PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 2, 2013

SUBJECT: State Street Center Rezoning and Site Plan for City Council Approval

(3945 South State Street) File No. SP12- 027 and Z13-003

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Center rezoning from O (Office District) to C3 (Fringe Commercial District).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Center Site Plan, subject to the dedication of the 50-foot South State Street right-of-way to the City prior to the issuance of any permits.

STAFF RECOMMENDATION

Staff recommends that the proposed zoning be **approved** because the C3 zoning is consistent with the adjacent C3 zoning to the south and follows the recommendation of the <u>Master Plan:</u> Land Use Element.

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

STAFF REPORT

The site plan petition was postponed by the Planning Commission at the March 19, 2013 meeting to allow additional time for the petitioner to submit a rezoning application for this site. Additional issues for this site were brought to staff's attention at this meeting and are addressed below.

Rezoning

This site was rezoned from Research (RE District) to Office (O District) in 2003 to allow the property owner to market the site with a wider variety of uses. At that time, the Commission

waived the area plan requirement because no new development was proposed. The single-family home on the site was occupied at that time.

The <u>Master Plan: Land Use Element</u> supports commercial uses for this site. The Plan recommends that retail centers be designed with pedestrian access as a primary goal to 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.

To aid in determining the proposed type of commercial zoning, staff reviewed the intent statements of each commercial district, which are listed them below.

- A C1 zoning (Local Business District) is designed to solely serve the needs of the surrounding residential neighborhood, providing goods that are day-to-day needs.
- A C2B zoning (Business Service District) is designed to provide for commercial activities
 which have functional and economic relationships to a central business district or fringe
 commercial district. In this district, the customer may come to the particular
 establishments either by automobile or as an extension of this CBD pedestrian activity.
- The C3 zoning (Fringe Commercial District) is designed for the customer to typically come directly to business by automobile. Comparison shopping activity is less than in the Central Business District. Good automobile accessibility is essential to this district.

This area at the northeast corner of South State and Ellsworth has been and continues to be focused on providing auto-oriented businesses. The proposed uses at this site are not destination trips; the majority of customers are anticipated to be drive-by traffic. This site fits most closely with the intent of the C3 zoning district, which is the zoning designation for the adjacent property.

The draft <u>South State Street Corridor Plan</u> includes this site in Area 3 and recommends commercial use for the site. The draft plan recommends future office and possible commercial uses north of this site and fronting along S. State Street.

Area Rezoning History

The property located southeast of this site was rezoned from PUD (Planned Unit Development) to C3 (Fringe Commercial) in 2008 to allow for uses other than restaurant. A site plan for a drive-thru restaurant was approved for this site in 2012. Staff reviewed the current zoning in this area and it appears the current city zoning is correct. The South State and Ellsworth area is bordered by Township properties to the west and south of this area.

Landmark Tree Health

The two landmark trees located on the southwest corner of the site scored a health condition of 22 out of 30 and 21 out of 30 and are considered healthy landmark trees. These trees are proposed to be saved, although, per city code, the petitioner must provide mitigation for these trees because disturbance is proposed within 10 feet of the trunk.

The third tree located east of these two landmark trees scored a health condition of 15 out of 30 and is not considered a landmark tree (the health and condition score must be greater than 16

to be considered a landmark tree). No mitigation is proposed, as this tree is not considered a natural feature.

Porous Pavement

The Commission asked about the amount of pervious pavement on site. The total area of proposed porous pavement on site is 18,977 square feet.

Access Management

A formal request to connect this site with the site to the south (Tim Horton's) has been made by the petitioner. At the time this report was written, the petitioner has not received a response. It is the petitioner's impression that the lack of response indicates an unwillingness to connect these two sites.

<u>Intersection Improvements</u>

The proposed roundabout at the intersection of Ellsworth and S. State Street is tentatively scheduled to start on or after June 1, 2013. A pre-construction meeting for this project is scheduled for Thursday, March 28, at which time the contactor will be providing a detailed construction schedule.

Due to the proposed roundabout, this site will be right turn in and right turn out. Traffic traveling southbound on South State will enter the roundabout and head north on South Street to access this site. All exiting traffic from this site must turn right and head northbound on S. State. The median on Research Park Drive will allow vehicles to loop around and use the signal to go southbound.

