

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For the Planning Commission Meeting December 15, 2020

**SUBJECT: Lewis Jewelers Retail Plaza
(300 South Maple Road)
Site Plan for City Council Approval – Project No. SP20-022
Special Exception Use – Project No. SEU20-005**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Lewis Jewelers Retail Plaza Site Plan subject to obtaining the required off-site private storm sewer easement and the off-site public water main easement prior to the issuance of any building permit.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition substantially meets the standards in Chapter 55 (Ann Arbor Unified Development Code), Section 5.29.5 (Special Exception Use), and therefore approves the Lewis Jewelers Retail Plaza Special Exception Use for one drive-through lane as part of a retail use. This approval is based on the following findings:

1. The proposed use will be consistent with the C3 Fringe Commercial District zoning district, which provides commercial activities accessed primarily by automobile
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South Maple Road provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.

SUMMARY:

Two related applications have been submitted for approval. First, a proposed site plan to construct a one-story, 24,529-square foot retail building. In addition to the site plan, a special exception petition to allow a drive-through facility to be constructed with the new building.

LOCATION:

The site is located on the west side of South Maple Road just west of the intersection with West Stadium Boulevard (Ward 4).

STAFF RECOMMENDATIONS:

Staff recommends that the **site plan** be **postponed** to February 2nd, 2021, to allow petitioner time to address the Transportation Team review revised plan. The proposal was scheduled for Planning Commission anticipating resolution of outstanding transportation concerns. Revised plans were submitted this week, but due to timing were unable to be reviewed prior to the preparation of this report.

Staff recommends that the **special exception use** be **postponed** to allow the Transportation Team time to review revised plan.

SITE PLAN APPLICATION:

Description – The site currently contains a partially demolished former restaurant building and large parking lot surrounding the building. The previous building was non-conforming for exceeding the maximum front setback which was adopted after the building was constructed. The proposed site plan calls for demolishing the remaining building, constructing a new 24,529-square foot retail building, including a drive-through facility. The new building will contain one 9,408 square foot suite for a Lewis Jewelers store, the remaining suites will be divided for future retail tenants including the drive through location. There are 80 parking spaces proposed, just above the minimum required which is 79 spaces. There will be four electric-vehicle(EV) charging stations I installed which will service eight cars. This will meet the proposed EV parking ordinance for the required number to be installed, however the code requires an additional eight spaces be EV-ready. The EV-ready spaces will be required to be on the site plan if the propose EV parking ordinance is adopted before this plan is approved. Both Class A and Class C bicycle parking will be provided as required.

A new sidewalk connection will be provided from the public sidewalk along South Maple through the site to the Westgate Shopping Center to the west. There is currently no pedestrian connection from South Maple to the Westgate Shopping Center.

A development standards review is provided below. Additional descriptions and notable details of the site plan include:

- **Front Setback** – The C3 district requires a minimum front setback of 10 feet and a maximum front setback of 25 feet. As a new building, the minimum and maximum front setback standard applies. The main suite containing Lewis Jewelers will be set back 10 feet from the front property line, the additional retail space along the Maple Road façade will be set back 25 feet to allow for a small outdoor patio in front of the building.
- **Landmark Trees** – There are two landmark Crabapple trees on the site adjacent to Maple Road. The trees will need to be removed for construction of the new building. Replacement trees will be planted throughout the site to provide a total of 26 inches or 13 trees of mitigation for the removed landmark trees.

Development Standards Review – Staff has reviewed the site plan for compliance with all applicable development standards of the C3 district provided in Chapter 55 [Unified Development Code](#). A summary of staff findings is provided in the chart below.

		EXISTING	PROPOSED	REQUIRED/ PERMITTED
Zoning		C3	C3	C3
Lot Area		1.98 ac. (86,348 sq. ft.)	1.98 ac. (86,348 sq. ft.)	6,000 sq. ft. MIN
FAR%		11% (9,330 sq. ft.)	28% (24,529 sq. ft.)	200% MAX (393,294 sq. ft. MAX)
Setbacks	Front	160 ft.	10 ft.	10 ft. MIN – 25 ft. MAX
	Side (N)	79 ft.	73 ft.	None
	Side (S)	76 ft.	43 ft.	
	Rear	68 ft.	53 ft.	None
Height		1 story, approximately 28 ft.	1 story, 27 ft	4 stories, 55 ft. MAX
Vehicle Parking		142 spaces	80 spaces	79 spaces MIN 93 spaces MAX
Bicycle Parking		None	6 spaces Class B 4 spaces Class C	4.5 spaces Class B MIN 4.5 spaces Class C MIN

