

# Zingerman's Deli Expansion

05/18/10 Planning Commission Minutes

DRAFT MINUTES

**ANN ARBOR CITY PLANNING COMMISSION**

REGULAR MEETING

7:00 p.m. – May 18, 2010

c. Public Hearing and Action on Zingerman's Deli Expansion Site Plan, 0.39 acres, 418 and 422 Detroit Street and 322 East Kingsley Street. A proposal to demolish the building at 322 East Kingsley Street and to construct a deli addition to the building at 422 Detroit Street totaling 10,430 square feet. Modification of the conflicting land use buffer on the east property line is requested – Staff Recommendation: Approval

Thacher explained the proposal and showed photographs of the property.

Grace Singleton, 3200 Dwight Street, a Zingerman's managing partner, stated that they have been working on this development plan for almost four years. She provided background information on the company, as well as growth figures since 1982. She said the additions that have occurred on the site over the years were done in a piecemeal fashion and highlighted the key goals of the new proposal: develop an efficient, well-designed and unified plan to take the company through the next 25-50 years; preserve key elements that have contributed to the character of this area, such as the brick building and outdoor plaza area; additional storage space and a larger kitchen area; install an elevator and reduce the number of deliveries and standing time for trucks in the loading zones as a result of improved receiving areas; increase energy efficiency and utilize greener technologies. She emphasized Zingerman's commitment to Ann Arbor and the Kerrytown neighborhood.

Christy Summers, 3465 Brentwood Court, of Beckett and Raeder, representing the petitioner, showed the buildings on the site and explained which would remain and where the addition was planned. She stated that the addition would link the deli and the annex, making the annex an integral part of the campus. She explained the dining and tent areas, pedestrian and barrier free accessibility, service areas, landscape areas, and sustainable design techniques. She stated that this project would be a contender for LEED certification.

Michael Quinn, 1520 Longshore Drive, of Quinn Evans Architects, representing the petitioner, described the design of the new addition, stating that it would be a two-story wing to the east of the existing deli which was designed to be consistent with the scale of the deli. He believed the design would create an appropriate buffer between the Kerrytown commercial district and the more residential character of the Old Fourth Ward. He said they have met informally with the Historic District Commission on a number of occasions to listen to historic preservation issues relative to the removal of the building on Kingsley and he believed there was support. He said they have also met with the neighbors in the area.

Bernard Pearl, 505 Detroit Street #2, believed this proposal was appropriate and would fit in with the character of the neighborhood; however, he expressed concerns about noise and traffic, stating that there already were significant noise and traffic nuisances. He was concerned how these nuisances would increase with the size of Zingerman's increasing. He wanted to bring this to the attention of the Planning Commission and staff and asked that deliveries,

parking management and noise abatement of the HVAC system and delivery vehicles be addressed.

Jim Mogenson, 3780 Greenbrier Boulevard, stated that this was a special project with owners who have very strong roots in the community and who have created a development that is in scale with other buildings in the area. He thought it was important to think through the issue of precedence and how the process should work.

Peter Pollack, 515 Detroit Street, spoke in favor of this proposal. He stated that this site has always been a bit adventuresome in that buildings have moved around a bit and additions have been put onto buildings. In a sense, he said, Zingerman's was an innovator of retail activity in this residential neighborhood and this site plan continued that. He has lived here since 1980 and, while it was a busy part of town, that was part of the joy of living here. He stated that the delivery trucks did make noise and emit fumes and suggested that perhaps they be turned off during the delivery. He noted that the petitioner has stated that this will be addressed.

Chris Crockett, president of the Old Fourth Ward Association and frequent customer of Zingerman's, was pleased that the petitioner has been working with the Historic District Commission and said she thought the scale of the addition appeared to be appropriate. However, she expressed concerns about the nuisances created by delivery trucks and about this proposal setting a precedent. She did not think it was objectionable to place the new D2 zoning on the 322 East Kingsley site, noting that the small house that once existed there was gutted by a fire and she thought the appropriate steps were being followed by the petitioner and the Historic District Commission to come up with an appropriate design, but what concerned her was that no precedent should be set to allow other bits and pieces of the Old Fourth Ward to be turned into commercial uses. She hoped the City would frame its approval of this project in such a way so that it was held in perpetuity as a special exception for spot zoning.

Patrick Thompson, 500 Detroit Street, stated that the creation of an alley regularly occurred with delivery trucks lining the street. He said this caused a blind spot for pedestrians, with two people having already been hit by cars and other near misses. He asked that greater restrictions be placed on the residential side of the street, perhaps by painting the curb yellow and installing signage. He did not want to impede this project from moving forward, asked that these issues be addressed.

Rick Struts, 2031 Pine Hollow Trail, a Zingerman's managing partner, stated that nothing the previous speakers have said about traffic and pedestrian concerns was untrue, not only for the residents in the area and those coming to this intersection, but also for Zingerman's staff. He did not think there was one simple solution. He said they have spoken to their vendors and have requested that trucks making deliveries be no larger than 54 feet. He stated that the new addition, which included more storage space, would also allow for a significant time savings in the unloading of deliveries as well as a significant reduction in the number of deliveries made, noting that they believed they could reduce the deliveries currently being made three to four times per week down to once a week.

Gary Boren, 322 East Washington Street, stated that he was a member of the Downtown Development Authority, but was speaking on behalf of himself. He stated that he was also concerned about historic preservation; however, in terms of a precedent being set, he thought this proposal was a very clear case and would not be confused in the future. He believed Zingerman's would deal with the noise and traffic concerns to the best of their ability. He

strongly supported this project, stating that it would bring more employees, tourists, customers and a good density to the downtown.

Noting no further speakers, Bona declared the public hearing closed.

