

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 1, 2014

**SUBJECT: Ruth's Chris Site Plan for City Council Approval
(314 S. Fourth Avenue)
File No. SP14-010**

UPDATED STAFF REPORT

After the Planning staff report was completed, the petitioner continued to work with City staff to resolve remaining fire connection and storm water issues. These issues have been addressed, as summarized below, and Planning staff now recommends approval of the petition.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Ruth's Chris Site Plan, subject to:

- 1) Resolution of the discrepancy in the property legal description, prior to issuance of building permits;
- 2) An executed license agreement for emergency egress across the Fourth and William parking structure frontage prior to issuance of building permits; and
- 3) Construction of one Class A bicycle parking space in the Fourth and William parking structure or payment of a contribution to install these spaces being provided to the Downtown Development Authority prior to the issuance of a certificate of occupancy.

STAFF RECOMMENDATION

Staff recommends that the petition be **approved** because the contemplated development would comply with all applicable state, local and federal law, ordinances, standards and regulations; the development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.

STAFF COMMENTS

Fire – If an automatic sprinkler system is not being required by the Building Official, there will be no fire department connection (FDC) on this building, making the location of the FDC in relation to a supporting fire hydrant null. However, should a sprinkler system be installed, according to City Standards, the FDC is required within 100 feet of a supporting hydrant. With that said, the hydrant located on the southwest corner of E. Liberty and S. Fourth Ave is approximately 135-150 feet from the proposed FDC for Ruth's Chris Steakhouse. This does not meet City Standards.

If the building was to be suppressed, in the interest of public safety and welfare, and adding an additional hydrant in order to meet the 100 foot requirement negatively impacts other aspects of the street layout and accessibility of parking and pedestrian traffic, then the current distance

from the E. Liberty/S. Fourth Ave. hydrant to the proposed FDC would be considered acceptable in the Fire Marshal's review.

Systems Planning (Storm Water) - Final calculations for the proposed storm water hold tank have been provided to ensure adequate capacity exists. Capacity and design of the facility have been reviewed and approved.

Prepared by Wendy Rampson
4/1/14

Attachments: Staff Report

c: Fire
Systems Planning

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STAFF RECOMMENDATION

Staff recommends that this petition be **postponed** to allow the petitioner additional time to address outstanding staff comments regarding storm water and utilities.

LOCATION

The site is located on west side of South Fourth Avenue, south of East Liberty Street, north of East William Street (Central Area, Huron River Watershed).

DESCRIPTION OF PETITION

The petitioner seeks to remodel the existing 8,024 square foot, one story building and construct two additions. The petitioner is proposing to 'fill in' an existing 222 square foot inset in the first floor façade along Fourth Avenue and construct an additional 1,943 square foot mezzanine level over the front portion of the building. After completion of construction, a total of 2,165 square feet will be added to the structure. The entire building will be used as a restaurant and will only be open for dinner service. The proposed mezzanine will be used for private dining rooms. There will be no outdoor dining area provided. The estimated cost of construction will be \$2.2 million.

The parcel is completely covered by the existing building; there are no natural features or landscaping on the site. No vehicular parking is required or provided on site. One Class C bicycle parking space is required. This space will be provided off-site in the Fourth & William parking structure. A contribution to install these spaces will be provided to the Downtown Development Authority prior to the issuance of a certificate of occupancy (per Chapter 59, section 5:169(3)).

There are no existing storm water treatment facilities on the site. Based on the total amount of impervious surface, the petitioner is required to provide first flush storm water treatment. The petitioner will install a holding tank underneath the floor near the rear corner of the building, adjacent to the alley. Solid waste disposal will be addressed through a shared dumpster with the Jolly Pumpkin restaurant across the alley.

The petitioner is currently working with the Downtown Development Authority (DDA) to coordinate streetscape improvements with planned maintenance and improvements to the Fourth Avenue streetscape this summer.

