

March 11, 2015

Dear Zoning Board of Review.

CrossFit TreeTown of 815 Wildt Street has submitted a special use permit application dated January 24, 2015.

This document is submitted in opposition to this application. This is a formal request to reject this application for the reasons detailed.

This document is submitted for inclusion in the material for the March 17th public hearing on this matter.

ZONING REGULATION VIOLATIONS:

Section 5:10.24 paragraph 2(h) does not list this type of gym as allowable for a special use exemption.

Section 5:10.24 (3) (a), which is an M1 zoning restriction and states:

M1 zoning stipulates that the retail business “does not exceed 10% of the floor area of the total establishment” can be allocated to retail”

This is a retail sales and services company. 100% of this enterprise is “retail” oriented and is a clear violation of this statute

Section 5:10.24 (1), which is and M1 zoning restriction and states:

“there is no production of sound discernible at the lot lines in excess of the average intensity of street and traffic noise at the lines”

During the summer, at its previous location, this business routinely conducted business in the parking lot and generated significant noise, well in excess of the statute.

Section 5:10.14 (5) (b), which is a zoning restriction and states:

“All ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a required open space that abuts a residential zoning district”

This property meets none of the provisions of this statute.

Section 5:10.5 (3) (b), which is a zoning restriction and states:

Permitted accessory uses: "Social clubs and community recreation buildings, except where a principal activity thereof is a service customarily carried on as a business"

This statute specifically states recreations buildings carried on as a business are **not** allowed.

RESPONSE TO JANUARY 24, 2015 APPLICATION:

In response to statements made by CrossFit TreeTown's January 24, 2015 special exception use permit application, the following are rebuttals to the sections detailed in that application:

Section E:

- 1) A facility such as this is specifically not allowed in section 5:10.5 of residential areas. This property is surrounded on all sides by residential properties. This business is not consistent with the city Master Plan is not a place anyone would want to live next to.
- 2) While no changes to the building were required, the significant increase in traffic and required parking are significant unacceptable changes the neighbors do not accept.
- 3) There have been many times where there have been more than 20 cars, let alone more than 20 members at the facility. In all cases the retail services use of this facility exceeds the 10%, by square foot, maximum allowed by statute.
- 4) The business **DOES** have a detrimental impact to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general. This is the primary basis of the neighbor's complaints
- 6) The location does not have sufficient onsite parking; the number of onsite parking spaces is 10, not 16 as stated in the application (see aerial picture included in their application). There is not sufficient on street parking. The operation of this business impedes the safety of motor vehicle and pedestrian traffic in its vicinity. See videos and pictures provided.
- 7) When vehicles are parked on both sides of Wildt Street. Wild Street is reduced to only ONE lane of traffic that must be shared with vehicles traveling in both directions. This dramatically reduces the capacity and utility of Wild Street for all residents. See videos and pictures provided.

8) When vehicles are parked on both sides of Wild Street. Visibility is significantly reduced impeding motor vehicle and pedestrian safety. See videos of near car to car accidents and car to pedestrian accidents.

9) The intensity and character of traffic and parking is directly and significantly impacted by this business. This is the basis for many complaints about this business.

10) This business increases the need for suitable parking and no reasonable solution exists.

Section F:

Variances are required for all the statutes that are being violated. These have been listed earlier in this document,

BOARD CONSIDERATIONS:

Any approval of a special exemption use permit must be approved pursuant to section 5:104.

Section 5:104 (3), which states:

“General standards. The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following standards:”

Section 5:104 (3) (a) 4), which is an approval standard and states:

“Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area”

Approval would negatively impact ALL of these items; the traffic, parking, traffic safety and pedestrian safety are all negatively impacted by this business.

Section 5:104 (3) (b), which states:

“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:"

This business is VERY conspicuous and inconvenient to the neighborhood. All the parking on the street significantly impacts the traffic. Congestion caused by parking is hazardous to pedestrians and other vehicles.

Section:104 (3) (b) 1), which is a consideration standard and states:

"The location of and access to off-street parking and the safe provision for pedestrian traffic"

There is not sufficient off street parking, the application claims 16 on site parking spaces, when in reality there are only 10.

The pedestrian sidewalk is also significantly infringed by both parking and traffic into and out of the lot.

Customers of this business are required to park on the Wildt Street. When cars are parked on both sides of Wildt Street, Wildt Street is reduced to one lane of traffic that must be used to accommodate traffic in both directions creating congestion, safety concerns and a traffic hazard. See photographs and videos provided.

