

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 7, 2015

**SUBJECT: CrossFit TreeTown Special Exception Use
(815 Wildt Street)
File No. SEU14-018**

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), Section 5:104 (Special Exceptions) and, therefore approves the CrossFit TreeTown Special Exception Use for an indoor recreation facility, subject to compliance with the activities specified in the Addendum to Special Exception Use Application SEU14-018, dated April 2, 2015.

STAFF RECOMMENDATION

Staff recommends that the special exception use be **approved** because the proposed use, as conditioned, 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 of the neighborhood.

PETITION UPDATE

This item was postponed at the March 17, 2015 Planning Commission meeting to allow the petitioner to address concerns raised by the immediate neighbors. Planning staff, the business owner, and one of the neighbors subsequently met to discuss the concerns of each and work toward consensus.

As a result of this meeting, the petitioner provided an addendum (attached) to the special exception use with actions that are intended to reduce the intensity of use on the site. The petitioner has agreed to the following:

:

- 1) Limit the sublease of the tenant space in the building to an office use requiring no more than 3 parking spaces.
- 2) Conduct all class activities in the building.
- 3) Limit Sunday operations to six hours.
- 4) Restripe the parking lot. Spaces will be laid out to maximize legal parking spaces and organize the lot. One barrier free parking space must be provided.
- 5) Install 10 bicycle parking spaces. Staff will work with the property and business owners to find a suitable location that meets city ordinances.
- 6) Create an incentive program for members who walk, bike or take public transportation

In addition, the addendum includes commitments to limit noise impacts on the neighborhood by closing the north doors and windows after 7:30 pm, installing a sign in the parking lot reminding users to be quiet and courteous, monitoring amplified sound inside the building and using rubber coated exercise weights

Other actions requested by the neighbor that were discussed but not included would materially affect business operations. These requests included closing doors and windows before 10 am and after 5 pm, limiting hours on Saturday from 10 am – 2 pm, closing on Sundays and holidays, limiting class sizes, no open gym or concurrent classes, and requesting that the City limit street parking to one side of Wildt Street.

Prepared by Jill Thacher
Reviewed by Wendy Rampson
4/2/15

Attachment: Addendum to Special Exception Use Application SEU14-018 – April 2, 2015
March 17, 2015 Planning Staff Report

c: Petitioner: CrossFit TreeTown
Max Finkbeiner
815 Wildt Street
Ann Arbor, MI 48103

Petitioner's Agent: Building Place Consultants
Rodney Nanney
P.O. Box 464
Whitmore Lake, MI 48189

Owner: Wildt Street LLC
124 W Summit Street
Ann Arbor, MI 48103

Traffic
Systems Planning
File No. SEU14-018

ADDENDUM TO SPECIAL EXCEPTION USE APPLICATION SEU #14-018

TO: City of Ann Arbor Planning Commission

FROM: Max Finkbeiner, CrossFit TreeTown, 815 Wildt St.

Date: April 2, 2015

Following your March 17, 2015 meeting, the building owner and I met for an extended period of time with our two immediate neighbors to the north who had spoken out in opposition to our application during the public hearing. We listened to their concerns, resolved at least one misunderstanding, and had an extensive conversation on the issues at hand. As one of these neighbors, Mr. Bob Kruse, noted in a follow-up email, their "two main complaint areas (are) the intensity of usage and the noise concerns." On Tuesday, March 24, 2015, I met again with Mr. Kruse and Jill Thatcher from the city planning staff to discuss options for resolution.