SPECIAL EXCEPTION USE PETITION:

The Planning Commission may approve, with or without conditions, a special exception for certain uses in certain zoning district, as set forth in Section 5.29.5 of the UDC. The Planning Commission must find that the following criteria has been substantially met in arriving at its decision, as provided in Section 5.29.5.D:

1. Consistency with the general objectives of the Master Plan.
2. Compatible with the general vicinity.
3. Consistent with the neighborhood and not detrimental.
4. Not detrimental to the natural environment.
5. Adequate off-street parking.
6. Safe pedestrian circulation.
7. Adequate vehicle movement and traffic.
8. Compliance with other development standards.

In addition, drive-through facilities in the C3 district must meet the use specific criteria of Section 5.16.6.C.3.

The complete special exception use petition is available [here](#) and attached.

Staff Comments

Planning – Planning staff supports the new retail project as designed. The project redevelops an under-utilized parcel and adds a new pedestrian connection directly to Maple Road from the Westgate shopping center. It will bring the site up to all current development codes including the addition of landscaping and storm water treatment. Staff supports the drive through use on this site, however until the concerns of the Transportation Engineer are addressed, the location of the drive through is not recommended for approval. The final design and resulting impact must be acceptable to the Transportation Engineer.

Transportation – The Transportation Engineer has concerns regarding the location of the drive through and the conversion of the existing two-way drive on the site to a one-way exit drive as shown on the original site plan submission. The construction of a drive through use on this parcel is not the source of concern, rather the exact location of the drive through and its impact on an access drive through the site. The subject drive being impacted serves as a significant access point to the Westgate Shopping Center directly behind the site and provides cross-parcel access which benefits both properties. There is a recorded access easement through the site that must be maintained with two-way travel. The petitioner recently submitted a revised plan showing the drive shifted to the south and the maintenance of two-way access to Maple Road while maintaining the drive through at the same location. The Transportation Engineer has not had sufficient time to review the proposal, but has expressed some initial concerns about the amount of space for cars to queue for the drive through use.

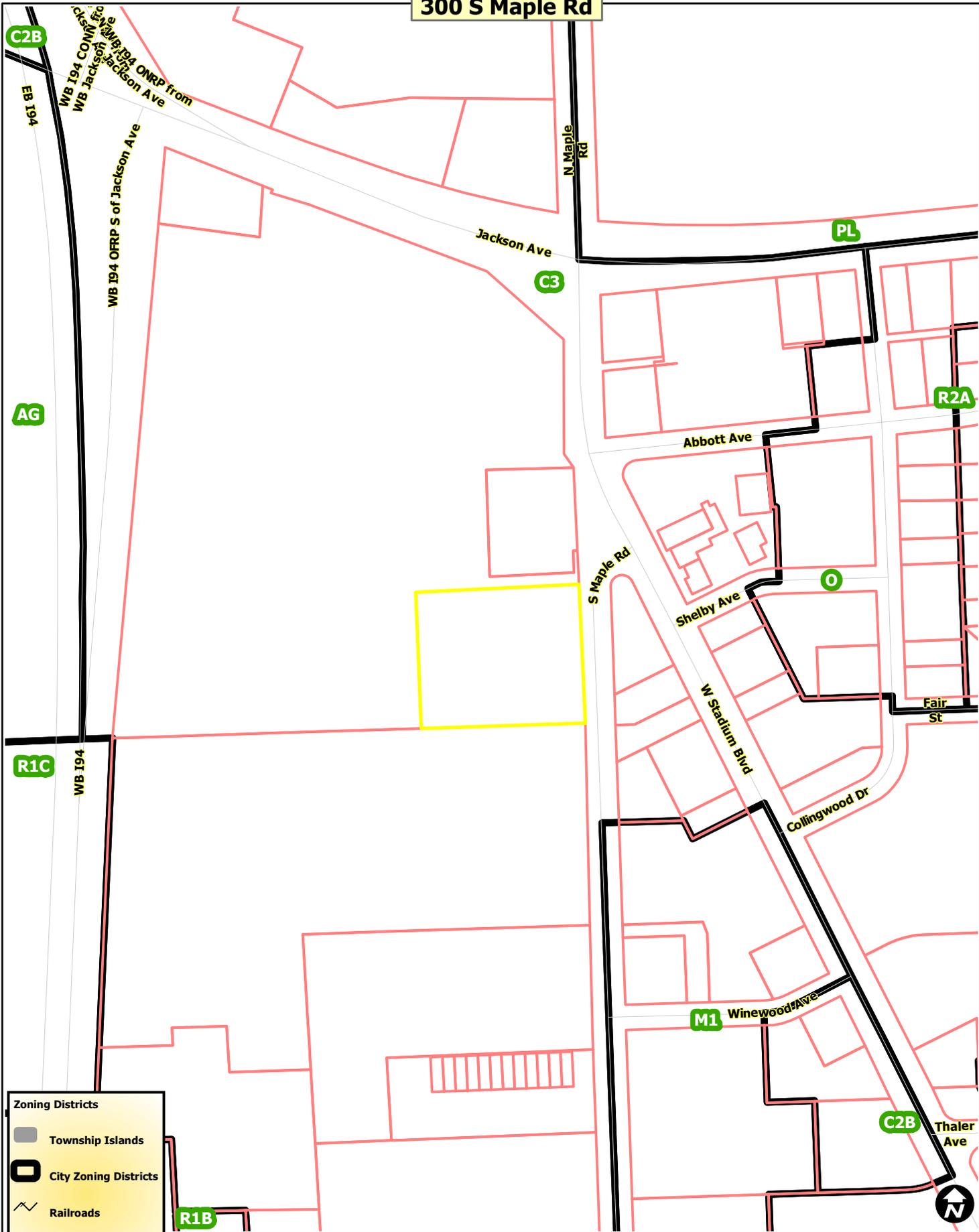
Prepared by Matt Kowalski
Reviewed by Brett Lenart
12/1/20

