

**PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 19, 2003**

I. CALL TO ORDER

The meeting was called to order at 7:32 p.m.

F. Davis welcomed new member, Chris Knapp, to the board.

II. ROLL CALL

Present: F. Davis, R. Miller, F. Enneking, R. Johnson, J. Adams,
C. Knapp

Absent: G. Clark (excused)

Staff: N. Voght, City Planner
N. Schuette, Secretary

III. APPROVAL OF MINUTES – January 15, 2003

R. Miller moved to approve the minutes of January 15, 2003 (Support: R. Johnson) and the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. OLD BUSINESS

1. 529 Tyler Road

R. Johnson moved to remove this item from the table (Support: R. Miller) and the motion carried unanimously.

F. Davis stated that we have had a series of discussions on this issue with the last item requested being a traffic study. Staff included this in the packet sent to all commissioners.

Voght gave his presentation reviewing the past process especially for our new commissioner. This was a request for a Special Use Permit and Site Plan Approval to locate a towing facility including an office and storage yard at 529 Tyler Road. Review of this site has been ongoing since

September 2002. We have concentrated on the Special Use criteria so far and whether or not the use meets those criteria. In our latest staff report of November 2002, we did feel that the use substantially complies with the criteria. Some of the outstanding issues we wanted to have addressed were traffic, screening, paving of the lot and environmental impacts of longer term storage of wrecked vehicles and how they might contaminate the ground.

To a great extent, the applicant has tried to accommodate these concerns and questions. They have agreed to pave the storage lot and submitted traffic information as well as agreeing to put a privacy fence along the school property staggering rows of evergreens in front of the fence facing the property. We feel they have addressed some of our outstanding concerns with regard to the Special Use.

At this meeting, Voght felt the board should discuss the traffic information submitted by the applicant, specifically, information of storage of vehicles and number of vehicles that would come in and out the site and how many would remain due to not being claimed and for how long. He also felt the board should discuss the capacity of the site to hold these vehicles. He passed out a draft list of Special Use Conditions which is expanded from the version included in the November staff report for conditions that the board feels is appropriate.

Ken Schwartz, Atty – represented the applicant. He stated that Mr. Kubiske, Civil Engineer, has provided a two page summary of the traffic impact that would likely be expected on the site based on the records by Lowell Towing/Discount Towing. He feels this summary is self-explanatory with an average of 17.5 vehicles per day. One of the questions at the last meeting was when the vehicles arrived on site and when they left. Generally speaking, two-thirds of the vehicles are towed in at between 9:00 p.m. and 9:00 a.m. for the most part.

For every six that come in, five go out within 72 hours and roughly speaking, one is redeemed per day which leaves an overall storage of about 12 vehicles per week which accumulates to approximately 50-60 per month, at which time, the city and other governmental agencies will call for an auction on the property and remove them off site. They agreed to Conditions 5-6 keeping a log and will remove within sixty days if it is an operable vehicle. Inoperable vehicles are followed through the Michigan Traffic Code whereby the city is able to offer these vehicles for auction within 30 days. If no one claims them, titles are given to the owner/operator to satisfy the lien. They have agreed to remove those within ten days from the day that they have received title from the city.

The applicant met with Janice Sturveyant, Principal of East Middle School and he agreed to provide fencing and landscaping along the school edge as well as fencing along the two residential homes. They have also agreed to pave the lot. There were questions on contaminants and how they are handled and the applicant has agreed to put in a drainage system with an oil separator. Another question was how the traffic would impact the neighborhood and they have agreed that unless necessary, they will not cross the school property. They will always come down Grove, Prospect or Ecorse Road to avoid the school. All the issues that the commission has raised have been responded to and they feel they have met every standard.

Mr. Schwartz concurs with staff that the Special Use should be granted subject to site plan approval. They would like to be back with that on next month's agenda and hopefully construct in April.

F. Davis stated that although this is not a public hearing issue, he would give anyone who desires an opportunity to speak on this item.

Steve Pierce, 118 S. Washington – stated that last month he encouraged the board to drive by the old Lowell's location since there were a number of vehicles parked in the street, not in the tow yard. He also stated that they leave tow trucks idling in the winter for hours on end. He would like both of these issues addressed.

Mr. Davis asked the commissioners for their comments on the traffic data that was presented.

