

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 19, 2018

SUBJECT: Amendment to Chapter 55 (Unified Development Code) Sections 5.15 and 5.16 to allow Restaurant, Bar and Food Service use in the O district with use specific standards

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code, Sections 5.15 and 5.16 to allow Restaurant, Bar and Food Service use in the O Office district and provide use specific standards.

STAFF RECOMMENDATION:

Staff recommends that the amendments to the Unified Development Code be approved because the proposed use, subject to the proposed use specific standards, would allow a complimentary, compatible use into the O district and shift the district towards a more mixed-use, appropriately balanced zoning district.

SUMMARY:

Amendments to the Unified Development Code are proposed to allow Restaurant, Bar and Food Service use in the O district under certain conditions, such as when there is already a large office building.

BACKGROUND:

An owner and manager of several office developments has submitted a petition requesting restaurants be allowed on larger sites in the O district.

Currently, in addition to traditional office uses, including financial services, general offices, and medical/dental offices, the O (Office) district allows:

- all types of residential uses (single family, two-family, multiple-family, etc.)
- some public/institutional uses, such as museums, funeral services, religious assembly
- child care centers
- all types of educational uses (public and private K-12 schools, public and private higher learning)
- nursing care facilities
- hotels
- beauty salons

- indoor recreation, veterinary office and animal boarding, and drive-through facilities, with special exception use approval
- incidental services accessory to a principle use, defines as services for the convenience of occupants of the district. Examples include cafeterias and child care centers.

Restaurants in such close proximity to employment centers would introduce an element of mixed use into a district with a narrow range of permitted uses. Large office developments often have underutilized front yards – from previously required deep front setback standards – and excess area devoted to off-street parking – from previously uncapped off-street parking requirements.

Given these circumstances, new restaurants could be added to large office developments as simple infill projects without significant impacts to the character of the area or the function of the existing sites. Staff has expanded on the applicant’s amendment request to include use specific standards to help ensure both.

PROPOSED AMENDMENTS:

The following amendments are proposed to allow and specifically regulate Restaurant, Bar and Food Service in the O district.

Permitted Use Table – Amend Table 5-15 in Section 5.15 to identify restaurant, bar, and food service use with a P in the O district column. Proposed text highlighted with underline.

Article III: Use Regulations
5.15 Permitted Use Table | 5.15.4 Prohibited Uses ()

TABLE 5-15: PERMITTED USE TABLE																																	
P= PERMITTED E = SPECIAL EXCEPTION A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED																																	
NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN																																	
NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.18																																	
NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.19.5, 5.19.4, AND 5.19.5 RESPECTIVELY																																	
USE CATEGORY AND TYPE	RESIDENTIAL										MIXED USE						NONRESIDENTIAL AND SPECIAL PURPOSE					USE-SPECIFIC STANDARDS											
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Sales																																	
Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																					E	E	P	P						P	P		
Fueling Station																					E	E	E	P								P	
Outdoor Sales, Permanent																P	P	P	P	P	P	P	P										5.16.3E
Medical Marijuana Provisioning Center																E	E	E	E	E	E	E	E						E	E	E		5.16.3G
Restaurant, Bar, Food Service																<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>									<u>5.16.3L</u>	
Retail Sales, General Merchandise																P	P	P	P	P	P	P	P										
Wholesale, Resale, Building Material and Supplies																							P	P					P	P	P		

Provide Use Specific Standards – Use specific standards for Restaurant, Bar and Food Service in the O district are proposed to be added to Section 5.16.3.L. Use specific standards are required in addition to the general provisions of the code. Proposed text highlighted with underline.

L. Restaurant, Bar, Food Service

1. C1 District

Each Restaurant, Bar, and Food Service use shall have a maximum seating capacity of 50 seats.

2. O District

Restaurant, Bar, and Food Service use shall be permitted where all of the following standards are met:

a. Parcel has a minimum of 4 acres (174,240 square feet)

b. Parcel has a minimum of 100,000 square feet of office uses existing or proposed. If proposed, certificates of occupancy for the proposed office uses must be issued before any certificates of occupancy for the Restaurant, Bar and Food Service use may be issued.

c. No separate curb curbs or driveway access for the Restaurant, Bar and Food Service use are permitted. All vehicular access and off-street parking for the Restaurant, Bar and Food Service use must be shared with the existing or proposed office uses.

d. Restaurant, Bar and Food Service uses may be provided within existing or proposed buildings, as additions to existing buildings, or in new free-standing buildings.

ANALYSIS AND PLANNING STAFF COMMENTS:

There are approximately 282 parcels of land zoned O. In total, there are 373 acres of O-zoned land, with an average parcel size of 1.3 acres. Only 54 parcels (about 20%) are greater than two acres, and just four parcels (1%) are greater than ten acres. Most parcels have less than 100,000 square feet of floor area. Two privately-owned parcel meets the proposed criteria of having greater than four acres of land and at least 100,000 square feet of office use: 777/789 East Eisenhower Parkway, and 2723 South State Street (known as South State Commons). Another parcel, at 3001 South State Street, would be eligible but it is owned by the University of Michigan.

Four-acre minimum site size is suggested as the land area thought to be needed to support an office building, its minimum off-street parking requirement, and have space left to host a

freestanding restaurant. Having the ability to host a freestanding restaurant is important because, even if the office building has a deep setback from the street, the restaurant could be as walkable and accessible to the neighborhood as possible.

The 100,000-square foot office use threshold is proposed to correspond with office developments having more than 500 people. This is a large number of people in a relatively compact area who could help support a full service restaurant without generating more vehicle trips.

Although modest, the proposed amendments would broaden the permitted uses of the O district to further activate what is now a limited use zoning district. City life is enhanced by expanding allowable activities on large swaths of land. The overarching goals of the City Master Plan are furthered with the proposed amendment, therefore, staff recommend approval as proposed.

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3/15/19

c: Systems Planning
City Attorney's Office

