building shall be permitted as a special exception use pursuant to section 5:104.

(e) Artists' studios, provided no more than 25 percent of the total floor area of the studio is used for the display and sale of articles which are produced in the studio.

(f) Funeral homes.

(g) Private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education.

(h) The City Council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. The resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property. A property owner who wishes to conduct outdoor sales and displays on his or her private property, as provided for in the Council resolution, shall first apply for and receive a Zoning Compliance Permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the Zoning Compliance Permit issued to a property owner. Failure to comply with the conditions set in the resolution shall be a violation of this

ordinance section and shall be grounds to revoke all permits granted to the property owner for the duration of the special event identified in the resolution.

(3) Permitted accessory uses.

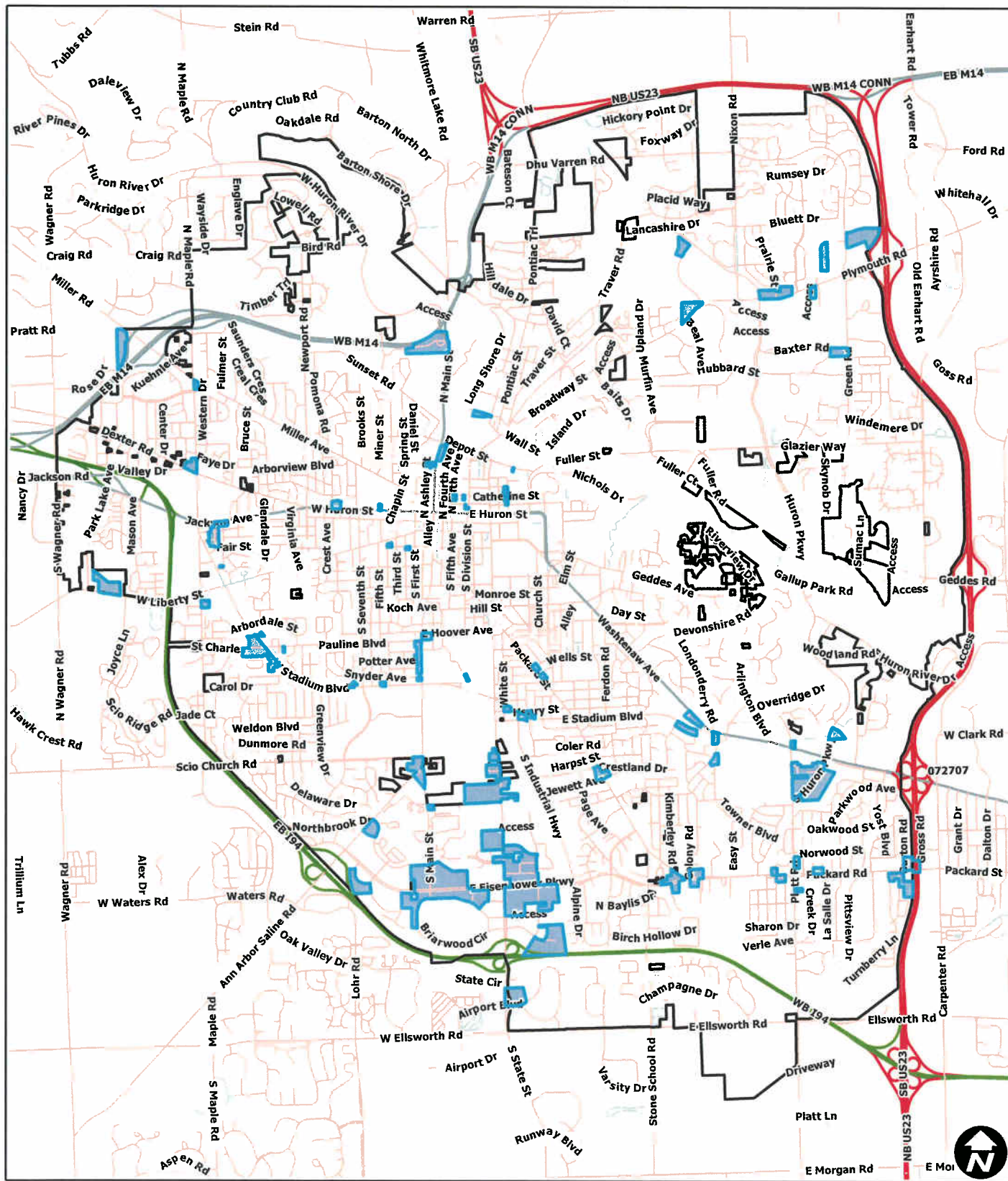
(a) Those allowed in the R3 district.

(b) Incidental services may be provided within office buildings for the convenience of occupants of that building, such as news, cigar or candy stands, delicatessens, restaurants, personal service shops and similar uses, provided the following conditions are fulfilled:

1. Not more than 5 percent of the building's usable floor area is used for incidental services.
2. All such incidental services shall be situated within the interior of the building so that no part thereof shall be directly accessible from the outside of the building.
3. No sign or window display shall be discernible or visible from a public sidewalk or street.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.

Sites Zoned "Office"



Map Legend
 City Boundary



Maps available online:
<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

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