

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 3, 2008

**SUBJECT: Maple Shoppes Rezoning and Planned Project Site Plan
(540 North Maple Road) File No. 9302Y1.2 and .5**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Maple Shoppes Rezoning from P (Parking District) and C3 (Fringe Commercial District) to C1B (Community Convenience Center), and Planned Project Site Plan, subject to providing an arrangement of buildings that promotes transit access and pedestrian orientation, reduces the need for infrastructure, and increases building and parking setbacks.

STAFF RECOMMENDATION

Staff recommends that the rezoning be **approved** because the proposed district is consistent with the future land use recommendations for the area, is compatible with the surrounding area, and is appropriate for the contemplated land uses.

Staff recommends that the planned project site plan be **approved** because the contemplated development complies with all applicable state, local and federal laws, ordinances, standards and regulations; the development limits the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development does not cause a public or private nuisance and does not have a detrimental effect on the public health, safety or welfare. The planned project modifications provide for a public benefit that promotes transit access, pedestrian orientation and reduced need for infrastructure, as well as increased building and parking setbacks to the north.

LOCATION

This site is located at the northeast corner of North Maple Road and Dexter Avenue, across from Veterans Memorial Park and on the diagonal corner from the Maple Village Shopping Center. It is in the West Area and the Allen Creek watershed.

DESCRIPTION OF PETITION

The subject site is comprised of two parcels containing a total of 2.6 acres. One parcel, on the east side of the site, is zoned C1B (Community Convenience Center). The other parcel, on the west side of the site, is zoned C3 (Fringe Commercial) and P (Parking). The site contains eight existing buildings (average size of 3,000 square feet) and is almost entirely paved with asphalt, concrete or compacted gravel. Seven curb cuts provide vehicular access to the site, three from North Maple Road and four from Dexter Avenue. The site is considered a brownfield due to contamination from underground storage tanks and surface spills, generally related to automotive uses. The petitioner has separately applied for clean-up assistance through the City of Ann Arbor/Washtenaw County Brownfield Authority.

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The petitioner requests to have the entire site zoned C3 (staff recommends that the entire site be zoned C1B), and seeks approval to demolish all existing structures and construct two commercial buildings with a total of 25,219 square feet and 90 parking spaces. All existing curb cuts will be closed and two access drives will be created, one at the northwest corner to North Maple Road and one at the southeast corner to Dexter Avenue.

On the east side of the site, a 17,469-square foot grocery store¹ is proposed. On the west side of the site a, 7,750-square foot general retail building is proposed. This general retail building could contain up to four businesses. The grocery store entrance is proposed at the southwest corner of the building, to be equally accessible from the central parking lot and the Dexter Avenue sidewalk. Store entrances for the general retail building are proposed on the east side of the building, closest to the central parking lot, although an entrance may be possible from the south side of the building. Walkways are proposed from the sidewalks on North Maple Road and Dexter Avenue to connect with the store entrances. According to the petitioner, direct entrances are not feasible from North Maple Road because of the existing ground elevations which are higher on the street side compared to the parking lot side and would make for awkward entrances into the stores.

Planned project modifications are requested to reduce the normal 40-foot minimum front setback required in the C3 district to 8 feet along the North Maple Road front and 15 feet along the Dexter Avenue front. The minimum front setback in the C1B district is 25 feet; planned project modifications would still be necessary to allow the development as shown. The proposed grocery store building is set back 20 feet from the Dexter Avenue front property line; 15 feet is the setback distance for the parking lot along this frontage.