As required by the Citizen Participation Ordinance, the petitioner mailed out postcard notification. There were no comments submitted by the public in response to the mailing. Staff has not received any feedback from the public in regards to this petition.

DESIGN REVIEW BOARD

The petitioner presented the Ruth's Chris Site Plan project to the Design Review Board on February 19, 2014. The proposed materials include cast stone, with large windows and stone veneer with metal panel accents for the front façade. The northern side of the building will remain block, with painted accents to match the front. The south side of the building is directly adjacent to the Fourth and William parking structure and not visible. The full Design Review Board report is attached.

In summary, the Board observed that the proposed design represented an improvement from the existing façade. The Board noted that the building should try and do more to activate the street level and encourage pedestrian friendly elements of design such as open windows and outdoor seating. However, the board also acknowledged the challenge of the surrounding land uses, including the Blake Transit Center, Federal Building and associated parking lots, as well as the large parking structure directly adjacent. The Board encouraged the use of materials that would create more of sense of scale and articulation along Fourth Avenue and the use of brick or stone accents was debated by the Board. The Board also encouraged the petitioner to consider the location of the bicycle parking and sidewalk planter boxes.

The petitioner has provided the attached statement of revisions in response to the Board's report.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Parking lot	D1(Downtown Core District) Main Street Character Overlay District
EAST	Federal Building/parking lot	D1(Downtown Core District) Midtown Character Overlay District
SOUTH	Public parking structure	D1(Downtown Core District) Midtown Character Overlay District
WEST	Restaurant/Retail/Office	D1(Downtown Core District) Main Street Character Overlay District

COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED
Zoning		D1(Downtown Core District); Midtown Character Area; Secondary Street Frontage	D1(Downtown Core District); Midtown Character Area; Secondary Street Frontage	D1(Downtown Core District); Midtown Character Area; Secondary Street Frontage
Gross Lot Area		8,246 sq ft	8,246 sq ft	None
Floor Area in % of Lot Area		100% (8,246 sf)	124% (10,189 sf)	400% MAX
Setbacks	Front	0 ft	0 ft	None
	Side(s)	0 ft (north) 0 ft (south)	0 ft (north) 0 ft (south)	None
	Rear	0 ft	0 ft	None
Height		24 ft MAX	28 ft 6 inches	180 ft MAX
Streetwall Height		1 story	2 stories	2 stories MIN 4 stories MAX
Building Frontage (S. Fourth Ave)		0 ft	0 ft	0 ft MIN 1 ft MAX at Streetwall
Parking - Automobiles		None	None	None
Parking – Bicycle		None	1 Class A (provided off-site)	1 Class C MIN

HISTORY

This site was previously known as 314 and 316 South Fourth Avenue and originally contained two single-family houses. The existing building was constructed in 1948 and was used for a variety of retail uses since that time. In 1973, half of the building was used as 'The Golden Falcon' restaurant with the other half used for retail. Maude's restaurant occupied the building from at least 1981 through the late 1990's. Most recently, the building was home to the 'Dream Nightclub' which closed in 2012. The building has been vacant since that time. There is no site plan on file for this site.

PLANNING BACKGROUND

The site is part of the downtown core area in the *2009 Downtown Plan*. Some of the applicable land use goals and objectives for this site from the *Downtown Plan* include:

Goal: Encourage dense land use and development patterns which draw people downtown and foster an active street life, contribute to its function as an urban residential neighborhood and support a sustainable transportation system.

Goal: Promote downtown as the center of commerce in the community. Strengthen and expand a balanced mix of downtown's active uses, such as shops and services, restaurants, and entertainment attractions, by providing convenient transit and parking, a quality pedestrian environment, strategically located vehicular and bicycle parking, and a diverse land use context needed to support a successful retail environment.

STAFF COMMENTS

Systems Planning (Engineering) – Adequate utilities exist to serve the site. Sanitary sewer mitigation calculations are still being revised by the petitioner, final calculations and required mitigation (if any) will be required prior to site plan approval. The petitioner is also working on details regarding fire protection. If the building is suppressed, a new hydrant will be required within 100 feet of the FDC (Fire Department Connection).

