PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 17, 2014

SUBJECT: 2625 Jackson Ave. Retail and Drive-Thru Restaurant Special Exception Use and Site Plan for City Council Approval (2625 Jackson Ave.) File No. SP14-025

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 (Zoning Ordinance), Sections 5:10.23(3)(b) and 5:104 (Special Exceptions), subject to approval of the corresponding site plan; and, therefore, approves the 2625 Jackson Ave. Special Exception Use for a one-lane drive-thru restaurant facility.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 2625 Jackson Ave. Retail and Drive-Thru Restaurant Site Plan, subject to recording of cross access, parking and trash enclosure easements.

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 the plan would comply with all local, state and federal laws and regulations; the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; and the development would not cause a public or private nuisance and would not have a detrimental effect on public health, safety or welfare.

LOCATION

This site is located at the southeast corner of the I-94 exit ramp and Jackson Avenue (West Area and Allen Creek Watershed).

DESCRIPTION OF PETITION

The petitioner proposes to demolish the existing one-story service station and auto repair shop on this 0.55 acre site and construct a single building containing a 1,820-square foot drive-thru restaurant and 3,220-square foot retail center. The gas pump islands and canopy will be removed as part of this proposal. Total estimated cost of project is \$400,000.

The single lane drive-thru will primarily be accessed from the proposed Jackson Ave. curb cut with vehicles exiting through the Westgate Shopping Center Jackson Ave. entrance. The easterly curb off Jackson Ave. to this site will be closed. The drive-thru lane provides stacking for up to 4 vehicles and will be screened to the north by the proposed building.

The newly proposed Jackson Ave. curb cut was approved by the Michigan Department of Transportation (MDOT) and restricts left turns exiting this site. The Westgate Shopping Center ingress/egress off Jackson Ave. has no turning restrictions entering or exiting this site. New sidewalk connections are proposed off Jackson Ave and the Westgate Shopping Center site to the proposed retail center. The new sidewalk running along the west side of the Westgate entrance leads to the existing sidewalk fronting the strip center.

A total of 26 parking spaces are proposed for the restaurant and retail uses. Nineteen of these spaces are located on site and 7 spaces are shared with Westgate as shown on the site plan. The Westgate shopping center exceeds the number of required parking spaces for their site. Cross access and parking easements are required as part of this proposal. Four Class B bicycle spaces are located near the east building entrance. The dumpster and recycling carts are located off-site, in the Westgate parking lot and also require cross access easements.

100-year storm water detention is required and is located under the parking lot. A Michigan Department of Transportation (MDOT) permit will be required as the storm outlet structure is located in the I-94 exit ramp right-of-way.

A 10–foot wide right-of-way screening strip containing trees and shrubs is proposed along both the I-94 exit ramp and Jackson Ave. No landmark trees are located on site.

A post card was sent to neighbors within 500 feet of this site notifying them of this project. At the time this staff report was written, the petitioner and the City have not received any comments or concerns from the public regarding this proposal.

	LAND USE	ZONING
NORTH	Bank & Retail	C3 (Fringe Commercial District)
EAST	Shopping Center	C3
SOUTH	Shopping Center	C3
WEST	Exit Ramp & Cemetery	AG (Agriculture District)

SURROUNDING LAND USES AND ZONING

	EXISTING	PROPOSED	REQUIRED/PERMITTED	
Zoning	C3 (Fringe Commercial District)	СЗ	С3	
Gross Lot Area	23,958 sq ft	23,958 sq ft	6,000 sq ft MIN	
Floor Area in Percentage of Lot Area	2,189 sq ft 9.1%	5,040 sq ft 21%	47,916 sq ft 200% MAX	
Setback – Front (Jackson Ave.)	7 ft*	10 ft	10 ft MIN 25 ft MAX**	
Setback – Front (I-94 Exit Ramp)	32 ft	90 ft	10 ft MIN	
Setback - Side	90 ft	7 ft	None	
Setback – Rear	25 ft	20 ft	None	
Height	1 story	1 story 22 ft	4 stories MAX 55 ft MAX	
Parking – Automobile	19 spaces	26 spaces***	26 spaces MIN	
Parking – Bicycle	4 spaces – Class B	2 spaces – Class B 2 spaces – Class C	4 spaces MIN – 2 Class B 2 Class C	

COMPARISON CHART

*Front setback variance granted for canopy in 1978

**Maximum setbacks shall apply to at least 1 lot line for new freestanding buildings on parcels with more than 1 front lot line

***Off-site parking easement required for 7 spaces

SPECIAL EXCEPTION USE STANDARDS

<u>General Standards</u> - The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following standards (petitioner's response in regular type, staff's comments in *italic type*):

- (a) The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:
 - 1. Will be consistent with the general objectives of the City Master Plan;

The <u>Land Use Element</u> recommends commercial uses for this site. The C3 zoning allows bank drive-ins as a special exception use.

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

The previous use for this site was a service station, auto repair and rental car business. The proposed retail and drive-thru use fit with the existing and surrounding commercial uses. The proposed drive thru lane will be located behind the retail center and adhere to the newly adopted drive-thru requirements in the C3 district.

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

This project is consistent with the neighborhood in that this proposal is similar in size and use to other commercial uses in the area.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general;

Neighbors were notified by the petitioner of the proposed project and no objections have been received at the time this report was written.

5. Will not have a detrimental effect on the natural environment.

The proposed project will not have any effect on the environment other than improving storm water quality and quantity.

This site is already developed and the proposal is to demolish the existing auto service center and construct a new retail center. There are no natural features on site.

