

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 18, 2014

**SUBJECT: Belle Tire Right-of-Way Vacation  
(590 W. Ellsworth Road and 3975 S. State Street)  
File No. SV14-001**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the vacation of a seven-foot wide strip of the W. Ellsworth Road right-of-way, on the condition that the petitioner grant an easement for nonmotorized use in its place.

### **STAFF RECOMMENDATION**

Staff recommends that the proposed vacation of a seven-foot wide strip of the Ellsworth Road right-of-way abutting the Belle Tire site be **approved** conditioned on the petitioner granting an easement for nonmotorized use in its place. The public interest would be adequately served by an easement for nonmotorized use over the parcel to be vacated.

### **LOCATION**

The site is located north of W. Ellsworth Road east of South State Street (South Area, Malletts Creek Watershed).

### **DESCRIPTION OF PETITION**

A site plan for a 9,375-square foot Belle Tire facility at 590 W. Ellsworth received an approval recommendation from City Planning Commission on August 20, 2013 and site plan approval from City Council on October 7, 2013. On August 22, 2013, a 50-foot wide right-of-easement fronting this site was recorded by the City in accordance with a previously approved land division for this parcel. The recording of this easement effectively reduced the front setback of the Belle Tire building from 10 feet to approximately 3 feet (the minimum front setback for this site is 10 feet).

The petitioner, 3965 South State Associates, L.L.C., is the owner of 590 W. Ellsworth and the adjacent property at 3975 S. State. The petition requests the City vacate the northern 7 feet of the recently granted 50-foot wide public right-of-way of W. Ellsworth Road that fronts 590 W. Ellsworth and part of 3975 S. State (the Tim Horton's site) to address the front setback issue. The petitioner has offered to convey in its place a nonmotorized use easement over this same 7-feet, which would allow for this area to be used by the public for future non-motorized transportation facilities, if needed. As a non-motorized use easement, this 7-foot area is considered to be part of the required 10 front building setback. No improvements beyond those shown on the approved site plan are proposed in this non-motorized easement.

## HISTORY

This site was annexed in 1973. The site was zoned PUD in 1977 to allow a restaurant building and an adjacent two-story, 10,000-square foot office or business service building on the same parcel. The restaurant building was built in 1978, and the office building was never constructed. This site was then rezoned to C3 in 2008 to allow uses other than a restaurant for the existing building.

In April 2012, a site plan for a Tim Horton's restaurant was approved on the southwest portion of the parcel. Construction started shortly thereafter, as did demolition of the vacant building on the east side of the site. In May 2012, the owner applied to the City to divide the parcel into two parcels, with the new Tim Horton's restaurant on the west portion, and the recently cleared eastern portion as a development parcel, to be served by a shared drive on W. Ellsworth Road. As part of the review of the land division request, Project Management requested that a 50 foot public right-of-way easement from the centerline of W. Ellsworth be granted to the City. This right-of-way was subsequently granted by the petitioner in December 2012 and recorded by the City in August 2013. The Belle Tire petition was submitted in June 2013.

## DEPARTMENT COMMENTS

Systems Planning – Staff supports the proposed vacation of a seven-foot wide strip of the Ellsworth Road right-of-way abutting the Belle Tire conditioned on the petitioner granting an easement for nonmotorized use in its place.

Planning – Staff supports the proposed vacation of the northern 7-feet from the 50-foot wide public right-of-way off Ellsworth Road fronting the Belle Tire site, as the newly constructed roundabout improvements at the State and Ellsworth intersection are now complete, and the 43 foot from centerline right-of-way should be sufficient for future roadway adjustments in this area. If the current public sidewalk must be relocated to provide for future roadway widening, the 7 foot non-motorized use easement preserves the ability to construct this sidewalk on private property. This configuration is consistent with the pedestrian circulation recommendations of the Non-Motorized Plan.

