

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of July 19, 2016**

**SUBJECT: Burger King Landscape Modification Request (725 Victors Way)  
File No. SP15-037**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby approves the proposed landscape modifications according to Chapter 62 (Landscape and Screening Ordinance), Section 5:602 (2)(g) and 5:603 (1), subject to the removal of the curb cut to South State Street and landscaping of a portion of the South State Street driveway as shown on the approved administrative amendment.

**STAFF RECOMMENDATION**

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

**LOCATION**

The site is located on the north side of Victors Way, east of South State Street (South Area). This site is located in the Malletts Creek watershed.

**DESCRIPTION OF PETITION**

The petitioner is proposing to remove an existing curb cut and portion of a driveway on the west side of the site that provides access to South State Street along the planhandle portion of the site. The curb cut is proposed to be closed and the western portion of the driveway is proposed to be replaced with with grass. The petitioner also proposes to provide a vehicular connection between the Burger King site and the Hyatt Place hotel north of the site. This will require the removal of 3 parking spaces on the Burger King site. This new configuration will provide safer vehicular access to both sites. A landscape island is proposed adjacent to this new access drive on the Burger King site which will include a tree. The petitioner is also providing additional bicycle parking spaces and installing a new fire hydrant to bring the site up to code.

As part of an administrative amendment application, the petitioner is asking for a modification from the section of Chapter 62 (Landscaping and Screening) that requires new landscaped islands and bioswales be constructed in existing parking lots. Under the provision in the Landscape and Screening Ordinance, the Planning Commission (or City Council, whichever is the approving body) has the authority to approve a modification to the landscape and screening regulations if the modifications are consistent with the intent of this ordinance.

The petitioner is requesting a modification to the following:

1. Vehicular use areas greater than 3,300 square feet shall contain protected landscape islands located entirely within the perimeter of the vehicular use area, for the purpose of breaking up the expanse of pavement.
2. When the total area required in interior landscape islands for all of the vehicular use areas on site exceeds 750 square feet, at least 50% of the area in the required interior landscape area must be depressed bioretention areas and utilized for storm water management. Depressed bioretention areas can be used to meet the stormwater pretreatment requirements in [Chapter 63](#).

The petitioner indicates that no changes are proposed to the existing parking lot other than the removal of the three parking spaces to accommodate the connection driveway.

### **SERVICE UNIT COMMENTS**

Planning – Staff supports the proposed landscape modifications.

Systems Planning (Forestry) – Staff supports the proposed landscape modifications.

