

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 20, 2008

**SUBJECT: Gas Station/Tim Hortons Planned Project Site Plan
(3240 Washtenaw Avenue) File No. 12022T10.5a**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Gas Station/Tim Hortons Planned Project Site Plan, with proposed modifications to the front setback requirements of Chapter 55 (Zoning Ordinance), Section 5:42, subject to maintaining a minimum usable open space of 23.6 percent.

STAFF RECOMMENDATION

Staff recommends that this petition be **tabled** to allow the petitioner time to address departmental comments.

LOCATION

The site is located south of Washtenaw Avenue west of Huron Parkway (South Area, Malletts Creek Watershed).

DESCRIPTION OF PETITION

This site is currently zoned C3 (Fringe Commercial District) with planned project modifications to accommodate parking within the front setback. The planned project modification includes a reduced front yard setback fronting both Washtenaw Avenue and Huron Parkway to allow for surface parking.

This 1.32-acre site currently contains a 2,340-square foot building. A planned project site plan is proposed to demolish this building and construct a one-story retail building totaling 4,512 square feet with a one-way drive through located on the southern portion of the building. The existing surface parking lot is proposed to be reconfigured with a new right-turn-only curb cut off Washtenaw Avenue and a two-way curb cut off Huron Parkway accessing 26 parking spaces for this site and an additional 14 spaces shared with the adjacent business. The C3 front setback requirement is 40 feet and this proposal requests a reduction of 16 feet fronting Washtenaw and 20 feet fronting Huron Parkway to allow parking that would otherwise be disallowed in the front setback.

Sidewalks are proposed to front along both Washtenaw Avenue and Huron Parkway. Five Class B bicycle parking spaces are proposed at the west side of the site. Traffic generation

during the AM and PM peak hours is anticipated to be less than 50 trips; therefore, a traffic impact study is not required.

The storm water management system meets 100-year storm water detention requirements and is located underground at the northern portion of the site. No natural features are impacted on the site.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Huron Village	PUD (Planned Unit Development)
EAST	Arlington Square	PUD
SOUTH	Animal Hospital	O (Office District)
WEST	Auto Services	C3 (Fringe Commercial District)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	C3	C3	C3
Gross Lot Area	1.32 ac (57,500 sq ft)	1.32 ac	1.37 ac MIN 6,000 sq ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	2,340 sq ft (3.7%)	4,512 sq ft (7.8%)	28,749 sq ft MAX (50% MAX)
Usable Open Space – Percent of Lot Area	N/A	23 percent	23 percent MIN *
Setback – Front	78 feet Washtenaw 66 feet Huron Pkwy	123.5 feet Washtenaw ** 53 feet Huron Pkwy **	40 ft MIN
Setback – Side(s)	68 ft – South	26 ft - South	0 ft MIN
Setback – Rear	120 ft - West	79 ft- West	20 ft MIN
Height	1 story	21 ft	35 ft MAX
Parking – Automobile	10 spaces	26 spaces	26 spaces MIN
Parking – Bicycle	N/A	Class B – 5 spaces	Class B – 2 spaces MIN Class C – 3 spaces MIN

* Open space is not a requirement in C3 District – Planned Project justification.

** Setbacks to building.

HISTORY

The building was constructed in the early 1950s by Shell Oil Company. The west 66 feet of the property is controlled by an easement that grants the adjacent property owner a right-of-way that the Shell Oil Company “shall not obstruct in any manner the free access...over and across.” In 1986, a site plan for minor modifications was approved to construct canopies over the two pump islands. Variances from the front setback requirements were granted by the Zoning Board of Appeals as part of this approval. The approved site plan, which was subsequently constructed, also included closure of a curb cut on Huron Parkway, reduction in the width of other curb cuts, installation of masonry screen walls along Washtenaw Avenue and Huron Parkway, and addition of a landscape island between the Shell site and the muffler shop site parking area. In 1988, an administrative amendment was approved for a 91-square foot addition to the east side of the building. In 1996, a site plan for City Council approval to construct a carwash on the west side of the site was tabled and eventually withdrawn by the petitioner due to site layout, traffic circulation and traffic congestion issues.

