

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 15, 2012

**SUBJECT: Knight's Market and Spring Street Properties Rezoning and Site Plan
(418 Miller Avenue, 306-310 Spring Street)
Project Nos. Z11-011 and SP12-007**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Knight's Market and Spring Street Properties Rezoning from R2A (Two-Family Dwelling) and M1 (Light Industrial) to C1 (Local Business) and Site Plan.

STAFF RECOMMENDATION

Staff recommends that the site plan be **postponed** to allow outstanding staff comments to be addressed and revised plans to be reviewed.

LOCATION

This site consists of three adjacent parcels at the northeast corner of Miller Avenue and Spring Street, is in the Central planning area, and is in the Allen Creek watershed.

DESCRIPTION OF PETITION

The subject site includes three contiguous parcels under the same ownership at the northeast corner of Miller Avenue and Spring Street having a total of 17,812 square feet. One parcel, address 418 Miller Avenue, contains a small neighborhood grocery store and is zoned C1 (Local Business) and M1 (Light Industrial). One parcel contains two single-family dwellings, addresses 306 and 308 Spring Street, and approximately half of the 14-space parking lot of the store in its rear yard, and is zoned R2A (Two-Family Dwelling) and M1. One parcel, address 310 Spring Street, has no building but has the other half of the store's parking lot, and is zoned R2A and M1. All three parcels are entirely within the 100-year floodplain of Allen Creek.

The petitioners request rezoning of 306-308 and 310 Spring Street from R2A and M1 to C1 so that the building at 306 Spring Street can be converted into a bakery, as well as approval to construct a 1,200-square foot addition to the existing grocery store and expansion, reconfiguration, and improvement of the existing parking lot. The portion of 418 Miller Avenue currently zoned M1 is requested to be rezoned to C1. The proposed work to the parking lot includes providing 17 vehicular parking spaces (three additional spaces), a designated snow pile storage area, solid waste and recycling container storage enclosure, right-of-way screening, conflicting land use buffer, and rain gardens for storm water management of the bankful storm volume. The useless curb cut on Miller Avenue will be removed and the curb and lawn extension will be restored. The temporary storage building at 418 Miller will be removed. 310 Spring Street will remain a single-family dwelling.

Each of the three parcels of the site is nonconforming in some manner. For example, the grocery store at 418 Miller Avenue does not conform to the minimum front setback requirements of the C1 zoning district, 306-308 Spring Street has less than the required minimum lot size of

the R2A zoning district, and 301 Spring Street has a nonconforming principal use – off-street parking. The proposed petition will address almost all of the existing nonconformities and make the site substantially conform to all zoning requirements and land development regulations. One notable nonconformity that will remain is the insufficient front setback of 418 Miller Avenue. Recent amendments to the area, height and placement standards of the C1 district reduced the minimum required front setback from 25 feet to 10 feet, making the existing grocery store more conforming but still a nonconforming structure.

CITIZEN PARTICIPATION

The petitioner held a meeting for interested citizens on Sunday, September 18, 2011, about three weeks prior to submitting this petition for approval. Invitations were sent to all residents and property owners within 1,000 feet of the site as well as all subscribers to the GovDelivery planning update service. Approximately 10 people attended the meeting. The full report provided by the petitioner is attached.

In general, the discussion involved how the use of 306 Spring Street will change and concerns regarding additional adjacent parcels owned by the petitioner (314 and 422 Spring Street, which are not included in the rezoning or site plan petitions).