Attachments: Zoning Map
Aerial Photo
Special Exception Use Petition

Links: [Site Plan](#)

c: Owner and Applicant – DNL Holdings, LLC, 2000 West Stadium Blvd, Ann Arbor, MI
48103
Applicant's Engineer – MCA (Chris Sutton)
Petitioner: AR Brouwer (Steve Brouwer)
Systems Planning
Project Nos. SP20-022, SEU20-005

300 S Maple Rd



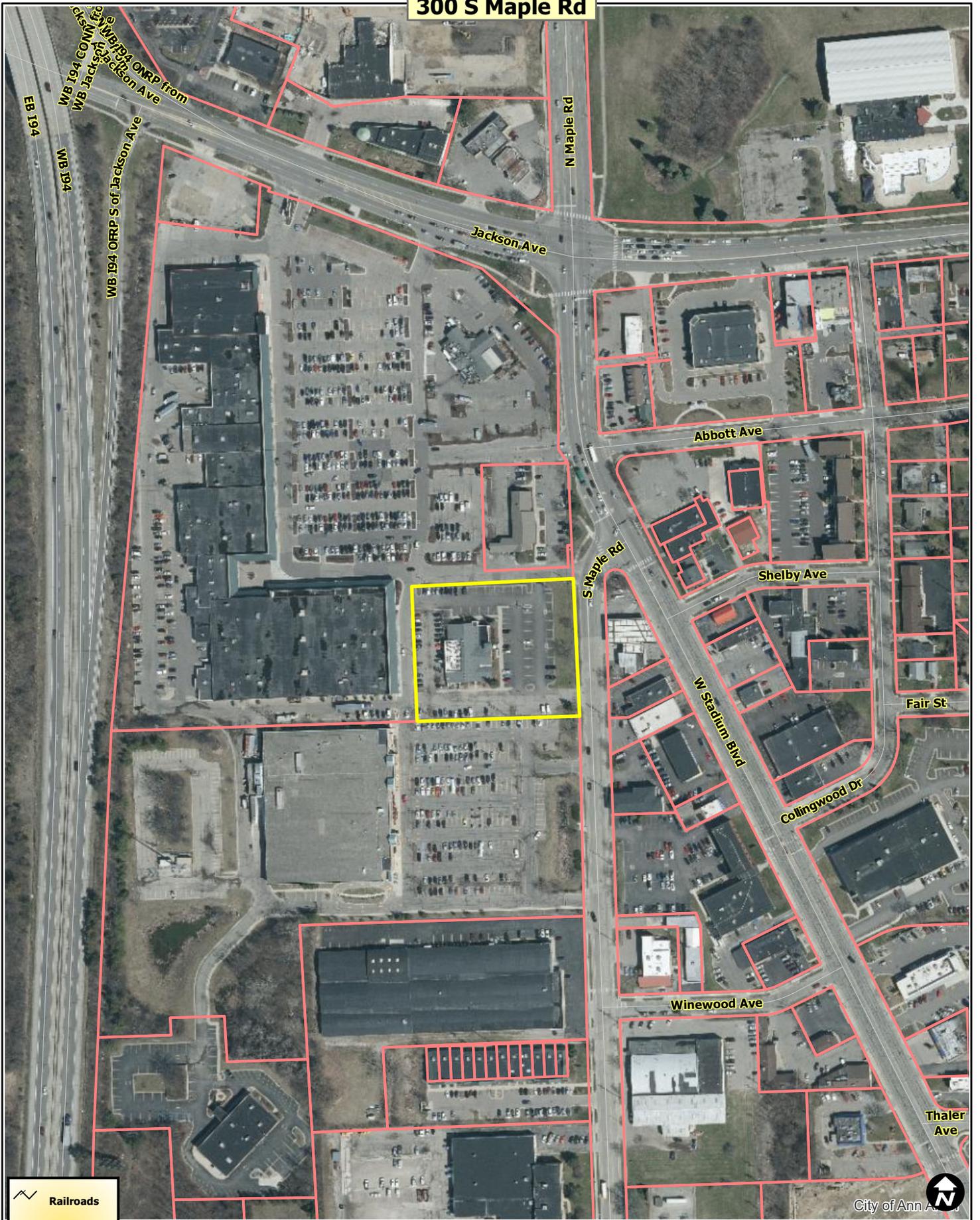
Zoning Districts

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 7/31/2020
Any aerial imagery is circa 2018 unless otherwise noted
Terms of use: www.a2gov.org/terms

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City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES

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APPLICATION FOR SPECIAL EXCEPTION USE

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

TO: Ann Arbor City Planning Commission

We, the undersigned, respectfully petition the City Planning Commission to approve this special exception use request as it relates to the property hereinafter described.

A. Legal Description

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

PRT OF NE 1/4 SEC 25, T2S, R5E, COM E 1/4 COR SEC 25, TH S 88 DEG 40 MIN 05
SEC W 33 FT FOR POB, TH CONT S 88 DEG 40 MIN 05 SEC W 320 FT, TH N 01 DEG