Prepared by Jeff Kahan  
Reviewed by Ben Carlisle  
mg/7/13/16

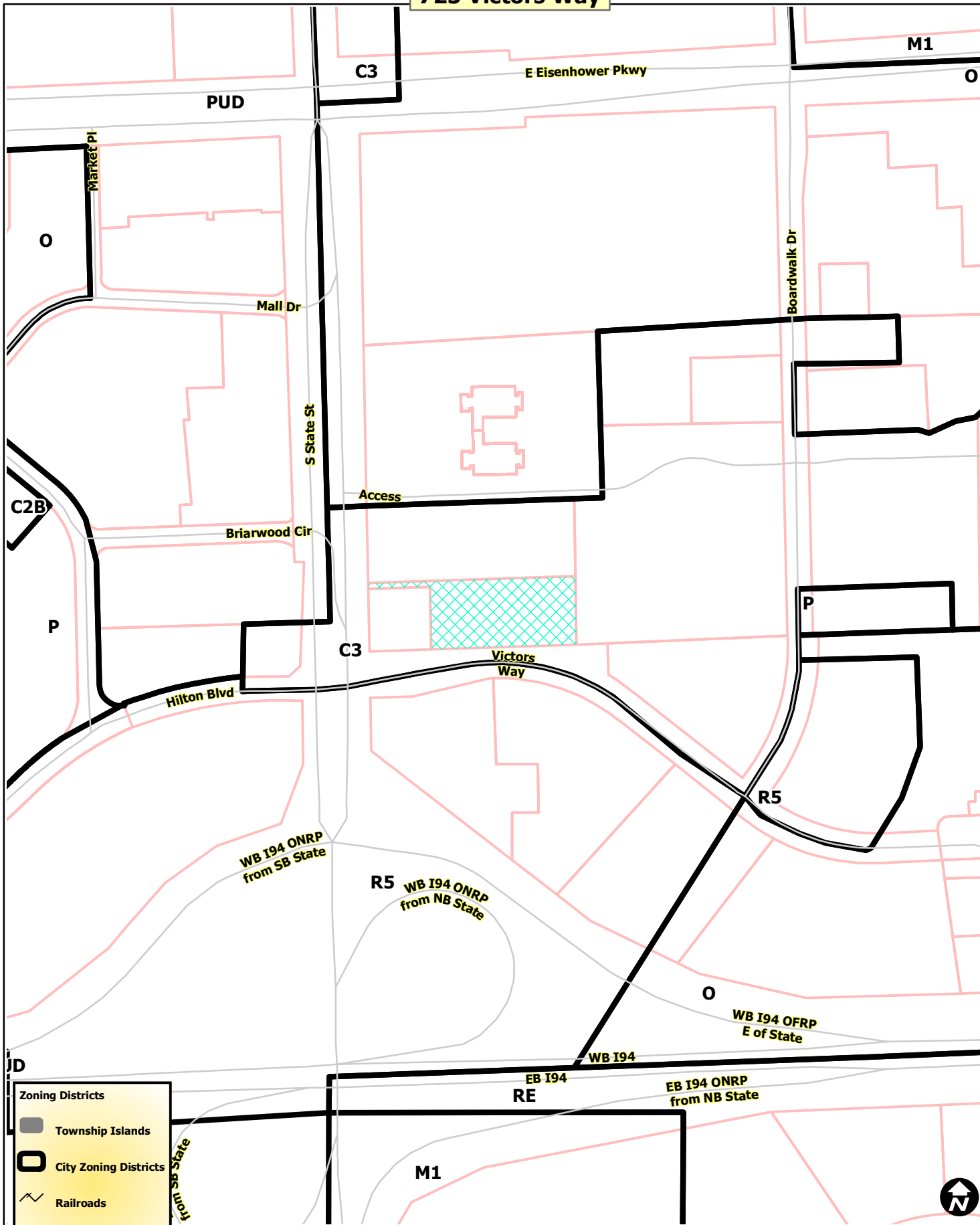
Attachments: Landscape Plan  
Landscape Modification Application

c: Owner: South State Street Ann Arbor R  
4100 Regent Street, Suite G  
Columbus, OH 43219

Petitioners Representative: Jamie Gorenflo, RLA  
Midwestern Consulting, Inc.  
