

2011-0368 Avon and Livernois Bridge Optional Enhancements - Paul Davis, City Engineer

2011-0367 Reduction of rear yard setback for proposed gas station demo and rebuild, located at 2020 S. Rochester Road, on the southwest corner of Rochester and Hamlin, Parcel No. 15-27-226-012, zoned B-5, Automotive Business, Tarek Gayar, GS Gas, Inc., Applicant

*(Reference: Memo and backup documents prepared by James Breuckman, dated September 1, 2011 had been placed on file and by reference became part of the record thereof.)*

*The applicant was not present for the discussion.*

*Mr. Breuckman advised that the property owner had applied for a Variance. He wished to demolish the existing, older, convenience store portion of the gas station and rebuild with approximately twice the square footage. The challenge was the setback requirements of the Zoning Ordinance. The Variance requested was for a reduction to two ten-foot, rear yard setbacks. When Staff prepared the Variance for the Zoning Board of Appeals (ZBA) meeting, they noted the Ordinance section which said that the Planning Commission could reduce a rear yard setback in a B-5 district to 25 feet from 50 feet. He talked about it with the Chairman of the ZBA, who suggested that it be brought to the Planning Commission for a discussion only. It was not ready for any formal action because there was no Site Plan to review. The ZBA wanted to get the Commission's input and agreement, in principal, to a willingness to reduce the rear yard setback from 50 to 25 feet. He advised that the Planning Commission could do that when a B-5 zoned site abutted any non-residential zoning district. The site was surrounded on both the west and south sides by the Walgreen parcel. The Variance request was noticed for a 40-foot reduction. The ZBA could choose to only grant a 15-foot Variance, and if the Planning Commission allowed a 25-foot reduction, it would leave a 10-foot setback.*

*Mr. Breuckman had provided some visual aids in the packet that showed the impact of the reduction. He noted that it was quite significant. However, without the 25-foot reduction, it would not really be feasible to do any kind of improvement to the building, because there would not be much additional square footage. He asked if there were any questions.*

*Mr. Dettloff clarified that the applicant only wished to tear down the building, not dig out the tanks or anything else, which Mr. Breuckman confirmed. He added that the canopies, tanks and pumps would stay*

*intact. Mr. Dettloff thought that in the current market, the applicant would be trying to make money with the convenience portion, because gasoline did not have much of a margin any longer. He stated that he did not have a problem with the reduction. The applicant indicated that the design of the building would look like others in the area, and Mr. Dettloff wondered what that really meant.*

*Mr. Breuckman responded that the applicant had submitted some concept plans, but they were not concrete enough to submit to the Commissioners. Staff was not asking for a formal decision, so the Commissioners had leverage for anything that came forward that was not acceptable. If the ZBA only granted a 15-foot Variance and the Commission did not like the Site Plan, there was a way to get improvements. Mr. Dettloff said that he would like to see the applicant grow his business, and he did not think the reduction would impact things that much, because there was really only a driveway in back. He asked about the trash receptacle. Mr. Breuckman said that he had discussed that with the applicant. The receptacle could stay almost in the exact place, and it would still be accessible and hidden by the building. It was a design consideration for which the applicant was made aware.*

*Mr. Schroeder asked if there would be sufficient parking for a store. Mr. Breuckman confirmed that there would be. Mr. Schroeder asked if the drive behind the building would go away, which Mr. Breuckman also confirmed. Mr. Schroeder thought it was a good idea to be able to drive behind the building, but he did not know if it would be a requirement. Mr. Breuckman said that for fire access, there was the Walgreen parking lot. For simple site circulation, it might be a little challenging, but trucks did not go behind the building now. Cars would still be able to drive underneath the canopies. Mr. Schroeder said that other than that, he did not have a problem with it.*

*Mr. Hooper asked if there was a door on the west face of the building for deliveries. Mr. Breuckman was not sure, but Mr. Hooper thought that there was a door there. Mr. Hooper said that he had no problem with a 25-foot reduction. The issue with going down to 10 feet was the access from the building. He was not sure if the Fire Department would have an issue or not or if access from Walgreen would be acceptable to them. Mr. Breuckman reminded that Staff had a concept review with the applicant, in which the Fire Department was involved, and they did not raise any objections. The concept plan showed the 10-foot setbacks. He could check to see if there was a memo submitted from the Fire Department, but they did not try to stop anything from moving forward. Mr. Hooper*

*thought that even with a 25-foot setback, the applicant could double the size of the building. Mr. Breuckman said that it was calculated, and the applicant could only get about a 37% increase - about 500-600 square feet. Mr. Hooper did not know if an access from the rear of the building was necessary. He recalled that people could not drive behind the Sunoco at M-59 and Rochester Rd. Mr. Breuckman stated that as a practical matter, if the site was zoned B-3 or B-2, the Planning Commission could reduce to ten feet. If it was a 7- Eleven, which operated in the same manner as a lot of gas stations, there would generally be no problem reducing the setback to ten feet. There just happened to be a canopy in front of the gas station building.*

*Mr. Hooper said that he was struck by the list of gas stations provided by Mr. Breuckman, which showed that every one had received a Variance. He remarked that maybe the Ordinance was wrong to begin with. Mr. Breuckman agreed, and said that was why he was even willing to bring the matter before the Commissioners. He thought it could be looked at.*