PLANNING BACKGROUND

This South Area Plan recommends commercial use for this site and identifies the Washtenaw/Huron Parkway intersection as a key intersection. Ideally, sites at this intersection should have buildings set back further from the street than surrounding buildings and should be well landscaped to enhance the area’s visual image.

PLANNED PROJECT STANDARD FOR APPROVAL REVISIONS

The required front setback for C3 zoning is 40 feet. The existing and proposed building meets and exceeds this setback requirement. The petitioner is seeking planned project approval to reduce the front setbacks to allow for parking. The current proposal requests a front setback of 24.5 feet along Washtenaw Avenue and 20 feet along Huron Parkway.

According to Section 5:70 of the Zoning Ordinance, the City Planning Commission may recommend approval and City Council may approve modifications of the area, height and placement regulations of the Zoning Ordinance in the form of a planned project site plan, based on the following standards (Petitioner’s responses in regular type, *staff comments in italic type*).

- (a) 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 minimum gross lot size and width requirements may be reduced as part of a planned project for a zero lot line duplex or townhouse development which provides affordable housing for lower income households. For purposes of this section, zero lot line duplex or townhouse development shall mean a development containing attached single-family units on individual lots. In no case may the gross lot size be reduced below the minimum lot area per dwelling unit requirement for the dwelling unit type proposed.**

The site plan satisfies all the requirements in the schedule of regulations (Article III, Zoning). However, the parking is located within the front setback.

The lot meets the minimum gross lot size requirement in the C3 zoning district.

(b) The proposed modifications of zoning requirements must provide one or more of the following:

1. Usable open space in excess of the minimum requirement.
2. Building or parking setback(s) in excess of the minimum requirement.
3. Preservation of natural features.
4. Preservation of historical or architectural features.
5. Solar orientation or energy conservation design.
6. An arrangement of buildings that provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure.
7. Affordable housing for lower income households.

The proposed modification addresses Items 1, 2 and 6.

1. Provided 23.6% open space, 0% required.
 1. *The petitioner has agreed to a minimum of 23.6 percent open space on site when none is required. This open space consists of required landscaping areas and thereby is open space by default.*
2. Building setbacks are in excess of the required.
 2. *Increased front, rear and side setbacks are maintained for this project beyond the required setbacks.*
6. The greenbelt along Washtenaw Avenue and Huron Parkway will provide open space for years to come.
 6. *The proposed greenbelt area is also by default as these are areas of required landscaping. The petitioner has reduced the number of parking spaces on site to the minimum required (26 spaces).*

(c) The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.

Not hazardous to the adjacent properties.

The proposed curb cut on Washtenaw Avenue has been reviewed by Michigan Department of Transportation (MDOT) for right turn only for both entering and exiting the site.

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

The development shall provide an appealing aesthetic visual screen to some neighboring old commercial and office land uses, and serve as a transition from office and old commercial.

The South Area Plan recommends commercial uses for this site.

(e) Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 and 62.

We plan on meeting the provisions.

The minimum number of parking spaces and parking lot landscaping is being met.

(f) 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.

Building setbacks are in excess of the required.

(g) 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 use is permitted in this zoning district.

DEPARTMENT COMMENTS PENDING, DISMISSED OR UNRESOLVED

Systems Planning - Sanitary sewer flow data is under review.

MDOT - Revisions required for ingress/egress on Washtenaw Avenue. This includes right turn only entering the site and right turn only exiting the site.

Planning – Staff does not feel the proposed public benefits justify the planned project proposal; however, staff is proposing amendments to the C3 zoning district in June 2008. These proposed changes include reducing the front setback minimum from 40 feet to ten feet. If this proposal is approved, the planned project requirement would not be needed, thereby, waiving the proposed open space and setback modifications to this site. A 66-foot wide easement runs along the west side of this site. Staff and the petitioner are investigating what rights the petitioner has on this easement.

Prepared by Christopher Cheng
Reviewed by Connie Pulcifer and Mark Lloyd
jsj/5/14/08

Attachments: Zoning/Parcel Maps
Aerial Photo
Site Plan
Landscape Plan
Elevations

c: Petitioner: Matt Kuehn
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Systems Planning
File No. 12022T10.5a