3815 Plaza Drive  
Ann Arbor, MI 48108

Systems Planning  
File No. SP15-037

# 725 Victors Way



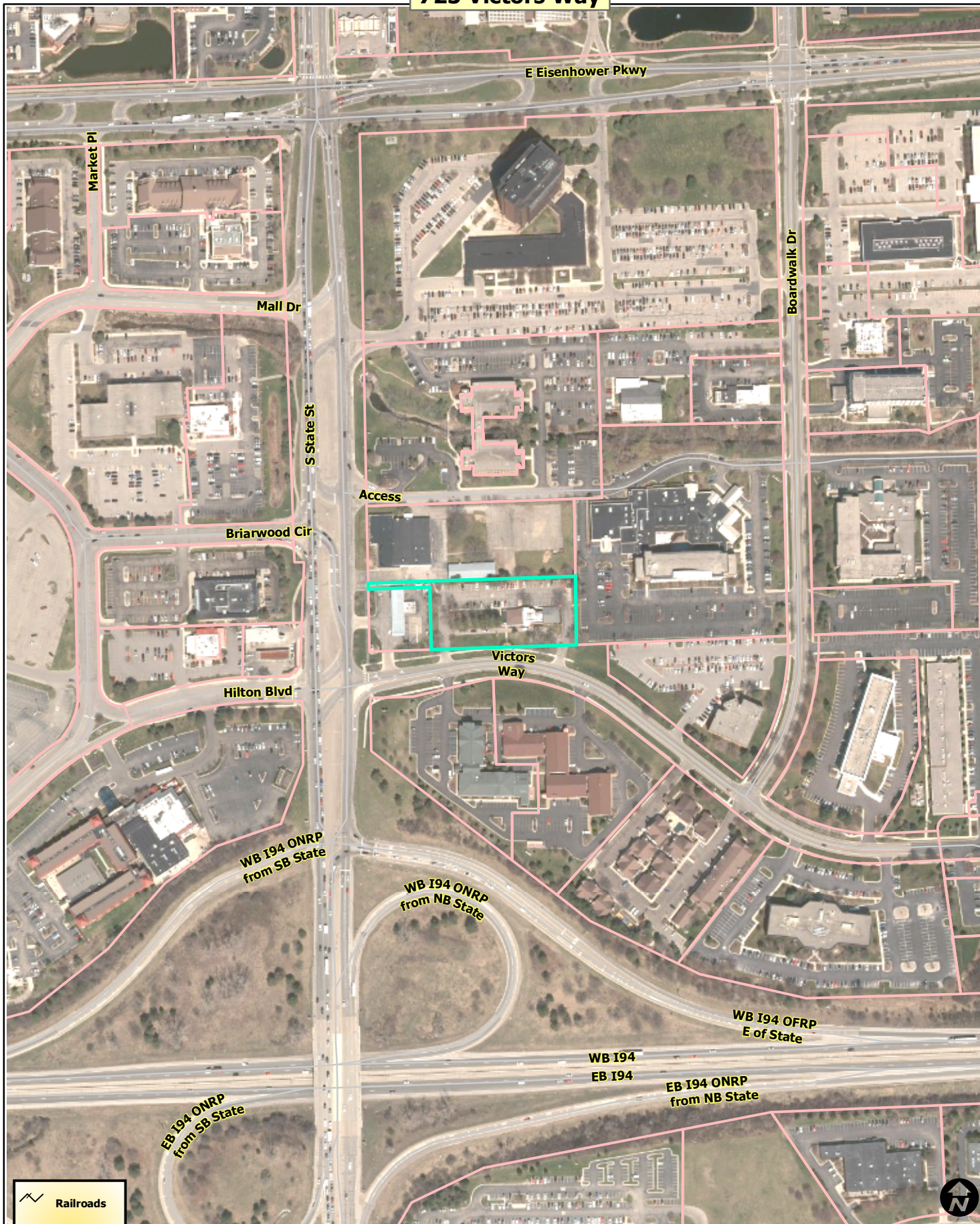
- Zoning Districts**
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date 6/23/2016  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
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# 725 Victors Way