Commissioner Adams referred to the last paragraph of Mr. Kubiske's letter which addresses the route for towing of vehicles and wondered if we can imply from it that the wrecker that is going to tow a vehicle will also follow this route or if the wrecker will drive in front of school. Mr. Schwartz responded that this was addressed in the Special Use Conditions where they have indicated they will agree to a route as stated in #11.

Adams suggested they follow the same route. Schwartz responded that they are amenable to clarifying the language if necessary. Adams recommended a change on the first line, Condition #11, to read "a designated travel route shall be observed." Schwartz agreed to this change.

Commissioner Johnson asked if the city has access to the raw data to verify this in the future and Schwartz responded that the operator is

required to keep a log under state law and they are required to report the vehicle within 48 hours to the police agency. They initiate contact with the owner of the vehicle or any lien holders which begins the execution of the lien and obtaining title. He recommended that Officer Swope address Commissioner Johnson's concerns on the number of vehicles since he is very familiar with the operations at Discount Towing and the number coming and going on a daily basis. This was based on information provided by the owner/operator through Discount/Lowell who is obligated to send a form to the city agency that makes the request for service. The city has some independent means of verification since it is a requirement of the law to complete this form.

Officer Swope stated that this is a tough question to answer because during the summer there may only be five vehicles towed and in the winter could be 100 but generally speaking, the average as stated by Mr. Schwartz is accurate. Mr. Schwartz added that they will be submitting a site plan that has maximum density noting that each vehicle will take a specific number of square feet and then for the vehicles that will be auctioned, they will have a smaller aisle way than those being picked up. They calculate that the site will be able to hold approximately 250 vehicles. Mr. Schwartz assumes that once they reach the maximum, it would be obvious to city officials who should then inquire as to how they plan to resolve the situation. Auctions are held every 30 days. This will be strictly a tow yard and no parts will be sold, dismantled or scrapped.

Davis asked Voght if he had found any national data to which Voght responded that he contacted the Institute of Traffic Engineers who do surveys throughout the U.S. on different land uses and there was no reference to any towing operations.

Knapp asked about paving and Voght responded that most of the site will be paved.

Davis stated that the first step is the Special Use Request which must be passed before we can discuss a site plan. Voght added that a site plan had been previously submitted but that plan now requires some revisions.

Voght reviewed the Draft List of Proposed Special Use Conditions. Amendments were recommended by board members.

Adams questioned where people park to attend auctions and Officer Swope responded that 99% of the time, very few, if any, people show up since these are usually "junk" vehicles. Knapp asked for clarification on #5 which Voght provided.

Knapp stated that he wished to discuss the issue raised by S. Pierce. Officer Swope responded that it is against the law to leave a vehicle unattended with the motor running, therefore, anyone doing so is leaving themselves open to being ticketed for violation of the law. He also added that when an auction is held, anyone purchasing a vehicle actually obtains a title at that time from him.

Johnson moved to approve the Special Use Permit for a tow yard at 529 Tyler Road with the fourteen (14) Special Use Conditions as listed below:

1. *Use of the property at 529 Tyler Road shall be used as a towing office and storage facility. Any other use not specifically authorized is prohibited.*
2. *Routine maintenance and tire repairs of towing vehicles shall be permitted within completely enclosed and specifically designated (on the site plan) buildings on the premises. Such routine maintenance shall not include body work, painting, engine/transmission rebuilding, frame straightening, etc. Such maintenance shall be minor in nature and only be permitted for company tow vehicles.*
3. *Fire lanes as shown on the approved Site Plan shall be kept clear at all times for emergency vehicle access. This includes the storage areas and along the entrance drive.*
4. *Vehicles towed/stored on the site shall be stored/parked in only those locations indicated on the approved site plan.*
5. *Vehicles that are inoperable and only have scrap value, for which the owner or tenant of 529 Tyler has obtained title, shall be removed within 10 days, unless as otherwise authorized by the City of Ypsilanti.*
6. *Operable towed vehicles shall not be stored on site for more than 60 days. A vehicle log shall be kept and provided to the City, as requested, that demonstrates compliance with this requirement and requirement #5.*
7. *All landscaping shall be kept in a live and healthy condition.*
8. *The owner of the property, Scott Klaasan, shall be the responsible party in all matters regarding enforcement of this Special Use Permit.*
9. *No motor vehicles or boats shall be permitted for sale outside the fenced towing storage yard or visible to the general public or public right-of-way. Any stored vehicle or boat for sale shall only be sold through the standard abandoned vehicle processing system in accordance with state and local law.*
10. *Dismantling/disassembly of vehicles, and storage of any material/items with the exception of towed vehicles shall be prohibited.*
11. *Due to the adjacent school and residential areas to the east, a designated travel route shall be observed. All tow trucks utilizing 529 Tyler for vehicle storage shall utilize Prospect and Grove Roads to access Tyler Road to the greatest extent possible.*
12. *A buffer/screen shall be provided along the eastern property boundary adjacent to East Middle School. The screen shall consist of a six (6) foot high privacy*