With this in mind, my business partner and I then reviewed our business plan and class schedule with the intent of identifying all reasonable and fiscally prudent actions available to us to resolve these concerns. **The following set of conditions "A" through "O" is hereby offered for Planning Commission consideration as an addendum to our special exception use application:**

Intensity of usage:

To ensure that our indoor recreation facility and all use of the existing building at 815 Wildt St. maintains a neighborhood character consistent with the standards for special exception use approval as outlined in the Planning and Development Services Staff Report, we will take the following actions with regards to intensity of usage:

- A. The sublease with the rowing club ended on March 31, 2015, and will not be renewed. The removal of the rowing club members from the property has had an immediate, beneficial impact on parking conditions by substantially reducing peak hour parking demand associated with users of our building. We will further limit any potential future impact on parking availability by voluntarily restricting any future sublease of the rear building space to an office user that requires use of no more than three (3) parking spaces.
- B. We will not hold classes or group fitness activities outside of the building, and will not allow our weights or other fitness equipment to be used outside of the building.
- C. We will voluntarily limit our regular group fitness class time on Sunday to a maximum total of six (6) hours.
- D. We will work with the building owner to ensure that the parking lot is re-stripped consistent with the approved layout within 60 calendar days of special exception use approval.
- E. We will install a new exterior bike rack for at least ten (10) bicycles on the lot at a location separate from vehicle parking within 90 calendar days of special exception use approval.
- F. We will voluntarily develop an incentive program for the benefit of those members who elect to regularly bike, walk, carpool or use public transportation to use our facility.

Noise concerns:

On March 30, 2015, a sound engineer from the University of Michigan (a CrossFit member) conducted a detailed evaluation of noise levels in the neighborhood and from our facility. Measured at various times from the north edge of our parking lot, ambient neighborhood noise levels registered at approximately 50 dBA. During these measurements, our building's doors and windows were closed. Peak noise levels from passing vehicles registered between 70 and 76 dBA. Finally, a "peak" measurement of CrossFit TreeTown generated noise was taken with full fitness class activities in process, all north-facing doors open, and the radio at high volume. The sound meter registered this peak activity at 54 dBA, which fully conforms to city ordinance limitations established in Chapter 119 (Noise Controls).

However, to minimize potential future noise impacts from our indoor recreation facility consistent with the standards for special exception use approval as outlined in the Planning and Development Services Staff Report, we will take the following actions with regards to noise concerns:

- G. We will voluntarily keep the overhead door and all windows on the north side of the building closed after 7:30pm.
- H. We will install a sign in the parking lot reminding CrossFit TreeTown members to be respectful of our neighbors by closing car doors quietly and keeping voices down in the parking lot within 60 calendar days of special exception use approval.
- I. Whenever any windows or doors are open on any side of our facility, we will monitor the volume of amplified music within the building, and will make adjustments where needed to ensure that we will continue to conform to the standards of Chapter 119 (Noise Controls).
- J. To further minimize potential noise from within the building, we will upgrade all of our exercise weights to rubber-coated versions within 30 calendar days of special exception use approval.

Other voluntary actions:

During the hearing and our subsequent conversations with our immediate neighbors, the building owner and I noted that some of their concerns involved activities in the neighborhood that are not associated with our indoor recreation facility. These included incidents of littering, on-street parking, and other activities in the neighborhood not associated with our members or business operation. In addition, we noted that some of their requests for restrictions appear to exceed the scope of authority granted to the Planning Commission related to special exception use approval.

However, in the spirit of cooperation and for the purpose of bringing this application to a successful resolution, we will voluntarily agree to maintain the following additional business practices as part of an approved indoor recreation facility special exception use at 815 Wildt St.:

- K. We will continue to ask our members to use our parking lot first, and to limit any on-street parking for CrossFit TreeTown business to the portion of Wildt St. directly in front of our building.
- L. To minimize early morning noise and headlight glare, we will continue to ask members and guests who miss our driveway to avoid turning around in neighboring residential driveways, directing them instead to proceed up and around the corner to turn around in the cemetery driveway.
- M. While declining to formalize a parking agreement, the building owner has informally invited our members to use his nearby parking lot at 124 W. Summit St. during early morning (6:00am – 8:00am) and late evening (6:00pm – 8:00pm) hours, if needed.
- N. We will continue to ask individual members who choose to warm-up or cool-down by running in the neighborhood to ensure that their activities remain within the public road right-of-way.
- O. All new CrossFit TreeTown members will be asked to sign a “good neighbor agreement” that includes the above elements.