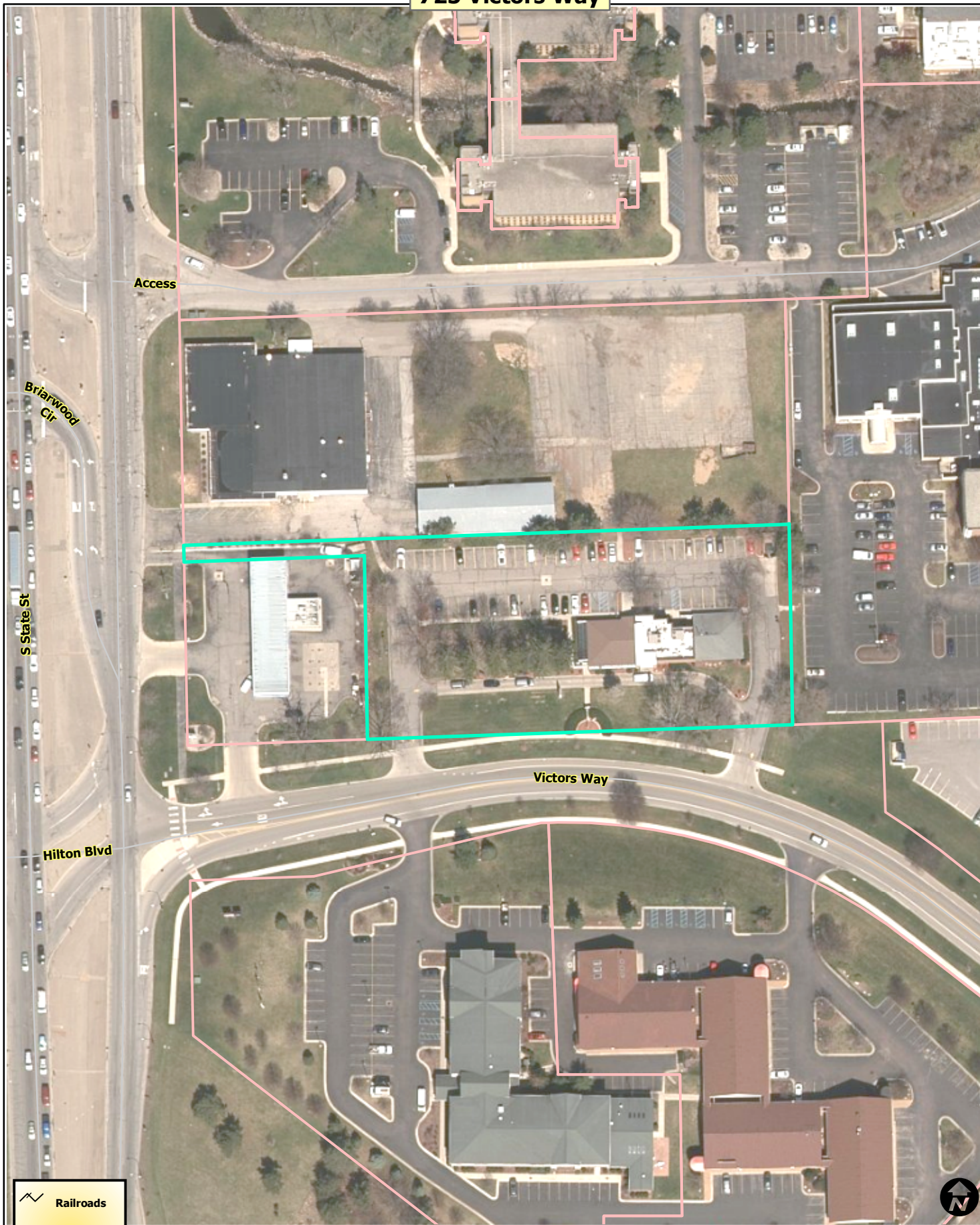


-  Railroads
-  Parcels
-  Huron River



Map date 6/23/2016  
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# 725 Victors Way



-  Railroads
-  Parcels
-  Huron River



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**LANDSCAPE NOTES**

1. Water outlets will be provided within 150 feet of all required plantings.
2. Plantings shall be selected and installed in accordance with standards established by the City of Ann Arbor.
3. All diseased, damaged or dead material shown on the site plan as proposed plantings shall be replaced by the end of the following growing season.
4. Restore remaining disturbed areas (except detention basin, overflow) with a minimum of four (4) inches of topsoil and then seed/ fertilize/mulch. Fertilizer for the initial establishment of lawns shall provide not less than one (1) pound of actual nitrogen per 1000 sq ft of lawn area and shall contain not less than two percent (2%) potassium and four percent (4%) phosphoric acid.  
 Seed mix shall consist as follows:  
 15% Rugby Kentucky Bluegrass  
 10% Park Kentucky Bluegrass  
 40% Ruddy Creeping Red Fescue  
 15% Perennial Ryegrass  
 20% Scadius Hard Fescue
5. Seed shall be applied at a rate of one pound (1 lb) per 1000 sq ft. Mulch within 24 hours after seeding. A 1/2" layer of mulch shall be applied. Mulch shall be applied in a random stream pattern with spray coating of adhesive material applied at the rate of 150 gal/acre.
6. Deciduous plants shall be planted between March 1 and May 15 and from October 1 until the prepared soil becomes frozen. Evergreen plants shall be planted between March 1 and June 1 and from August 15 and September 15.
7. All plants except ground cover are to receive four (4) inches of shredded bark mulch.
8. Ground cover to be located a minimum of 10 feet from public utilities.
9. All trees to be located a minimum of 10 feet from public utilities.  
 All single trunk, deciduous trees shall have a straight and a symmetrical crown with a central leader. One sided trees or those with thin or open crowns shall not be accepted. All evergreen trees shall be branched fully to the ground, symmetrical in shape and have not been sheared in the last three (3) growing seasons.
10. Fertilizer applied after the first growing season shall NOT contain phosphorus.
11. All compacted subgrade soils in proposed landscape areas shall be filled to a minimum 2" from depth prior to placement of topsoil, geotextile fabric, or other planting media as specified.
12. Planting Soil: Existing in-place or stockpiled topsoil. Supplement with imported topsoil as needed. Verify suitability of existing surface soil to produce viable planting soil. Remove stones, roots, plants, sod, clods, clay lumps, pockets of coarse sand, concrete slurry, concrete layers or chunks, cement, plaster, building debris, and other extraneous materials harmful to plant growth. Mix surface soil with the following soil amendments to produce planting soil:  
 a. Ratio of Loose Compost to Topsoil by Volume: 1:4.  
 b. Weight of Lime per 1000 sq ft.: Amend with lime only on recommendation of soil test to adjust soil pH.  
 c. Weight of sulfur or aluminum sulfate per 1000 sq. ft.: amend with sulfur or aluminum sulfate only on recommendation of soil test to adjust soil pH.  
 d. Volume of Sand: amend with sand only on recommendation of the Landscape Architect to adjust soil texture.  
 e. Weight of Slow-release Fertilizer per 1,000 sq. ft.: amend with fertilizer only on recommendation of soil test to adjust soil fertility.
13. Snow storage: Snow storage areas shall be designated on the plan for snow storage. De-ice/salt application can be used for snow storage areas.
14. Snow storage areas shall be a minimum of 15 feet apart.
15. Proposed trees will be planted a minimum of 15 feet apart.