Prepared by Christopher Cheng  
Reviewed by Wendy Rampson  
mg/03/12/14

Attachments: Proposed Easement for Non-Motorized Use  
8/20/13 Belle Tire Staff Report

c: Petitioner's Representative: John W. Teeter, Representative  
3965 South State Associates, L.L.C  
115 Depot Street  
Ann Arbor, MI 48104

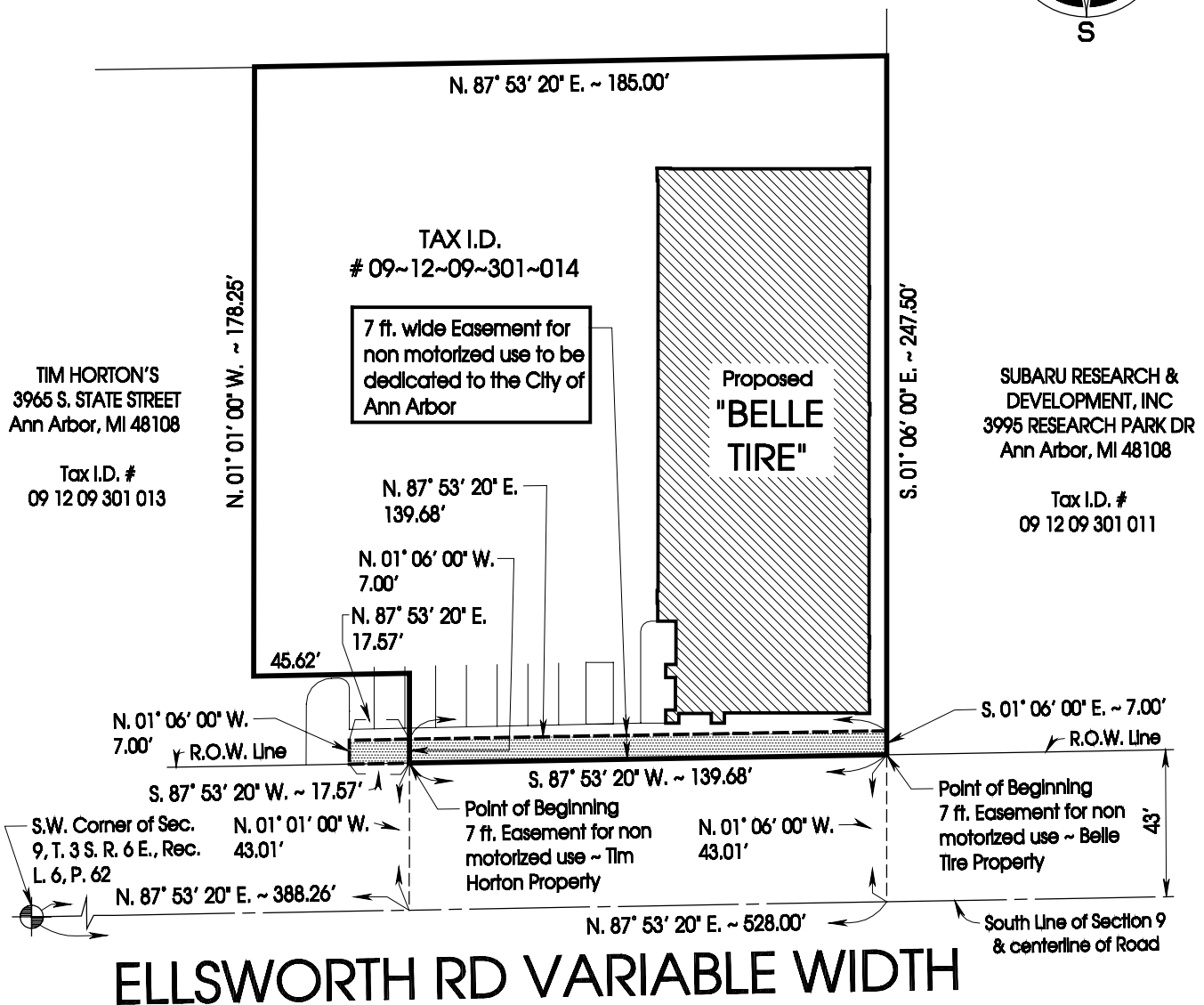
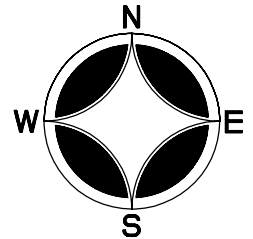
City Attorney  
Project Management  
Systems Planning  
File No. SV14-001

**LEGAL DESCRIPTION OF EASEMENT FOR NON~ MOTORIZED USE: BELLE TIRE PROPERTY:**

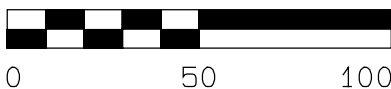
Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 528.00 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 06' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 139.68 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 139.68 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning.  
Containing 0.022 Acres of land.