Systems Planning (Storm Water) - Final calculations for the proposed storm water hold tank are needed to ensure adequate capacity exists. Capacity and design need to be approved before site plan approval.

Planning – The site plan and proposed additions will be a significant upgrade to the building and property. There is a discrepancy in the western property line adjacent to the alley; the current legal description does not include the western 8 feet of the property. This exclusion is believed to be to a historical clerical error, and the petitioner has filed suit to rectify the legal description. Approval of the site plan should be contingent upon this issue being resolved.

In addition, the petitioner is proposing an emergency exit door from the mezzanine level that would require egress across the front of the Fourth and William parking structure owned by the City of Ann Arbor. A license agreement with the City of Ann Arbor will be required. Approval of this petition should be contingent upon the license agreement being executed.

Downtown Development Authority – The DDA is planning maintenance and limited streetscape improvements to Fourth Avenue this summer. The petitioner will work with the DDA to improve the streetscape in front of this building, possibly including additional street trees and pedestrian amenities such as benches and planters. Construction of a bike house within the Fourth & William parking structure is currently in the planning stages. It will be similar to the bike house found in the Maynard Street structure, with key card access to a secure room for subscribers. Amenities will include racks, a fix-it station, and video surveillance for added security. The contribution amount for this site plan's off-site bike space will be based on construction costs for one bike house space, approximately \$857.

Prepared by Matt Kowalski
Reviewed by Wendy Rampson
3/28/14

Attachments: Design Review Board Report
Petitioner's Response to DRB Report
Zoning Map
Aerial Photo
Site Plan
Elevations

c: Petitioner: Stephen C. Fry
Concept Design
89 Monroe Center
Grand Rapids, MI 49503

Owner: Dean Zahn Properties, LLC
P.O. Box 611
Saline, MI 48176

City Assessor
Systems Planning
File No. SP14-010

314 S. Fourth Avenue Redevelopment for Ruth's Chris Steak House Restaurant

Design Review Board Comments

Wednesday, February 19, 2014

DR14-004

The Design Review Board met on February 19, 2014 to review the proposed design of a renovation and construction of a second-level mezzanine for a Ruth's Chris Steak House Restaurant at 314 S. Fourth Avenue. The following report contains a summary of priority issues the Board would like the developer to consider in finalizing the design proposal and subsequent site plan submittal.

Description of Project

Stephen Fry, AIA, President of Concept Design described the proposed project, a complete renovation of the existing single story, freestanding, vacant building on 314 S. Fourth Avenue. The current orange stucco façade will be entirely removed and replaced with a masonry base, clear glass windows, and vertical metal elements. A mezzanine will be constructed over the front portion of the building to increase dining space and to modify the building's street presence so that it is more to scale with the adjacent eight-story parking garage. Concept Design is working with the DDA for permits that would allow valet parking in front of the restaurant. The new, relocated entry will have a new extended height foyer. The façade changes are proposed to improve the streetscape on S. Fourth Avenue and to represent the high-quality of the national franchise restaurant that will be occupying the space

Summary of Priority Issues

The Design Review Board concluded that the project failed to meet the intent of many of the Downtown Design Guidelines, and that further refinements would enhance the proposed design for greater compliance. Examples of especially applicable guidelines are noted in parenthesis; the full text of each referenced guideline is provided at the end of the summary. Please note that the Midtown Character Area guidelines also apply.