COMPARISION CHART

| | | EXISTING | PROPOSED | REQUIRED/PERMITTED |
|--------------------|-------|--|--|------------------------|
| Zoning | | C1 Local Business, R2ATwo-Family Dwelling, and M1 Light Industrial | C1 Local Business | C1 Local Business |
| Gross Lot Area | | 418 Miller – 5,831 sq ft 306-8 Spring – 7,285 sq ft 310 Spring – 4,695 sq ft | 17,812 sq ft | 2,000 sq ft MIN |
| Floor Area Ratio % | | 418 Miller – approx. 37% 306-8 Spring – N/A 310 Spring – N/A | 28% (5,136 sq ft) | 100% MAX |
| Set-backs | Front | 418 Miller – 0 ft 306 Spring – 4 ft 308 Spring – 8 ft | No change | 10 ft MIN, 25 ft MAX |
| | Side | 418 Miller – 17 ft to E 306 Spring – 10 ft to S 308 Spring – 3 ft to N 306 Spring – 40 ft 308 Spring – 45 ft | 418 Miller – 0 ft to E 306 Spring – 40 ft to E 308 Spring – 45 ft to E | None |
| | Rear | 418 Miller – 22 ft to N 306 Spring – 40 ft to E 308 Spring – 45 ft to E | 418 Miller – N/A 306 Spring – N/A 308 Spring – 55 ft to N | 30 ft MIN |
| Height | | 418 Miller – 1 story 306 Spring – 2 ½ stories 308 Spring – 1 ½ stories | No changes | 35 ft MAX, 3-story MAX |
| Vehicle Parking | | 14 spaces | 17 spaces | 17 spaces MIN* |
| Bicycle Parking | | None | 2 class C | 2 spaces MIN |

* Vehicle Parking – a minimum of 14 spaces and a maximum of 16 spaces are required for the grocery store and bakery, and a minimum of 1 space is required for the single-family dwelling unit.

SURROUNDING LAND USES AND ZONING

| | LAND USE | ZONING |
|-------|-----------------------------------|-------------------------|
| NORTH | Vacant | R2A Two-family Dwelling |
| EAST | Railroad | M1 Light Industrial |
| SOUTH | Neighborhood commercial | C1 Local Business |
| WEST | Single and two family residential | R2A |

HISTORY

418 Miller Avenue was built in 1901. 306 Spring Street was built in 1910. 308 Spring Street was built in 1913. Raymond Knight, Jr. worked at the grocery store, recalled to be Ty's Market, since the 1940's. Raymond and his wife Mary purchased the property and business in 1952 and the Knight family has continuously operated Knight's Market ever since. Raymond, Mary and their young growing family moved into 306 Spring Street by 1968 and live there until after the youngest child graduated high school. Knight family members remember the rear yards of 306, 308 and 310 Spring Street being paved for market parking in 1971 or 1972.

The adjacent properties, 308 Spring Street, 310 Spring Street, and 314 Spring Street (not included in the petition), were purchased by Knights in the 1970's and 1980's.

A site plan administrative amendment for a small addition to Knight's Market at 418 Miller Avenue, which also shows 306, 308, and 310 Spring Street, was approved on June 9, 1979, the most recent site plan approval on file. In 2003, city enforcement staff investigated an expansion of the vehicular use area on the properties and worked with the property owner on removal of some of that expanded area. Today, the current conditions of the subject site, in particular the extent of the vehicular use area, falls somewhere between the approved 1979 site plan and the conditions discovered prior to 2003.

PLANNING BACKGROUND

The Master Plan Land Use Element recommends continued commercial or office use for 418 Miller Avenue and continued single or two-family residential uses for 306-308 and 310 Spring Street. Land use goals specific to the Central planning area "encourage the preservation of existing small neighborhood grocery stores" (Goal A, Objective 2) but also note the importance of protecting "housing stock from demolition or conversion to business use" (Goal B, Objective 4).

The Flood Mitigation Plan notes that the City actively engages in comprehensive planning but the plans do not make specific recommendations for land uses in the floodplain and floodway that are based specifically on flood risk and vulnerability. The Flood Mitigation Plan also encourages removal of residential uses from the floodplain.

Prior to 2012, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) showed extremely vague floodplain boundaries. Statements on the FIRM maps indicated the precise elevation of the floodplain but the graphical drawing on the maps often under- (sometimes over-) represented the extent of a floodplain. The stated elevation of the floodplain, not the graphic outline, governed the location of the floodplain when there was an apparent conflict. On April 3, 2012, FEMA issued new FIRM maps. These new maps slightly

revised some floodplain elevations based on data collected in the decades since the first FIRM maps were issued, but more importantly, provided significantly more precise graphics than the previous maps.

