

JANUARY 5, 2010 PLANNING COMMISSION MINUTES

a. Public Hearing and Action on Gallup One Stop Gas Station Rezoning, Site Plan and Special Exception Use, 0.50 acre, 2955 Packard Road. A request to rezone this site from C1 (Local Business District) to C2B (Business Service District) to allow the gasoline station/convenience store by special exception use approval and a proposal to construct a 464-square foot addition and reconfigure the site –
Staff Recommendation: Approval

Kahan explained the proposal and showed photographs of the property.

Brad Micas, a resident of Chelsea Circle, thought it seemed odd to rezone the property and then ask for a special exception use. He questioned why C3 zoning was not being sought here, since the other gas stations in the vicinity were zoned C3. He expressed concern about what appeared to be inconsistent setback applications, about mitigation of any leakage into the Mallets Creek, and about poor condition of the pavement.

Todd Quattro, of TS Quattro Company, representing the petitioner, stated that they were proposing C2B zoning because the C3 zoning district allowed many more uses and, during the citizen participation meeting, the neighbors expressed a desire for something more restrictive. With regard to storm water runoff, he stated that all storm water would be retained on-site and that the storm water management plan met the City's requirements. He stated that a variance was granted in 1983 which allows the rear setback of 15 feet.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Derezhinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Gallup One Stop Gas Station Rezoning from C1 (Local Business District) to C2B (Business Service District).

Moved by Derezhinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby approves the Special Exception Use for an automobile service station pursuant to the standards of Chapter 55 (Zoning), Section 5:104, subject to City Council approval of the Gallup One Stop Gas Station Site Plan and C2B Zoning.

Moved by Derezhinski, seconded by Pratt, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Gallup One Stop Gas Station Site Plan dated 12/21/09, subject to the Zoning Board of Appeals granting two variances from Chapter 62 (Landscaping and Screening) regulations and subject to receipt of a street tree escrow of \$188.50 prior to the issuance of building permits.

Kahan explained that the C3 zoning district allowed gas stations and drive-through facilities as permitted principal uses. The C2B district allowed these uses only with special exception use approval, he said, which meant a petitioner was required to provide additional information to justify that the proposed use or expansion of use was consistent with the special exception use standards contained in the zoning ordinance. He said staff believed the proposed C2B zoning district provided that extra layer of review for this proposal.

Bona asked staff to explain creeksheds, noting that every piece of property in the City was located in a creekshed, so all gas stations would be an issue.

Kahan stated that a watershed or creekshed was a basin into which storm water flowed. This particular piece of property was in the Mallets Creek watershed, he said, noting that the petitioner proposed to

regrade the site so all storm water would remain on the site. He stated that some regrading would be necessary to capture all the water on the site and store it in subterranean tanks, as some storm water currently flowed off the site to the east. With regard to setbacks, he said, the C2B zoning district required a minimum 40-foot front setback and no side or rear setbacks. He noted that the staff report referred to the required conflicting land use buffer of 15 feet, which was required of commercial uses abutting residential property. In this case, he said, residential uses existed to the north, east and west, so the petitioner was required to provide the 15-foot land use buffer on all these sides, or obtain a variance from the Zoning Board of Appeals.

Carlberg stated that although this gas station existed before the adjacent residential development was built, the greatest impact seemed to be on the residences to the east where the doors and windows actually looked out at the gas station. She stated that light intrusion could be a significant problem, when lighting from a building shone directly into people's windows, and questioned why the light on the east side of the building was needed. She understood the necessity of lighting for security reasons, but noted that there were street lights and the building's own lights. She urged the petitioner to remove the exterior light on the east side of the building.

Quattro did not think it would be a problem to remove this light. He believed a small directional light on the back of the building could be provided in its place to provide security.

Carlberg asked about the 15-foot conflicting land use buffer to the west.

Quattro stated that the existing space on the west was too tight for tankers delivering gas and the proposed reconfiguration allowed improved maneuverability.

Carlberg noted that there currently was a great deal of trash behind the building.

Quattro stated that this would be cleaned up as part of this project.

Carlberg asked if the fence around the site would be replaced.

Quattro replied that the fencing at the rear of the site would be replaced.

Briggs wondered about the possibility of partnering with the property owner to the west to expand the buffer space.

Quattro stated that they contacted the property owner about using that area for access, allowing for increased maneuverability, but it would have involved a much greater amount of money. He said one of their main objectives was to get the gas station to a profitable status. He said the neighboring property on the west was zoned office, with residential behind it. Had there been office to the rear, he said, the conflicting land use buffer would not be required. He noted that they increased the buffer zone on the other side and at the rear, pulling the building back in an effort to meet the conflicting land use buffer requirement where it actually abutted residential use.