**LEGAL DESCRIPTION OF EASEMENT FOR NON~ MOTORIZED USE: TIM HORTONS PROPERTY:**

Part of the S.W. 1/4 of Sec. 9, T. 3 S., R. 6 E., City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the S.W. Corner of said Section 9; thence N. 87° 53' 20" E. 388.26 ft. along the South line of Section 9 also being the centerline of Ellsworth Road (variable width) and N. 01° 01' 00" W. 43.01 ft. to the point of beginning, proceeding thence S. 87° 53' 20" W. 17.57 ft. along the northerly right of way line of Ellsworth Road; thence N. 01° 06' 00" W. 7.00 ft.; thence N. 87° 53' 20" E. 17.57 ft.; thence S. 01° 06' 00" E. 7.00 ft. to the point of beginning.  
Containing 0.003 Acres of land.



SCALE 1"=50'

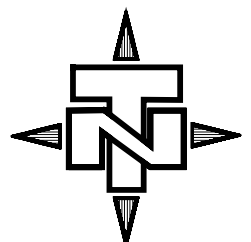


Michael D. Johnson, PS # 52457  
This Plan is NOT VALID unless signed and embossed with the original raised seal & original signature.

**PROPOSED EASEMENT FOR NON~MOTORIZED USE**

CLIENT:  
DEVELOPER:  
Belle Tire  
1000 Enterprise Drive  
Allen Park, MI. 48101

Surveying-Engineering-Consultation  
**TRUE NORTH SURVEYING, INC.**  
22021 Commerce Drive, Suite C1, Woodhaven, MI. 48183  
Phone: (734) 676-7799, Fax: (734) 676-4990  
Web: TNsurveying.com



SHEET 1 OF 1  
Job # : 2013 ~ 028

Scale: 1" = 50 Feet  
Date: 12/03/2013, Rev. 1/14/2013  
This Drawing shall not be Reproduced, Modified, Transferred or Issued without the written consent of True North Surveying, Inc., © 2013 True North Surveying, Inc.

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 20, 2013**

**SUBJECT: Belle Tire Site Plan for City Council Approval  
(590 West Ellsworth)  
File No. SP13-023**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Belle Tire Site Plan, subject to the recording of a shared parking easement and the recording of a sanitary sewer easement before issuance of building permits.

**STAFF RECOMMENDATION**

Staff recommends that the site plan be **approved** because the contemplated development would comply with all applicable local, state and federal laws and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development would not cause a public or private nuisance and would not have a detrimental effect on public health, safety or welfare.

**LOCATION**

The site is located on the north side of West Ellsworth Road, east of South State Street (South Area, Malletts Creek Watershed).

**DESCRIPTION OF PETITION**

The petitioner proposes constructing a one-story, 9,735-square foot auto service facility on this one-acre site. The existing curb cut off West Ellsworth leading to this site is proposed to be closed, and ingress/egress for this site will be through a shared curb cut located on the parcel to the west.

The new auto service facility includes the minimum total of 49 parking spaces, with 10 of these spaces located in the service bays. Two parking spaces located at the southwest corner of the parking lot belong to the adjacent neighbor (Tim Horton's). The petitioner will use and maintain these two spaces via a recorded easement.

New public sidewalk is proposed along the frontage of this site, completing the gap between the parcels to the east and west. A pedestrian connection is proposed from the building entrance to the public sidewalk. A bicycle hoop will be provided at the building entrance.

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

A notification postcard (attached) was mailed when the site plan was submitted. At the time this staff report was written, no concerns were received regarding this proposed development.

The estimated cost of construction for this project is \$1,100,000.