Site Planning

1. The proposed building and streetscape could and should do more to enhance the pedestrian experience. (A.1.1; A.1.2)
2. The proposed design does not currently add vibrancy to S. Fourth Avenue and could do more to create an inviting, pedestrian-oriented experience. (A.1.6)
3. There are potentials in the proposed design to add public art, lighting, and moveable windows to activate street life. (A.3.6; A.5.4)
4. Incorporate bicycle parking into the design or find ways to partner with existing bicycle parking facilities. (A.6.2)

Buildings

1. The vertical elements on the building façade are appropriate to the scale of neighboring buildings, but at a cost to pedestrian scale for those walking on the west side of Fourth Avenue. Try to more effectively balance the two. (B.1.3)

Building Elements

1. Use building elements that invite pedestrian activity. (C.1.1)
2. The proposed materials (EIFS, ashlar masonry, metal panels, and spandrel glass) relate more closely to outlying areas such as Briarwood or East Washtenaw Avenue than downtown Ann Arbor. Consider alternatives. (C.1.1)
3. Try to design the mezzanine windows so that they reference established patterns of nearby buildings. Reconsider symmetrical north and south bays.(C. 3.2)
4. Consider operable windows for natural ventilation at east wall of north bay to connect the lounge area to the street. (C.7.3)

Additional Discussion Points

The Board expressed concern that the building “turns its back” on Ann Arbor and encouraged the petitioner to consider frontage and streetscape design alterations that activated pedestrian activity on the street. The Board acknowledged the difficulties of the street such as the bus station, parking garage and post office, as well as the restaurant’s need to represent the brand.

Referenced Sections of the City of Ann Arbor Downtown Design Guidelines

- A.1.1 Identify and reinforce positive characteristics of adjacent sites.
- A.1.2 Design sidewalk level features and facilities to provide enrichment of the pedestrian experience.
- A.1.6 Where adjacent properties are underdeveloped and/or the block lacks inviting characteristics, consider a building, site and streetscape design that helps to create a vibrant pedestrian setting.
- A.3.6 Provide dining opportunities, moveable tables and chairs, public art, lighting, ... to frame urban open space.
- A.5.4 Provide landscaping, seating, public art, lighting, interpretive markers, and water features to enrich and enliven pedestrian walkways and use areas.
- A.6.2 Consider use of convenient bicycle racks, including proximity to building entries, weather protection and security when selecting a location for bicycle parking and storage.
- B.1.3 Provide a clear definition between the base (the lower floor or floors) and upper floors to maintain a sense of scale at the street level.
- C.1.1 Use building elements to create a street edge that invites pedestrian activity.

C.3.2 If contextually appropriate, upper floor windows should reference established patterns of adjacent and nearby buildings in size, shape, and spacing by aligning sills and headers and using similar window proportions.

C.7.3 Incorporate building elements that allow for natural environmental control.

Midtown Character District – Architectural styles in Midtown include some 19th century wood-framed residential (mostly converted to office use), by stylistically, the district is dominated by an a range of late 20th century mid-rise office and governmental facilities.

The primary north-to-south street in Midtown is Fifth Avenue. It can be considered Ann Arbor’s “civic corridor,” anchored to the south by the Ann Arbor District Library’s Main Branch, the Blake Transit Center and the Federal Building. To the north, directly across E. Huron Street from Midtown, are the Ann Arbor municipal Center and the old and new fire stations and Hands-On Museum.

With the exception of the Library, the buildings in Midtown have limited hours and are used primarily during the business day. Since Midtown is surrounded by character districts with evening-use venues, it often serves as a passage, in particular the west-to-east blocks between Main Street and State Street. Pedestrians seem to be focused on getting from point A to point B and would benefit from more opportunities to linger.

Future development should find opportunities to establish an identity for Midtown, increasing its vitality and expanding its offerings. Primary pedestrian access to buildings along the civic corridor should be from the corridor street.

March 18, 2014



Design Review Board Comment Response

Proposed New Restaurant - Ruth's Chris Steak House

314 S. Fourth St., Ann Arbor, MI

Project Details:

This project involves the complete renovation of this single story, freestanding, vacant building.