- (b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard the Planning Commission shall consider, at minimum:
 - 1. The location of and access to off-street parking and the safe provisions for pedestrian traffic;

New on site sidewalks will meet ADA requirements and connect to the public sidewalk. Offstreet parking is located on site along with shared parking spaces on the adjacent site, located in Westgate Shopping Center.

2. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections;

This relationship will remain largely unchanged. Access to the off street parking is improved by closing a curb cut off Jackson Avenue and utilizing one drive with right turn out only when exiting.

3. Vehicular turning movements in relationship to traffic flow routes;

2625 Jackson Ave. Retail and Drive-Thru Restaurant Page 5

This proposal closes one curb cut off Jackson Avenue and using one curb cut with right turn only exiting. Traffic can also exit through the Westgate Shopping Center parking lot. No additional curb cuts are proposed.

4. The intensity and character of traffic and parking conditions on the site, and in the general area;

The proposed project will replace an existing auto service center.

The Traffic Impact Statement states the proposed 5,000 sq. ft restaurant and retail uses will have a minimal delay on the Jackson and Maple Road intersection. The Westgate Shopping Center driveway at Jackson Avenue will continue to operate at an acceptable level of service under future conditions.

5. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

This site will not require sanitary sewer mitigation. This site is presently using city utilities.

(c) The standards of density and required open spaces for the proposed use shall be at least equal to those required by Chapter 55 in the zoning district in which the proposed use is to be located, unless a variance is granted.

NA

HISTORY

The service station has existed since at least 1961. During the summer of 1978, staff reviewed a site plan to add a service bay to the existing building, to construct a storage area behind the proposed service bay, and to install a single overhead canopy to cover the existing fuel pumps. Planning Commission recommended approval on July 11, 1978, subject to many conditions, such as relocating and screening the dumpster, providing adequate landscaping and buffering, and preparing a soil erosion control plan. The Zoning Board of Appeals granted a variance for the canopy extension into the front setback on August 16, 1978. An administrative amendment was approved on October 15, 1978, to address the approval conditions and issues which were subsequently discovered, including relocating the proposed screening to be entirely on the site, properly showing the existing sidewalk on Jackson Ave., and correctly identifying the front setback dimension.

Two administrative amendments have been approved since 1978. The first was approved January 21, 1998, to allow for replacement of the existing canopy, reconfiguration of the existing parking lot and the installation of curb and gutter, installation of masonry wall adjacent to the public sidewalk, and installation of landscaped buffer area on the west side of the property. An administrative amendment was approved on August 17, 1998, which allowed modifications to the landscape plan and planting arrangements to accommodate changes in the ground sign location.

A site plan was submitted in 2000 to install a car wash building behind the existing building. The free-standing car wash building was proposed to encroach into the required rear setback and a variance was requested. The site plan was never enacted due to inactivity.

PLANNING BACKGROUND

The <u>Master Plan: Land Use Element</u> recommends commercial uses for this site and retail centers be designed with pedestrian access as a primary goal, which encourages mass transit and reduces the demand for parking. Surface parking should be placed at the rear of the building and should not be a dominant element along public streets.

The <u>Non-Motorized Plan</u> recommends bicycle lanes and sidewalks fronting Jackson Avenue. These sidewalks exist. Bicycle lanes are not part of the of the current MDOT resurfacing project as there is insufficient road width to accommodate them.

The <u>Transportation Plan</u> considers this site to be on a medium priority corridor. The Plan's Mid-Term Recommendation lists expanding signal technology as a goal and the Long-Term Recommendation is implementation of signature services.

STAFF COMMENTS

<u>Traffic</u> – Staff agrees with the conclusions of the traffic report for this site. The proposed drivethru restaurant and retail generates approximately 202 customer trips during the morning peak hour and 138 trips during the afternoon peak hour. These customers will primarily be traffic that is already driving by the site. The amount of anticipated new traffic is not expected to cause traffic back-ups and the LOS (Level of Service) at the Jackson/Westgate intersection will remain at LOS B. The westbound left turn from this intersection will remain the same at LOS D.

<u>Project Management</u> – No footing drain mitigation for the proposed building is necessary. Approval of site or construction plans by the City does not relieve the applicant of complying with City standards on backflow prevention and metering. It is the responsibility of the applicant to submit appropriate plans to the City for review when available, and no later than the start of construction.

<u>Systems Planning – Storm Water</u> – 100-year storm water detention is required and is located under the parking lot. The storm system proposed was not designed with an open bottom to allow infiltration since the soils are not favorable for infiltration and due to concerns about contamination from the former gas station/repair shop use. An MDOT permit will be required as the storm outlet structure is located in the I-94 exit ramp right-of-way.

The petitioner states the tank closure activities for the 2625 Jackson Road site will be accordance with the Michigan Underground Storage Tank Rules. All mandatory notifications will be submitted to the Michigan Department of Licensing and Regulatory Affairs. To permanently close a tank, an owner and/or operator shall empty and clean the interior of the tanks by removing all liquids and accumulated sludge and purge the tanks of all vapors. All tanks, including all underground system piping and dispenser units will be removed from the ground. In addition, the canopy and canopy footings will be excavated and removed in preparation for site redevelopment.

Per the petitioner, environmental sampling will be performed in accordance with Part 211 of Michigan Public Act 451 of 1994, as amended. Excavations will be backfilled with appropriate clean fill material and compacted according to design specifications.

<u>Planning</u> – The <u>Master Plan: Land Use Element</u> recommends commercial uses for this site with strong pedestrian connections. The petitioner has designed the site with pedestrian connections off Jackson Avenue and the Westgate entrance along with bicycle parking near the eastern building entrance. The new sidewalk along the Westgate entrance leads to the existing sidewalks fronting the shopping center.