Thank you for your interest in CrossFit TreeTown, and thoughtful consideration of our application. With this addendum, we believe that CrossFit TreeTown has satisfied all of the standards for special exception use approval as specified in Section 5.104 of the Zoning Ordinance, and would therefore respectfully ask for your sustaining vote in favor of our indoor recreation facility special exception use at 815 Wildt St. in the M-1 (Limited Industrial) zoning district.

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 17, 2015

**SUBJECT: CrossFit TreeTown Special Exception Use
(815 Wildt Street)
File No. SEU14-018**

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), Section 5:104 (Special Exceptions) and, therefore approves the CrossFit TreeTown Special Exception Use for an indoor recreation facility, subject to installation of ten bicycle parking spaces.

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 of the neighborhood.

LOCATION

The site is located between Summit Street and Sunset Street. It is in the Allen Creek watershed.

DESCRIPTION OF PETITION

The petitioner seeks special exception use approval to operate CrossFit TreeTown, a membership-based indoor recreation and fitness facility, in a former industrial building. Per the Zoning Ordinance, Chapter 55, M1 (Limited Industrial District) zoning permits indoor recreation with special exception use approval.

The site has two zoning designations: The east half, along Wildt Street, is zoned M1 Limited Industrial District. The existing building and parking lot are within this district. The west half, or rear portion of the site, is zoned R2A Two-family Dwelling District and consists of very steep slopes with a rise of 20 to 30 feet to the lots behind this one.

The 0.62 acre site contains a 5,800 square foot, single-story masonry building. CrossFit TreeTown occupies about 4,900 square feet of the building, and the other 900 square feet has a separate tenant and office use. The petitioner indicates there are 16 parking spaces on the site. There are no changes proposed at this time to the site or exterior or interior of the building.

The petitioner indicates that CrossFit TreeTown offers classes to twelve or fewer people and will operate only inside the building. There are currently 152 active members and four employees.

Twelve to twenty people typically use the site at the same time. Per this month's online schedule, classes begin on weekdays at 6am or 7am, and end by 8pm. On weekends, classes run from 8am or 9am until noon.

The petitioner mailed a postcard describing the project to 160 property owners and occupants within 500 feet of the site on February 3, 2015. Per the applicant, they received one email from a nearby business owner expressing support for the project, and one phone call from a resident immediately behind the site who supported the use but requested that music not be played loudly on site like it was when the dance studio occupied the building. The business owner told her that he would make sure music was played at a volume that would not disturb her.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Residential	R2A Two-family Dwelling District
EAST	Railroad	M1 (Limited Industrial District)
SOUTH	Residential	R4C (Multiple-family Dwelling District)
WEST	Residential	R2A Two-family Dwelling District

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED
Zoning	M1	M1	
Gross Lot Area	0.62 acres	0.62 acres	0.30 acres minimum (13,000 square feet)
Floor Area in % of Lot Area	21%	21%	75% maximum
Gross Land Coverage of Structure	21%	21%	40% maximum
Parking - Automobiles	14	14	25
Parking – Bicycles	Indoor parking on request	10 class C	1 class B, 1 class C

HISTORY

An earlier industrial building on the site manufactured radio parts until it was destroyed by fire in 1931. The existing building was constructed in 1953 on a larger 0.86 acre site. At that time, there was a single-family house immediately to the south at the corner of Summit and Wildt, and

one to the north at 907 Wildt. The Morton Bearing Company occupied the building from 1953 to 1956, when it became the Ann Arbor Bearing and Manufacturing Company. They occupied the building until 2001 or 2002. Peter Sparling's Dance Gallery Studio occupied the space from 2003 until 2008. In 2002, the parcel to the north (855-857 Wildt) was split off from the plating company parcel and rezoned to R2A Two-family Dwelling. In 2005, a duplex condominium was constructed on the new parcel. In December 2014, Planning staff received a complaint that a fitness club had opened up at 815 Wildt St. without the required zoning approval. Staff subsequently informed the petitioner that a Special Exception was required and directed to go through this review.