Future Sign Location

The petitioner has indicated there is no sign master plan currently considered for this site and any proposed signs will meet the requirements of Chapter 61, Signs and Outdoor Advertising.

Citizen Notification

Planning staff mailed public hearing notices of the proposed rezoning to owners and occupants within 1000 feet of the site. When the project was originally submitted, the petitioner mailed a postcard to notify adjoining property owners within 500 feet about the proposed development.

ZONING/REZONING JUSTIFICATION

Per Chapter 55 Section 5:107(1), the Zoning Ordinance and Zoning Map shall not be amended except "because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area, extend the boundary of an existing Zoning District or to change the regulations and restrictions thereof."

The petitioner's <u>Petition For Changes In Or Additions To The Zoning Chapter</u>, a form provided by the Planning Department to assist petitioners in providing the required information per Chapter 55 Section 5:108(2)(a)-(g), is reprinted below. The questions are not standards for approval, rather guides to providing sufficient evidence of changed or changing conditions.

Petitioner responses are in plain text; staff comments are in *italics*.

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

The City's Master Plan recommends commercial uses for this site.

The current <u>Master Plan: Land Use Element</u> and the draft <u>South State Street Corridor Plan</u> recommend commercial use for this site.

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

Will have no affect.

The impact of the anticipated additional traffic should be addressed by the State/Ellsworth intersection improvements to be constructed this year.

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

Rezoning to commercial brings this site into Master Plan compliance. The proposed C3 zoning meets minimum lot size and width requirements.

It will enhance the public welfare by improving the site and making it more attractive, and adding additional business activity and overall vitality to this area.

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

Access to new retail/commercial needs in the area. This proposal is also adjacent to auto related uses such as a drive-thru restaurant and oil change business.

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

There are areas of C3 zoning in the corridor currently, and no indication that additional commercial and retail uses would be detrimental.

• Other circumstances which will further justify the requested zoning/rezoning are:

Rezoning to C3 will be consistent with the Master Plan.

Rezoning to C3 will remove the one-acre Office "spot zone".

Prepared by Christopher Cheng Reviewed by Wendy Rampson mg/3/28/13

Attachments: 3/19/13 Staff Report

State Street Center Site Plan Page 5

Petitioner: Jim Cernuto C:

21545 Carlysle Dearborn, MI 48124

Owner: Jack Schwarcz

26140 Raine

Oak Park, MI 48237

Systems Planning File No. SP12-027 & Z13-003

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 19, 2013

SUBJECT: State Street Center Site Plan for City Council Approval

(3945 South State Street)

File No. SP12- 027

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the State Street Center Site Plan, subject to the dedication of the 50-foot South State Street right-of-way to the City prior to the issuance of any permits.

STAFF RECOMMENDATION

Staff recommends the site plan be **postponed** to give the petitioner additional time to submit a rezoning application and staff time to review the request.

LOCATION

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

DESCRIPTION OF PETITION

The petitioner proposes demolishing the vacant 840-square foot residential building on this site and constructing a one-story, 1,700-square foot restaurant with drive-thru facilities facing South State Street and a one-story, 6,790-square foot retail building behind the restaurant. Both buildings are to be built in one phase. The curb cut off S. State Street will be relocated and widened to provide ingress/egress for both buildings.

The new restaurant will include a one-lane drive-thru facility, which is permitted per the proposed C3 zoning district requirements. The drive-thru lane will be located on the north side of the restaurant. Stacking of vehicles will occur along the north and east side of the restaurant, with a maximum queue length of 9 vehicles.

A raised, colored concrete pedestrian link is proposed to connect the existing public sidewalk along South State Street to the restaurant and will continue eastward, wrapping around the perimeter of the retail building.

The restaurant use requires a minimum of 17 automobile parking spaces, and the retail space requires between 22-26 spaces. The minimum parking requirement is met with a proposed total of 39 proposed spaces. Covered bicycle parking will be provided on the south side of the site between the buildings.

All storm water management for the site will be provided by porous pavement in the parking and driveway areas and two bioretention areas. Retention and infiltration for back-to-back 100 year storm events will be provided, per the Washtenaw County Water Resources Commissioner requirements.