Prior to 2012, all three parcels in the subject site were in the Allen Creek floodplain because they were lower than the stated floodplain elevation. However, the maps showed the parcels outside of the floodplain outline. A portion of 418 Miller Avenue was also within the floodway of Allen Creek prior to 2012. The flood map modernization project revised only the stated floodway elevation of Allen Creek, the designated floodplain elevation remained the same. No part of 418 Miller Avenue is within the floodway and all three parcels are correctly shown inside of the graphical outline of the floodplain on the FIRM map.

SERVICE UNIT COMMENTS

Systems Planning – Additional information and revised plans were requested, including indicating the purpose of the Miller Avenue drive approach, showing removal the private-owned traffic signs placed in the Spring Street right-of-way on the site plan, and adding notes on the site plan regarding utilities. Review of the revised plans is pending.

Urban Forestry and Natural Resources – Some requirements of Chapter 62 Landscape and Screening were not fully addressed on the proposed plans. Revisions were requested involving the interior landscape island dimensions, lists and tables, and species selection. Review of the revised plans is pending.

Storm Water Management – Revisions to the proposed emergency overflow feature of the storm water management system were requested, and review of the revised plans is pending.

The proposed rain gardens to provide storm water management are located within the 100-year floodplain, which is prohibited. A variance must be granted from Chapter 63 (Storm Water Management and Soil Erosion and Sedimentation Control), Section 5:653 and 5:654(2)(a) of the Ann Arbor City Code and Part 2, Section III, #13 of the Rules of the Washtenaw Water Resources Commissioner. City staff supports this variance because the entire site is within the 100-year floodplain and there is no other option for locating the proposed rain gardens or any other type of storm water management system.

It should be noted that this variance request from Chapter 63 of the Ann Arbor City Code is not a variance from flood resistant construction standards, found in the Michigan Building Code, which City staff strongly oppose out of concerns for jeopardizing the City's standing in the National Flood Insurance Program.

Floodplain Management – The proposed site plan must provide cut and fill information to determine whether the existing and proposed encroachments in the floodplain will result in no net loss of flood storage capacity. Also, a natural features alternatives analysis due to the proposed disturbance and encroachment into the floodplain must be submitted. Review of revised plans with this information is pending.

The petitioner should note that a floodplain permit will be required from the Michigan Department of Environmental Quality prior to issuance of any building permits for the proposed addition to Knight's Market at 418 Miller Avenue.

Planning – The 2012 flood map modernization project now clearly shows what was previously unclear, that all of the parcels of the site are within the Allen Creek floodplain. The Flood Mitigation Plan was adopted in 2007, more recently than the future land use recommendations of the Master Plan Future Land Use Element which was based on the 1992 Central Area Master Plan.

Staff will offer a recommendation of support for rezoning of 306-308 and 310 Spring Street when all other outstanding issues and reviews for that petition and the accompanying site plan have been resolved for the following reasons:

- With the confirmation that the site is entirely within the Allen Creek floodplain by the flood map modernization project, it appears that the conditions have changed for this site since future land use plan recommendation for the site was adopted.
- While at least one goal for the Central planning area discourages expansion of commercial uses, many goals and actions encourage neighborhood shopping opportunities and supporting mixed-uses, pedestrian-friendly land uses, and less impactful development.
- Removing residential uses from the floodplain is encouraged by the Flood Mitigation Plan.
- The subject site is adjacent to a small commercial zoning district already, and has a natural boundary on the east to contain the district from future expansion.