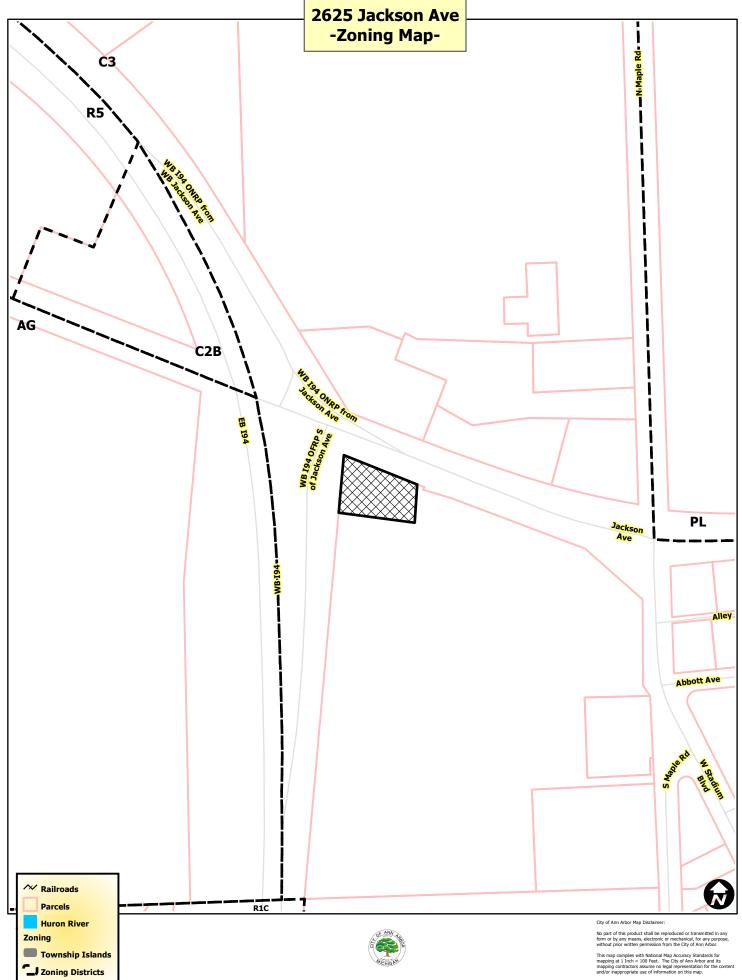
Until recently, the C3 zoning district allowed drive-thru facilities as a permitted use. The drivethru lane now requires special exception use approval in the C3 district and meets the recently passed drive-thru amendments. The drive-thru facility is not located between Jackson Avenue and the principal building and the vehicular circulation to enter and exit the facility does not impair the general circulation on site or with pedestrian circulation on or off the site. Although the drive-thru restaurant is expected to increase daily traffic to this site, most of this traffic is existing drive-by trips during the morning and afternoon hours with the Level of Service remaining the same. The proposed drive-thru facility also meets the Chapter 59 standards for drive-thru's.

Prepared by Chris Cheng Reviewed by Wendy Rampson mg/6/13/14

- Attachments: Zoning/Parcel Maps Aerial Photo Site Plan Landscape Plan Elevations
- c: Petitioner/Owner: 2625 Jackson, LLC 2440 W. Stadium Blvd. Ann Arbor, MI 48103

Petitioner's Representative: Todd Pascoe, PE Atwell, LLC 123 N. Ashley, Suite 105 Ann Arbor, MI 48104

Project Management Systems Planning File No. SP14-025



Map Created: 4/22/2014



Railroads
Parcels
Huron River



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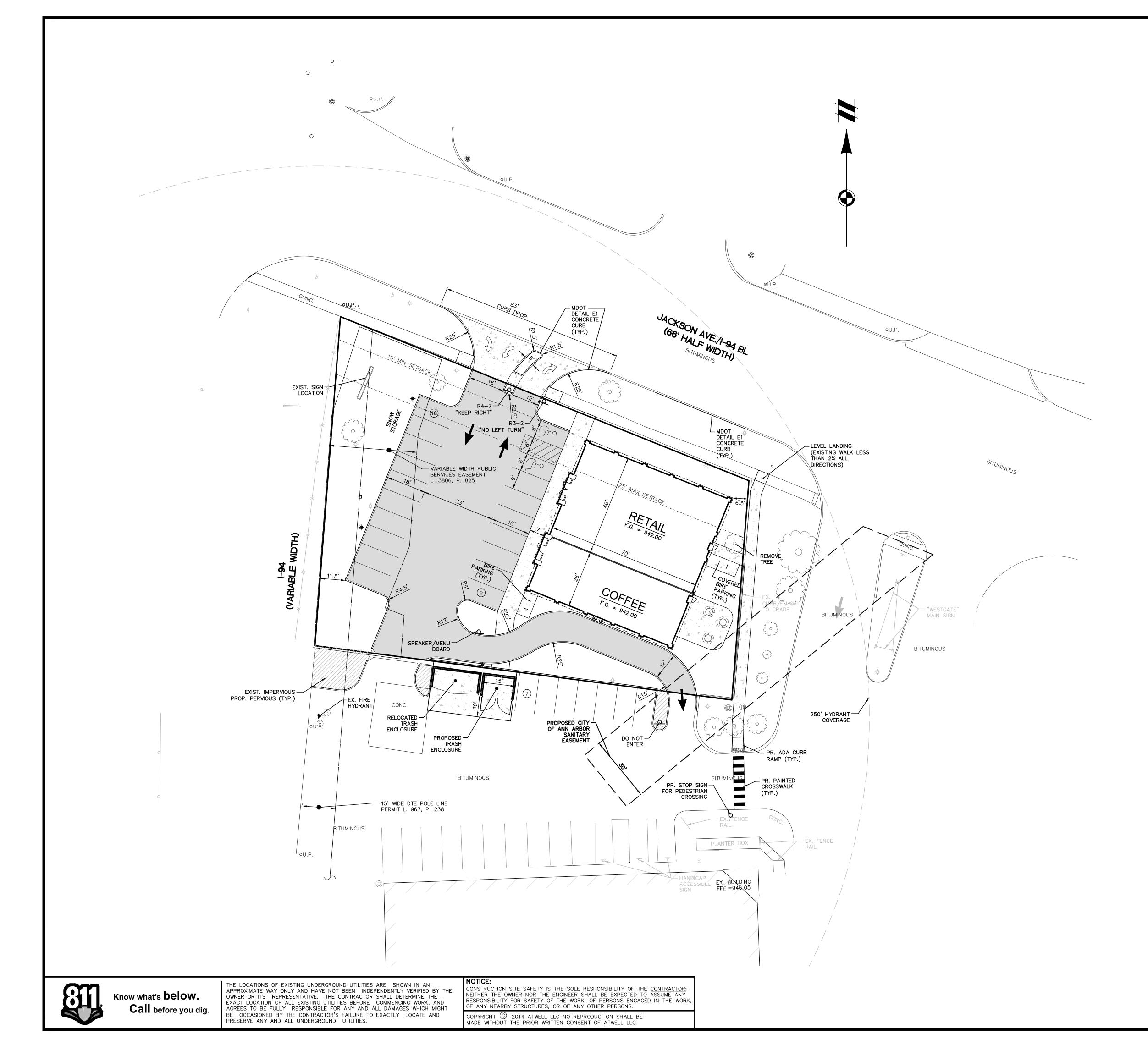