37 MIN 55 SEC W 269 FT, TH N 88 DEG 22 MIN 05 SEC E 320 FT, TH S 01 DEG 37 MIN
55 SEC E 270.36 FT TO POB

B. Petitioner Information

The petitioner(s) requesting the special exception use are: *(List petitioners' name; address; telephone number; and interest in the land; i.e., owner, land contract, option to purchase, etc.)*

Lewis Jewelers - DNL Holdings, LLC, 2000 West Stadium Blvd, Ann Arbor, MI 48103

Also interested in the petition are: *(List others with legal or equitable interest)*

A.R. Brouwer Company, 2830 Baker Road, Suite 100, Dexter, MI 48130

C. Use Request

The applicant requests special exception use approval to permit the following use(s): *(state intended use)*

Drive Thru in C-3 District, new retail center being proposed at 300 South Maple, Ann Arbor,
MI 48103.

D. Specific Standards

The proposed use is allowed in accordance with the Schedule of Use Regulations, Chapter 55 (Zoning Ordinance), Section 5.16, Paragraph 6C3. Specify how the project meets all standards cited. Add attachment if necessary.

Standards for drive-thru's specify that they may not be located between a street and the principle building, the vehicular ~~circulation to enter and exit the facility may not impair the general vehicular circulation on the site or the pedestrian circulation~~ on and off the site.

