

CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD May 24, 2017

The City of Germantown Planning Commission met in regular session on May 24, 2017 in the City Building Council Chambers. The meeting was called to order at 6:30 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

On a motion by Mr. Rohrbach, seconded by Mr. Richter, it was moved to excuse the absence of Mr. Lang. On call of the roll: Mr. Rohrbach, yes; Mr. Richter, yes; Mr. Rettich, yes; and Mr. Jones, yes. Motion carried.

ALSO PRESENT:

Also present was Keith Brane, City Planner.

APPROVAL OF MINUTES:

On a motion by Mr. Jones, seconded by Mr. Rettich, it was move to approve the minutes of the March 1, 2017 Planning Commission meeting. On call of the roll: Mr. Jones, yes; Mr. Rettich, yes; Mr. Richter, yes; and Mr. Rohrbach, yes. Motion carried.

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was move to approve the minutes of the March 22, 2017 Planning Commission meeting. On call of the roll: Mr. Jones, yes; Mr. Rohrbach, yes; Mr. Rettich, yes; and Mr. Richter, yes. Motion carried.

BUSINESS:

Review of Proposed Zoning Code Amendments

Mr. Jones said tonight we have the review of proposed modifications to the existing Chapter 1137, Off Street Parking and Loading Facilities; and newly proposed Chapter 1154, Special Requirements for Vehicle Sales and Services.

Mr. Jones reviewed proposed changes/additions to Chapter 1137 which included use of the more broad term “motor vehicles” instead of the term “automobiles”; maintaining of existing spaces; design standards; separation from right of way; landscaping with proper buffering/screening for aesthetics and to reduce runoff; addressing of excessive slope; sufficient curbing and marking of spaces; lighting with shielding from neighboring properties.

Mr. Brane said section (L) says lighting is not required for a parking lot but if you do light it you have to follow these rules. Mr. Jones said that’s a good point because the existing subsection says for any light used. Mr. Brane said it doesn’t say lighting shall be required. Mr. Rettich said the only reason it’s there is so someone doesn’t put up a light that shines across the street into someone’s window. Mr. Jones said we can do it two ways; make it compulsory based on a certain size or number of parking spaces or we could make compulsory for uses that are open at night. I think we need to make it compulsory based on

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any new, non-residential and mixed use development. Mr. Brane said let's look at some codes and see how other people do that.

Mr. Jones continued review of the proposed changes/additions to Chapter 1137: parking space dimensions/types, aisle widths, and new illustrations.

Mr. Rettich asked where you have the raised bumps for parking, the way we are setting it up it would require those to be as you see them in the photo. Mr. Jones said no, there are other ways you could do it. Mr. Rettich said we do every other space and it splits the spaces into parking groups with each car having a half of curb; we do parking complexes like that all the time. Mr. Jones said you could also put in an island; this is mainly just to show different types of parking lots.

Mr. Rohrbach said most places don't use bumps anymore; they just paint lines on the road. Mr. Jones said now we are going to require it be raised.

Mr. Rettich asked if this would only affect new development. Mr. Jones said yes; and in the chapter for non-conforming uses, if there is a period of time the current use discontinued, then if a new use started up, you would have to meet the new requirement; or if you have an extension of an existing use depending on how much.

Mr. Richter said what about vacancy; we have a CVS getting ready to leave and a vacant daycare. Mr. Jones said that's a development and an argument can be made as non-conforming if it's vacant for a while.

Mr. Jones continued his review with pedestrian walkway designs. Mr. Rettich asked if the walkways would be required. Mr. Jones said the staging areas would be required to be raised but the walkways could be done in pavers or just lined off for safety. Mr. Richter said if you have kids walking with you it's nice when you have some kind of walkway or raised area.

Mr. Jones reviewed new sections: Change in Use, Additions and Enlargements setting parameters if a use changes; Mixed Occupancies and Uses Not Specified computing those various uses separately. Mr. Jones said my understanding is that the Board of Zoning Appeals would make a computation for a use that didn't fit a certain use category. Mr. Brane asked if once the number for that use was determined, would you come back and codify it. Mr. Jones said yes, but it's usually not required.