One landmark tree is proposed to be removed, and two landmark trees along the south property line will be impacted. Mitigation trees will be planted in the northeast and southeast corners of the site and in the landscape area between the two proposed buildings.

The petitioner mailed a notification postcard (attached) to owners and occupants within 500 feet of the parcel when the site plan was submitted. At the time this staff report was written, the petitioner had not received any comments regarding the proposed development.

Estimated cost of construction for this project is \$900,000.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING	
NORTH	Research	RE (Research District)	
EAST	Research/Offices	RE	
SOUTH	Auto Service/Restaurant	C3 (Fringe Commercial)	
WEST	Retail Uses	TWP (Township)	

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	O (Office District)	C3 (Fringe Commercial District)	C3 (Fringe Commercial District)
Gross Lot Area	43,560 sq ft	43,560sq ft	6,000 sq ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	840 sq ft (9.8%)	8,490 sq ft (19.4%)	87,120 sq ft MAX (200% MAX)
Setback – Front	45 feet – South State	23 feet – South State	10 ft MIN 25 ft MAX
Setback – Side(s)	15 ft – north 22 ft - south	12 ft – north 45 ft - south	0 ft MIN
Setback – Rear	380 ft	45 ft	20 ft MIN
Height	2 story	32 ft	55 ft MAX
Parking – Automobile	2 spaces	39 spaces	39 spaces MIN 43 spaces MAX
Parking – Bicycle	N/A	Class B – 6 spaces	Class B – 3 spaces MIN Class C – 3 spaces MIN

HISTORY

The single-family home on this site was constructed in 1938 in Pittsfield Township. In 1971, the City had petitioned the State Boundary Commission and requested that certain Pittsfield Township islands, including this parcel, be placed in the City. In September 1973, the State Boundary Commission ruled that these Pittsfield Township islands be made part of the City of Ann Arbor. In January 1974, Pittsfield Township obtained a temporary restraining order from the Washtenaw County Circuit Court barring the annexation of the Township islands. On March 20, 1979, the Pittsfield Township islands were annexed to the City of Ann Arbor by order of the Circuit Court for the County of Washtenaw. This site was zoned RE on May 11, 1979, based on the General Development Plan.

In 2003, this site was rezoned from RE, Research District, to O, Office District, at the property owner's request. The petitioner contended that the site did not meet the minimum RE lot width and size requirements, and office use provided a transition from commercial uses to the south and research uses to the north. Subsequent to this rezoning, the official zoning map was erroneously changed to C3 (Fringe Commercial) zoning for this parcel instead of the approved O zoning designation. This error was discovered as part of the background research for the current site plan petition.

PLANNING BACKGROUND

The <u>Master Plan: Land Use Element</u> supports commercial uses for this site. The Plan recommends that retail centers be designed with pedestrian access as a primary goal to 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 draft <u>South State Corridor Plan</u> includes this site in Area 3. The draft Plan emphasizes incorporating pedestrian and bicycle improvements into new development and cultivating the gateway image of the corridor through landscaping, signage and public art.

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

The <u>Transportation Plan</u> Short-term Recommendations propose intersection improvements at State and Ellsworth intersection along with 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.

ZONING/REZONING JUSTIFICATION

The petitioner has been notified of the incorrect zoning on this site and will submit a Rezoning Application for staff review.

STAFF COMMENTS

<u>Systems Planning</u> – One footing drain disconnection is required to mitigate sanitary flow as part of this development.

The South State Street right-of-way (total 50 feet) shall be dedicated to the City prior to the issuance of any permits.

<u>Storm Water</u> – The proposed permeable pavement is appropriate for drainage of this site, as sandy soils exist in the area. Maintenance of the parking lot must be performed twice per year for the lot to function and drain properly as porous pavement.

Chapter 63, Section 5:655(4) states that the detention facility shall be installed prior to issuance of building permits. However, it is not practical to construct the porous paving before the buildings are constructed. Therefore, the design includes a temporary sedimentation basin that will remain in service through construction, until the porous pavement is completed.

<u>Traffic</u> – Per the conclusions of the Traffic Impact Study for the adjacent Tim Hortons project, the intersection of State and Ellsworth currently operates at capacity and will continue to operate in a similar manner in the future with this proposal. The City, Washtenaw County, and Pittsfield Township are moving forward with plans to reconstruct the intersection of State and Ellsworth Road as a modern roundabout. The analysis of future conditions with the proposed commercial uses indicates the intersection at State and Ellsworth would continue to operate in a manner similar to background conditions, with negligible increase in peak hour volumes and vehicle delays.

