

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 16, 2014

**SUBJECT: Holiday's Restaurant Landscape Modification Request
(2080 West Stadium Boulevard)
File No. SP14-044**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby approves the proposed landscape modifications in order to eliminate the requirement for depressed bioretention area in parking lot and allow the petitioner to utilize the existing planting screen to satisfy the requirement for the Conflicting Land Use Buffer along the eastern property line.

STAFF RECOMMENDATION

Staff recommends that this petition be **approved** because the modifications are consistent with the intent of the ordinance and are associated with a previously approved site plan.

DESCRIPTION OF PETITION

The petitioner proposes to construct an outdoor dining patio and a 72 square foot vestibule addition to this 3,970 sf restaurant building, which requires an administrative amendment to the approved site plan. Chapter 62 (Landscaping and Screening) calls for compliance with current standards whenever a site plan is required. In the case of this site, the code requires that at least 50% of the interior landscape island areas must be depressed bioretention areas used for storm water management and a 15-foot wide Conflicting Land Use Buffer containing trees and a hedge, wall or berm must be provided adjacent to the eastern property line.

The site is zoned C2B (Business Service District), and the most recent site plan was approved in 1995 as a Kenny Roger's Roasters Restaurant. The existing parking lot and landscaping were constructed at that time. There are no proposed changes to the parking lot. The interior landscape island now contains a mature tree and in order to comply with the code, the existing tree would need to be removed. The buffer area along the eastern property line was planted with landscape materials at the time of the original site plan approval, however the existing conditions do not provide the number of trees required for a Conflicting Land Use Buffer, and many of the originally-planted shrubs have died. The buffer now contains a dense vegetated screen, and while not meeting the specific requirements of the code, the vegetation does provide an effective planted buffer between this use and the residential area adjacent. Removal of the existing vegetation for installation of new trees and shrubs would not be consistent with the intent of the code.

The Landscape and Screening Ordinance provides that the Planning Commission may approve a modification if existing vegetation and landscaping are located or spaced in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions. The petitioners are requesting a modification to allow the existing

landscape island to remain as planted and allow existing vegetation to satisfy the Conflicting Land Use Buffer requirement. The City's Urban Forest and Natural Resource Planning Coordinator has reviewed and is in support of the landscape modification request. With approval of the modification requests, staff will be able to approve the administrative amendment currently under review.