Prepared by Alexis DiLeo
Reviewed by Wendy Rampson
5/10/12

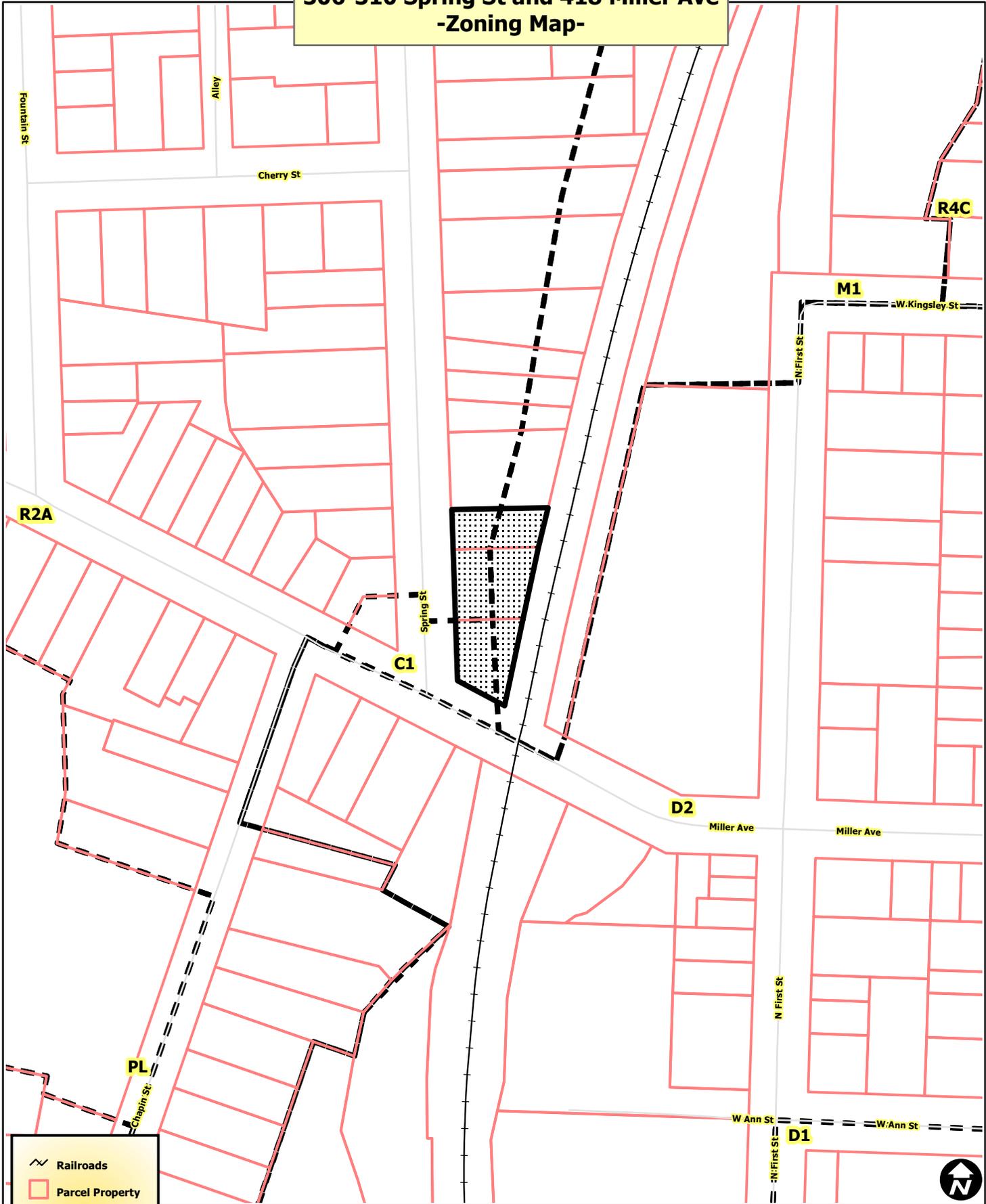
Attachments: Parcel and Zoning Map
Aerial Photo
Site and Landscape Plan
Application for Changes in or Additions to the Zoning Chapter
Citizen Participation Report

c: Petitioner: Raymond Knight
2310 Dexter Road
Ann Arbor, MI 48103

Petitioner's Agent: Richard E. Fry, FAIA
Fry Architecture, PLLC
413 East Huron Street
P.O. Box 7277
Ann Arbor, MI 48107

Systems Planning
Project Nos. Z11-011 and SP12-007

306-310 Spring St and 418 Miller Ave -Zoning Map-



| | |
|---------------|-----------------|
| | Railroads |
| | Parcel Property |
| Zoning | |
| | Township |
| | Zoning |