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FIRE DEPARTMENT NOTES

- 1. THE BUILDING ADDRESS SHALL BE CLEARLY VISIBLE WHEN APPROACHING THE BUILDING.
- 2. A KNOX BOX SHALL BE MOUNTED ON AN APPROVED EXTERIOR BUILDING LOCATION FOR EMERGENCY ACCESS TO THE BUILDING.
- 3. THE EXISTING HYDRANT TO THE SOUTH WEST SHALL PROVIDE THE NECESSARY COVERAGE FOR THE PROPOSED BUILDING.

EASEMENT NOTES

1. SHARED AGREEMENTS FOR THE PARKING, TRASH ENCLOSURE AND ACCESS WILL BE REQUIRED AS A PART OF THE FINAL APPROVAL PROCESS.

UTILITY NOTES

- 1. THE PROPOSED BUILDING WILL NOT HAVE ANY FIREWALLS.
- 2. THE EXISTING BUILDING WAS VACATED ON APRIL 1, 2014.
- 3. THE PROPOSED BUILDING WILL NOT HAVE FIRE SUPPRESSION

SIDEWALK REPAIR AND MAINTENANCE NOTE

1. ALL SIDEWALKS AREA TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY THE OWNER OF THE LAND ADJACENT TO AND ABUTING THE SAME. PRIOR TO THE ISSUANCE OF THE FINAL CERTICATE OF OCCUPANCY FOR THIS SITE, ALL EXISTING SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN ACCORDANCE WITH CITY STANDARDS.