PLANNING BACKGROUND

The *Master Plan Land Use Element* recommends that this lot and the railroad segment across Wildt Street have a future land use of office/research/light industrial. The surrounding lots to the north, south, and west are recommended for single and two-family use.

SPECIAL EXCEPTION USE STANDARDS

General Standards - 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*):

E. 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 subject lot and existing building are designated in the City Master Plan for future "industrial and research" uses, which is consistent with the existing zoning classification.

The surrounding neighborhood is planned for future "single and two-family residential" uses. A recreation and fitness facility in this building offers an important neighborhood service to area residents, which is also consistent with the following Master Plan specific goals and objectives:

(page 36, excerpts from Goal D) "To support the continued viability, health and safety of City residential neighborhoods [by encouraging] new development and redevelopment within established residential areas to complement the design elements of the neighborhood, including size and height [and by locating] common neighborhood services (schools, parks, places of worship, community and commercial centers, etc.) in areas that provide convenient and safe accessibility for residents."

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

CrossFit Tree Town will be maintained as a neighborhood-scale facility within the building and site at 815 Wildt St. No changes or additions are proposed to this existing building, which has been extensively renovated (interior and exterior) by the building owner. The renovated building and recreation facility land use are compatible with the neighborhood's planned character.

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;

No changes or additions are proposed to this existing building. We have four (4) employees, of which two (2) are typically on-site at any given time. We currently have 152 active members, of which between 12 and 20 members are using the facility at the same time. The facility layout, class size, and number of available employee/fitness coaches on-site have been deliberately designed to maintain a specific scale of activity compatible with a neighborhood-scale operation.

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

All scheduled group fitness classes take place within the existing building. Recreation and fitness activities at CrossFit TreeTown will not be detrimental to the peaceful enjoyment of the neighborhood, and will be of positive benefit to the economic value of neighboring property, especially when compared to the other potential land uses allowed in the M-1 zoning district.

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

Operation of a neighborhood-scale recreation/fitness facility at 815 Wildt St. will maintain the positive neighborhood benefits resulting from the owner's earlier clean-up, renovation, and adaptive re-use of this former Ann Arbor Bearing & Mfg. Co. industrial site. No other impacts are anticipated.

(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:

6. The location of and access to off-street parking and the safe provisions for pedestrian traffic;

The lot at 815 Wildt St. includes existing, off-street parking areas for up to 16 vehicles. Up to 16 additional on-street parking spaces are available in front of this lot within the Wildt St. right-of-way and M-1 zoning district. Approximately 30% to 40% of our members walk, bike or use other non-motorized transportation to visit CrossFit TreeTown, depending on the season. One (1) employee never uses a car, and another bikes to work during warm weather months. Barrier-free access is available to the building, and

the existing parking and pedestrian facilities have more than sufficient capacity to safely serve the needs of CrossFit TreeTown members and staff.

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

Traffic into and out of this site is not anticipated to have any detrimental impact on the capacity of Wildt St. or Summit St., or on any major intersections in this part of the city.

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

There are no visibility or topographic limitations that would inhibit the safe movement of vehicles and pedestrians into and out of this site. No other impacts on traffic flow routes are anticipated.

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

A neighborhood-scale recreation/fitness facility at 815 Wildt St. is more compatible with the neighborhood and less intensive in character and intensity than other potential land uses allowed in the M-1 zoning district. Limiting class sizes to 12 persons minimizes any potential impacts on traffic in the area. More than sufficient existing parking spaces are available for members and staff. With 30%-40% of members and some staff accessing the CrossFit TreeTown facility by non-motorized means at least part of the time, the potential impacts on the neighborhood are further minimized.