**LANDSCAPE REQUIREMENTS:**

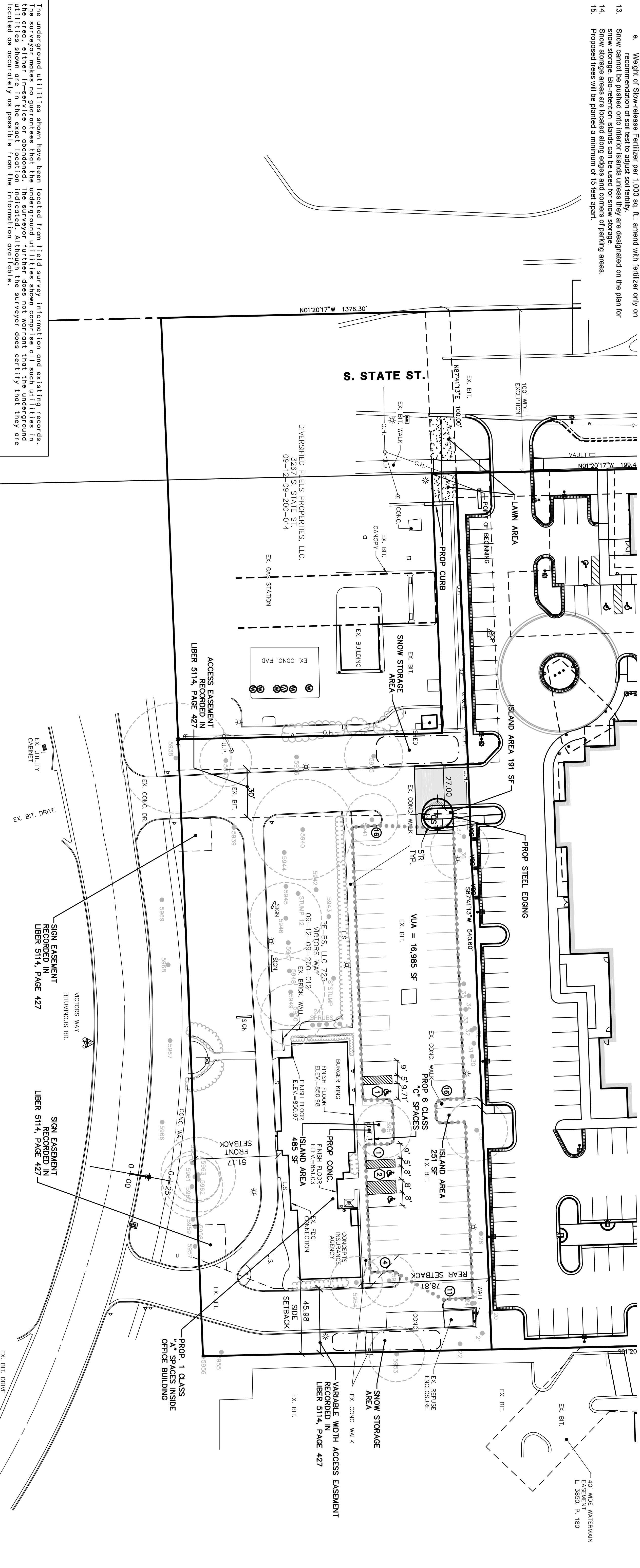
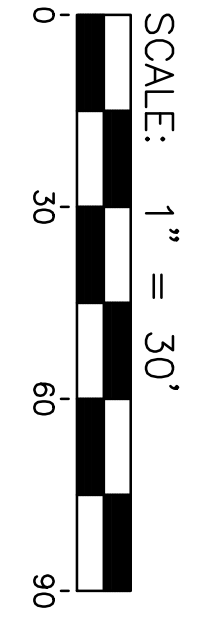
- I. PARKING LOT LANDSCAPING:  
 Vehicular Use Area = 16,985 SF  
 Interior Landscape Area provided = 1,207 SF  
 Interior Landscape Area provided = 927 SF  
 Trees required = 1250 SF = 4 trees req.  
 Trees provided = #5941, #5951, #5952, #23, #24 + 10S = 6 total  
 Bio-retention required (50% total required) = 425 SF  
 Bio-retention proposed = 0 SF (modification requested)
- II. STREET TREE ESCROW:  
 None required.
- III. TREE MITIGATION:  
 There are no woodlands on the site.  
 There are no impacts to landmark trees.
- IV. RIGHT OF WAY SCREENING:  
 Required: One tree per 30 feet of frontage  
 Frontage: 132 linear feet  
 Trees Required: 132 ÷ 30 = 5 trees  
 Trees Provided: 10 mixed existing trees  
 Required: Hedge, berm or wall, minimum 30 inches tall, 50% evergreen  
 Provided: Existing evergreen hedge along south edge of parking area
- V. CONFLICTING LAND USE BUFFER:  
 Not applicable; none required.
- VI. NATURAL FEATURES:  
 No Natural Features Impacts.