*Mr. Reece said that he likened the site to the Speedway at Tienken and Rochester Rd. which did not have any access behind the building. It was almost in Lino's parking lot and was kind of a similar situation, where there was a building on a corner surrounded by commercial use. He had to challenge the purpose of the little bit of green space that would be left between the parking lots. He questioned whether what would be left would be serving the City in the best interest from a site circulation standpoint. Part of the answer was that they needed to look at a Master Plan for the entire area. The applicant could perhaps get even a bigger building by creatively coming up with site circulation without islands that would be un-maintainable grass or shrubs that could not even be seen. The Walgreen was put next to the gas station with green spaces in between, and there was a lot of parking that did not get utilized. He would support a creative solution to let the applicant get the best bang for his buck from an expansion standpoint that would serve the City's best interest for the site. He did not want to just rip everything down and pave it, but looking at the logistics of what would be left in the back, surrounded by parking, it did not seem to make a lot of sense from a planning standpoint. He supported the ten-foot setbacks, or something even more creative, if it were possible. The building now was a dump and another eyesore on a major intersection.*

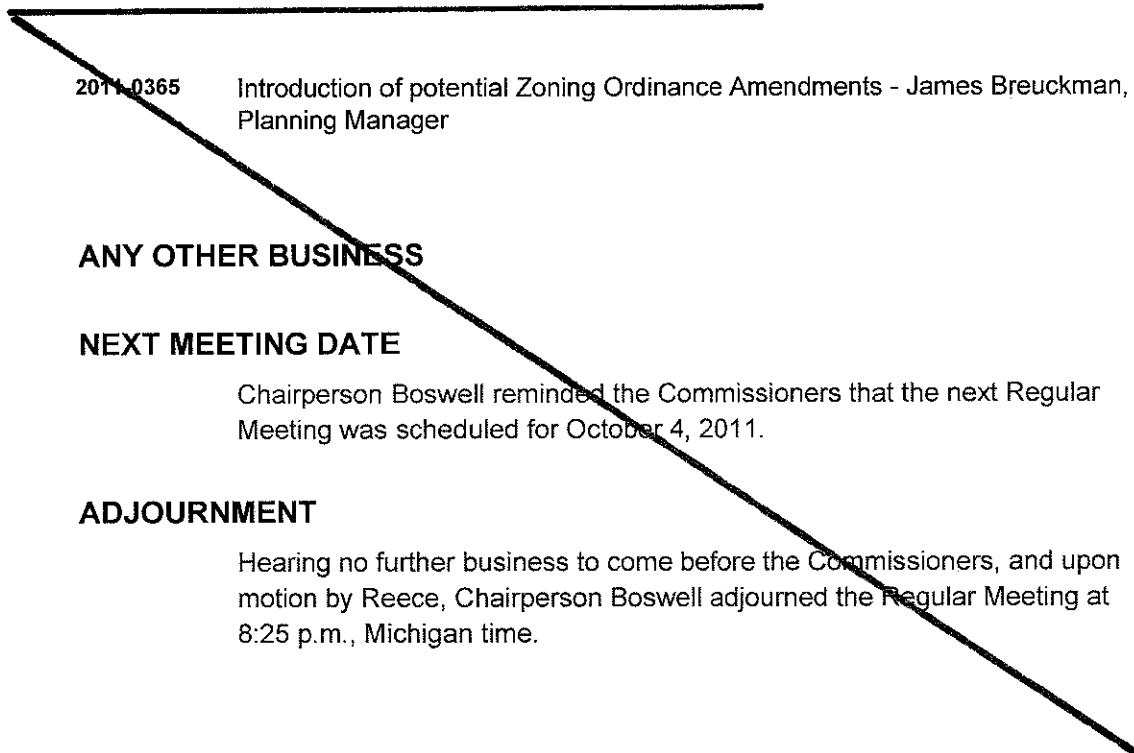
*Mr. Breuckman maintained that the City had to turn a lot of gas station applicants away who wanted to improve or expand their buildings because the B-5 setbacks handcuffed them. The City was stopping*

*people from improving their sites, and a lot of the gas stations looked terrible. Mr. Reece reiterated that he would look at the Speedway on Tienken and Rochester Rd. as an example, and also the new McDonald's, which had a five-foot piece of grass between two parking lots, which was a little ridiculous for circulation.*

*Mr. Yukon echoed the other Commissioners' thoughts. He pointed out that in the cover memo under Background 2, it referenced Auburn Rd., which needed to read Hamlin. Other than that, he was fine with the request.*

*Mr. Schroeder said that Mr. Reece had mentioned Lino's. Mr. Schroeder noted that it was an old site that was way overbuilt with totally inadequate parking. When the shopping center (Papa Joe's) went in, the owner entered into an agreement with the developer. Mr. Schroeder suggested that it would be nice if the gas station and the Walgreen store could enter into a parking agreement for overlap use. Mr. Breuckman agreed.*

*Chairperson Boswell summarized that Mr. Breuckman could tell the ZBA that the Commissioners did not have a problem reducing the setback to 25 feet. Mr. Breuckman advised that the Minutes would be submitted to the ZBA and they could make a determination. Chairperson Boswell indicated that of the six Commissioners in attendance, he did not believe there were any objections.*



2011-0365 Introduction of potential Zoning Ordinance Amendments - James Breuckman, Planning Manager

**ANY OTHER BUSINESS**

**NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for October 4, 2011.

**ADJOURNMENT**

Hearing no further business to come before the Commissioners, and upon motion by Reece, Chairperson Boswell adjourned the Regular Meeting at 8:25 p.m., Michigan time.