<u>Planning</u> – During review of the proposed site plan, staff discovered this site is not zoned C3, Fringe Commercial, as shown in the City's zoning maps. This site is currently zoned Office, which does not permit the proposed retail and drive-thru uses. Because this zoning error was discovered late in the review process, the petitioner did not have sufficient time to apply for a rezoning request to C3 before being heard at the upcoming City Planning Commission meeting. Once the petitioner submits the rezoning application, staff will review this application and place it on the next possible Planning Commission agenda.

Prepared by Christopher Cheng Reviewed by Wendy Rampson mg/3/15/13

Attachments: Citizen Notification Postcard

Zoning/Parcel Maps

Aerial Photo Site Plan

Landscape Plan Elevations

c: Petitioner: Jim Cernuto

21545 Carlysle Dearborn, MI 48124

Owner: Jack Schwarcz

26140 Raine

Oak Park, MI 48237

Systems Planning File No. SP12-027

Proposed Development for 3945 South State Street, Ann Arbor, Michigan

A petition has been submitted to the City of Ann Arbor Planning and Development Department for 3945 South State Street

As a neighbor, City of Ann Arbor's Citizen Participation Ordinance, affords you, an opportunity to learn about, understand and comment on this proposed development. Your comments will be documented and submitted to the Planning and Development Services Unit.

The Proposed development consists of a drive thru fast food restaurant and a retail building. The existing house will be removed.

If you have any questions or comments with regards to this proposal, you may contact us via e-mail or telephone @;

info@atelierarchitect.com

Atelier Architect, PC Fareed Mojaradi 248-885-8286

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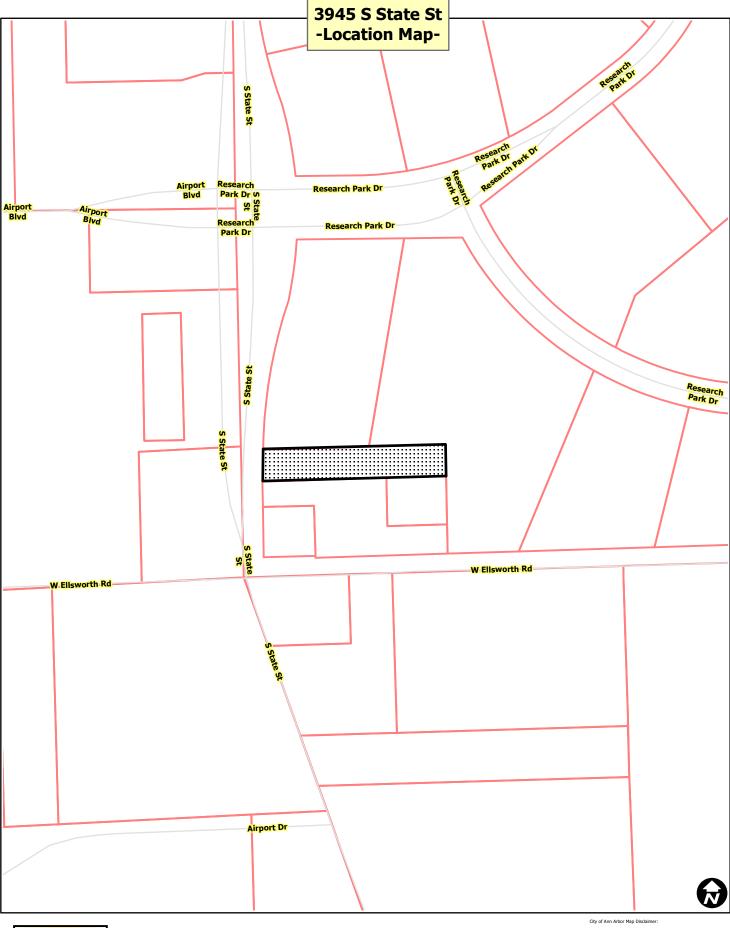
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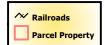