Briggs spoke about the pedestrian experience, stating that it appeared that bushes were going to be planted along the Packard Street frontage.

Quattro replied that this was correct. He said currently there were railroad ties situated 2.4 feet from the front property line and that they intended to expand that greenbelt area. He noted that the variance they were seeking would allow them to make the existing condition more compliant by increasing the landscaping.

Briggs urged the petitioner to consider planting a type of bush or shrub that was more pleasant for pedestrians, perhaps a flowering species. It appeared to her that there was ample space on the east side of the property to add a sidewalk from the sidewalk on Packard, connecting to the sidewalk at the building so pedestrians would not have to cross the parking lot and asked the petitioner about this.

Quattro stated that they considered this, but it would have required using the conflicting land use buffer space. This would have required a variance, he said, and would have also meant that the loss of a parking space. He said they were attempting to reduce the amount of impervious surface in an effort to be more environmental and said they could work with staff on this.

Briggs stated that, overall, she was glad to see the proposed improvements. She asked staff if there might be an opportunity to provide a sidewalk from Packard to the building.

Kahan stated that the petitioner was correct in that a variance would be necessary to do this, as the ordinance did not allow a sidewalk within the conflicting land use buffer. He said they could explore the possibility of removing a parking space to allow the sidewalk.

Quattro stated that there was another conflict involved in this, which was the existence of a storm water detention device that cleaned the storm water. He said this would have to be relocated because they have to provide first flush, bankfull and 100-year storm water detention.

Derezinski asked if the storm water detention tanks were new.

Quattro replied yes, noting that there currently was no storm water detention on this site.

Derezinski asked if the gas tanks would be changed at the same time the digging was done to install the storm water detention tanks.

Quattro replied that the gas tanks have all been repaired and upgraded, according to Michigan Department of Environmental Quality standards, which did not require site plan approval. He said new piping would be installed with the second phase of the project.

Derezinski asked about the timeframe for this project and the hours of operation.

Quattro said they hoped to apply for building permits in March, with construction then starting in April. The gas station would be open from 6:00 a.m. until midnight, he said.

Giannola asked if the petitioner looked into the possibility of closing the west driveway and connecting to the adjacent driveway on property to the west.

Quattro replied yes, stating that they spent eight months working on this. However, he said, it was determined to be infeasible because of maintenance, topography, and other prohibitive costs.

Briggs said it appeared that someone at the public meeting expressed concern about music playing from the speakers located in the canopy, adding that the petitioner's response was that the music could be restricted. She assumed it was a neighbor who expressed this concern.

Quattro replied yes. He believed this could be restricted through the special exception use approval, but said there would still need to be communication available between the attendants inside the building and the customers at the gas tanks.

Briggs said it appeared that the times the public meetings between the petitioners and neighbors were held were at the discretion of the petitioner and she wondered if staff has considered implementing guidelines for holding weeknight or weekend meetings to encourage better public attendance.

Pulcifer responded that there were guidelines that suggested meeting times most appropriate for achieving the best attendance possible. She noted that these were not ordinance requirements and that there was not a lot of control over how petitioners set up the meetings.

Briggs suggested that an issue of discussion for the future might be ways to make this more of a recommendation.

Woods asked if packaged liquor would be sold in this store.

Quattro replied no.

Woods asked if vehicles exiting this site could make both left and right turns onto Packard.

Quattro replied yes, stating that this issue was discussed with the City engineers.

Kahan showed a map of the area to indicate the proximity of this site to the Packard/Platt intersection.

Quattro stated that there was a significant amount of distance between this gas station and the intersection.

Bona agreed with the suggestion to install a sidewalk between the building and Packard. With regard to being more environmentally conscious, she noted that the petitioner could be even more so by providing fewer parking spaces, adding that only eight spaces were required, yet 14 were proposed. She said she would let City Council decide which was most appropriate here. She stated that there currently was an ice machine and several other things stored on the sidewalk in front of the building, which impact barrier free access. She asked where these items would be stored with this new plan.

Quattro replied that they would be placed inside the building, with the exception of the propane tanks, for which they would need a variance. He stated that the east side of the building would be an appropriate location for the propane tanks.

Bona said she previously thought it might be good idea to add a restriction to the special exception use for storage of the propane tanks, but she noted that a five-foot width was required for barrier free access, so this was already in place. With regard to canopy lights, she visited the renovated Citgo gas station just south of Briarwood and concluded that no one else in town was using those types of lights. She said there were more of them, but they appeared very dim from the street while providing adequate illumination from the pavement, which she liked. She noted the concern raised by neighbors about the uses allowed in the C2B zoning district and asked staff to comment on the uses allowed in both the C1 and C2B districts.

Quattro noted that they originally proposed C3 zoning for this site, but that it was then changed to C2B because it provided the level of protection of uses for the site that the neighbors were interested in seeing.