COMPARISION CHART

	EXISTING	PROPOSED	REQUIRED/ PERMITTED	REQUIRED/ PERMITTED
Zoning	P, C3, C1B	C3	C3	C1B
Gross Lot Area	113,256 sq ft	113,256 sq ft	6,000 sq ft MIN	2,000 sq ft MIN
Floor Area as % Lot Area Ratio	Approx. 18% (~ 20,000 s.f.)	22.1% (25,219 s.f.)	50% MAX	40% MAX
Setbacks	Front-Maple	8 ft	40 ft MIN	25 ft MIN
	Front-Dexter	10 ft	40 ft MIN	25 ft MIN
	Side (E)	16 ft	0 ft MIN	0 ft MIN
	Rear (N)	60 ft	30 ft MIN (abutting R)	20 ft MIN (abutting R)
Height	1 story	23 ft and 26 ft, 1 story	35 ft / 3 stories MAX	25 ft / 2 stories MAX
Vehicle Parking	Undetermined	90 spaces	81 spaces MIN, 95 MAX	
Bicycle Parking	None	8	8 spaces MIN	

Shading indicates planned project modifications are needed to allow as proposed.

¹ The intended tenant is ALDI Foods. More information about this company can be found online at www.aldifoods.com.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Single-family residential	R1C Single-Family Residential
EAST	Commercial (restaurant)	C1B Community Convenience Center
SOUTH	Public Park (Veterans Memorial Park)	PL Public Land
WEST	Commercial (Milk Depot), Medical Offices	C1 Local Business, O Office

HISTORY and PLANNING BACKGROUND

This site is located in the West Area. The West Area Plan (adopted 1995) future land use recommendation calls for commercial uses on the portions of the site currently zoned for commercial use, and single or two-family residential uses on the portion of the site currently zoned for parking use.

According to the petitioner, the site was vacant until 1948 when it was developed with a gasoline station, including automotive repairs, and a building used by the University of Michigan for painting iron lungs. In 1951, a warehouse building was constructed for use as a collision shop, automotive repair, warehousing and distribution. A sales office building was constructed in 1957 and another gasoline station in 1958.

Amendments to the area, height and placement regulations for numerous zoning districts, including the C1B and C3 districts, are proposed and may be adopted and in effect within four months. These amendments may make the planned project modifications requested moot as the front setback requirements in both the C1B and C3 districts are proposed to be changed. In the C1B district, the current 25-foot minimum front setback is proposed to be changed to a minimum of 0 feet and a maximum of 25 feet. In the C3 district, the current 40-foot minimum front setback is proposed to be changed to a minimum of 10 feet and a maximum of 40 feet. Floor area ratio regulations are proposed to increase in the C1B district from a maximum of 40 percent to a maximum of 200 percent and, in the C3 district, from a maximum of 50 percent to 200 percent. A public hearing to consider these amendments is scheduled for June 3, 2008 (the same meeting as a public hearing scheduled to consider this petition).

It is anticipated that this rezoning and planned project site plan petition will be ready for final approval by the City Council prior to adoption of the proposed amendments to the area, height and placement regulations and, thus, will not apply. It is possible that both this petition and the area, height and placement regulations will follow the same approval schedule and would be approved on the same date. However, since ordinance changes typically go into effect 10 days after approval, the area, height and placement changes would still not apply.

PLANNED PROJECT STANDARDS

Planned project approval is requested to allow a decrease in the minimum front setback requirement from 25 feet in the C1B district (40 feet in the C3 district) to 8 feet along North Maple Road and 15 feet along Dexter Avenue. The modifications will help to achieve the objectives of the development program by allowing better pedestrian orientation.

Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height

and placement regulations of the Zoning Chapter in the form of a planned project site plan: (Petitioner comments are in plain type; *staff comments are in italics.*)

- 1. The lot(s) included in the planned project must meet the minimum gross lot size requirement of the zoning district in which they are located.**

The minimum lot size required in the C3 district is 6,000 square feet, and 2,000 square feet in the C1B district. The subject site has 113,256 square feet.

- 2. The proposed modifications of zoning requirements must provide one or more of the following:**

- a) Usable open space in excess of the minimum requirement for the zoning district.**
- b) Building or parking setback(s) in excess of the minimum requirement for the zoning district.**
- c) Preservation of natural features that exceeds ordinance requirements, especially for those existing features prioritized in the land development regulations as being of highest and mid-level concern.**
- d) Preservation of historical or architectural features.**
- e) Solar orientation or energy conserving design.**
- f) An arrangement of buildings which provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or impervious surface.**
- g) Affordable housing for lower income households.**
- h) Permanent open spaces of 20 percent or more in any low-density residential district.**

[In regard to item] F, the site design utilizes innovative and efficient land use by placing the buildings along the street frontage away from the residential area to encourage pedestrian activity of shoppers and to achieve the goal of providing an urban shopping opportunity to Ann Arbor residents while minimizing impacts to the surrounding area and the environment.