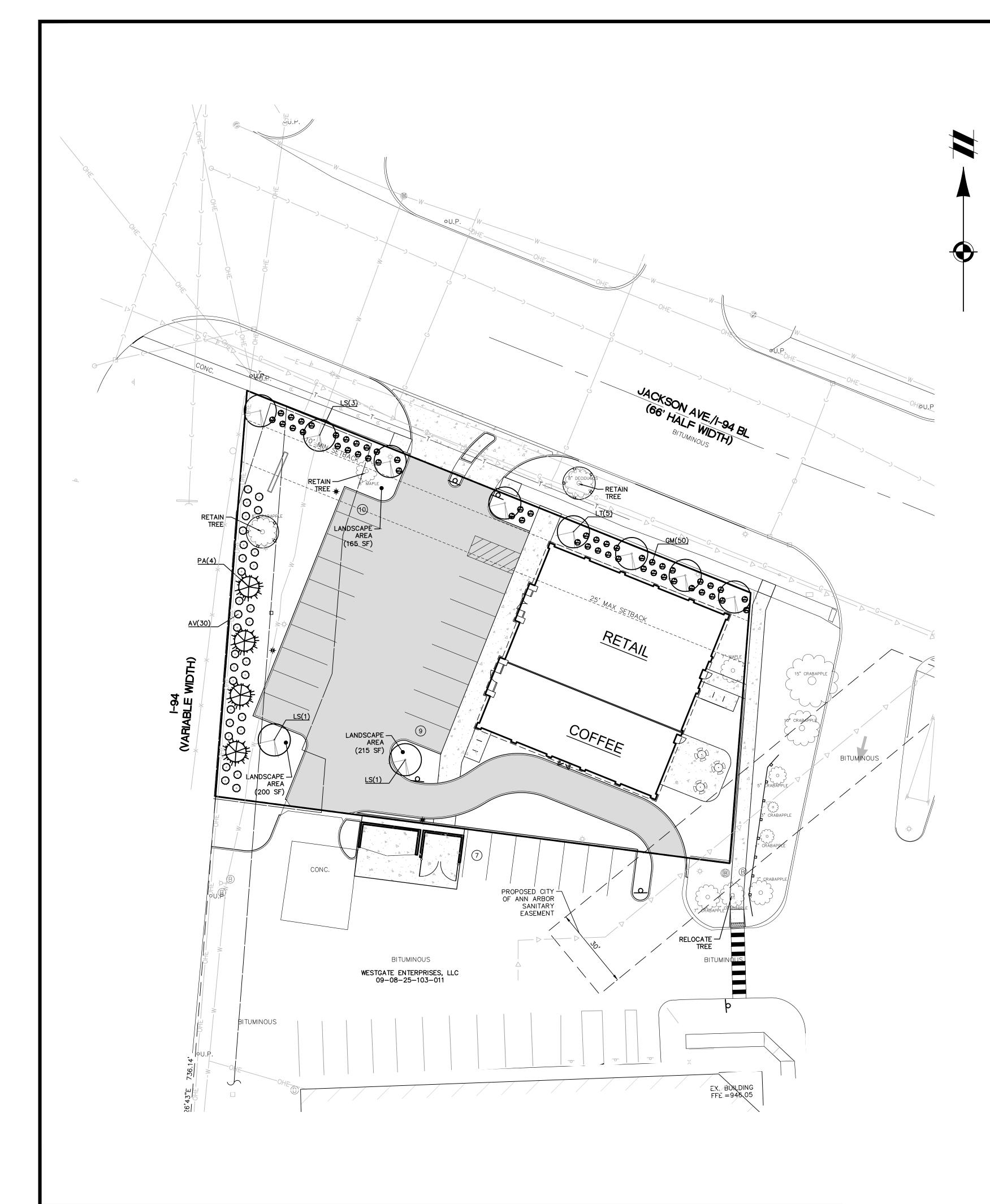
MDOT NOTES

- 1. NO WORK OR LANE CLOSURES WILL BE PERMITTED ON I-94BL (JACKSON AVENUE) DURING THE MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING, CHRISTMAS OR ANY OTHER STATE DESIGNATED HOLIDAY PERIODS. IN ADDITION, NO WORK OR LANE CLOSURES WILL BE PERMITTED DURING ANN ARBOR ART FAIR (JULY 16-19, 2014).
- 2. ALL TRAFFIC CONTROL DEVICES AND THEIR USAGE MUST CONFORM TO THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD), 2011 EDITION.
- 3. ALL EXISTING PAVEMENT MARKINGS THAT ARE REMOVED FOR TRAFFIC CONTROL OR OBLITERATED DURING CONSTRUCTION OPERATIONS MUST BE REPLACED WITH WATERBORNE FOR THE LONGITUDINAL, LANE LINES. OVERLAY COLD PLASTIC FOR STOP BARS, CROSSWALKS.
- 4. DURING THE LANE CLOSURES ACCESS FOR EMERGENCY VEHICLES (FIRE, AMBULANCE, POLICE) MUST BE MAINTAINED TO ADJACENT HOMES, BUSINESSES AND SUBDIVISIONS AT ALL TIMES. IN ADDITION, ACCESS TO ALL COMMERCIAL AND RESIDENTIAL DRIVES SHALL BE MAINTAINED AT ALL TIMES.
- 5. ALL SIGN MATERIALS AND SUPPORTS MUST MEET NCHRP-350 CRASH WORTHY REQUIREMENTS
- 6. TEMPORARY WARNING, REGULATORY, AND GUIDE SIGNS NOT REQUIRED FOR A PARTICULAR LANE OR SHOULDER CLOSURE MUST BE REMOVED, COVERED OR LAID DOWN WITH THE LEGS REMOVED.
- 7. NO LANE CLOSURES ARE PERMITTED WITH THIS PERMIT DUE TO THE COORDINATION WITH THE MDOT I-94BL PROJECT.

MDOT R/W QUANTITIES

Item	Quantity	Unit
Curb drop length	83	L.F.
Type E1 curb (along drive radii)	58	L.F.
Type E1 curb (along island)	34	L.F.
4" concrete (island)	52	S.F.
4" sand C.I.P. (island)	52	S.F.
7" conc. pvmt (nonreinforced)	642	S.F.
4" 21AA aggregate base	642	S.F.

