

drivers than two or three-lane roundabouts. Quite a number of areas in the U.S. were starting to use roundabouts that were recreational-driven. A lot of the ski areas in Colorado had one-lane roundabouts, and they found that the tourists were getting around them pretty well. Florida had a lot of one-lanes, and they seemed to be very driver-friendly.

Mr. Schroeder asked Mr. Dearing if the County or State had plans for roundabouts in areas other than he had discussed. Mr. Dearing said there was a long list. In the spring, construction would start at M-53 at 26 Mile for a roundabout at the freeway interchange. Marquette would have one. There would be a couple in Commerce Township. Macomb County was talking about several locations. It was hard to get the funding, though. There was a funding source called CEMAQ - Congestion, Mitigation and Air Quality. In the past, CEMAQ paid for things like adding transit service (buying busses). CEMAQ money could be used for upgrading and optimizing signals or adding turn lanes. Recently, SEMCOG agreed to use CEMAQ money to pay for 100% of a roundabout for the City of Ann Arbor. He remarked that the competition, of course, was fierce. He concluded that the Feds were starting to recognize the value of roundabouts and the improvement to air quality.

This matter was Discussed

DISCUSSION

2008-0581 Zoning Ordinance Re-write: Continue discussion regarding draft, if needed.

(Reference: Memo prepared by Derek Delacourt, dated November 18, 2008, and draft Zoning Ordinance, dated June 10, 2008, prepared by McKenna Associates, Inc. had been placed on file and by reference became part of the record thereof.)

Mr. Anzek noted that the Technical Committee had been working on the re-write for some time. It was about 95% complete, but they found that the Articles regarding form-based zoning and the Regional Employment Center (REC) were complicated and cumbersome to apply. He asked a local design firm to test various sites using the form-base, and it did not work. They were still trying to simplify it, but they wanted to move forward because there were people who were waiting to build in the community and the codes were not in place. They wanted to bring the Zoning Ordinance forward, but they thought that the REC should be done after they completed an M-59 corridor study, which was scheduled for next year. That would help them define space, height, bulk and other arrangements. They wanted the form-base completed for the Rochester

Road corridor in case some projects such as Bordine's came forward. He thought that the new Ordinance was considerably different than what the Commissioners were used to. They would go over some of the changes, continue the discussion at the next meeting, and have a Public Hearing on December 16th.

Mr. Delacourt summarized that the Ordinance had been reviewed throughout by the Technical Committee, which was made up of City Council, Planning Commission, and Zoning Board of Appeals members, staff and McKenna Associates, Inc. He stated that 80% of the Ordinance did what it always had. The major changes were the new districts, including the Estate Zoning districts for parcels over an acre. There were new Flexible Business districts, but that Article was still being discussed, as Mr. Anzek mentioned. The biggest process changes dealt with the Site Plan review. It formalized the approval and allowed for a two-step approval. Someone could still go through a one-step approval if they wanted to do complete plans up front.

Mr. Anzek recalled that there were requests by applicants to go in front of the Planning Commission to discuss projects prior to going through the high cost of doing extensive engineering. They wanted to know that there would be support for their project, and applicants would be able to come in front of the Commission with a conceptual plan. He had heard from several Commissioners that they felt they could do a better job if they could have seen the project more at the beginning. It was difficult to suggest changes when so much of the work was completed. This process would give the opportunity to raise questions about buffering, movement on the site or other issues.

Mr. Delacourt continued that the site plan review process defined what was allowed in an administrative approval and incorporated a sketch plan approval for minor modifications. It included a table showing what was required for each process. He referred to Article 4, Chapter 3, and said that uses were no longer identified in each zoning district, but were put into one table. There was a chapter for exterior lighting added. There was a chapter on sustainable energy. The parking section was revamped to more easily allow redevelopment of parcels, anticipated for the industrial and office districts. There were standards for banked parking included, and tables and percentages for shared parking. Landscaping had been updated. The REC would not be brought forward yet, but they would modify the PUD section to include a clause about using PUDs to meet the goals and objectives of the REC as identified in the Master Plan. He advised that there had been flexibility written into the Light Industrial

district as it related to front yard setbacks. He asked that the Commissioners send him any suggestions in writing so he would have it well in advance of the Public Hearing. He added that along with the re-write to the Ordinance, there would be zoning map amendments. Staff was evaluating what properties might have zoning changes, and the map would be adopted along with the Zoning Ordinance. He did not feel the map would be ready by the Public Hearing in December, however.

Mr. Anzek said it was obvious that if something was currently zoned commercial and the Master Plan called for it to be office and they rezoned it office, that it would create a nonconforming, pre-existing situation. They were trying to sort that out. He and Mr. Delacourt met with Mr. Staran, and had a very good discussion about Michigan's law and what would happen if a parcel were down-zoned. He asked if it would be a taking if someone enjoyed commercial zoning and the parcel became residential or office, and Mr. Staran assured that under Michigan law it was not. A person just had to be entitled to reasonable use of the property. In Florida, it was the opposite. If a parcel was zoned, it was vested, and a city could be sued for taking. There were some sites he felt the City should initiate a rezoning. Someone might complain, but if they did not have any plans, they did not have a vested right. He mentioned the asphalt plant on Avon Industrial Drive. It was the only I-2, Heavy Industrial activity in the City. The new Zoning Ordinance eliminated I-2 and just had a district called Industrial. He asked if that should be rezoned, because if they left it as I-2, there was no I-2 basis to do anything. That was something they were also sorting out.