Mr. Jones reviewed off-street storage areas for drive in services changing "storage" to "parking"; new section Vehicle Stacking Space Requirements for Drive-Through Facilities; new sections for Accessible Parking; and off-street loading. Mr. Jones said also we need to add a definition for off-street loading in our definitions chapter as well as illustrations.

Mr. Jones said for the next chapter, I haven't changed any definitions for automotive uses but I have created an umbrella to cover those uses. I called it Special Requirements for Vehicles Sales and Services. He reviewed the new Chapter 1154 containing a number of categories: vehicle sales, rentals, and services; automobile repair, painting, and body shops; automobile service stations; and automobile wash facilities. This sets specific design, locational, curb cut, and other design standards that have been trending in more progressive cities. We can regulate a use if the public or private infrastructure doesn't safely permit a use. The biggest problem many cities have historically are automotive uses on corner

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lots. At busy intersections it can be very difficult to get in and out of those uses. Typically service stations want to be on those corner lots because that's where they get the most traffic to maximize their profits. This chapter tells you what is required for new development and redevelopment. This chapter also talks about prohibited locations, exceptions, and modifications; accessory structure and uses located on the same lot as vehicles sales and services; area regulations; set back requirements for front, side, and rear yards; and site design and use standards. I've tried to include design standards that apply to more than one use especially when we are talking about the sale of certain types of things. We are setting standards for putting bollards up; raised curbing; what can be sold outside; and what type of dispensing machines can be outside. We want to minimize the chance that someone could get hit while they are standing or walking to these type of consumables. The design standards also talks about building materials and accents that make a building attractive. Page 7 starts to get into design requirements that are specific to certain types of uses meaning there more stringent requirements for certain types of uses in this broad category of automotive uses.

Mr. Rohrbach said on corner lots you have a minimum lot of 60,000 square feet. Is that because of the additional sidewalks, curbs, and so forth; you have to have a bigger lot. Mr. Jones said yes that, but now you have frontage on two streets with at least one street being major and you basically have double the vehicular traffic. More vehicles are coming in and out of that business from different directions and requiring a larger lot decreases the chance of conflicts with vehicles or pedestrians.

Mr. Rettich said the way this is listed, it is classifying fueling stations and service stations as the same. We have many service stations that don't have fuel; I can think of four in Germantown. Mr. Jones asked what type of use? Mr. Rettich said where they just work on cars. Mr. Jones said that is listed as a repair facility; you delineate by looking at the primary use but some places have both.

Mr. Jones said I didn't change any definitions, I just created this umbrella and then worked with the general classifications of automotive uses to set new standards to make sure we have protection – both aesthetically and environmentally but more so to protect pedestrians and vehicles. A lot of these issues are handled by OSHA whether it's Federal or State but at the same time we know not everyone does the right thing so the city should be involved in making sure certain standards are being met to reduce the chance things are happening that are not safe. These are requirements that are not unique, they come from different cities and it's just a matter of bringing them together in a way that works well.

Mr. Jones said please take the next month and look over all this; I may or may not have a new chapter next month. Eventually we are going to get into the sign code and I need to get with the law director on that and also our adult entertainment standards are woefully lacking. Mr. Richter said isn't there a way to just say you can't set that up in Germantown. Mr. Jones said no; there is so much case law and if you do not allow at least one space in the city reasonably for an adult entertainment facility...there are businesses that all they do is spend time going around to check cities to see if they can sue them for not allowing these uses. You cannot exclude uses, especially those with first amendment protections, but you can regulate those uses based on what is called negative secondary impacts. You can show that certain adult entertainment uses propagate drug use, prostitution, and crime generally. There is so much case law that allows you to set up standards. Mr. Rettich said things like not to close to a school or a church. Mr. Jones said even hours of operation; it's legal but it discourages those uses. The requirements are content neutral, they don't discriminate against certain uses, the standards are

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uniform, and they show that by enacting those standards you can reduce crime and drug use that basically then contributes to the health, safety, and welfare of the community. Some of the requirements are explicit but they offer a greater degree of protection.

ADJOURNMENT: On a motion by Mr. Jones, seconded by Mr. Richter, it was moved to adjourn. All were in favor; none were opposed. The meeting adjourned at 7:38 p.m.

Respectfully Submitted,

Keith A. Brane

City Planner