Image: State stat						
SECTION 25	TOWN 2 SOUTH, RANGE 5 EAST	CITY OF ANN ARBOR	WASHTENAW COUNTY, MICHIGAN			
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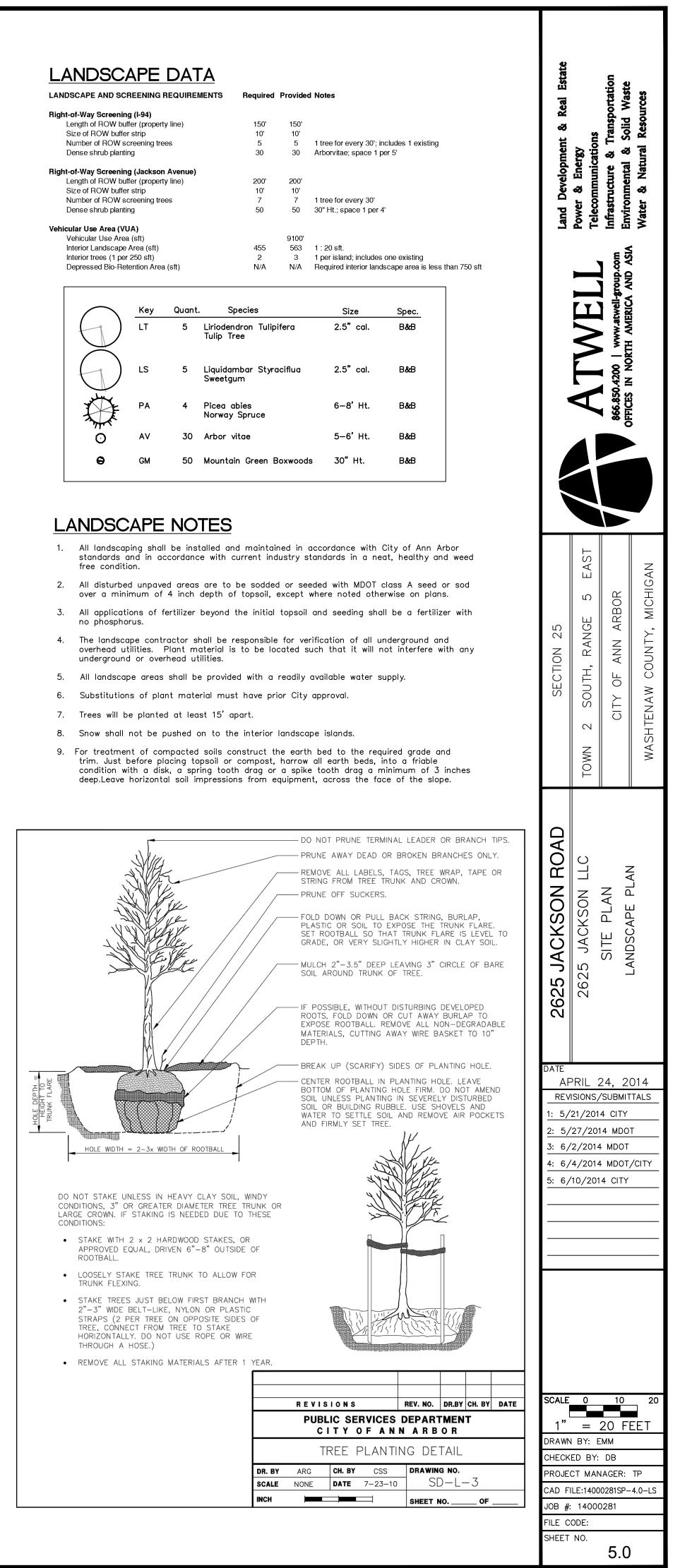
Know what's **below**. Call before you dig. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ATWELL LLC