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Vacant/Future Restaurant & Retail	C3 (Fringe Commercial District)
EAST	Research/Offices	RE
SOUTH	Service Station/Vacant	TWP (Township)
WEST	Restaurant	C3 (Fringe Commercial)

### COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	C3 (Fringe Commercial District)	C3	C3
Gross Lot Area	36,677 sq ft	36,677 sq ft	6,000 sq ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	Vacant	9,735 sq ft (26.5%)	73,354 sq ft MAX (200% MAX)
Setback – Front	Vacant	10 feet – W. Ellsworth	10 ft MIN 25 ft MAX
Setback – Side(s)	Vacant	118 ft – west 5 ft - east	0 ft MIN
Setback – Rear	Vacant	32 ft	0 ft MIN
Height	N/A	29 ft	55 ft MAX
Parking – Automobile	N/A	49 spaces	49 spaces MIN
Parking – Bicycle	N/A	Class C – 2 spaces	Class C – 1 space MIN

### HISTORY

This site was annexed in 1973. The site was zoned PUD in 1977 to allow a restaurant building and an adjacent two-story, 10,000-square foot office or business service building on the same parcel. The restaurant building was built in 1978, and the office building was never constructed. This site was then rezoned to C3 in 2008 to allow uses other than a restaurant for the existing building. In 2012, this site was divided into two parcels. A Tim Horton's restaurant was

approved and constructed on the western parcel, and the restaurant building on the eastern parcel was demolished.

## PLANNING BACKGROUND

The South State Street Corridor Plan recommends commercial uses for this site.

The Master Plan: Land Use Element supports continued commercial uses for this site. The Plan recommends that retail centers be designed with pedestrian access as a primary goal. It also helps encourage mass transit and reduce the demand for parking. Surface parking should be placed at the rear of the building and should not be a dominant element along public streets.

The Non-Motorized Plan recommends bicycle lanes and sidewalks on both sides of the street for South State Street and Ellsworth.

The Transportation Plan Short-term Recommendations propose intersection improvements at State and Ellsworth intersection, which currently are under construction, in addition to a traffic corridor study on Ellsworth from State Street to Platt Road. The Mid-term Recommendations propose a traffic corridor study along South State Street between Eisenhower and Ellsworth Blvd. The Long-term Recommendations propose intersection improvements north and south of I-94.

## STAFF COMMENTS

Systems Planning – The sanitary sewer main on the Subaru parcel to the east is not in an easement dedicated to the city of Ann Arbor. A city-standard easement for the entire run of sanitary sewer main on the Subaru parcel will need to be dedicated to the city prior to issuance of any permits. This easement shall run up to and along the easterly property line of the Subaru parcel.

A revised City of Ann Arbor Geodetic Reference System Coordinate Worksheet (AAGRS) shall be submitted for review and approval.

Malletts Creek Coordinating Committee – This site is ideal for infiltration as sandy soils exist in the area. Perforated chambers have been added to allow for infiltration.

Urban Forestry - Based on the street frontage of 139.74 feet the Street Tree Escrow requirement for this site is \$181.66 and must be paid before issuance of building permits.

Planning – Planning staff supports the proposed retail proposal as it is compatible with the zoning and surrounding uses. This site meets many of the stated goals of the Master Plan: Land Use Element by closing an existing curb cut and using the shared drive with the western neighbor. This proposal also uses the minimum amount of parking spaces and encourages pedestrian access with a connection from the front entrance to the public sidewalk. The petitioner is also open to connecting this site to the vacant lot to the north and is coordinating with the neighboring property owner to make this connection.

The petitioner indicates there is an agreement to share the 2 parking spaces located at the southwest corner of the parking lot, and a shared parking easement is in the process of being signed.