- 3. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.**

See site plans for improvements to driveways and site access.

As described in this staff report, all existing curb cuts will be closed and two new access points will be created. Each new access point meets current code requirements with respect to distance from intersections, curb cut widths and drive opening dimensions.

- 4. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.**

The proposed improvements are consistent with adjacent commercial uses. Details are shown on the site plan.

The proposed modifications are in keeping with the goals for buildings closer to streets and sidewalks as expressed in many planning documents. Adequate setbacks are still provided for the safety of pedestrians and the motoring public.

5. Required off-street parking and landscaping must be provided in accordance with the provisions of Chapters 59 and 62.

Parking and landscaping have been provided. Refer to site plan for details.

6. The standards of density, allowable floor area and required usable open space for the zoning district(s) in which the project is located must be met.

Density, floor area and open space are met. Refer to site plan for details.

The proposed development is less than the currently permitted allowable floor area, and significantly less than proposed amendments to increase the FAR. There is no open space requirement in commercial districts.

7. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

All uses are permitted per proposed zoning. Refer to site plan for details.

As more fully described in the rezoning analysis and the service unit comments sections, the proposed uses are consistent with the existing zoning districts of the site.

REZONING ANALYSIS

The petitioner requests to rezone portions of the subject site from P and C1B to C3 to permit the entire subject site to be developed with commercial uses under one zoning classification. Staff recommends the portions of the subject site currently zoned P and C3 be rezoned to C1B.

Changes to the text or map of Chapter 55 (Zoning) can be made pursuant to Section 5:107 and 5:108. The following justification is offered by the petitioner (staff comments in italics):

1. The extent to which the rezoning is necessary:

The parcels are being combined to facilitate the proposed development. See proposed site plan for details.

Staff recommends a single zoning classification for unified developments.

2. The rezoning will affect the public welfare and property rights of persons located in the vicinity in the following ways:

The persons in the vicinity will benefit from the proposed redevelopment of the existing properties.

The proposed rezoning will not adversely affect the public welfare or property rights of persons in the vicinity.

3. The rezoning will be advantageous to the City in the following ways:

The rezoning will provide a consistent zoning to three parcels that are to be developed as one project.

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

The services will be provided to the local community. Please see site plan for a description of services to be provided.

The site is located on a prominent corner in the City, and is within walking distance to several established residential neighborhoods with relatively high density. Convenience commercial uses would be beneficial to those residents as well as the City overall.

5. Any changed or changing conditions in any particular area, or in the City in general which may have bearing on the proposed rezoning are:

See attached site plan.

City ordinances now require buffering between residential and non-residential uses, making the P district no longer necessary to provide a transition area between these zoning districts. It is likely that the C3 district was established to reflect the existing uses at the time the parcel was annexed into the City and a zoning district was designated. Some of the then-existing uses, such as a gasoline station, are no longer present. The goals of the City are changing to encourage more pedestrian-oriented, convenience commercial districts rather than large, auto-oriented, single-tenant commercial developments.

6. Other circumstances and factors which will further justify the requested rezoning are:

See site plan for details including brownfield redevelopment. [Redevelopment of obsolete gas stations and auto repair facilities helps to reduce urban sprawl and effectively encourages the continued use and investment of the existing infrastructure of our cities. The project parcel has been determined to be a contaminated site known as a "facility" pursuant to the Natural Resources Environmental Protection Act of the State of Michigan. Being a facility, the site is eligible for redevelopment under the Brownfield Redevelopment Act of Michigan which allows for the financing of environmental response activities at contaminated properties through tax increment financing and Michigan business tax credits. A brownfield plan for the project is near completion and will soon be submitted to the Washtenaw County Brownfield Redevelopment Authority. At the time the brownfield plan is approved by the City of Ann Arbor, Washtenaw County and the MDEQ, cleanup and redevelopment of the site can commence.]