The existing structure is approximately 125 feet deep by 66.5 feet wide and occupies the entire site. Plans include the addition of a second level mezzanine over the front portion of the existing building to increase the amount of private dining rooms and improve the building's street presence to be more appropriate for the Main Street / Midtown Area.

The building is directly adjacent to the massive 4th and Williams parking ramp. Across the street is the large federal Post Office, a parking lot and the new Blake Transit Center. There are no active retail or office users on this entire block of S. Fourth Street. This area of Fourth Street is a buffer zone between the vibrant Main Street District and the large governmental and service structures to the east.

Design Principals:

The primary design principle for the main façade starts with a more traditional masonry base which expresses the strong and stable character of the area. From this base rises a more modern, contemporary, edgy expression reflecting the energy of Ann Arbor and sophistication of its residents.

The "storefront" has been designed to maximize the principles of the Downtown Design Guidelines:

- The design is intended to reflect the sense of scale of Main Street both in height and traditional lot width. The use of durable, high quality materials will also reflect quality execution.
- Our design hopes to address contextual and site planning guidelines by creating an exciting, vibrant, high quality storefront between adjacent underdeveloped or uninviting properties. This street currently lacks a sense of human scale which our design attempts to establish. While the current streetscape has some limited contextual and landscaping characteristics, it is our understanding that this portion of Fourth St. will be studied soon by the DDA for improvements.
- Building guideline strategies applied to the front façade include a clear definition between the lower and upper portion of the building reinforced by material changes. Materials include a masonry stone base, glass and aluminum framing topped off with high quality, clean lined aluminum panels. Symmetry reinforces the entry and focal point with a canopy and lower level accent lighting to help establish a more human scale.

- Building element guidelines have also been utilized. Clear glass and ground floor transparency has been maximized to activate the streetscape and provide a sense of scale. The vertical expression of the windows and mullions balance the horizontal expression of the overall building mass. The design expresses a traditional building which incorporates a creative, modern interpretation reinforced by details and elements as well as high quality materials.

Responses to Specific Design Review Board Comments

Several of the Board's comments revolved around doing more with the streetscape, suggesting landscaping, seating, public art, lighting (provided) and perhaps water features. The reality is that this is a zero lot line existing building and the sidewalk is owned by the City. We have discussed the need for streetscape improvements in this area with the DDA and welcome such future improvements.

The Board also suggested adding sidewalk seating and opening windows on the first floor level. The building faces east (no sun) and this restaurant plans to open for dinner only. In addition, this section of Fourth Avenue has heavy bus and vehicular traffic at fairly high speeds and limited sidewalk area. While we did consider these options, we concluded that in order to guarantee the type of dining experience that our customers expect, we needed to provide a protected environment free from unwanted noise and odors. The entire first floor will be clear windows to maximize pedestrian visibility. Plans also include a staffed valet service during hours of operation which will also provide increased activity and vibrancy to the streetscape.

I have also included several exhibits with this response.

The first exhibit shows the existing building façade. The second exhibit shows our proposed elevation side-by-side with a sample photo taken directly from the Midtown Character District Downtown Design Guidelines. I think these images are very similar with our proposed façade being slightly more modern and updated.

Please let me know if you have any additional questions or concerns.

Sincerely:

A handwritten signature in black ink, appearing to read "Stephen C. Fry". The signature is fluid and cursive, with the first name "Stephen" being the most prominent part.