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Map Created: 4/24/2012

306-310 Spring St and 418 Miller Ave -Aerial Map-

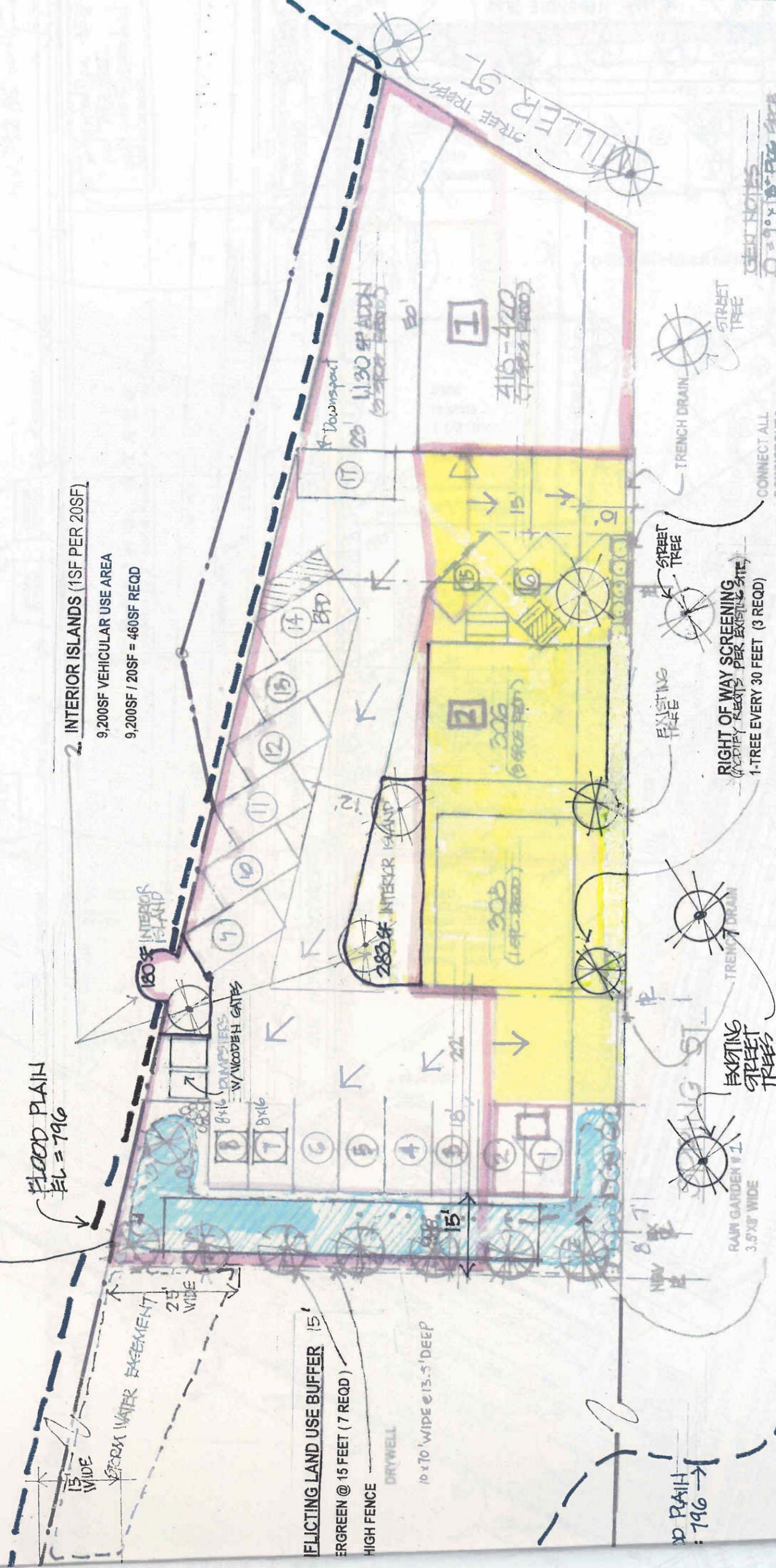


 Railroads
 Parcel Property



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2. INTERIOR ISLANDS (1SF PER 20SF)
 9,200SF VEHICULAR USE AREA
 9,200SF / 20SF = 460SF REQD