SERVICE UNIT COMMENTS

Land Development – Minor calculation adjustments and details must be provided before the site plan receives final approval. Changes include storm water system release rate figures and providing a construction-level detail of the proposed mud tracking mat.

Systems Planning – Revised comments are pending.

Planning – While the petitioner has requested that the entire site be zoned C3, staff recommends instead that the entire site be zoned C1B. Approximately half of the site is currently zoned C3, and the other half is currently zoned C1B. Both districts currently have similar minimum setback and floor area ratio requirements, and both allow many of the same uses. The primary differences between the C1B and C3 districts are the intent of each and how each addresses auto-oriented uses.

The C3 district is intended to provide for certain types of commercial activities which have characteristics in common. Customers usually come directly to a particular establishment by automobile, making a separate stop for each errand. The C3 district permits all principal uses listed in other C districts which include sales and repair service of new and used automobiles, gas stations and drive-thru windows for restaurants and banks, and veterinary hospitals as well as the usual general retail sales, services, restaurants, offices and residential. As stated in the intent section, because of its lack of intense pedestrian activity and its required contact with auto access, the C3 district would be incompatible in the central business district.

The C1B district is intended to primarily serve the needs of the surrounding community but could also serve a larger trade or service area. Most persons are expected to come by automobile and typically park once. The C1B district permits all principal uses in the C1 district without floor area or seating capacity limitation, including general retail sales, personal service shops, restaurants, offices and businesses service shops, and residential. Intense auto-oriented uses such as gas stations, auto service and repair, and automotive sales, are prohibited in the C1B district.

It appears that the intended uses of the Maple Shoppes project would be permitted in the C1B district. It also appears that the proposed development would meet the amended minimum and maximum front setback requirements of the C1B district, if approved and adopted. However, planned project modifications would still be required to meet the amended setback requirements of the C3 district – the amendments propose a minimum front setback requirement of 10 feet. But staff's strongest objection to C3 zoning designation is based on the district's intent. While not initially proposed by the Maple Shoppes development, the C3 district allows uses of far greater intensity that is appropriate for the size and location of the subject site. It is likely that the existing C3 zoning designation was established to reduce the number of nonconformities on the site when it was annexed into the City. Now that the former gas stations are gone, and the existing automobile repair services are being eliminated from the site, staff believe it would be most appropriate to designate this site for community convenience commercial uses to serve the residential neighborhoods immediately to the north, east and west of the site.

Prepared by Alexis DiLeo
Reviewed by Connie Pulcipher and Mark Lloyd
jsj/5/29/08



Attachments: Parcel/Zoning Map
Aerial Photo
Site Plan
Elevations

c: Owner: Chelsea Land Company
Rene Papo
206 S. Fifth Avenue
Ann Arbor, MI 48104

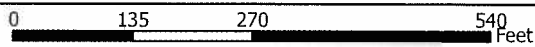
Petitioner: Kathy Keinath, P.E.
Perimeter Engineering, LLC
11245 Boyce Road
Chelsea, MI 48118

Systems Planning
File No. 9302Y1.2 and .5

Parcel and Zoning Map: Maple Shoppes Rezoning and Planned Project Site Plan



Map Legend	
	City Boundary
	Railroads
	Edge Of Pavement
	Parcels



Maps available online:
<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

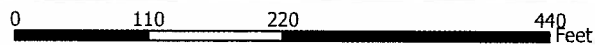


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Aerial Photo (2006): Maple Shoppes Planned Project Site Plan



Map Legend	
	Railroads
	Edge Of Pavement



Maps available online:
<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

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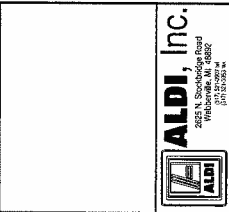
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Issued:	Date:
A. Issued for Review	03/12/08
B. Issued for Review	03/05/08
C.	
D.	
Revisions:	Date:
1.	03/05/08
2.	
3.	
4.	
5.	