**Plant Materials List**

VUA	Symbol	Botanical Name	Common Name	Size	Root	Remarks
1	OS	<i>Carya virginiana</i>	American Hophornbeam	3-3.5" cal.	bb	

**LEGEND**

- ⊕ PROPOSED CANOPY TREE (MITIGATION)
- ⊙ PROPOSED LAWN AREA
- ▨ PROPOSED MULCH BED
- ⋯ PROPOSED EDGING
- ⋯ VEHICULAR USE AREA LIMITS
- ⋯ NUMBER OF STANDARD PARKING SPACES IN ROW
- ⋯ NUMBER OF BARRIER FREE PARKING SPACES IN ROW
- ▭ NEW/REPLACEMENT BIT. PAVEMENT



JOB No.	<b>15116</b>	DATE:	8/31/15
REV. DATE	9/23/15	SHEET	3 OF 5
PER CITY COMMENTS	2/12/16	CADD:	DAG
PER CITY COMMENTS	7/14/16	ENG:	HTH
PER CITY COMMENTS		PM:	JG
		TECH:	
		FILE:	15116SP1.dwg

**BURGER KING - VICTORS WAY**  
 ADMINISTRATIVE SITE PLAN AMENDMENT  
 DIMENSIONAL SITE PLAN & LANDSCAPE PLAN

CLIENT  
 PE-BS, LLC  
 5467 PINECREST ESTATES  
 ANN ARBOR, MI 48105  
 (734)972-8797

**MIDWESTERN CONSULTING**  
  
 Civil, Environmental and Transportation Engineers  
 Planners, Surveyors  
 Landscape Architects  
 3815 Plaza Drive  
 Ann Arbor, Michigan 48108  
 Phone: 734.995.0200  
 Fax 734.995.0599

## Application for Modifications from Chapter 62 (Landscape and Screening)

### A. Project Information:

Burger King – Victors Way (SP15-037)

725 Victors Way, Ann Arbor MI 48108

Tax ID No.: 09-12-09-200-012

### B. Petitioner Information:

PE-BS, LLC

5467 Pinecrest Estates, Ann Arbor MI 48105

734-972-8797

Property Owners

No others with equitable interest, however, the site plan amendment is tied to the Rockbridge Hotel property immediately adjacent to the north (SP15-042).

### C. Modification Request:

Section 5:602, Paragraph (2)(g) – Bioretention

The only change proposed is the removal of 3 parking spaces to create a connecting driveway joining the parking area to the north (a change of use of existing pavement). No other changes are proposed within the existing Vehicular Use Area. Since there is no new additional construction is proposed, no bioretention is proposed within the existing islands.

### D. Standards for Approval:

1. Section 5:608(2)(g) – Modification to accommodate construction of new bioretention within the existing islands would disrupt the critical root zones of the existing trees located with the parking islands, and most likely cause their death since the species planted there typically cannot adapt to wet soils conditions.
2. Section 5:600 – To retain the existing conditions specifically supports the Intent of the Ordinance regarding items (1)(a)(b)(c)(e)(f) and (g).

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: 6/17/16

Signature: [Handwritten Signature]  
R. James Leonard  
MIDWESTERN CONSULTING LLC  
ON BEHALF OF PE-ES, LLC  
(Print name and address of petitioner)

STATE OF MICHIGAN )  
) ss:  
COUNTY OF WASHTENAW )

On this 17 day of June, 2016, 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.

LORI A. WHITESALL  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 21, 2022  
Acting in the County of Washtenaw

Signature: [Handwritten Signature]  
Lori A. Whitesall  
(Print name of Notary Public)

My Commission Expires: June 21, 2022