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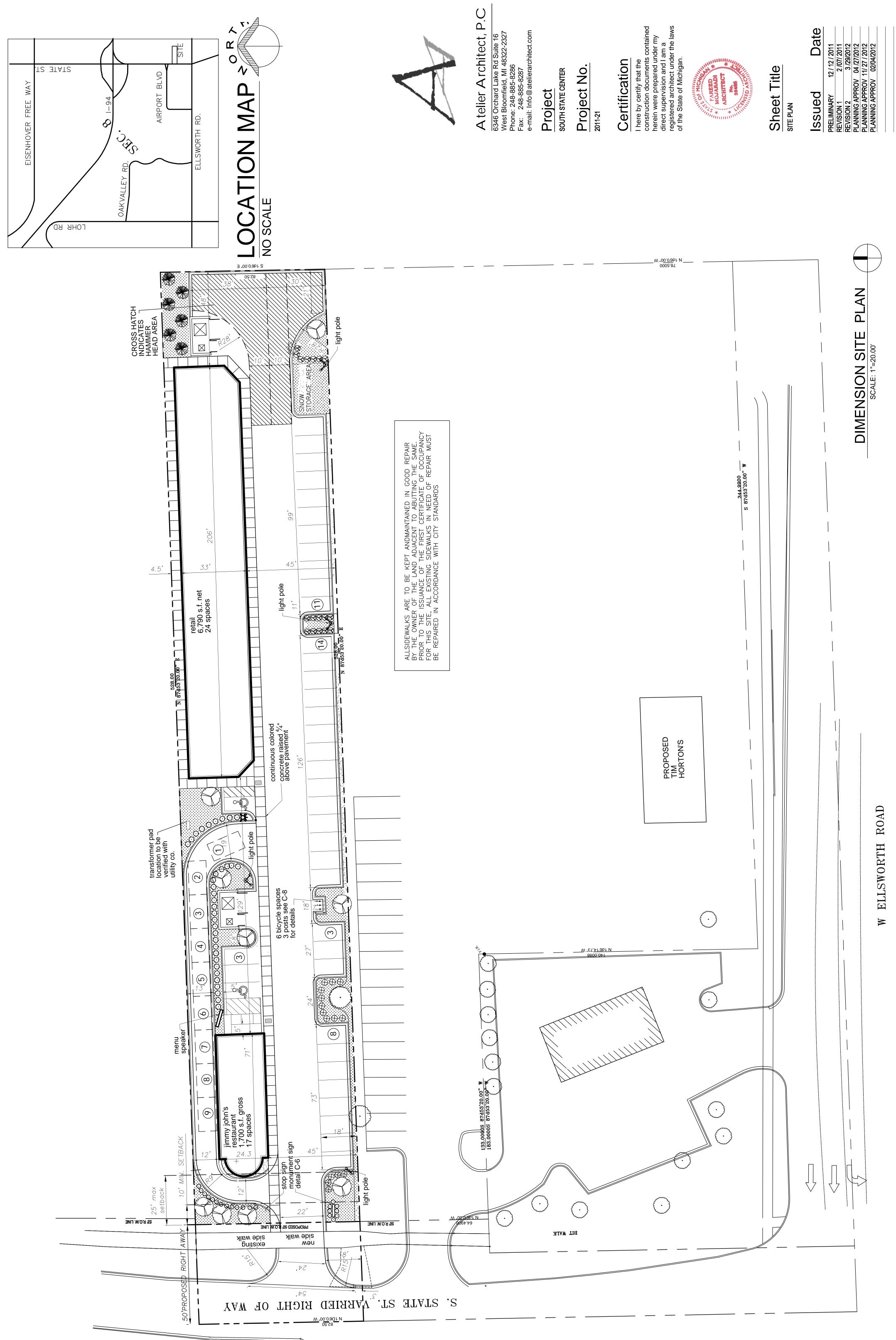