Prepared by Matt Kowalski
Reviewed by Wendy Rampson

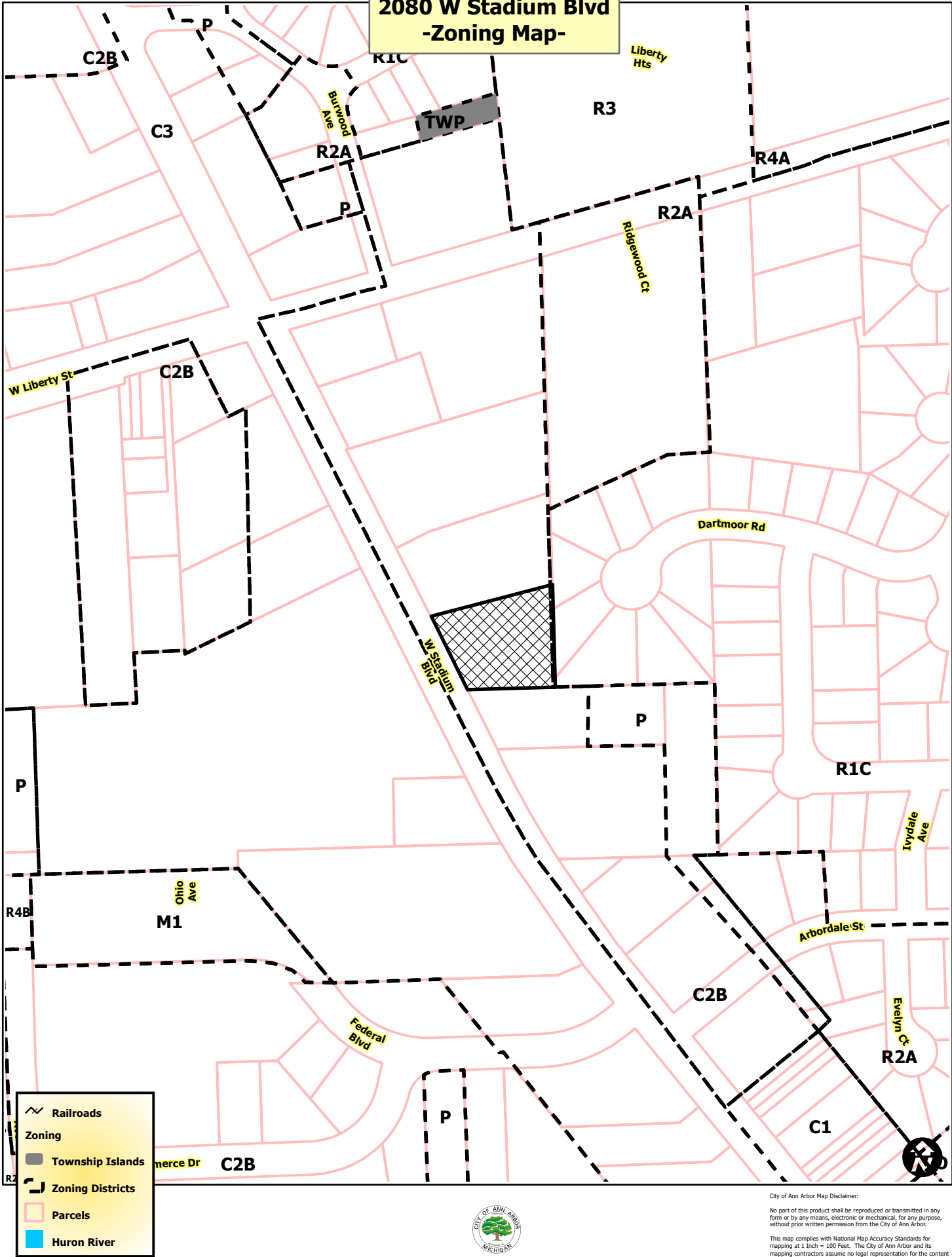
Attachments: Zoning Map
Aerial Photo
Landscape Modification Request
Proposed Landscape Plan

c: Owner: Jeffrey J. Inwood
2080 West Stadium LLC
2080 West Stadium Boulevard
Ann Arbor, MI 48103

Petitioner: Rob Terbush
Owner, Holidays Restaurant
2080 West Stadium Boulevard
Ann Arbor, MI 48103

