

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 06, 2023

**SUBJECT: 3949-3957 South State Street Special Exception Use and Site Plan (3945-3957 South State Street)
File Nos. SP22-002**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Unified Development Code), Section 5.29.5 (Special Exceptions), approves the 3949-3957 South State Street Special Exception Use (3945-3957 South State Street) for a drive-through facility.

This approval is based on the following findings:

1. Will be consistent with the general objectives of the City Comprehensive Plan of commercial uses in the area;
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. The proposed use is consistent with other surrounding uses' traffic impact.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby approves the 3949-3957 South State Street Site Plan (3945-3957 South State Street), including a Landscape Modification that allows existing trees just outside the Right of Way to be counted as required Street Trees.

STAFF RECOMMENDATION

Staff recommends that the special exception use be **approved** because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic or the neighborhood.

Staff recommends that the site plan be **approved** because, if the proposed conditions are satisfied, it would comply with all local, state and federal laws and regulations.

Staff recommends that this landscape modification be **approved** because the modifications are consistent with the intent of the ordinance.

LOCATION

The site is located on the east side of South State Street, north of Ellsworth Avenue (South Area, Ward 4).

SITE PLAN

The proposed site plan removes 8 feet in depth from the existing building (constructed in 2017) addressed as 3949-3957 South State. The building will decrease in size from 5,695 Square feet to 4,311 square feet. This modification will allow the installation of a drive through lane across the rear of the building and along the side of the site. The single drive through lane will be accessed from the existing parking lot with no other changes to internal circulation. There is currently one other drive through restaurant use located at the front of the parcel along South State Street. The proposed use is adjacent to a hotel and research use to the north.

There are 39 vehicle parking spaces on the site accessed via a single drive curb cut from South State Street. No new parking is being proposed. There will be a decrease of 3 parking spaces to accommodate the drive-through lane and the relocated accessible parking spaces. The developer will install four EV-Ready and four EV-Capable spaces to this existing parking lot. A sidewalk is existing from South State Street to the building, where the sidewalk crosses the drive, it is clearly delineated by striping on the pavement. A total of six bicycle parking spaces currently exists on the site. One solid waste enclosure is existing at the northeastern portion of the site and includes trash and recycling dumpsters.

There is slight increase to the impervious surface on the site. Pervious pavers will be used for the drive through lane. These pavers are currently being used in other areas of the site with an infiltration basin below the pavers. One-hundred-year storm water detention was required and is provided under the parking lot area. Biofiltration islands are also provided as required within the parking lot.

No trees or landscaping are being removed for this construction.

SPECIAL EXCEPTION USE

The requested Special Exception will allow the installation of a single drive through lane across the rear of the building and along the side setback of the site. The drive through lane will be accessed from the existing parking lot with no other changes to internal circulation.

Petitioner responses are in regular font and Staff responses to the special exception use requirements are in *italics* below.

- a. Will be consistent with the general objectives of the City Master Plan?

Yes. The commercially zoned site is in an area where patrons come to business by vehicle.

The Master Plan: Land Use Element recommends commercial uses for this site. The C3(Fringe Commercial) zoning allows drive-throughs as a special exception use.

- b. Will be designed, constructed, operated, and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

The building is existing and will only need minor modification to add the drive-thru lane - Most of the existing building square footage will remain. There are many well maintained drive-thru business in the general vicinity and this one is compatible & will also be so maintained.

Five existing drive-through uses exist in this section of the State Street corridor. This project modifies an existing building and previously approved site layout.

- c. Will be consistent with the general character of the neighborhood considering population density, design, scale, and bulk; and the intensity and character of activity.

The current buildings and proposed modifications are consistent with the character of the existing neighborhood/area.

The drive-through use is consistent with the neighborhood in that the proposed project is similar in size and use to other commercial uses in the area.

- d. Will not be detrimental to the use, peaceful enjoyment, economic value or Development of neighboring property, or the neighborhood area in general.

The proposed building modifications will not be detrimental to the peaceful enjoyment, economic value of the already developed neighboring properties. There are no nearby residential neighborhoods

The proposed single-lane drive-through is located behind the building and hidden from view along South State Street. The anticipated new trips to this site will not be detrimental to adjacent uses and neighboring properties.

- e. Will not have a detrimental effect on the natural environment.

Nothing about the proposed modifications will have any additional detrimental effect on the environment as it is an existing developed site compliant with the approved site plan.

This site is already developed, and the proposal is to demolish part of the existing structure and construct a drive-through lane in this developed area will have no effect on the natural environment.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Research/Hotel	RE (Research District)/C2B(Commercial)
EAST	Research/Offices	RE
SOUTH	Auto Service/Restaurant	C3 (Fringe Commercial)
WEST	Retail Uses	TWP (Township)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning	C3 (Fringe Commercial District)	C3	C3
Gross Lot Area	39,428 sq ft	39,428 sq ft	6,000 sq ft MIN
Maximum Usable Floor Area in Percentage of Lot Area	840 sq ft (9.8%)	8,490 sq ft (19.4%)	87,120 sq ft MAX (200% MAX)
Setback – Front	232 feet – South State	232 feet – South State	10 ft MIN 25 ft MAX
Setback – Side(s)	5 ft – north 44 ft - south	13 ft – north 44 ft - south	0 ft MIN
Setback – Rear	73 ft	73 ft	20 ft MIN
Height	39 feet	39 ft	55 ft MAX
Parking – Automobile	39 spaces	36 spaces	None
EV Parking	NA	4 EV-Installed 4 EV Capable	2 EV-Installed 6 EV-Capable
Parking – Bicycle	N/A	Class C – 6 spaces	Class C – 4 spaces MIN

HISTORY & PLANNING BACKGROUND

The original site plan for building was approved in 2016 and the building was constructed in 2017. The building remains vacant since construction. The drive-through restaurant at the front of the site (a Jimmy Johns restaurant) was constructed in 2016.

The MPLUE (Master Plan: Land Use Element) Future Land Use Map recommends commercial uses for this site.

DEPARTMENT COMMENTS

Transportation - The petitioner has submitted a revised Transportation Study based on the proposed new use. The study has been reviewed and accepted by the Transportation Engineer. While there is no concern regarding vehicular traffic, some modifications are required to ensure safe pedestrian travel to the building. The property owner shall install and maintain clear and prominent pavement striping to indicate pedestrian path to existing buildings from the sidewalk along South State Street.

Planning – Staff supports the addition of a drive through at this location. The building is in a vehicle-centric area with existing drive throughs adjacent to the property. Drive through traffic is likely to come from vehicles already passing by the site and it is unlikely to generate an increase in vehicles on South State Street. Adjacent land uses will not be affected by a new drive-through use at this location.

Urban Forestry - A Landscape Modification is being requested to allow existing street trees to remain in place due to existing utilities in the ROW. Trees were planted as part of the original site plan approval for the restaurant in 2016. Forestry supports the modification request.

Prepared by Matt Kowalski
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mg6/1/23

Attachments: Zoning Map
Aerial Map
Site Plan
Special Exception Use Application
Citizen Participation Report

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