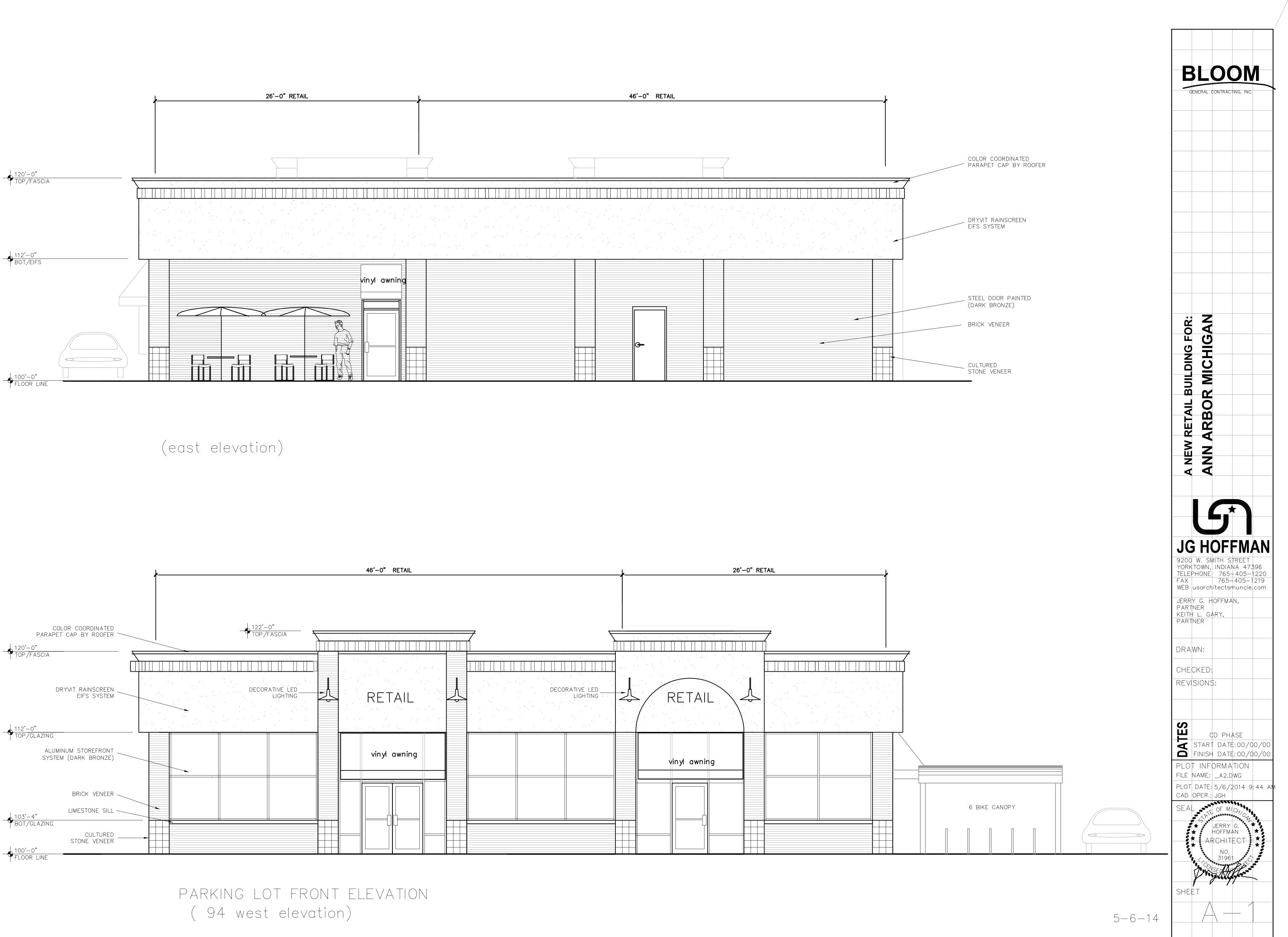
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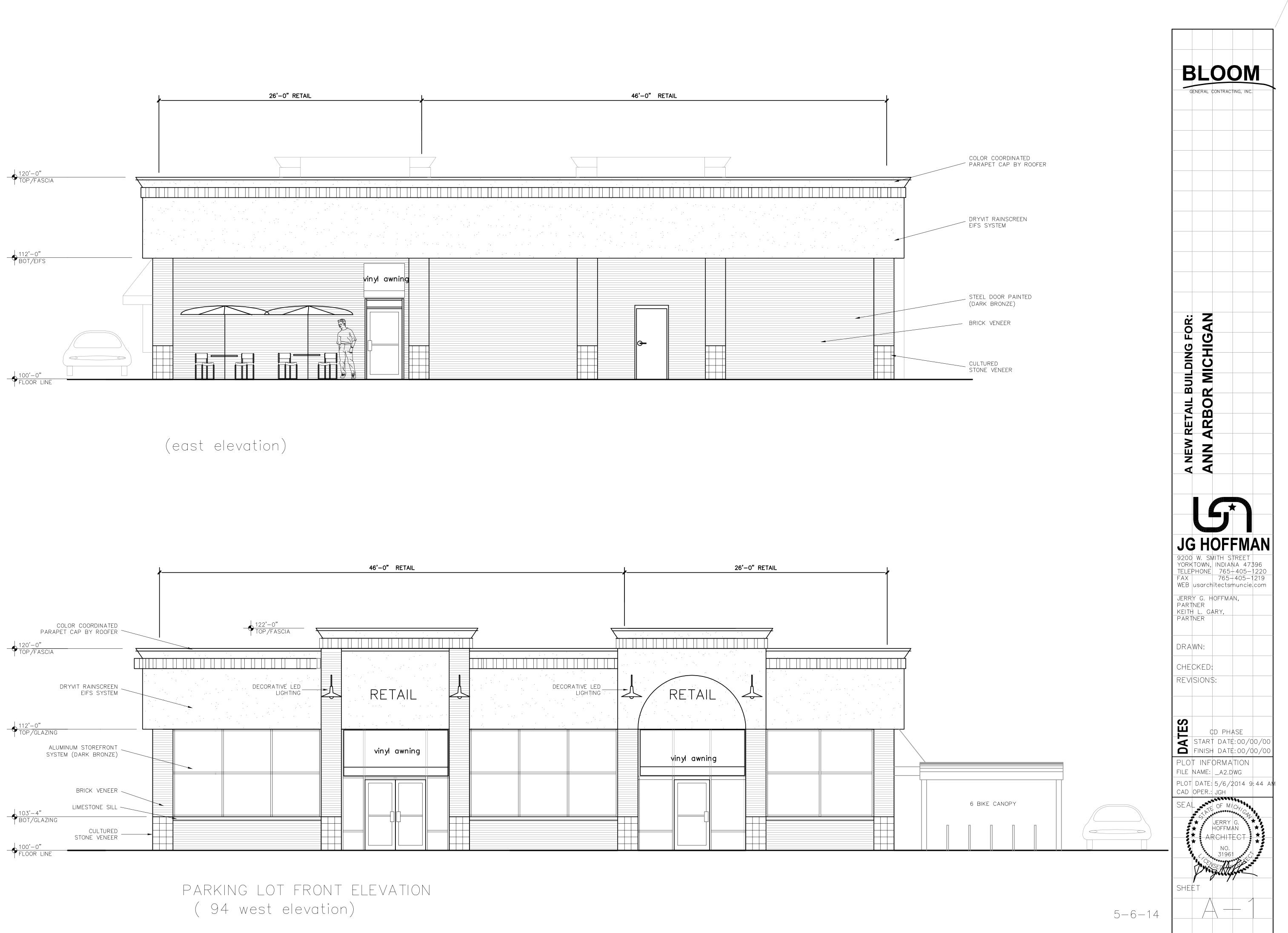
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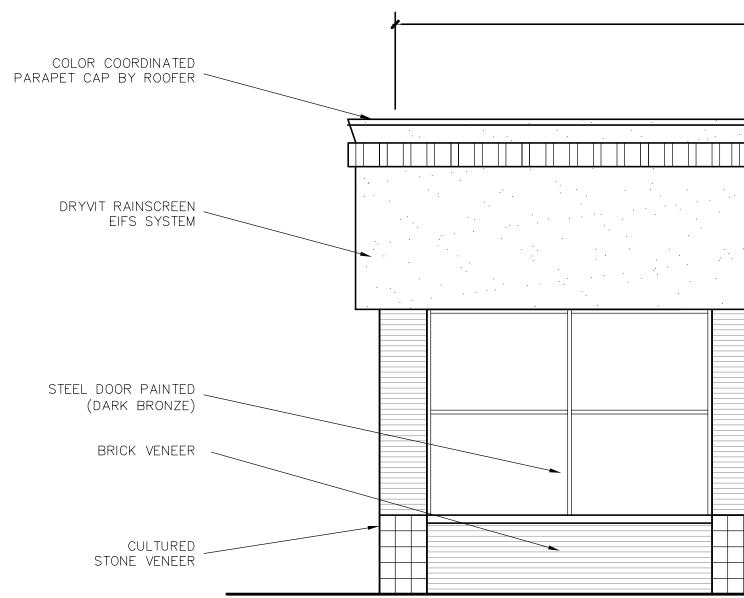
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS. COPYRIGHT \bigcirc 2014 ATWELL LLC NO REPRODUCTION SHALL BE