Systems Planning
File No. SP14-044

2080 W Stadium Blvd -Zoning Map-



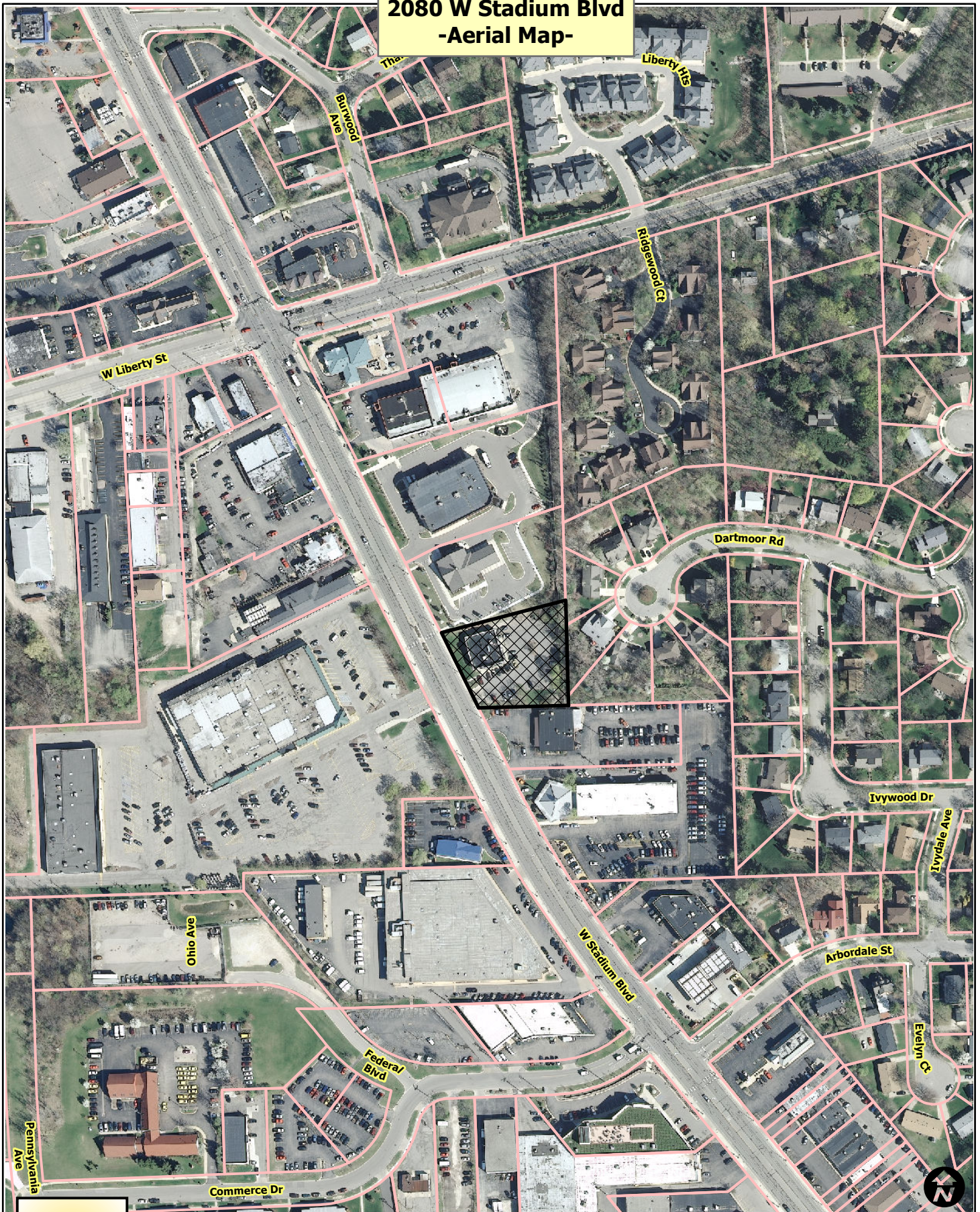
City of Ann Arbor Map Disclaimer:
No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.




This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 9/4/2014



2080 W Stadium Blvd -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



City of Ann Arbor Map Disclaimer:

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 9/4/2014

2080 W Stadium Blvd -Aerial Map-



- Railroads
- Parcels
- Huron River



City of Ann Arbor Map Disclaimer:
No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 9/4/2014



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 MODIFICATIONS FROM CHAPTER 62 (LANDSCAPE AND SCREENING)

See www.a2gov.org/planning for submittal requirements.

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission or City Council to approve these modifications from the landscape and/or screening requirements of Sections 5:602, 5:603, 5:604 or 5:606 of Chapter 62, as they relate to the property hereinafter described.

A. Project Information

(Give name of site plan project and tax code number of property)

Holiday's Restaurant, 2080 West Stadium Boulevard

09-09-30-317-007

B. Petitioner Information

The petitioner(s) requesting the modifications are:

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

Rob Terbush, Owner, Holiday's Restaurant

2080 West Stadium Boulevard

Ann Arbor, Michigan 48103

734-668-1292

Also interested in the petition are:

(List others with legal or equitable interest)

Jeffrey J. Inwood, Owner, 2080 W Stadium LLC

3781 Tubbs Road

Ann Arbor, Michigan 48103

734-657-7118

C. Modification Request

The petitioner requests approval to modify the above landscape and/or screening requirements in the following ways (if necessary, attach additional page):

Section 5:602, Paragraph 2.G
1. Eliminate the requirement for depressed bioretention areas in parking lot's existing interior island space.