FLOOD PLAIN
 EL = 796

VEGETATING LAND USE BUFFER 15'
 GREEN @ 15 FEET (7 REQD)
 HIGH FENCE

RIGHT OF WAY SCREENING
 (MODIFY REQDS PER EXISTING SITE)
 1-TREE EVERY 30 FEET (3 REQD)
 1-30" SHRUB EVERY 4 FEET (32 REQD)
 4'-0" HIGH FENCE

SCAPE NOTES FOR SHEET #4 • SEE SH # 12 & 17 FOR TREE PLANTING LISTS

SEAS, DAMAGED, OR DEAD MATERIAL SHOWN ON THE SITE PLAN SHALL BE REPLACED BY THE END OF THE WING GROWING SEASON BY THE OWNER. VARIATIONS OF FERTILIZER BEYOND THE INITIAL TOPSOIL AND SEEDING SHALL BE A FERTILIZER WITH NO HOURS, AS PER CITY ORDINANCE. SHALL NOT BE PUSHED ONTO PARKING LOT INTERIOR LANDSCAPE ISLANDS UNLESS DESIGNATED FOR SNOW STORAGE. TREE ESCROW REQUIRED AMOUNT IS \$343.28.

LANDSCAPE PLAN
 SCALE 1" = 20'
 N

GEN NOTES
 ○ = 9" x 18" PVC SPICE
 □ = 8" x 10" PVC SPICE
 ▭ = TRENCH DRAIN
 ○...○ = 4" PVC PIPE
 ○...○...○ = 4" Perforated Pipe



City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION
 301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
 p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

APPLICATION FOR CHANGES IN OR ADDITIONS TO THE ZONING CHAPTER
 See www.a2gov.org/planning/petitions for submittal requirements.

TO: The Honorable Mayor and City Council
 City of Ann Arbor
 Ann Arbor, Michigan

We, the undersigned, respectfully petition the Honorable Council of the City of Ann Arbor to amend the Zoning Map as it relates to the property hereinafter described.

(Give or attach legal description and include location of property)

**SEE DRAWING FOR LEGAL DESCRIPTION
 AND LOCATION OF PROPERTY**

The petitioner(s) requesting the zoning/rezoning are:

*(List petitioners' name; address; telephone number; and interest in the land;
 i.e., owner, land contract, option to purchase, etc.)*

RICHARD F. FRY, FAIA ARCHITECT
P.O. BOX 7277
ANN ARBOR, MI. 48107
TEL 734.913.9022

Also interested in the petition are:

(List others with legal or equitable interest)

RAY KNIGHT OWNER
2310 DEXTER ROAD
ANN ARBOR, MI. 48103
TEL 734.665.8644

The applicant requests that the Official City Zoning Map be amended to reclassify this property from R2A to C-1 to permit the following use(s): BAKERY

(state intended use)

Justification:

1. The extent to which the zoning/rezoning requested is necessary:

PROPERTY OWNER IS IN NEED OF ADDITIONAL BAKING SPACE FOR THEIR TWO RESTAURANTS AND NEIGHBORHOOD MARKET. EXISTING R2 ZONING DOES NOT ALLOW THAT USE.

2. This zoning/rezoning will affect the public welfare and property right of persons located in the vicinity in the following ways:

BETTER ORGANIZATION OF OFF STREET PARKING, CURRENT ILLEGAL PARKING ON VACANT LOTS WILL CEASE AND PARKING LOT LANDSCAPE BUFFER WILL BE MADE.

3. This zoning/rezoning will be advantageous to the City of Ann Arbor in the following ways:

IT WILL ALLOW FLOOD PROOFING OF 306 SPRING ST. IT WILL ALSO ALLOW THE CITY TO HAVE THE OWNER REPLACE AN EXISTING TEMPORARY STRUCTURE WITH A PERMANENT ONE AT THE MARKET.

4. This particular location will meet the convenience and service requirements of potential users or occupants in the following ways:

THIS LOCATION WILL PERMIT THE POTENTIAL USER TO RELOCATE THEIR EXISTING BAKERY TO THIS LARGER BUILDING. THEIR CURRENT BAKERY CAUSES OVERCROWDING IN THE RESTAURANT'S KITCHEN.