10. 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.

While there is some potential for athletic training-related injuries associated with any recreation/ fitness-related facility, the potential need for emergency services is limited, and is far less than what could be necessary to support more intensive land uses allowed in the M-1 zoning district. The existing building has been improved by the owner with all necessary fire exits, smoke detectors, and emergency equipment, based on applicable code requirements. No other impacts on the capacity of public services and facilities are anticipated.

CrossFit TreeTown provides employment to area residents, and serves the physical fitness needs and interests of its members in this area. The potential for improved health and well-being among area residents who chose to use the facility could also be considered a distinctly positive social benefit for the community. We also take part in the "Sweat Angels" program to assist various charities, and are currently doing a "Keep Warm and Well Fed" canned food and blanket drive to give to a local shelter.

This site is already on city water and sewer; no additional public services are required.

(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.

No variances are necessary for approval of the CrossFit TreeTown facility at this location.

DEPARTMENT COMMENTS

Traffic – Traffic staff visited the site and conveyed to Planning that Wildt Street is wide enough, and that it is desirable, to allow parking on both sides of the street. Parking cars on both sides of the street slows traffic, in particular cars traveling fast downhill from Sunset.

Fire – To test whether the street width is adequate for emergency vehicle movement, the Fire Marshal sent their large truck to Wildt Street on a day in February shortly after a considerable snowfall, at a time when cars were parked on both sides. Fire reported that the street width was adequate for emergency vehicles.

Planning – Staff received many comments and concerns from a residential neighbor to the north. These were mostly traffic related, including concerns about the noise of car doors slamming during the early and late hours of operation, the narrow width of the road, and cars being allowed to park on both sides. As noted above, the traffic and on-street parking conditions were reviewed by the Traffic Engineer and Fire Department and determined not to be a hazard.

Staff counts 14 on-site parking spaces on aerial photographs: 11 on the north side of the building, and three on the south. Chapter 59 Off-Street Parking would typically require 25 spaces for a health club use of this nature and size; however, this lot is a legal nonconforming parking lot and may be maintained and continued as such.

The petitioner currently allows employees to bring their bicycles indoors to park them. No bicycle parking currently is provided outdoors on-site. Staff has recommended the installation of more bicycle parking to encourage the use of non-motorized transportation. The petitioner has agreed to install a bike rack in the spring. If the project is approved, staff recommends approval conditioned upon installation of bicycle parking.

The M1 Limited Industrial District permits various types of industrial and manufacturing uses, such as construction contractors, laundry services, food production, printing, metal plating and fabricating, chemical and pharmaceutical preparation, and manufacturing of jewelry, toys, novelties, signs, and other. Also permitted are those uses permitted in the RE Research District and O Office district. Chapter 55 Zoning, Section 5:10.24(2)(h) says that “Places of recreation, such as: bowling alley; boat or canoe livery; indoor tennis courts and other court game facilities...; and private club or lodge hall renting for meetings or social occasions, or similar recreation uses or places of assembly;...shall be permitted as a special exception use pursuant to section 5:104.” Because Chapter 55 does not directly address CrossFit-type health club uses, but there is a demand for such uses, staff has consistently interpreted health clubs as falling in the category of “similar recreation uses” in the M1 district for many years.