fence in combination with a staggered row of 2-3 ft. staggered/clustered evergreens. Final design to be coordinated with East Middle School.

13. *The vehicle storage area shall be paved, to be approved during site plan review.*

14. *This special use approval is subject to site plan approval.*

The motion was supported by J. Adams. A roll call vote was taken with a vote of 3:2:1. Frank Enneking and Robert Miller opposed the motion and Chris Knapp abstained because he was unable to participate in previous discussion and fact finding. The motion carried.

2. 1645 Washtenaw – BP Station

Voght presented the staff report. He stated that signage was completed by the end of January and as previously agreed by the applicant, the curb cut will be done by May. He had asked the Police Department to verify closing times at the request of the board at last month's meeting. Closing of the convenience store is to be midnight and the car wash at 11:00 p.m. The Police Department has been very good at checking this on a consistent basis and has noted that they have been closing with the pumps turned off but keeping an employee locked inside. The car wash has been roped off but there has been a problem on the north side not being roped off. This needs to be roped off and water turned off.

Voght visited with Mr. Saremi a couple of weeks ago but due to the cold weather, it has been difficult to get the signs in the ground although he does have the signage up temporarily with permits issued. Voght passed out pictures showing the signage and contact information of responsible management.

F. Saremi, owner – stated that he has taken care of the items as requested, however, he is unable to turn off the water because of the possibility of frozen pipes. Voght reiterated that this had been agreed to in the original permit. The public phones have been pulled out. He agreed to close the alley on the south back side with a chain and also close off bays on north front side. J. Adams asked about the sign indicating hours of operation of the car wash and Saremi responded that he had notices posted on the vacuums. He agreed to move the signs on the car wash walls where they would be more noticeable by potential customers.

Steve Pierce – stated that he had recently visited the business and noted that it did not close until 12:10 p.m. He is concerned that the hours will not be strictly adhered to. He also stated that the car wash pumps are operational past the allowed closing time and in fact, he had washed

his car the previous evening at 11:35 p.m. So, although Mr. Saremi does have it blocked off in the front on the north, the pumps are still operational. He did applaud the applicant for cleaning up the trash in the back.

3. South Depot Town Neighborhood

Voght distributed copies of a PowerPoint presentation, which is a summary of the latest workshop the commission had. He also did a presentation at the Lutheran Church on the Master Plan and its relationship to the Zoning Ordinance, to educate some of the neighbors. After that meeting, he attended a neighborhood workshop on February 11th, 2002, to which 15 people came. They split into groups of five, sat down with a base map to try to gain some kind of census about what the neighborhood wants. There were many things that came out of this meeting and one thing was clear, it was difficult to reconcile the primary interests of the neighborhood – business owners that have been located there a long time and residents who have lived there a long time -- neither of whom want to leave.

He reviewed the power point presentation in detail and input that came out of the groups. He reviewed the new procedures to amend the Master Plan based on the revised state law.

Robert Barnes, Jr., 215 N. River Street – stated that he is the only person who both lives and has a business in the area. He has commercial space located at 232 N. Lincoln which they have cleaned and fixed up and it is critical to their other businesses in the city that the business continue to operate at that location. He does not feel that his input was taken into consideration by staff. He is requesting that zoning stay B4 on Lincoln Street.

Judy Mull, 704 Dwight Street – owns two properties in the area being discussed as well as living in the city. She questioned if N. Lincoln Street changes zoning, what people will do with their business. She feels the area should continue to stay as is.

Gary Sobry, Sr., 4825 Birch Lane, Dexter – owns property at 221 N. Lincoln. He has no objections to having N. River Street as residential but feels that N. Lincoln should be commercial. The few houses that are in the area would be more valuable for sale to businesses, giving them the opportunity to purchase homes in other parts of the city. Mr. Sobry suggested that the area be zoned business commercial, especially since

there are no curbs, no gutters and a railroad down the middle and is more amenable to businesses than residential.