5. Any changed or changing conditions in any particular area, or in the municipality generally which may have bearing on the proposed zoning/rezoning are:

THE CHANGING OF THE EXISTING "FEMA" FLOOD MAPS WILL BE INCORPORATED INTO THE REZONING, EVEN THOUGH THEY ARE NOT IN EFFECT AT THIS TIME.

6. Other circumstances and factors which will further justify the requested zoning/rezoning are:

NEIGHBORHOOD IS HAPPY TO HAVE A "NEIGHBORHOOD MARKET" NEARBY AND THERE WAS ONLY MINIMAL OBJECTION TO THIS CHANGE.

Attached is a scaled map of the property proposed for zoning/rezoning, showing the boundaries of the property, the boundaries of the existing zones, the boundaries of the proposed zones, and the public and/or private easements located within or adjacent to the property petitioned for zoning/rezoning.

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: Oct 3, 2011

Signature: _____

R.E. FFW

R.E. FFW
117 N. DIVISION ST

(Print name and address of petitioner)

Ann Arbor, MI. 48104

Signature: _____

(Print name and address of petitioner)

STATE OF MICHIGAN
COUNTY OF WASHTENAW

On this 3 day of OCTOBER, 2011, before me personally appeared the above-named petitioner(s), who being duly sworn, say that they have read the foregoing petition by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature: _____

Stacy B Johnson

STACY B JOHNSON

(Print name of Notary Public)

My Commission Expires July 1, 2013

STACY B. JOHNSON
Notary Public, Washtenaw County, Michigan
My Commission Expires July 1, 2013
Acting in Washtenaw County



September 19, 2011

Report on CPO meeting for the rezoning of 306,308,& 310 summit street

Attendees at Meeting held at Knight's Steak House at 4pm Sun Sept 18, 2011

| | | | |
|-----------------------|----------------|--------------|---------------------------|
| Susan Agar | 529 Cherry St | 734 662 1475 | agarsk@sbcglobal.net |
| Robin Grosshuesk | 719 Spring St | 734 266 6475 | robingrosshuesk@yahoo.com |
| Laurie K. Feldt | 502 Cherry St. | 734 355 4048 | lauriefeldt@gmail.com |
| Tim Athan | 515 Spring St. | 734 995 1621 | tim.athan@sbcglobal.net |
| Kathleen Canning | 430 Spring St. | 734 747 6591 | kcanning@umich.edu |
| Virginia Gordon | 521 Cherry St. | 734 883 8280 | vgordon@umich.edu |
| Steve Thorp | 124 Chapin St. | 734 395 2873 | no email address |
| Sabra Briere(council) | 1418 Broadway | 734 995 3510 | sbriere@a2gov.org |

Owners

Donald Knight, Raymond C. Knight III, Pamela Knight, Sherry Bedolla, Vernon Bedolla
architect
Dick Fry

Concerns by the attendees

1. Will there be additional truck traffic?

Ans. There are currently approximately 4 trucks serving Knight's Market, that number might increase to 6.

2. Why are 308 and 310 Spring St included in this petition?

Ans. 308 and 310 Spring St driveway and parking was approved in the 1979 site plan for the market addition and are required to be rezoned to C1 to support driveway and parking requirements.

3. What is going to happen with 314 and 422 Spring St. in the future?

Ans. Remain R2A zoning, and possibly a residence might be constructed.

4. Cars and trucks have been parking on 314 and 422 Spring St. Will they still be parking there?

Ans. No. We will be monitoring this and if needed we will install a barrier to prevent it.

5. What type of emissions will be generated by the bakery/kitchen?

Ans. Most bakery emissions are very pleasant smelling aromas as these will be as well.

6. Will there be landscaping on the north end of the new parking lot?

Ans. Yes, Ordinance calls for landscaping on the north side of the parking lot.

7. How will you handle additional garbage and trash?

Ans. If needed, an additional trash container will be set next to the existing and will have a structure around it.