PROJECT MANAGER	DATE
PROJECT ENGINEER/ARCHITECT	DATE
PROJECT DESIGNER	DATE

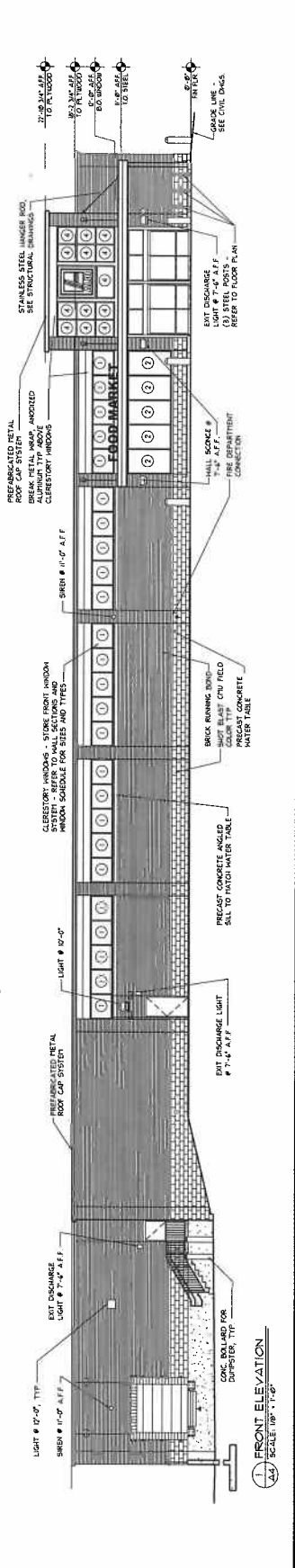
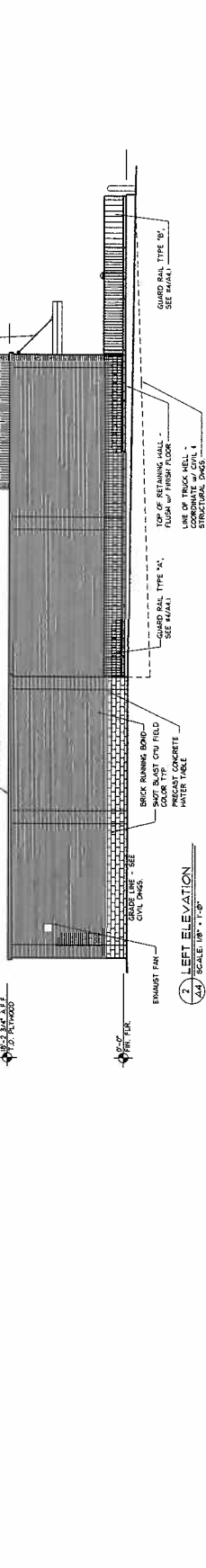
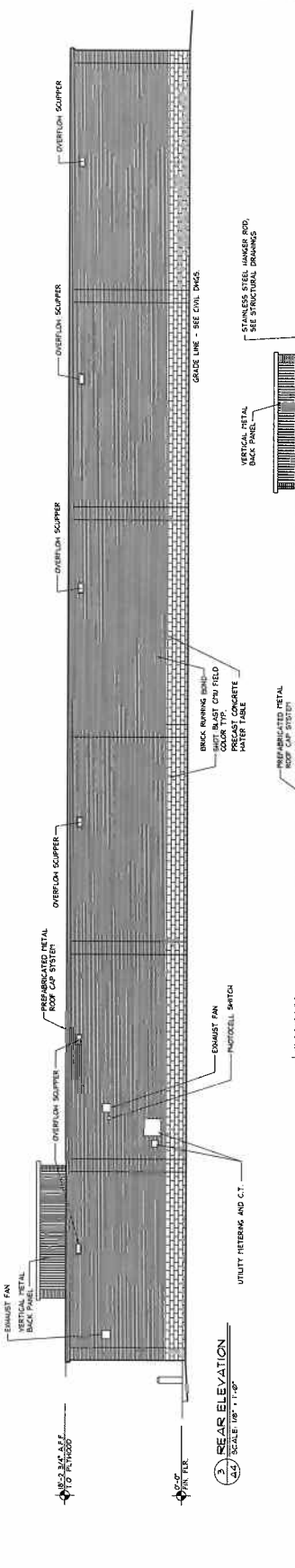
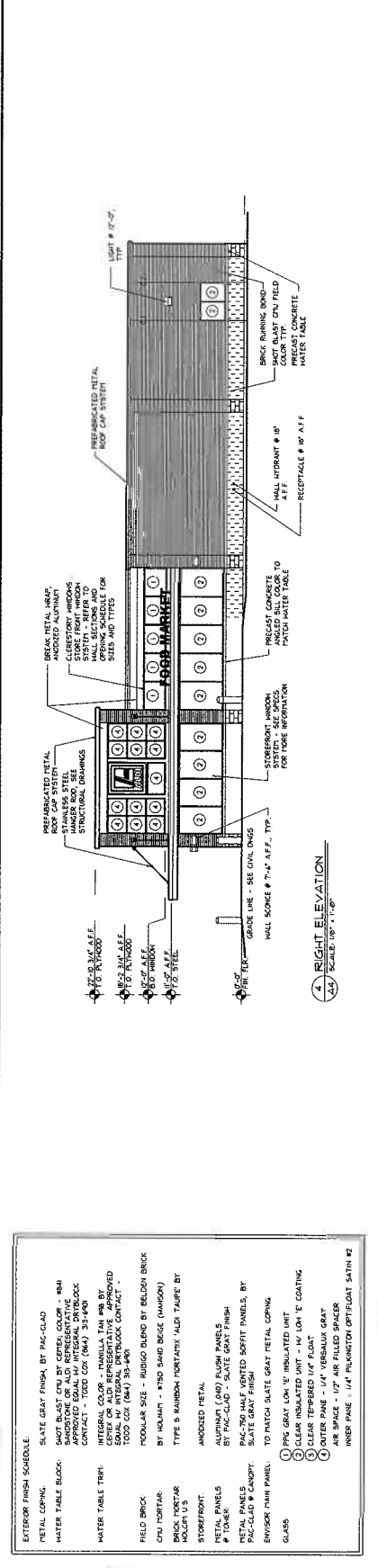
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 Drawing Abstraction
 All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect or the Engineer.
 EXISTING SCALE 1/4" = 1'-0"

