

138-4.438, 138-11.304, 138-11.307, 138-5.100, Table 6, 138-5.100, footnotes B, J and N, 138-4.404, 138-6.400, Section 12 Article 6, Chapter 4, 138-4.300, 138-3.104.C, and 138-8.603 and to repeal conflicting Ordinances and prescribe a penalty for violations

Mr. Breuckman advised that there were just a few changes from last month. He pointed out the handicap accessible parking, which was the biggest set of changes. He added language for the front building-rear canopy option for gas station sites in the B-5 district. He added a new item about established building line setback requirements. It was in the old Ordinance, but the language was difficult and they added some changes in the new Ordinance but had left out a provision that allowed some flexibility for additions to houses. He had included a chart that showed barrier-free spaces required under the ADA standards and the City's proposed new standards. The City's would now require more spaces when a site had 60 spaces or more. He mentioned that he had done some digging about the history of the B-5 district and how gas stations got to be the way they were. Up until 1975, a gas station was allowed in multiple zoning districts, and the setbacks were different. In 1975, B-4 and B-5 districts were adopted with those new setback standards.

Mr. Breuckman referred to page two of the Ordinance draft, and said that in terms of the barrier-free space layout in the ADA design standards, there was an optional way of doing handicap accessible parking called the Universal Design Option. Typically, a regular accessible space had to be eight feet wide with a five-foot wide access aisle next to it. A certain number of van accessible spaces had to be provided also. The van spaces had to be 11 feet wide with a five-foot wide aisle. Universal Design said that all handicap accessible parking spaces had to be 11 feet wide with a five-foot wide access aisle. The City's regular parking spaces are ten feet wide, and that would add an additional foot and an access aisle on one side. If the access aisle was on the driver's side, the passenger did not have the striped access aisle. If there was an 11-foot wide space and a typical car was six feet wide, the driver could hug one of the stripes, which would give a lot of additional space within the parking space to provide for access for the passenger. The other benefit was that no van accessible spaces had to be designated because they would all be van accessible. That would require extra space, so he added in where the Planning Commission could permit the eight-foot wide handicap spaces if the applicants could

demonstrate that there was a hardship, and they did not have the space in their parking lot. He asked if that met with everyone's approval and comfort and did not hear anyone in disagreement.

Mr. Breuckman referred to page four, under Section 7, footnote (b). This regarded the established building line and where there was a regular disposition of houses along a street with a 60-foot setback or all were within a few feet, and it would be greater or less than what the Ordinance required. The old Ordinance said that the setback would be the average setback of those dwellings minus ten feet, which allowed for a reasonable projection if someone wanted to add onto a house. The City had received a couple of requests from people wanting to put on an addition that had to be turned down, even though it was just a question of two or three feet. They would like people to be able to reinvest in their houses, so they were proposing to add the ten feet back in to the established building line calculation.

Mr. Hetrick asked about the math, and if it meant it would be 200 feet minus ten feet. Mr. Breuckman said that he would re-write it a little bit. They would look at the parcel they were dealing with and at the parcels within 200 feet on either side of it, and they would take the average setback for each one of the parcels. For example, if there were homes set back 50, 49, 51 and 52 feet, they would add those together and divide by the number of lots, and the resulting number would become the setback requirement. Taking ten feet would mean taking the setbacks of the lots and subtracting ten feet from each and getting the average for those numbers or 60 feet, whichever was less. If all the homes were set back 100 feet from the road, they would be using a reasonable number.

Mr. Breuckman next discussed the front building-rear canopy gas station situation. Section 138-4.404 was the gas station design standards and what all gas stations had to meet. Currently, there were items A-F. He was proposing to create a new item A and take A to F and turn them into items 1-6. Section 8(A) 1-6 would be the existing language. He added a new item B, which was for front building-rear canopy gas stations. All the standards were what they had been looking at with the B-3 district amendment, which they had reviewed quite a bit. It was for gas stations in the B-5 district, and there was not a store size issue. He added the cross reference to page 7, and recalled that it had been discussed last month. He

mentioned that everything had been reviewed by Mr. Staran, and he was comfortable with the language. He would be providing a letter in that regard prior to the Public Hearing.

Mr. Kaltsounis asked if car washes at gas stations should be considered. Mr. Breuckman said that car washes were permitted in the B-5 district currently. He pointed out that the Table of Uses showed car washes as a permitted use in B-5, and he added that they could be done together.

Chairperson Boswell asked if everyone was comfortable with the new language, and hearing no comments, advised that the Public Hearing would be held in January.

Discussed

ANY OTHER BUSINESS

- 2011-0493** Request for Adoption of Amended Planning Commission By-Laws per the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, which required City Council to repeal and adopt an Ordinance to provide for the powers and duties of the Planning Commission

Chairperson Boswell reported that the State Law had been changed, so the Commission needed to amend its By-Laws. He noted that now the Secretary had to be a member of the Planning Commission, but he wondered if Staff could continue what they were doing, which Mr. Anzek confirmed, and said Staff would still provide resources and do the Minutes. Chairperson Boswell read that the Commission must hold a meeting every month; he questioned whether that should be "schedule" a meeting rather than "hold" a meeting every month. Mr. Anzek indicated that he was not an Attorney, but it was his understanding that when the meeting schedule was published, they met that requirement. If there were no agenda items, the Commission could cancel a meeting. Mr. Reece clarified that a cancellation notice would be posted, which Mr. Anzek confirmed. He said that it could be a semantic issue, and he would ask Mr. Staran.

Chairperson Boswell noted the change to plat reviews, and that a Public Hearing was now required. Mr. Anzek agreed, and he said he