Mr. Schroeder asked if green building was being incorporated. Mr. Delacourt said that the LEED program was more of a building code. The Master Plan had language that asked developers to consider the LEED program and green building. There were sections in the Ordinance that talked about utilization, but there was nothing that required it.

Mr. Schroeder asked if they were going to incorporate a Master Right-of-Way Plan. Mr. Anzek said it would be done as part of the Master Thoroughfare Plan. Mr. Schroeder said that the Commission had modified buffer requirements and allowed an applicant to put in a green wall. The applicants were told that if it became necessary, they might have to put in a regular wall in the future, but there was not a formal process for that in the Ordinance. Mr. Delacourt believed that the new landscaping section defined the buffering requirements with more flexibility, but he said he would look at it again.

Mr. Schroeder referred to sidewalks and bikepaths, which had been waived for an applicant until they were needed in the future. He thought that should be formally covered or the City would never get them.

Ms. Brnabic asked if the zoning map would be adopted after the Ordinance. Mr. Delacourt said they had to go hand in hand. He indicated that there might have to be multiple Public Hearings for different components, but he was sure that the Ordinance could be not adopted without the map. Ms. Brnabic recalled that there were some residential areas rezoned; for example off of Livernois, they went from an R-4 to an R-3. Mr. Delacourt said that the Master Plan did not change the designation - it identified the density within certain neighborhoods. Staff was not proposing to rezone whole neighborhoods because of the non-conformance it would cause for the existing homeowners. Mr. Anzek said that the only whole residential areas they were looking at were R-1 areas going to Estate. Mr. Delacourt said that Ms. Brnabic was talking about the area around Hazelton, where the parcels were zoned R-4 but the existing parcel sizes were more like a half-acre or three-quarters of an acre. Ms. Brnabic said that they discussed doing that to protect the integrity of the area because they saw what was being built. It might have been zoned R-4, but it was not built based upon that zoning. She asked what purpose it would serve to keep it zoned R-3 on the Master Plan and R-4 in the Zoning Ordinance. She did not believe there was a developer who would volunteer to build according to the Master Plan. Mr. Delacourt said that the Master Plan did not recommend R-3 or R-4; it said that the existing area was developed at three or four units per acre. Those identifications were not recommended zoning districts. There was some concern about redeveloping those areas as R-4, but the Master Plan did not recommend rezoning those areas to R-3. Ms. Brnabic said that there had been many discussions over the years about the fact that the areas probably should have been rezoned to coincide with how they were developed. Mr. Anzek suggested that at the next meeting, they could discuss it further.

Mr. Dettloff asked about Mr. Breuckman's comment about the Ordinance being user-friendly. He wondered if Mr. Breuckman was referring to the language changes so that if someone came in to do a project it painted a clearer picture and if some of the gray areas had been left out.

Mr. Anzek said that the City had wrestled with the current Zoning Ordinance for a long time. The Code Enforcement officers and the Building Department also had. Unfortunately, to make something clearer, it took more words, and the document was much thicker. He felt

that there was much less legalese, and it was more in layman's terms. He thought it would be easier to apply. He said he had been involved with about 12 Zoning Ordinances in his career, and if history had any lessons, they would be back in six to nine months with revisions because of something they did not anticipate.

Mr. Hooper asked if there could be a chart showing what activity required a Public Hearing. He asked about eliminating side yards for people redeveloping in Olde Towne (C-1, Commercial Improvement district). Mr. Delacourt said that B-2 (what was used to redevelop C-1) already allowed zero interior side yard setbacks. Mr. Hooper wondered if it could be loosened up somewhat to help the redevelopment of Olde Towne. He asked if they could add language for protecting the natural features setback area, such as requiring a rock wall (physical boundary). Mr. Anzek agreed that those worked better than other boundaries they had used. Mr. Hooper noticed that parking space widths went to nine feet. They had already dropped it to 10 by 18 feet and now it was 9 by 18. Mr. Anzek believed they were focusing that size for employee intensive areas in the industrial areas. They were running into problems when the manufacturing parks changed to R&D, and they thought it might work in those areas. They would still keep visitor spaces at 10 by 18. Mr. Hooper did not see a separate category, and only saw 9 by 18 spaces as the standard. He suggested that they might need another table. He noted that the Commission encouraged the use of green buffering, and he went over the table in the Ordinance, but he did not really see that, and he asked if Ms. Dinkins (City's Landscape Architect) had come up with the description for buffering. Mr. Delacourt said it was Ms. Dinkins and Mr. Breuckman. Mr. Hooper said he would like something in the Ordinance to make buffering easier to interpret.

Mr. Dettloff asked when Mr. Anzek would anticipate the Ordinance being adopted. Mr. Anzek thought there would have to be several meetings with Council also, and he hoped it would be late February or early March.

This matter was Discussed

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for December 2, 2008.