Donna Seibert, 105 Babbitt – agrees that some of the residents are relatively new to the area but these homeowners have also made an investment. She does not agree that the neighborhood should stay the same. In looking at the zoning map, five or six zoning designations within a small area are not compatible. The neighborhood has evolved over the years with a mix of zoning but this does not mean that it should not change. She has the impression that some people are looking at this as residents vs business and wanted to clarify that none of the residents are against businesses in the neighborhood.

Bob Barnes, 4877 Vorheis, Ann Arbor – has many businesses in the city. He disagrees with staff's recommendation that N. Lincoln should be residential/commercial. People will not build homes next to the railroad and it is his opinion that this should be commercial property.

Fred Davis asked Bob Barnes, Jr., to clarify his comment that he needs to have B4 zoning for the use he has to continue doing business and Mr. Barnes, Sr., responded that it is a storage facility but trucks are driving in and out of there regularly during the day in the course of doing business in other parts of the city. They do not want to move out of the city.

Pam Hamblin, 109 North – stated that there have been new businesses over the years in the area and dramatic differences in size and scope of other businesses that are there. There are a lot of very heavy truck businesses. She is supportive of a mixed business and residential area but did not expect to have a concrete firm explode over her entire house. She feels we should allow a reasonable mix where the streets are very narrow between what functions effectively as business and what functions very effectively as residential. They are not looking for residential vs business but **what** residential and **what** business and where they interface, how does that work? The Master Plan identifies N. Lincoln as a problem and the problem is the size and number of vehicles that are impacting traffic.

Richard Taylor, 101 N. Lincoln – is supportive of the concern raised by Ms. Hamblin about the traffic issue in that the weakest link in the plan is N. Lincoln. It is very narrow with a railroad track running up the middle of it. In an effort to improve traffic flow and have access to the businesses, the Master Plan should include some type of plan to widen N. Lincoln preserving N. River as a residential boulevard.

Keith Agandowski, 105 Babbitt – has the impression from the business owners that if this Master Plan goes into effect, they will have to move. It is his understanding that this is a vision, not something that will force anyone out of business. Businesses will still be able to operate. The goal of the residents is stability and growth and seeing residents invest in the area. He is also concerned about the traffic on N. Lincoln, especially heavy trucks. He feels that the vision for the future of this area should be residential/office and not industry.

Jenny Stoker, 7383 Fosdick – was in attendance representing Gary Sobbry, Jr. She thanked staff for bringing the neighbors together to try to come up with a plan. Within the last 5-10 years, the improvements on N. Lincoln have made the street much safer and these have been because of the businesses. Before some of the businesses located there, they had problems with prostitutes and homeless people. Now it is much safer. It is her opinion that changing the zoning would be detrimental to Mr. Sobbry's business and have to sell.

Judy Mull – agreed that on N. Lincoln by Michigan Avenue, it is not wide enough. She referred to the parking lot on Foto Street and lack of lighting. Voght responded that he would address this issue.

K. Agdanowski – Questioned the statement that if Sobbry's did not get B4 zoning it would put them out of business wondering if this may be a ploy to get the zoning he wants. It is his understanding that Sobbry applied for a storage facility and not a body shop and hopes this will be taken into consideration.

Commissioner Adams stated that he has listened to the comments of the residents and agrees that the area does need something. Master Planning takes a long time and that timeline can be addressed by staff, but he does understand the imminent concerns put forth by the residents. He asked the residents if they knew of anything that could be done by the city that would be beneficial in their area that would resolve their concerns and if there was any common ground between the residents and business owners.

Due to the lateness of the hour and the lack of any conclusion, Fred Davis proposed a special meeting to address the whole issue. This meeting was scheduled for Wednesday, March 26th originating at Barnes Storage 232 N. Lincoln, then continuing the meeting at City Hall Chambers at 7:00 p.m.

4. Cross Street Area Master Plan Amendments

Voght suggested that since this was another issue that required time dedicated to only this project, the commission consider a special meeting to discuss it in detail. It was agreed that we consider May 7th and May 28th as possible dates, to be confirmed later.

Since there was no further business, R. Miller moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at 10:10 p.m.