

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD March 22, 2017**

The City of Germantown Planning Commission met in regular session on March 22, 2017 in the City Building Council Chambers. The meeting was called to order at 6:40 p.m.

MEMBERS PRESENT:

The following members were present at Roll Call: Jeff Jones, Matt Lang, Rob Rettich, Rob Richter and Andrew Rohrbach.

MEMBERS ABSENT:

There were no absent members.

ALSO PRESENT:

Also present was Keith Brane, City Planner.

APPROVAL OF MINUTES:

There were no minutes to approve.

BUSINESS:

Review of Proposed Zoning Code Amendments

Mr. Jones said what you have before you is another amendment to Chapter 1135 that talks about engineering standards and includes a section that basically says development would meet all engineering and design standards for the city as well as any other state and local regulations. That's kind of a catchall to make sure standards are met. Some development might not involve our city engineer, such as soil testing, which would involve another profession/agency in conjunction with our city engineer.

Mr. Jones said the city planner, Keith Brane, brought up the vinyl siding and suggested we make sure we have contractor grade. I'll get with Keith and we'll make sure the language for that code section works well with existing regulations for dwellings and that we have regulations that set standards for vinyl siding.

Mr. Jones said there were other typos that need cleaned up and once it goes forward as an ordinance, the law director will go through it and we'll make sure everything is correct before it goes for actual codification.

Mr. Lang asked are we saying we are not going to allow any fully sided houses; only 20% of the fascia. Mr. Jones said right; this is for planned unit development and does not apply to single family dwellings in a straight zoning district. We qualify higher standards because in a planned unit development there are some tradeoffs, mostly in higher quality materials and in exchange there may be some tradeoffs in density and/or mixed uses. What you have to understand is planned development is if you say you are going to build it a certain way, that's what you are going to do. We are also proposing changes to modifications to an approved plan which isn't currently clear; now there is a threshold defining what a minor and major modification is. In some instances, plans change, and this will set a standard in which

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the City Manager may approve a change without coming back to the Planning Commission; but if they cross that threshold, the developer will bring a new plan back to the Planning Commission.

Mr. Jones said there is a lot here but the main thing was to basically give to give a developer some flexibility and an idea of what different types of development should look like as far as location of the building(s), off street parking, lighting, pedestrian walkways, and signage. The developer should have a good idea of how the building(s) should be laid out and how the architectural features should be designed. That's why it's important to define what type of modification is what. Even though there is a lot more regulation here, much of it just adds flexibility. It should give the developer some basic parameters to work within without having to call for clarification.

Mr. Rohrbach said on page 14, hours for trash removal are addressed but they may not have an option of when the trash people come around to empty the dumpsters. Mr. Jones said I assume the only reason those hours are there is because of the noise ordinance. Mr. Rohrbach said I would agree with that but whenever they come around to dump those is when it gets dumped. Mr. Rettich said that would be a violation by the trash hauler. Mr. Jones said snow removal in the middle of the night I can understand as a safety issue but I've not heard of commercial properties having trash picked up before 7:00 a.m. Mr. Richter said I don't know if we have a problem here but one of the apartment properties I manage had complaints of 6:00 a.m. pickup which was solved by calling the trash contractor.

Mr. Rohrbach said we have the drawings which are named, such as the single building development drawing on page 15, but I think those should also be assigned a number or letter and then referenced in the appropriate section. Mr. Jones said I will check and see how other cities do that.

There was no further discussion on Chapter 1135.

On a motion by Mr. Jones, seconded by Mr. Richter, it was moved to table the proposed Chapter 1135, Planning and Developments, with further direction on the issue of the vinyl siding, any small typos, and to number/reference all the Chapter 1135 Planning and Development example diagrams. On call of the roll: Mr. Jones, yes; Mr. Richter, yes; Mr. Lang, yes; Mr. Rettich, yes; and Mr. Rohrbach, yes. Motion carried.

Mr. Jones said he would make all the changes the commission discussed and he would bring it back to review one last time.