5:602 1.C
Utilize the existing naturalized planting screen for the Conflicting Use Buffer.

Section _____, Paragraph _____

D. Standards for Approval

Flexibility in the application of the landscape and screening regulations may be allowed if certain standards are met. The modifications must be consistent with the intent of Chapter 62; be included on a site plan and in a motion approved by the City Planning Commission or City Council; and be associated with specific site conditions as listed in Section 5:608(2)(c).

1. What are the specific site conditions that necessitate this request and how do they warrant the modifications of Chapter 62 requirements? (See Section 5:608(2)(c)) List relevant subsection and explain how and to what extent the modifications are justified.


See attached

2. How does the proposal meet the spirit and intent of Chapter 62? (See Section 5:600)

See attached


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: 9-4-2014

Signature: 
Christopher A. Nordstrom, The Johnson Hill Land Ethics Studio
516 E. Washington St.
Ann Arbor, MI 48104
(Print name and address of petitioner)

STATE OF MICHIGAN)
) ss:
COUNTY OF WASHTENAW)

On this 4 day of September, 2014, before me personally appeared the above named petitioner(s), who being duly sworn, say that they have read the foregoing petition and 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: 
A Smith
(Print name of Notary Public)

My Commission Expires: 5/2/2019

A. SMITH
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES May 2, 2019
ACTING IN COUNTY OF washtenaw

APPLICATION FOR MODIFICATIONS FROM CHAPTER 62
Attachment

1) What are the specific site conditions that necessitate this request and how do they warrant modifications of Chapter 62 requirements?

- a) Chapter 5:602, Paragraph 2.g requires "...at least 50% of the area in the required interior landscape area must be depressed bioretention areas and utilized for storm water management." The existing parking lot configuration would require significant modification to enable construction of depressed bioretention areas, including excavation of raised landscape islands and complete regrading of the lot. Excavation of the islands would cause severe stress on existing plantings, including a number of large, mature Sycamore trees.
- b) Chapter 5:603, Paragraph 1.c requires a conflicting use buffer for "The portion of a parcel zoned O, RE, ORL, C, or M abutting a public park or parcel principally used or zoned for residential purposes." The existing natural area was previously approved as a Conflicting Land Use Buffer. It consists of a mix of species and provides dense cover and screening from adjacent properties. A berm and existing wooden fence add to the screening properties of the zone. No alteration to the existing landscape element is proposed.

2) How does the proposal meet the spirit and intent of Chapter 62?

- a) Per Chapter 5:608, paragraph iv, modifications may be allowed if, "Existing vegetation and landscaping are located or spaced in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions." The potential for injury or death to existing island trees due to construction of bioretention areas is not insignificant. In and of themselves, these trees provide valuable retention services, and directly meet the spirit and intent of Chapter 5:602, paragraph 2.g.
- b) Per Chapter 5:608, paragraph vii, "Landscape elements which are part of a previously approved site plan may be maintained and continued as nonconforming provided no alterations of the existing landscape elements are proposed." The existing natural area was previously approved and no alterations are planned for this area. Therefore, we believe its continued use meets the spirit and intent of Chapter 5:603, paragraph 1.c.



Image 1: Typical raised interior landscape island with mature Sycamore



Image 2: Existing Conflicting Land Use Buffer

OFFICES IN ANN ARBOR and TRAVERSE CITY, MICHIGAN

landscape architecture • natural resource conservation • community master planning • open space planning
community visioning • land use planning • historic preservation • cultural resource planning



SCALE: 1" = 40'-0"