Belle Tire Site Plan  
Page 4

Prepared by Christopher Cheng  
Reviewed by Wendy Rampson  
mg/8/13/13

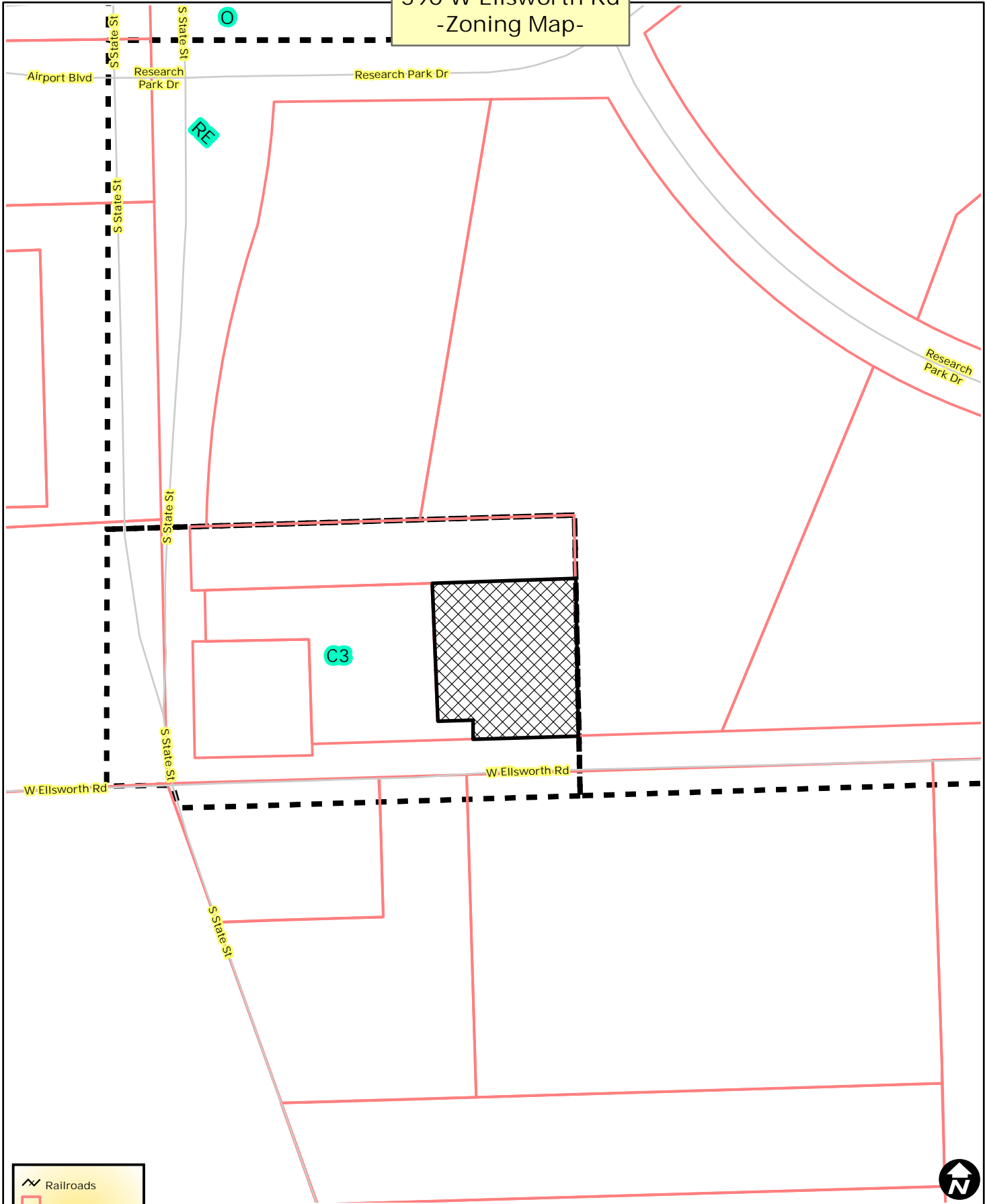
Attachments: Citizen Notification Postcard  
Zoning/Parcel Maps  
Aerial Photo  
Site Plan  
Landscape Plan  
Elevations






c: Petitioner: Christopher Enright Architects P.C.  
390 Park St., Suite 222  
Birmingham, MI 48009