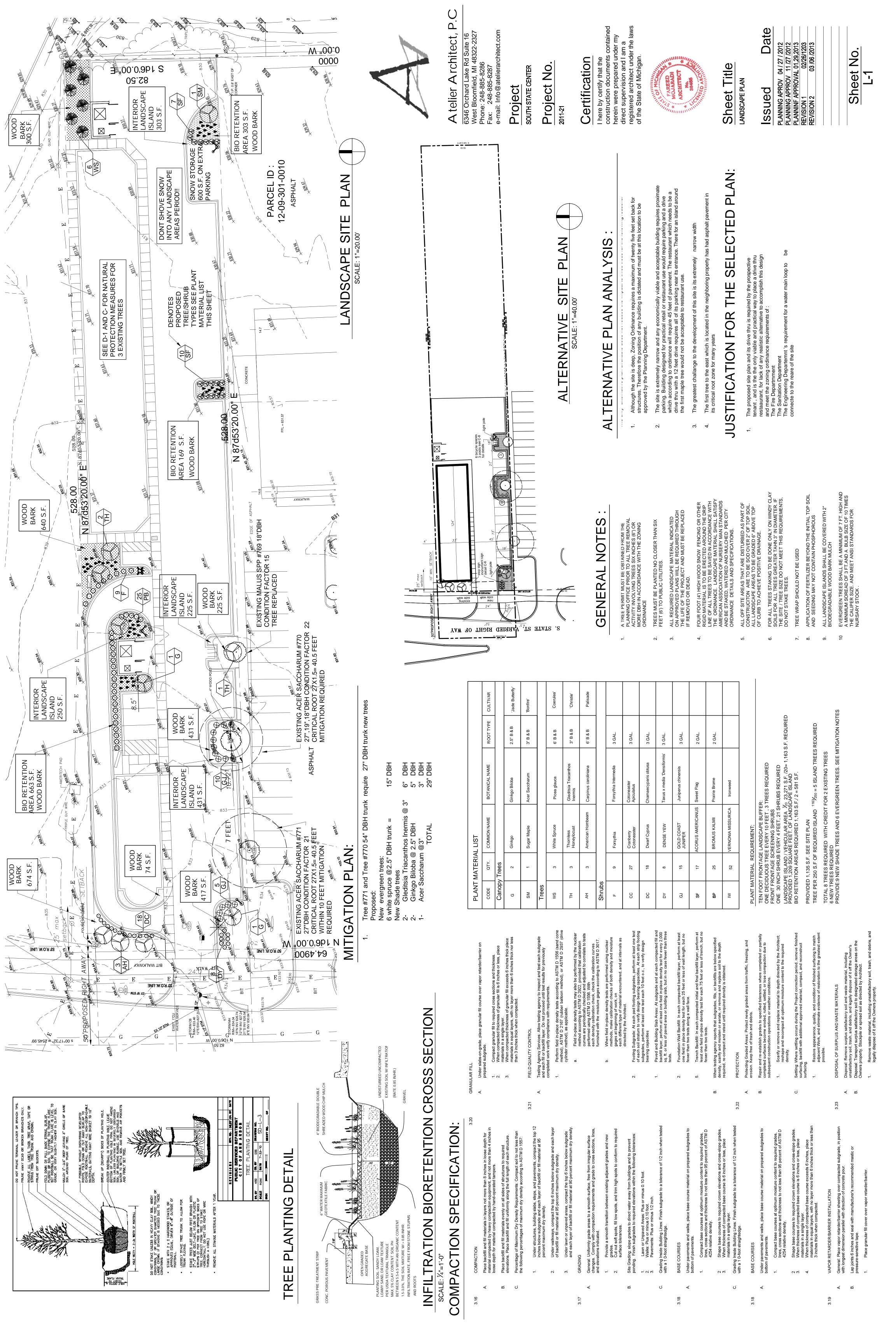
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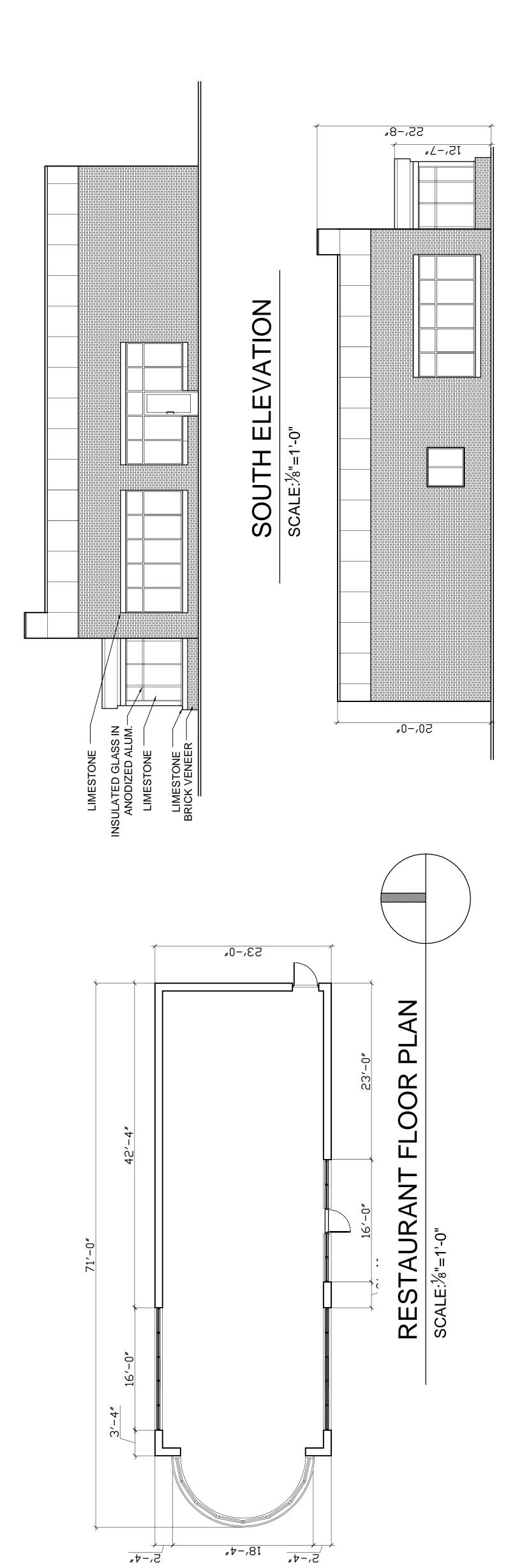
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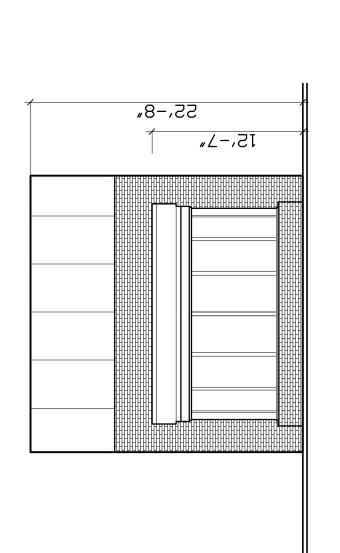