Stephen C. Fry, AIA, NCARB, LEED AP

President, Concept Design LLC



Existing 314 S. Fourth Street

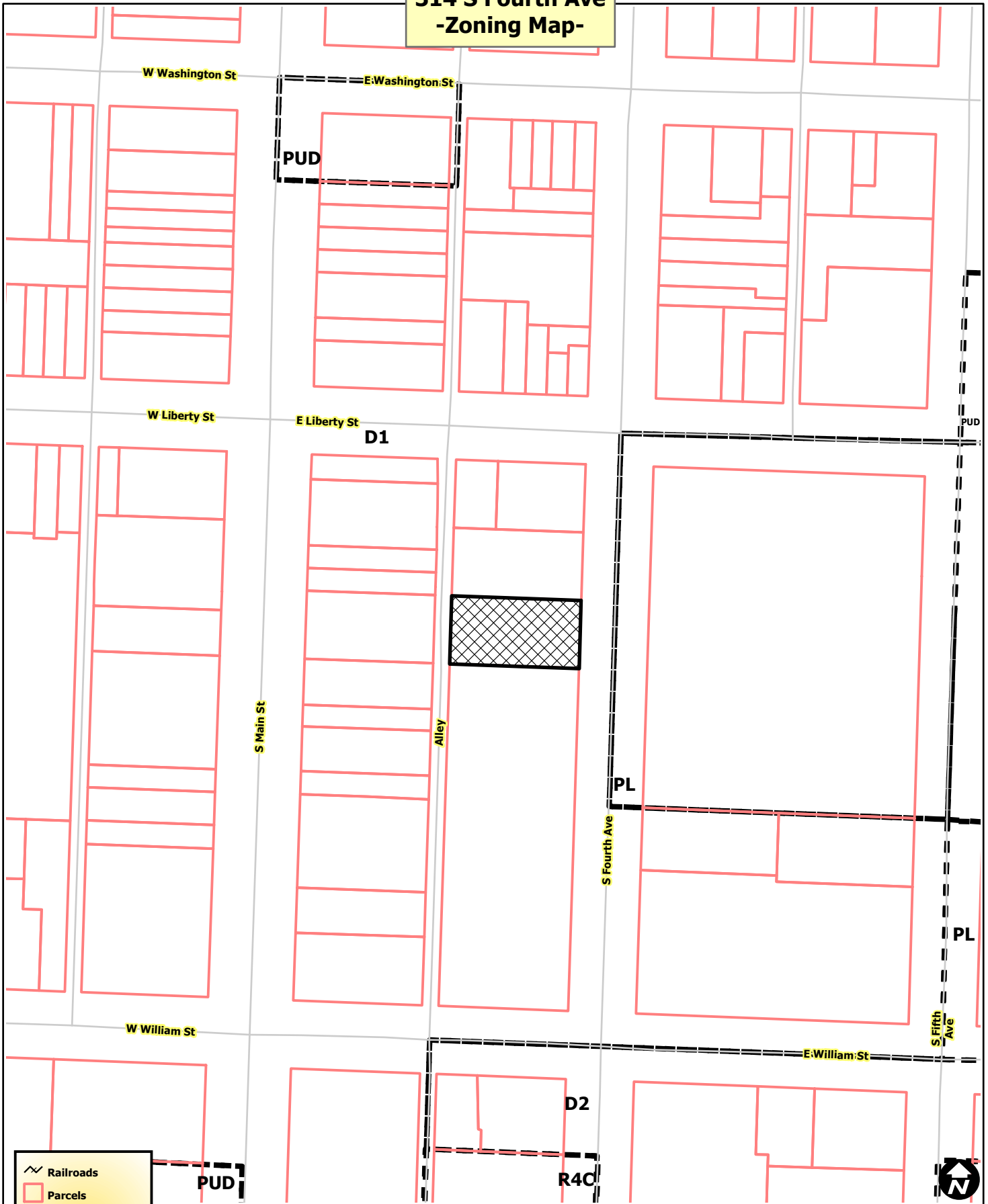


Proposed Ruth's Chris Steak House



**Image from Midtown Character District
Downtown Design Guidelines**

314 S Fourth Ave -Zoning Map-



Legend

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



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314 S Fourth Ave -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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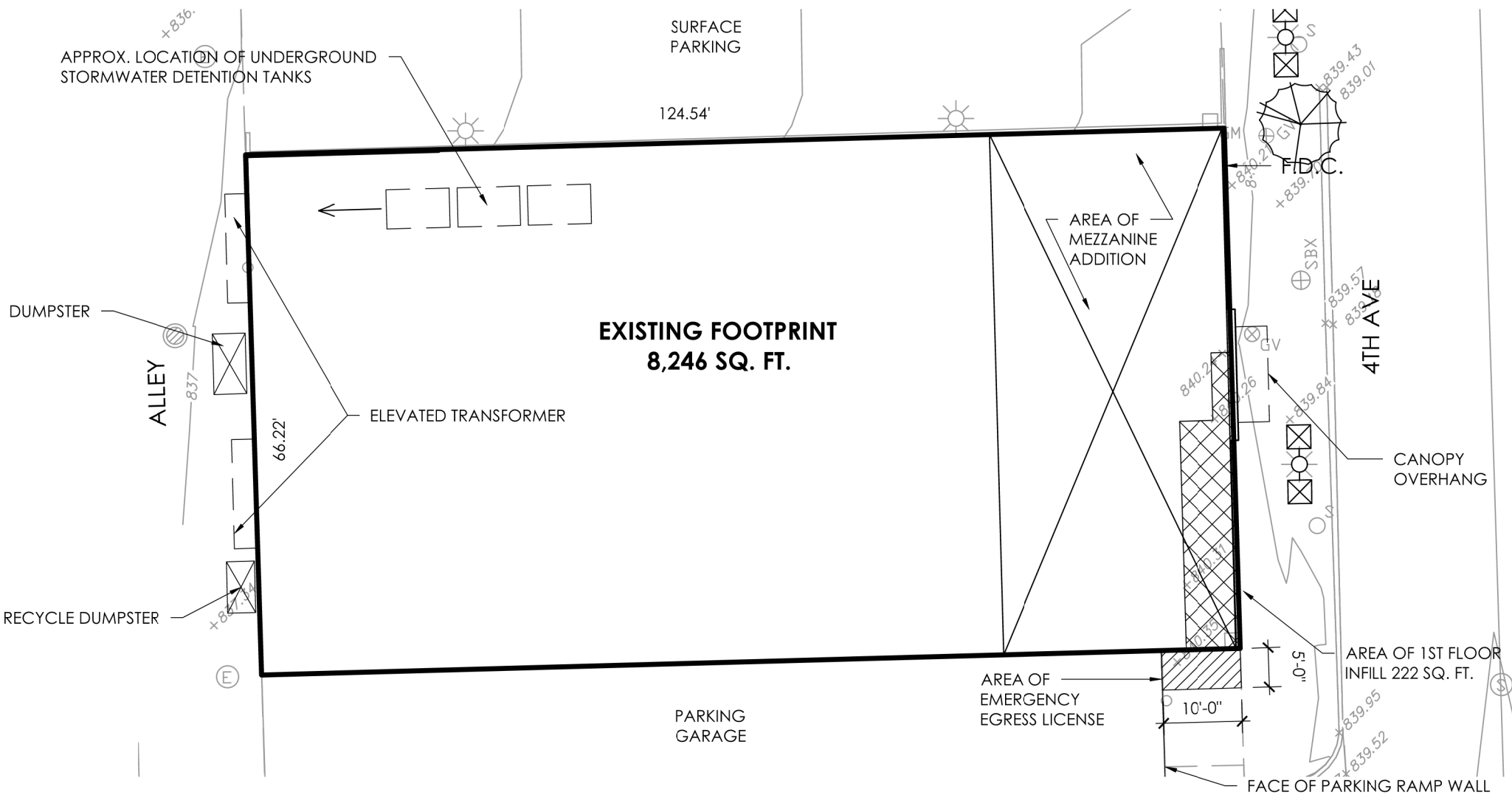
314 S Fourth Ave -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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 Map Created: 1/28/2014



**PROPOSED
SITE PLAN**

1/16" = 1'-0"



RUTH CHRIS STEAKHOUSE

Ann Arbor ,Michigan
1308-05

PROPOSED FRONT ELEVATION

3.5.14