Prepared by Jill Thacher
Reviewed by Wendy Rampson
3/12/15

Attachments: Zoning/Parcel Maps
Aerial Photo

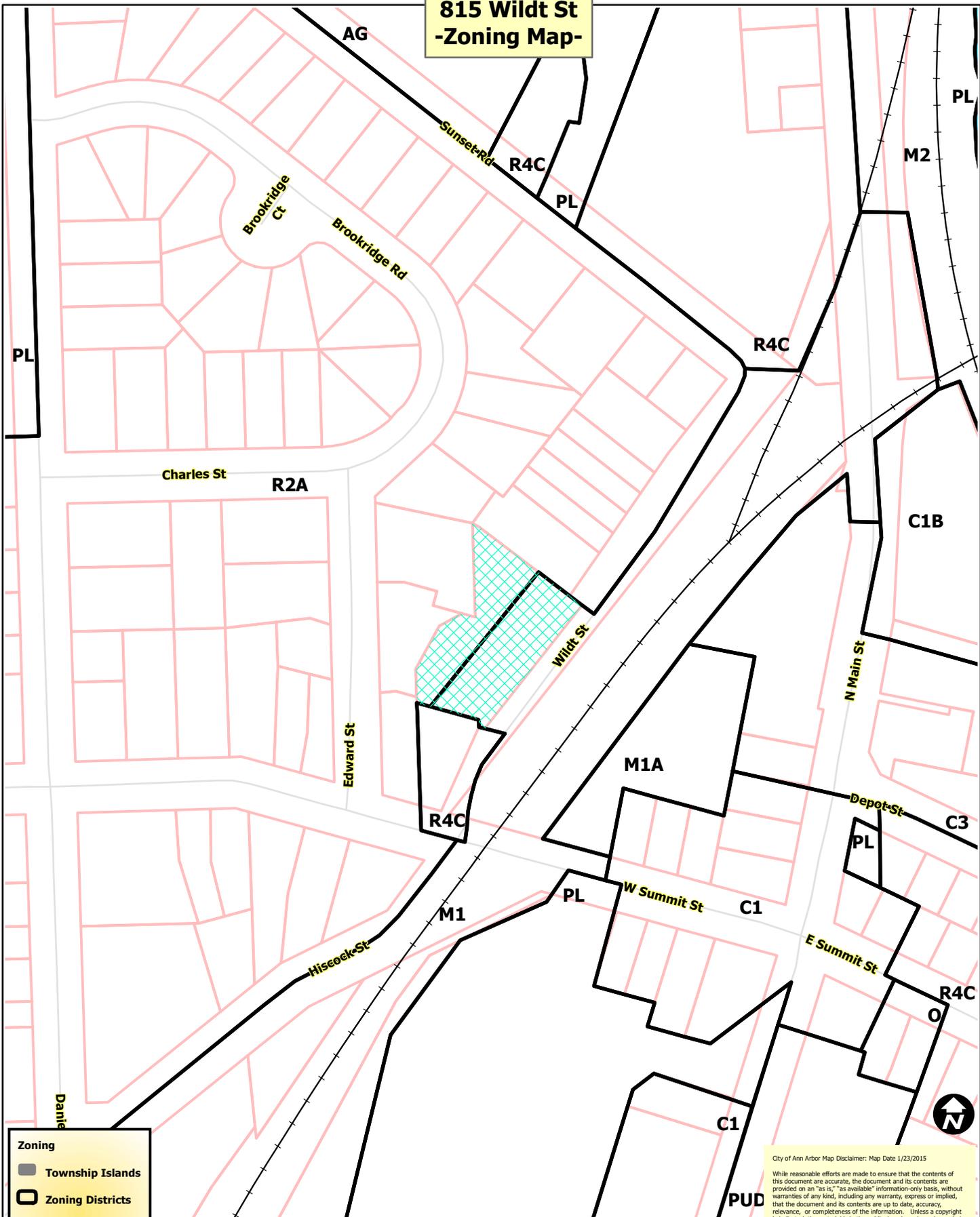
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Petitioner's Agent: Building Place Consultants
Rodney Nanney
P.O. Box 464
Whitmore Lake, MI 48189

Owner: Wildt Street LLC
124 W Summit Street
Ann Arbor, MI 48103

Traffic
Systems Planning
File No. SEU14-018

**815 Wildt St
-Zoning Map-**



Zoning

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



City of Ann Arbor Map Disclaimer: Map Date 1/23/2015

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815 Wildt St -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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815 Wildt St -Aerial Map-

Brookridge Rd

Wildt St



- Railroads
- Parcels
- Huron River



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