~~The proposed drive thru is on the south side of the principle building which fronts on S Maple. The vehicular and pedestrian circulation in and around the site is considerably improved with the proposed development. The one-way exit for the drive-thru and site circulation reduces the potential vehicular and pedestrian conflicts through controlled access management and reduced turning movements.~~

E. General Standards

The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. Please explain how and to what extent the following standards are met by the proposal:

1. Will be consistent with the general objectives of the City Master Plan.

The proposed plan meets the goals of the master plan through the reduced building setback, pedestrian oriented doorways and building design, outdoor seating areas, Park open space area, improved pedestrian and vehicular circulation, reduced pedestrian and vehicular conflicts and turning movement, integration of the development into the surrounding Westgate Shopping Center and building architecture and material selections.

2. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

The proposed building is oriented to the public street with the drive-thru as an accessory use on the south side of the building. The pedestrian circulation around the front, side and rear of the development will encourage a shared parking concept and walkability that will integrate well into the existing shopping center and parking. The building design will coordinate with the existing newer brick buildings in the area such as Kroger and the bank. The potential for outdoor seating will also encourage additional peaceful enjoyment and positive character of the activity in the area.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

The intensity and character of the uses proposed is consistent with the retail, Smoothie King, Stadium Blvd and banking uses in the immediate area. The scale of the building is consistent with the master plan and building materials, amenities, landscaping, pedestrian and vehicular circulation in the area. The proposed development is consistent with the intent of the Master Plan for the geographic area.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general.

The proposed project will improve the economic value of the area with a new confirming building adjacent to the public sidewalk and street, storm water management compliance, landscaping and improved vehicular and pedestrian safety. Parking lot islands will provide additional landscaping and parking lot buffering. The former structure and site was deteriorating beyond repair resulting in the decision to complete the redevelopment. The additional drive-thru will increase the ability for the community to patronize the development by permitting contactless service.

5. Will not have a detrimental effect on the natural environment.

The proposed development will not have a detrimental effect on the environment. The site is currently out of compliance with current regulations for parking lot landscaping, landscaping, and storm water. The proposed redevelopment will include the addition of landscaping, storm water control and treatment. The outdoor seating area helps mitigate the impacts of the development and the drive-thru. The drive-thru is critical due to the current health and safety contactless service being added to business operations due to the COVID 19 pandemic.

The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. Please explain how and to what extent the following standards are met by the proposal:

6. The location of and access to off-street parking and the safe provision for pedestrian traffic.

The proposed site layout has been designed to meet the goals of the master plan by locating the building along the street and creating a walkable development. The development utilizes existing curb cuts to reduce pedestrian conflicts and integrate vehicular traffic patterns into existing circulation. The drive thru design was coordinated with existing traffic patterns and reduces the number of turning movements off of S Maple thru the use of the one way out pattern. Pedestrian sidewalks have been design around the perimeter of the development and provide connections to the existing retail sidewalks in the surrounding sites.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections.

The relationship of the drive thru to the site is consistent with the parking lot layout and pedestrian circulation. Pedestrian circulation is likely to occur on the north side of the site where the parking lot and sidewalk connections to adjacent retail shopping are located. The drive-thru is proposed on the south side of the building exiting into the proposed one way parking lot circulation pattern before exiting onto S Maple. A one way exit is proposed where there is currently a 2 way ingress and egress off of S Maple.

8. Vehicular turning movements in relationship to traffic flow routes.

Traffic flows will be improved through the reduction in ingress and egress points into and out of the site. Existing traffic patterns will be maintained and improved. Turning movements and pedestrian and vehicular conflict points will be reduced.

9. The intensity and character of traffic and parking conditions on the site and in the general area.

The intensity of the traffic and parking on the site is consistent with the surrounding area. The existing mall, small retail center, bank and grocery store share parking and all uses are connected via the vehicle and pedestrian traffic patterns.

10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

We do not anticipate any additional impacts on public services or detrimental impacts to the social and economic welfare of the community. Additional places of employment will be available with the project redevelopment.

F. Variance Information

In addition to the granting of the special exception use, the following variances from City regulations will be requested:

N/A

Attached is a site plan of the property proposed for special exception use approval, showing the

boundaries of the property, the buildings, vehicular use areas, and all requirements set forth in Chapter 57 (Subdivision and Land Use Controls).

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: 8-27-20

Signature: David N. Lewis

David N. Lewis

(Print name and address of petitioner)

STATE OF MICHIGAN

COUNTY OF WASHTENAW

On this 27th day of August, ~~19~~²⁰²⁰, 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: Elizabeth O'Donnell

Elizabeth O'Donnell

My Commission Expires: 7-30-23