Section 5:104 (3) (b) 2), which is a consideration standard and states:

"The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections"

Because onsite parking is so limited, cars park on both sides of Wildt Street for thousands of feet. When cars are parked on both sides of Wildt Street, it is reduced to only one lane for two-way traffic; this causes both congestions and safety concerns.

Section 5:104 (3) (b) 3), which is a consideration standard and states:

"Vehicular turning movements in relationship to traffic flow routes"

With cars parked on both sides of Wildt Street, traffic is reduced to one lane for travel to be shared for both directions impeding traffic flow and routes.

There is also no room for cars to turn around, causing many drivers to turn around in the private driveway of 855/857 Wildt Street.

Section 5:104 (3) (b) 4), which is a consideration standard and states:

“The intensity and character of traffic and parking conditions on the site, and in the general area”

This business is surrounded by residential properties. It is the increased traffic and poor parking conditions that creates objections from the residential neighbors.

Section 5:104 (4), which states:

“Basis of determination. In order to grant or amend a special exception use permit, the Planning Commission shall find that the foregoing standards are substantially met by the applicant and shall make its decision based upon findings relating to the requirements and standards as particularly set forth in the ordinance, the intent and purpose of the zoning ordinance, and the effect the proposed use will have on adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.”

This business has a significant negative on adjacent properties. There is no reasonable basis of determination, utilizing the standards and conditions established in 5:104, that would allow a special exception use permit to be approved. The application for a special use permit should there fore be rejected.

CONCLUSION:

Any approval of this special use permit would clearly and unambiguously **violate** the standards and conditions specified in section 5:104. **The application should be rejected.**

POTENTIAL RESTRICTIONS:

Should the standards and conditions established in section 5:104 be ignored and the Board elects to approve this special exception use permit, the Board is allowed to place operational restrictions on the business and location. As detailed in section 5:104 5), which states:

“Conditions: Reasonable conditions may be imposed upon approval of a special exception use to reduce to a minimum any detrimental effect.”

If the special use permit is approved, **ALL** of the following conditions should be established to minimize any detrimental effect, by the subject business:

1. Only allow parking on the east side of Wildt Street. Wildt Street is wide enough to allow parking on one side of the street and still allow for two-way traffic on the street (see additional parking data).

Alternatively, Wildt Street could be made a one way road allowing parking on both sides of the street and one way traffic. (This alternative is not acceptable but listed to illustrate the limited choices to resolve the problem).

2. Restrict activity to indoors only. No exercise classes or functions shall be conducted in the parking lot, or exterior to the building. Customers should be restricted / prevented from pulling a weight sled up the middle of Wildt Street.
3. Restrict hours of operation to 8:00 AM to 8:00 PM Monday through Saturday. No operation on Sunday. If operation must be allowed on Sunday, it should further be restricted to 1:00 PM to 5:00 PM
4. Restrict the maximum number of people, in the building, to two instructors and the class size of 10 people (per CrossFit TreeTown), or 12 people maximum and any time of day.

This document is submitted for the Boards consideration to reject the CrossFit TreeTown Special Exception use Permit application.

Respectfully

Robert A. Kruse Jr.
855 Wildt Street
Ann Arbor, Michigan 48103

ADDITIONAL PARKING MATERIAL

Parallel Parking Measurements and Data

According to DOT lane widths for local urban roads should be 9 to 12 feet.

Parallel parking spaces are typically 9 feet wide by 20 feet long

Therefore the minimum width for a two-way road with parallel parking on both sides is 36 to 42 ft.

Therefore the minimum width for a two-way road with parallel parking on one side is 27 to 33 feet.

Wildt Street is 29 feet wide and currently parking on both sides is permitted.

Summit, west of main is 33 feet wide with NO parking on either side of the street

Summit, east of main is 35 feet wide with parking allowed on both sides of the street.

Fourth Street, north and south of Summit is 31 feet wide with parking on only one side of the street.

Conclusion: Wildt Street is too narrow to allow parking on both sides of the street. Because of mailboxes on the west side of Wildt Street, parking should only be allowed on the east side of Wildt Street.

Traffic and street parking congestion, caused by the increased traffic of CrossFit TreeTown customers, could be remedied by allowing parking only on the east side of Wildt Street.

Traffic congestions, car backing out of CrossFit TreeTown with parked cars and traffic.



Car to Pedestrian concern with parked cars.



Example of one way traffic limit, on Wild St, with cars parked on both sides of the street.



Second example of one way traffic limit, on Wild St, with cars parked on both sides of the street.