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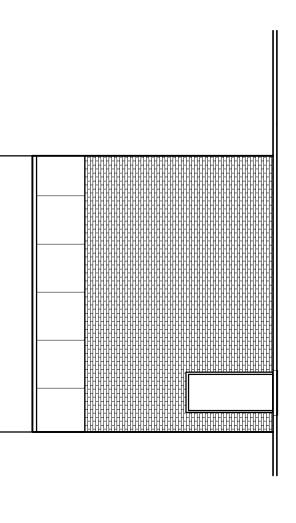


NORTH ELEVATION SCALE:1/8"=1'-0"



WEST ELEVATION

SCALE: 1'-0"



EAST ELEVATION

SCALE:1/8"=1'-0"



Atelier Architect, P.C. 6346 Orchard Lake Rd Suite 16 West Bloomfield, MI 48322-2327 Phone: 248-885-8286 Fax: 248-885-8287 e-mail: Info@atelierarchitect.com

Project

SOUTH STATE CENTER

Project No.

Certification

I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.



Sheet Title RESTAURANT PLAN, ELEVATIONS

Date PLANNING APROV 04 /27 / 2012 Issued

Sheet No. A-2

6346 Orchard Lake Rd Suite 16 West Bloomfield, MI 48322-2327 Phone: 248-885-8286 Fax: 248-885-8287 e-mail: Info@atelierarchitect.com A telier Architect, P.C.

Project

SOUTH STATE CENTER

Project No

Certification

I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.

Date Sheet Title
RETAIL BLDG PLAN, ELEVATIONS **Issued**

PLANNING APROV 04 /27 / 2012

Sheet No. A-1

BUILDING

RETAIL

SOUTH ELEVATION

SCALE:1/8"=1'-0"