**Moved by Giannola, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Zingerman's Deli Expansion Site Plan and Development Agreement, subject to the resolution of loading zone options on East Kingsley Street prior to City Council action.**

**Moved by Giannola, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed modifications to the conflicting land use buffer requirements of Chapter 62 (Landscape and Screening Ordinance), because the standards contained in Section 5:608 (Modifications) have been met.**

Bona was aware that noise from mechanical equipment was an issue in the downtown and asked how this was handled.

Rampson stated that this was a common issue in the downtown, but said was not a planning issue to the extent that there were no site plan standards in place to address it.

Bona asked about the process involving Historic District Commission, Planning Commission and City Council consideration and about the difference between a certificate of appropriateness and a motion to proceed.

Thacher stated that Zingerman's applied with the Historic District Commission (HDC) in 2008 for a determination as to whether the building at 322 East Kingsley and the annex on Detroit Street were contributing structures. The HDC determined that they were, she said, which meant the HDC could not allow demolition of them through a "certificate of appropriateness." She said the remedy to that was to apply for a "notice to proceed" with the HDC, which required the project to have all of its site plan approvals from the City in place, its financing in place, and any other zoning and environmental approvals in place to ensure that there was a serious intent to build the project and go forward in a timely manner. What the HDC wanted to avoid was the removal of historic buildings and then no project being built, she said. She said Zingerman's has been working with the HDC and feels confident about spending the time and money to bring the site plan through the approval process before going before the HDC for a motion to proceed.

Mahler thought this was a great site plan that would fit well with the character of the area. He appreciated the energy efficiency proposals and the wise use of space. He was sensitive to the concern of pedestrian and vehicle traffic at this intersection, which he kept in mind when reviewing the proposal. He was interested in hearing more specifics from the petitioner about decreased deliveries because he thought that a reduction in the number of trucks making deliveries was key in addressing this concern.

Singleton stated that the actual decrease in deliveries has not been quantified, although it would be significant. She said a key consideration was that deliveries would no longer require traversing the 55 feet along the building because the storage space was being moved and

expanded. This would decrease the amount of time that a delivery truck was parked for unloading, she said. She added that the number of deliveries would also decrease as a result of this, going from three to four times per week to two, and from two deliveries per week to one. The number of deliveries for fresh produce would not be reduced, she said, because of the nature of the product, although they would go themselves and purchase produce from the Farmers Market.

Struts added that the largest trucks that made deliveries to Zingerman's were for imports from private shippers. This happened about four to six times per year, he said, but noted that the amount of time involved in unloading would decrease because of the new addition.

Mahler thought this was a wonderful use of the space. He did not have a particular concern about commercial use creeping into the neighborhood given that so much time and effort has been spent talking about the issue. He would be voting to recommend approval of this project.

Briggs seconded Commissioner Mahler's comments. She said it seemed as though Zingerman's was doing what they could to make the deliveries more efficient, which would in turn help address the traffic concerns. She wondered if there were anything the City and/or DDA could do, perhaps putting signage in place, to alleviate some of the problems. She said she also did not have a concern with commercial uses moving further into the neighborhood.

Giannola agreed that this was a great project that used the property very well and it was in scale with the neighborhood. She noted that the green roof was unique to this site. She expressed her support.

Carlberg asked what the function would be of the paved area in the alleyway.

Singleton stated that this would be a service alley, used by staff to take out trash, used for a kitchen entrance, and used by staff to take food from one storage area to another. She stated that there currently was a great deal of overlap between guest and staff access points, so this would be a major improvement in efficiency.

Carlberg asked if the eating space on the second level was new seating space.

Singleton replied yes, that there would be a deck off the second floor of the new building for customer seating, as well as customer seating underneath the deck. Although it was not finalized, she said, they envisioned a three-season room there.

Carlberg stated that this would allow customers to sit outdoors and look out onto small roofs and trees. It would be very attractive, she said, voicing her support for this project.

Derezinski agreed, stating that it has been fascinating to watch this business grow and change and creatively use the space. He did not think much else could be done to use the space as efficiently and at the same time retaining the hometown quality. He expressed his support for this project.

Bona asked if there were a loading zone on both sides of Kingsley or just on the Zingerman's side.

Thacher stated that the site indicated a loading zone on the Zingerman's side only.

Bona asked if delivery trucks parking on the other side of the street were parking in regular spaces.

Singleton replied yes, which was illegal. She said they have talked to their vendors, telling them that Zingerman's may have to stop buying from them if they continue to park illegally. She said the amount of illegal parking for deliveries has been reduced somewhat and said Zingerman's would stay on top of that.

Bona asked if there was interest in including some kind of noise restriction on top of the buildings. She said this was near a residential area and there would be large rooftop mechanical units.

Quinn stated that there would be a mechanical unit on the roof of the new addition, but said a six-foot tall visual and acoustical would surround it. He said it would be a highly efficient, super-insulated structure, which would eliminate the need for upgrading in the future. He said they were also looking into geo thermal heating and cooling and recapturing ventilation heat, which was substantial in a restaurant. He said they believed the acoustics would be improved somewhat by changing the location of the existing equipment, meeting energy and noise standards, and providing the screen.

Bona said she was concerned with doing more than just meeting the noise ordinance regulations and recommended that the petitioner provide more specifics as far as what was being done before this went to Council.

Briggs expressed her appreciation to the petitioner for their efforts in citizen participation, as it appeared they went beyond what was normally done.

A vote on the motion showed:

YEAS: Bona, Briggs, Carlberg, Derezinski, Giannola, Mahler, Pratt  
NAYS: None  
ABSENT: Westphal, Woods

## 03/08/10 Citizen Participation Report