Mr. Jones moved to discussion on Chapter 1136, Residential Conservation Overlay District. The existing Chapter 1136 is Rural Residential Overlay District and these requirements would work the same way but the existing chapter is vague; more like a township with limited staff and limited control where the county would do much of the review. It wouldn't really allow for innovative development. What this chapter does is focus on preserving much of the topography, vegetation, waterways, groundcover, or anything that is not manmade to the greatest extent possible and allow for development of these single family dwellings with a greater degree of flexibility so they aren't going to be as uniform. For example, The Reserve up by the dam; the design is innovative but they graded and cleared out all kinds of trees and other natural vegetation to put that development in. This proposed amendment spends a lot of time talking about siting around and preserving the existing scenic quality and aesthetic value. That is supposed to make it more attractive to people who may otherwise buy a property in a township, for

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example, to build a large home around existing woods with a septic system and well. It would save a developer possibly a lot of money but also be attractive to someone who might otherwise build in a rural setting. This is basically a product to attract people to live in our city and I think we have a lot of opportunities for this type of development. It would require the developer to do a site inventory; on page 7 there is an example of the inventory and analysis. It is to make sure the developer and the city knows exactly what is there, what is going to remain, and what is going to be taken away. There would be an agreement and the city engineer, city planner, and other city staff would verify that inventory. There is a formula to determine net buildable acreage and what can be used for passive recreation.

Mr. Lang asked if the intent is it would be owned by a home owners association. Mr. Jones said it sets standards for what must be maintained by a home owners association or private organization that would make sure the open areas are maintained indefinitely.

Mr. Jones said on page 19, Section 1136.07, Examples of Conservation Subdivision Design, it gives example of what a traditional subdivision would look like on a piece of land and then what you could do for a conservation overlay to maintain some of the existing topography and natural resources. Again this is an overlay, so there would be a base district which would control the siting of the homes. This type of development would likely be in your lower density, single family residential development. There is a development on St. Rt. 741 and there is an area where they have maintained a farm. That's an example where you can at least maintain an existing farm and who knows, maybe that could be purchased as part of the home owners association for farm related activities for the children. A commission member suggested gardening. Mr. Jones said exactly; this allows for that type of flexibility.

Mr. Lang asked if we currently had one of these. Mr. Jones said no; in the township I think there are subdivisions that have this degree of density but not this degree of flexibility. Not that we are competing with the township but if you look at it as a business model, this is just another product to offer for developers. We have a chapter for age restricted development which is a changing demographic, but there are also people who are maybe older and like a rural setting but need the proximity to certain city services.

Mr. Rettich asked if an example of this would be Little Forest; it has a public street that goes down the middle but it has ravines and wood lines. Mr. Jones said we are still requiring paved rights of way and a lot of this will depend on what the Fire and Police department say; they will still need to get their equipment back there, so there may be modifications to street widths. You may be able to use natural topography and a pipe as opposed to retention/detention ponds. I'm just throwing out ideas but the focus is to use as much of the existing topography as possible and have as little disturbance as possible.

Mr. Lang said so this whole section is an option for a developer; we are not going to propose zoning, it will be an option to go this route. Mr. Jones said yes; you could do a similar density without going this route but it may require a rezoning of the underlying district. You could have an R-1 with this as an overlay to maintain as much of the existing topography as possible. Mr. Lang said it's a great option; I'd like to see someone develop that way.

Mr. Richter asked if there was any feeling amongst all of us if at some point we would want to implement something like this to restrict the growth to shape. Obviously we have this planning and

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development where it gives us a lot more control over what goes on and I'm alarmed over all the farmland I see for sale. There's a huge plot for sale on Rt. 4 and I can imagine a bunch of ugly houses going in there. Mr. Jones said the rezoning application doesn't have to come from a homeowner but you run into issues where if you are rezoning land in anticipation of development that one, you don't know if that is where the development is going to go; and two, it may not be something the developer or the landowner wants. You risk a possible taking issue of we rezoned this to where they could only do this. What you can do privately is attach deed restrictions to where it can only be developed a certain ways but it's a private issue. Many of those instruments could go along in a different form with this to make sure with a homeowners association that certain things can't be done to the property forever. The only way you could really do it, and Keith maybe knows better, the city would buy this land and put in a buffer or take certain lands and hold them with the idea that it should be developed in a certain way. Most cities, especially smaller ones, don't have the resources to acquire land that way unless they know they want a certain type of development and that it will make money. The thing with residential development is it doesn't pay the bills but most cities strive for a mix of development and that is what this does, offers another option.

Mr. Richter said I like the idea of conservation but how do you get people to go for that.

