

**Wayne Planning Commission Meeting Minutes**  
**Monday, September 13, 2010**

Chair Braun called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, September 13, 2010, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Lee Brogie, Jessie Piper, Kelby Herman, Jill Sweetland, Mark Sorensen Chair Sharon Braun and Inspector/Planner Joel Hansen. Absent: Pat Melena, Bill Kranz, and Derek Hill.

Motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to approve the minutes as presented for August 2, 2010. Chair Braun stated the motion and second. All were in favor; motion carried unanimously.

Chair Braun read the Open Meetings Act and advised that anyone desiring to speak should limit themselves to three minutes and wait until being recognized by the Chair.

Chair Braun stated the first item on the agenda is a public hearing amending Section 90-10 Definitions of the Wayne Municipal Code, by amending "Vehicle Towing Service" and adding "Wrecked Vehicle", applicant being City of Wayne.

Inspector Hansen gave the Commission a brief background on the agenda item. At the last meeting, some of the Commission members struggled with the definitions but still forwarded them onto the City Council. The Council listened to the changes and had some questions and concerns as well. The Council asked for some clarification and a better definition. The Council did not feel they could pass the language and asked that the Commission tweak the language some more and address some of the issues.

Inspector Hansen noted for the Commission that he tried to take some of the language from both the Commission and Council to combine some wording.

Chair Braun opened the public hearing and asked for any comments from the public.

Renee Kurpgeweit, representing Main Street Auto Care, was present to address the Commission. Ms. Kurpgeweit noted that one thing Ted wanted passed onto the Commission, was that when they do towing if they are called out on a tow for a wrecked vehicle or one that has been in an accident, they do not take it to Main Street Auto Care, they take it to a local body shop in town and they store the wrecked vehicle. Per Ms. Kurpgeweit, Ted said that they would not store wrecked vehicles at the shop because they do not have the space and they are an eye sore. The reason they are wanting to get a tow truck, is when they began Main Street Auto Care it did not occur to them that they would need one and they

did not have the finances to get one and then they did it because they had a lot of requests for towing. They did utilize some of the towing services here in Wayne but they were finding the times when they were called for towing the other towing service was not available to tow or it was later on in the day or evening. As far as the wrecked vehicles, it has not been nor is it their intention to store them.

There being no further comments from the public, Chair Braun closed the public hearing and opened discussion up amongst the Commission.

Commissioner Brogie questioned if you are a towing service are you only dealing with wrecked vehicles?

Inspector Hansen said no, because according to the definition of vehicle towing service the only mention of wrecked vehicles is that of storing them. The only language Inspector Hansen tweaked was to separate them (vehicle towing and wrecked).

Inspector Hansen stated for the Commission that with the proposed language it will allow Main Street Auto to operate as they have been and be in compliance.

Motion was made by Commissioner Brogie and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council by amending Section 90-10 Definitions of the Wayne Municipal Code by amending the definition for "vehicle towing service" and adding "wrecked vehicle" as outlined, with the findings of fact being staff's recommendation.

**Vehicle Towing Service** is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby motor vehicles are towed or otherwise removed from the place where they are located, by use of a wrecker so designed for that purpose, or by a truck or other equipment so adapted to that purpose, or in the business of storing **towed wrecked** vehicles.

**Wrecked Vehicle is any vehicle which has damaged or missing body panels and/or broken or missing glass as a result of an automobile accident, vandalism, or neglected to the extent it cannot be safely or legally operated on a city street.**

Chair Braun stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Herman – aye; Commissioner Piper – aye; Commissioner Brogie

– aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Chair Braun stated the last item on the agenda is a public hearing amending Section 90-425 Special Conditions and Conditions for Granting Exceptions of the Wayne Municipal Code, applicant being City of Wayne.

Inspector Hansen stated a vehicle towing service is a use by exception in a B-1 and B-3 zone. The section the Commission is looking at will be required in a B-3 district, which are along the highway on the east half of town and also some near the college and then near 13<sup>th</sup> and Main. Some of the additions were made to reflect the fact the Commission was more interested in the wrecked vehicles that were damaged or had missing parts rather than those stored at a building overnight.

Chair Braun then opened the public hearing and asked for any comments from the public. There being none, Chair Braun closed the public hearing and opened discussion amongst the Commission.

Chair Braun opined that as a point of reference, all those items under item number 8, need to be dealt with, more specifically they are minimum standards.

Commissioner Sweetland questioned if there were any in use that does not meet the standards which the Commission should be concerned with.

Inspector Hansen stated they would be considered legal non-conforming, as the city is not going to put anyone out of compliance. They will either be a legal or legal non-conforming use.

Chair Braun opined that having a definition for wrecked vehicle really helped.

Motion made by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council by amending Section 90-425 Special Conditions and Conditions for Granting Exceptions in the B-3 Neighborhood Commercial District, by adding item #8 Storage of Towed Vehicles, as outlined, with the findings of fact being staff's recommendation and consistency with the comprehensive plan, including the current and future land use map.

Section 90-425 Special Conditions and Conditions for Granting  
Exceptions:

(8) Storage of Towed Vehicles

- a. **Wrecked** vehicles shall only be stored **on-site**, pending settlement or legal disposition of vehicles by insurance carrier and/or owner;
- b. All ~~towed and stored~~ **wrecked** vehicles shall be stored behind the front building line;
- c. No demolition of ~~towed or stored~~ **any vehicles** shall be allowed;
- d. All stored vehicles shall be owned by persons other than the towing service owner/operator and/or land owner;
- e. All **wrecked** vehicles shall be stored behind a solid barrier fence of sufficient height to disallow visibility. Height of fence to be set by Planning Commission at the public hearing.
- f. **No more than six wrecked vehicles may be stored at any one time.**
- g. Use by Exception shall only be effective upon compliance to all conditions as set forth by the City Council and verified by the Zoning Administrator.

Chair Braun stated the motion and second. Roll call vote was taken with the following: Commissioner Piper – aye; Commissioner Brogie – aye; Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Herman – aye; and Chair Braun – aye. Chair Braun stated the motion carried unanimously.

There being no further discussion, motion was made by Chair Braun and seconded by Commissioner Sweetland. Chair Braun stated the motion and second. All were in favor; motion carried unanimously. The meeting was then adjourned. Next meeting date is October 4, 2010.