APD Engineering
 605 Fisher Run
 Victor, NY 14564
 315-722-2222
 315-722-2223
 www.apdinc.com



ALDI, Inc.
 Ann Arbor, MI
 2940 Dexter Avenue
 Ann Arbor, MI 48103
 Washtenaw County
 Project Name & Location:

Project No.	08-0115A
Date:	03/12/08
Type:	RHSD-2.0
Drawn By:	JPV
Scale:	As Noted
Drawing No.	A4



EXTERIOR FINISH SCHEDULE

SLATE GRAY FINISH BY PAC-GLAD
SAFETY BLAST CPU BY CERES, COLOR, 304
SANDSTONE OR ALD REPRESENTATIVE BLOCK CONTRACT - TODD COZ (M4) 35, 40K
INTERNAL COLOR - MINERALIA FIN 400 BY CERES OR ALD REPRESENTATIVE APPROVED TODD COZ (M4) 35, 40K
PODOLAR SIZE - RUBINO BLIND BY BELDEN BRICK
BY HOUNT - R150 SAND BRICK (HANSON)
TYPE B RAND FORTYFIVE (ALD TAUPÉ) BY HANSON (640) BRICK FINISH
ANGORED METAL
METAL PANELS BY PAC-GLAD - SLATE GRAY FINISH
PAC-700 HALF VENTED SOFFIT PANELS, BY SLATE GRAY FINISH
ENVISOR PAINT PANEL
GLASS

1. PKG GRAY LOW 'E' INSULATED UNIT
 2. CLEAR TEMPERED 1/4\"/>

Exterior Elevations