Mr. Lang said a lot of that land is zoned agricultural, so if they wanted to develop single family residential, we would have to approve it first. Mr. Jones said rezoning of the base district more than likely; I guess they could do it without this, but this offers protection. We would encourage this because if you have a piece of agricultural land and you want to put single family dwellings on it, there's a lot of different things you can do. I've seen a lot of things happen that are not desirable, at least from the government's standpoint.

Mr. Rettich said if you have a 50 – 100 acre plot of agricultural land, is it really a taking if you change the zoning in the city. They have to change it to residential and re-plot it. Mr. Jones said if it's agricultural and you rezone it to an R-1, that's one thing; when you tell them they have to do a site analysis and all these other things, that's where the law director might tell you this puts a burden on the property. You are really narrowing the focus of development here. This is something they should want to do on their own. Mr. Rettich said it could also be their only option due to topography. Mr. Jones said that's exactly right, it could be an instance where otherwise it is cost prohibitive.

Mr. Brane said what you could do is if you have a certain acreage, it kicks it in. Say any development five acres or more requires development of a planned unit development. Mr. Jones said you can do that; there are cities that do that, but that would probably be a politically sensitive issue. We are a city but we have a lot of rural land around us. There are some cities that can't afford to do this; afford meaning they are landlocked.

With no further discussion on Chapter 1136, Mr. Jones said he would bring it back next month for another review and they can go from there.

Mr. Jones said the next chapter is new, Chapter 1153, Special Requirements for Large Retail Development. Many cities have had challenges with big box development where that use has gone away and you are left with a building or series of buildings and there is a great challenge to reuse it. These

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requirements are general applying to our existing classification of uses for C-1 and C-2; except for non-residential planned unit development. The next section, 1153.03, says if this size of development (a single building of 75,000 sq. ft. or greater or multiple buildings of 100,000 sq. ft. or greater) it will be a conditional use which means the BZA is going to approve that. If it's part of a PUD then it still gets reviewed under the requirements of 1135 but then we want to make sure some of these other characteristics, such as architectural features, which may vary. The site design standards are going to be a little different because the scale of the development is potentially going to be different than what you see in a PUD. Would that ever come here – I don't know; it may be like the conservation district we just talked about but if this does come, it may help avoid some of the challenges we've seen in some existing large retail development. My point is, if some of these requirements were implemented in previous development or future development, it would make it easier to redevelop or reuse existing buildings or it would require putting new buildings in. This doesn't apply to redevelopment except if you look at the chapter dealing with non-conforming uses and structures; if indeed there were a fire or a demolition that was done by the developer, then it is possible these requirements could kick in for existing development. It's not necessary for this type of development to be in a PUD so this gives us some protections for large scale retail development.

Mr. Rohrbach said I don't have a problem with requiring them to upgrade to the current standard in a redevelopment because a tornado comes through, or whatever, so long as it doesn't get us in the same situation we had like in Strawberry Fields where lots weren't buildable because the new standard said the lots weren't big enough. Mr. Jones said I don't think you are going to have that because those were bulk standards – set back issues and lot size issues for single family residential development. This doesn't talk about size so much as it does design standards; the only things that is really quantified are things like the width of sidewalks or percent of off street parking that should be located within a certain area. These are standards that if you are talking about redevelopment, wouldn't be difficult because it's not really tied to the size of development except for minimum square footage. These standards should be easily met depending on whatever scale of development you are talking about. If we are talking about a conditional use and it's not a PUD, variances can be granted, and if we are talking about a PUD, modifications could be granted as well. So there is already built-in flexibility; these either coincide or are less restrictive than the PUD chapter. If you take these home and find something that is too restrictive, let me know and we can deal with that. Many of the sidewalk requirements are meant to protect the pedestrian; for most commercial development, you are talking about getting people from their cars to the buildings as safely as possible. We'll talk about off street parking later; those are the requirements I'm working on and many times there is not sufficient infrastructure to make sure vehicles and people are going in the direction they are supposed to.

Mr. Jones said take these home to look over as well as the PUD chapter. We'll do another review next month and in April we'll have another one or two more chapters to look at.

ADJOURNMENT:

On a motion made by Mr. Jones, seconded by Mr. Richter, it was moved to adjourn. All were in favor; none were opposed. Meeting was adjourned at 7:27 p.m.

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Respectfully Submitted,

Keith A. Brane

City Planner