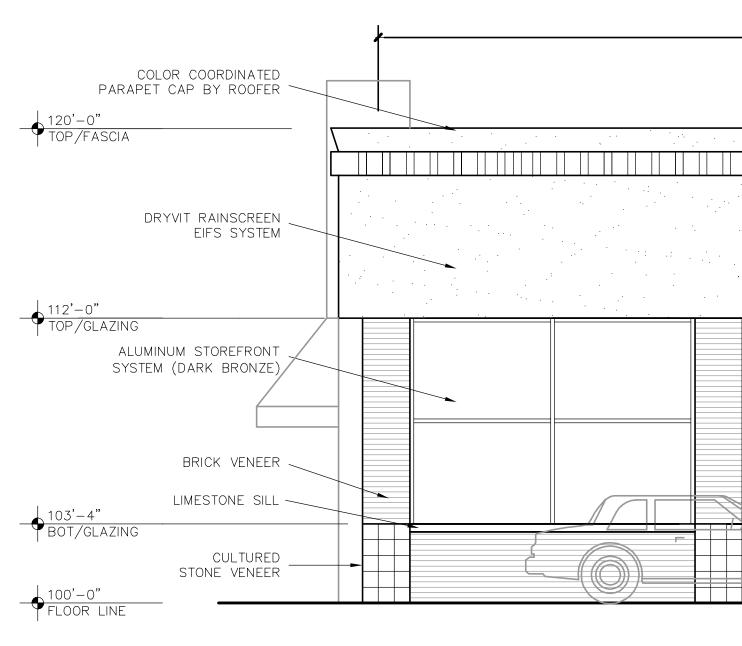


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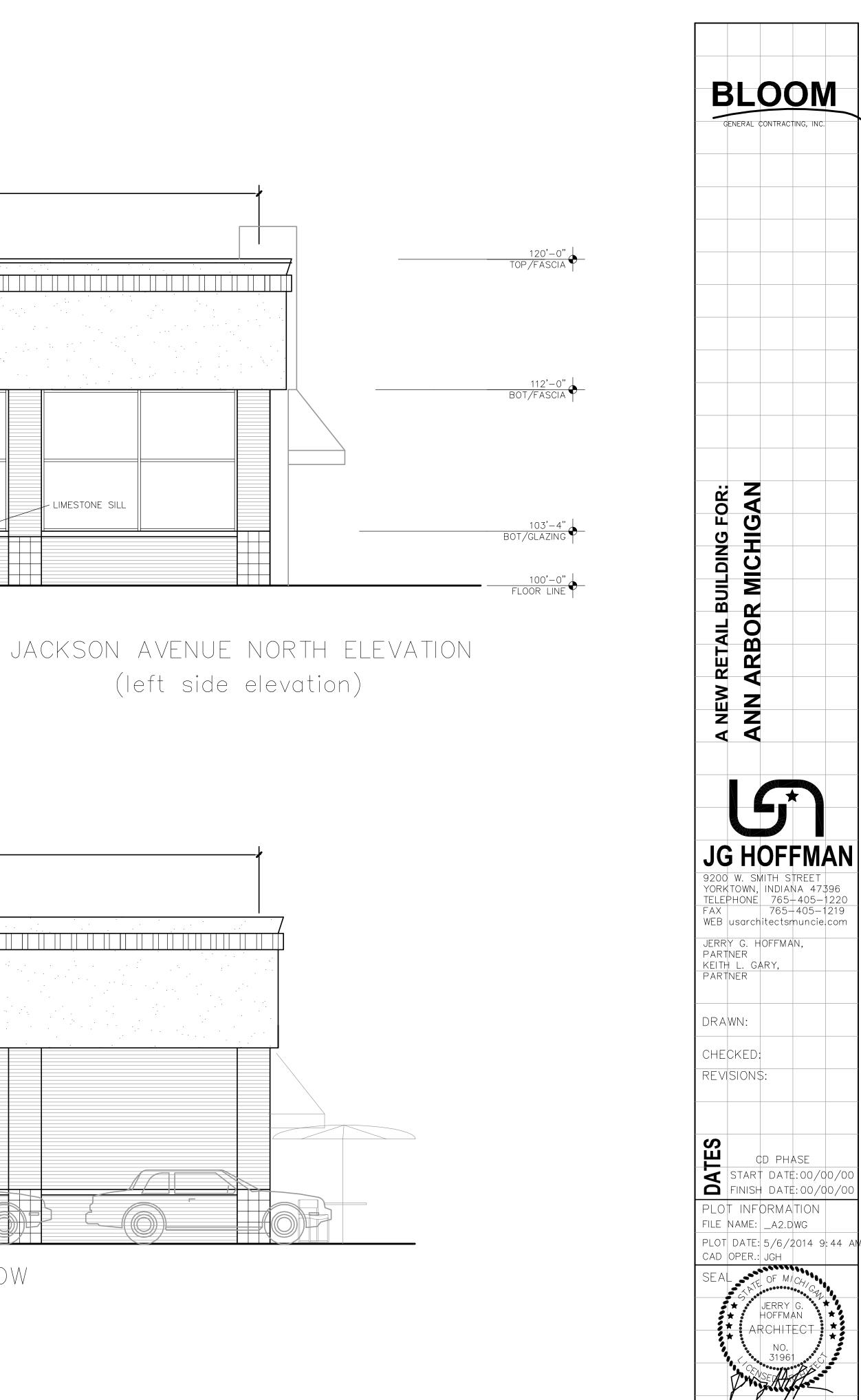


SOUTH ELEVATION (right side elevation)

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					- LIMESTONE SILL	

70'-0" RETAIL		
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AWNING		

DRIVE UP WINDOW



SHEE1