

only add some accent lighting if there were some signs put up. Mr. Hooper would like to see the footcandles there now to get an idea. Mr. Davis said that one of the issues was that an easement was needed from the Rivercrest Banquet Center, and they were considering removing a pole that was very close to where the proposed bridge would be expanded on the southeast corner. They were thinking of putting a pole on the north side on the Banquet Center property. Hearing no further comments, he thanked the Commissioners.

Discussed

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 two Variances from the Zoning Board of Appeals (ZBA). The owner 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 requirement of the Zoning Ordinance, and the applicant hoped to get Variances allowing two 10-foot setbacks (50 feet normally required). When Staff looked up language to notice the ZBA meeting, they realized that the Planning Commission had the authority to reduce a rear yard setback in a B-5 district to 25 feet. Mr. Breuckman then talked about it with the Chairman of the ZBA, who suggested that it be brought to the Planning Commission for a discussion. 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 requests were noticed for 40 feet; the ZBA could choose to grant 15-foot Variances, and if the Planning Commission allowed a 25-foot reduction, it would create 10-foot setbacks.

Mr. Breuckman had provided visual aids in the packet that showed the

impact of the reduction, and he noted that it was quite significant. However, without the 25-foot reduction, it would not really be feasible to do an 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 indicated that he did not have a problem with the reduction. He noted that the applicant had stated that the design of the building would look like others in the area, and Mr. Dettloff wondered what that actually meant.

Mr. Breuckman said 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 Commissioners did not like the Site Plan, they could negotiate 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 but hidden by the building. He assured that it was a design consideration he talked about with the applicant.

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 be eliminated, 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 for deliveries on the west face of the building. Mr. Breuckman was not sure, but Mr. Hooper believed that there

was. 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 questioned whether 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 a setback 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 referred to the list of gas stations provided by Mr. Breuckman, and commented that he was struck by the fact that every one had received a Variance. He questioned whether 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 a similar situation, where there was a building on a corner surrounded by commercial uses. He would question the purpose of the little bit of green space that would be left between the parking lots. He wondered whether, from a site circulation standpoint, if what would be left would serve in the City's best interest. He encouraged looking 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 have un-maintainable grass or shrubs that could not even be seen. 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 another eyesore at a major intersection.

Mr. Breuckman added 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 absurd as far as circulation.

Mr. Yukon supported the other Commissioners' thoughts. He pointed out that in the cover memo under Background 2, it referenced Auburn Rd., rather than 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 of Lino's entered into an agreement with the developer. Mr. Schroeder suggested that it would be nice if the gas station and Walgreen 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 restated that of the six Commissioners in attendance, he did not believe there were any objections.

Discussed

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

(Reference: Documents were passed out by Mr. Breuckman at the meeting and were placed on file for reference).

Mr. Breuckman commented that the proposed amendments were a combination of old and new. There were some "housekeeping" items brought before the Commission about a year-and-a-half ago, which he