Owner: Belle Tire  
1000 Enterprise  
Allen Park, MI 48101

Systems Planning  
File No. SP13-023

# 590 W Ellsworth Rd -Zoning Map-



-  Railroads
-  Parcel Property
-  Zoning
-  Township Island
-  Zoning




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 Map Created: 6/26/2013



590 W Ellsworth Rd  
-Aerial Map-



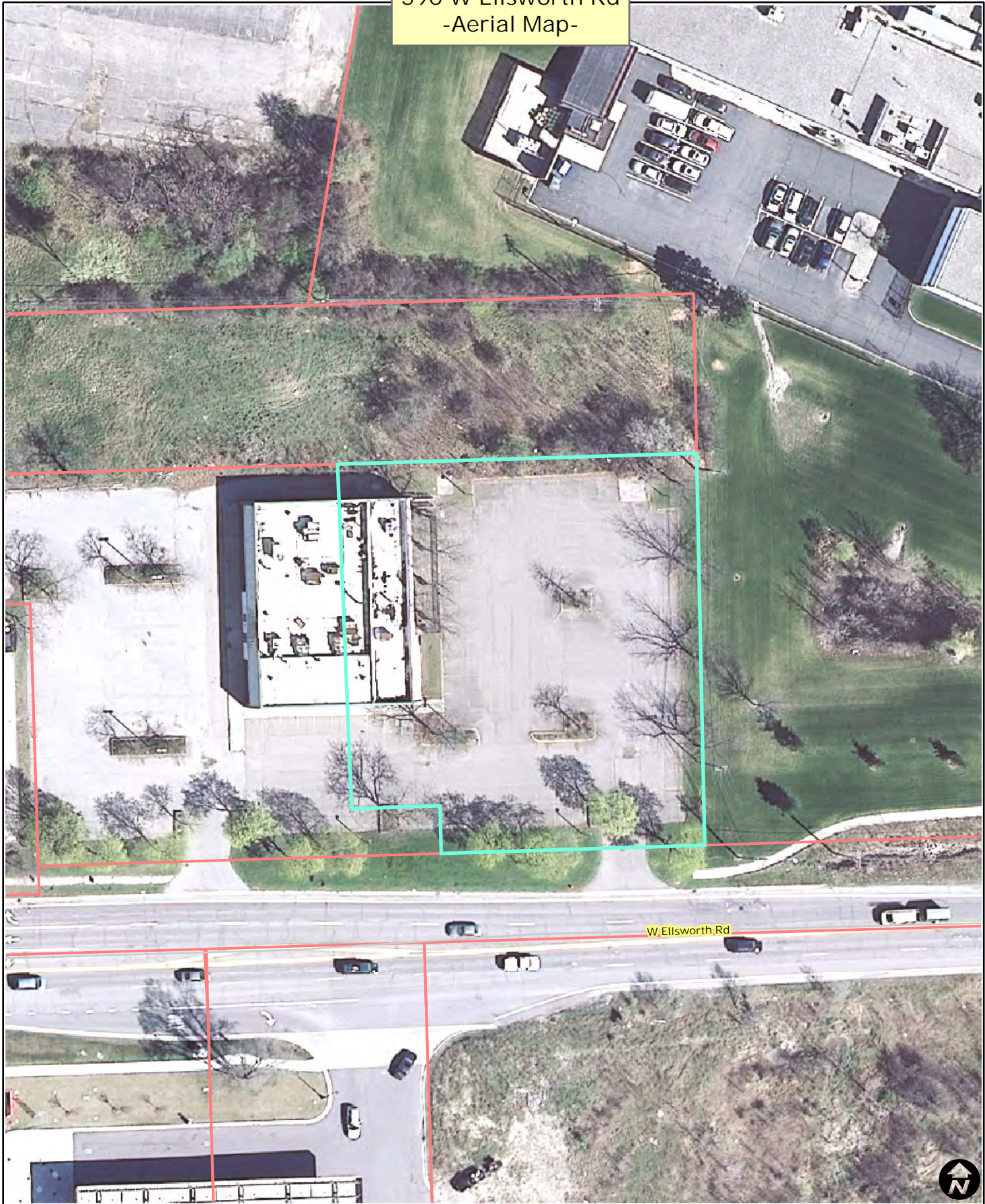
-  Railroads
-  Parcel Property




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590 W Ellsworth Rd  
-Aerial Map-



-  Railroads
-  Parcel Property



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