Kahan summarized the permitted principal uses for the C1 (Local Business) and C2B (Business Service) zoning districts. He said the C1 district was intended to provide service primarily to those who lived and worked in the immediate vicinity and the C2B district tended to serve individuals on a more broad scale. The uses allowed in the C1 district, he said, were multiple-family residential, office, and retail sales in buildings that did not exceed 8,000 square feet in size, and the uses allowed in the C2B district were all that were allowed in C1, plus retail sales with service repair and leasing characteristics, and drive-through and auto service businesses with special exception use approval. He stated that the gas station on this site was established 43 years ago while in the township and that it received its zoning classification upon annexation into the City. He said this was an established use and staff believed the C2B zoning district was the most appropriate, noting that C2B zoning existed in multiple locations at the Packard/Platt intersection.

Bona stated that while she sympathized for neighbors who were bracketed by two gas stations, she pointed out that they had already been in existence when the residences were constructed. She believed it was better use of energy for an established business seek to make improvements, rather than a use going out of business, being torn down, and then something less desirable built in its place. She was

more comfortable with the C2B zoning, she said. She asked if any Planning Commission members were interested in placing restrictions on the special exception use relative to exterior storage and music at the canopy.

Pratt said he was more interested in a sound restriction being placed on the special exception use, as he did not know if he wanted to restrict music. He believed having the hours of operation as part of the special exception use would be to everyone's benefit, because it would then be clear.

Bona asked staff to propose wording for the motion that would address the issue of sound.

Westphal said he would favor the restriction of the sound outside. With regard to this site becoming nonconforming as soon as it was zoned, he suggested that these types of situations be handled more comprehensively, rather than on a site-by-site basis, as he has seen similar situations where the nonconformance becomes less of an issue as time passed. He asked about the canopy placement in the setback.

Kahan stated that canopies had to adhere to setback requirements unless a variance was received. In this case, he said, the petitioner received a variance for the placement of the canopy.

Westphal asked about this zoning classification and how it fit in with the proposed revisions to the area, height and placement regulations. He wondered in terms of the building's placement relative to Packard.

Kahan stated that this was explored for gas stations, noting that the proposed revisions to the area, height and placement regulations called for a minimum and maximum front setback for the C2B zoning district. It was the hope, he said, that new gas station convenience stores, or those that replaced existing gas station stores, would be brought closer to the sidewalk, since much of the business related to convenience. He believed this would still allow for successful operation.

Carlberg stated that there were two other gas stations to the east of this station along Packard and she wondered how they have managed to stay in business.

Quattro believed the other two stations were experiencing problems. This petitioner, he said, was of the opinion that the pump reconfiguration and site improvements would attract new business. He said it was this petitioner's goal to become more profitable.

Carlberg noted that it was not within the Planning Commission's purview to make a decision based on economics, but she wanted to use this as a learning opportunity.

Quattro added that the petitioner has had 60-70 years in this business and has a great deal of experience in running and operating successful businesses.

Rampson suggested the following language for the amendment to the special exception use: "subject to prohibition of sound emitting from the exterior station area."

Bona stated that it was continuous sound of music that caused concern for the neighbors. Attendants inside the building should still be able to communicate through the speaker system at the pumps in order to talk to customers, she said.

Pratt suggested that hours of operation also be added to the amendment.

Quattro stated that the hours of operation were shown on the site plan drawings.

Bona asked staff to make sure the hours of operation were part of the special exception use approval.

Rampson suggested the following amendment: "subject to the prohibition of the use of exterior speakers for broadcasting music and/or advertising."

Bona wondered if perhaps the amendment should just limit the use of the speakers at the pump to communication with customers.

Moved by Derezinski, seconded by Pratt, to amend the main motion for the special exception use by adding the following language, "subject to limiting the use of exterior speakers to customer communication only."

Woods stated that Commission could not control people playing music from boom boxes and said she wanted to make sure that they did not try to stop something Commission could not control. She also stated that she has not experienced the problem of loud music being played at gas pumps.

Quattro stated that the neighbors specifically expressed the concern about music being played from the speakers at the pumps.

Derezinski shared Commissioner Woods' concern about trying to enforce something that was out of the Commission's control; however, since the petitioner had agreed to limit the sound at the gas pumps, he thought the amendment would work in this situation.

A vote on the amendment showed:

YEAS: Bona, Briggs, Carlberg, Derezinski, Giannola, Pratt,
Westphal, Woods
NAYS: None
ABSENT: Mahler

Motion carried.

A vote on all three motions, as amended, showed:

YEAS: Bona, Briggs, Carlberg, Derezinski, Giannola, Pratt,
Westphal, Woods
NAYS: None
ABSENT: Mahler

Motions carried, as follows:

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