



Rochester Hills

Minutes

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver

Tuesday, April 19, 2022

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the April 19, 2022 Planning Commission meeting to order at 7:00 p.m. Michigan Time.

ROLL CALL

Present 8 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Scott Struzik and Ben Weaver

Excused 1 - Marvie Neubauer

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, Utilities Services Manager, DPS/Eng.
Deborah Hoyle, Senior Financial Analyst
Paul Davis, Deputy DPS Director/City Engineer
Tim Pollizzi, Water Resources Specialist
Ken Elwert, Parks and Natural Resources Director
Jennifer MacDonald, Recording Secretary*

Chairperson Brnabic welcomed attendees to the April 19, 2022 Planning Commission meeting. She noted this if anyone would like to speak regarding an agenda item or during public comment for non agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to planning@rochesterhills.org prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2022-0170](#) March 15, 2022 Minutes

A motion was made by Hooper, seconded by Bowyer, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

COMMUNICATIONS

Chairperson Brnabic noted that the First Quarter Road Commission for Oakland County Road Report was distributed to the Commissioners.

PUBLIC COMMENT

None.

NEW BUSINESS

2022-0198

Public Hearing and Request for Adoption of the 2023-2028 Capital Improvement Plan

(Memoranda by Deborah Hoyle of April 29, 2022 and Sara Roediger of April 13, 2022, 2023-2028 Draft Capital Improvement Plan, public comments received, and Public Hearing Notice had been placed on file and by reference became a part of the record thereof).

Chairperson Brnabic introduced the proposed draft 2023-2028 Capital Improvement Plan and noted that a public hearing would be held.

Ms. Hoyle stated that tonight's presentation is for the 2023-2028 Capital Improvement Plan. She noted that projects diversified over all locations of the City are proposed. She explained that 20 new projects are incorporated this evening, for a City portion of \$14.8 million; and noted that the total CIP including all previous projects totals \$156.3 million. She reviewed the projects.

- Fire Station 1 Exterior Improvements scheduled for 2024 to 2025 for \$1.5 million. Photos were displayed for the Commissioners as a sample of what is proposed, along with a photo of the current Station 4.*
- FA-02P which is Fire Station 1 HVAC replacement for 2024-2025 for \$1,023,750.*
- CO2 sensors at the DPS Garage, scheduled for 2023 for \$385,000.*
- Hook Truck Structure. She explained the City has a hook truck and it has several components that they want to store. That is scheduled for 2024-2025 for \$800,000. A sample of what is currently out there for materials was shown and it was noted that they want to add onto it.*
- Citywide LED lighting upgrades, a multi-year project from 2023-2027 for \$600,000.*

Parks Projects:

- Bloomer Park Disc Golf project. 18 holes scheduled for 2023 for \$75,000.*
- Bloomer Park Hilltop and Brick House Restroom Replacements scheduled for 2023 to 2024 for \$2 million.*
- Bloomer Park Pine Grove Restroom and Yates Park Restroom Replacements scheduled for 2024-2025 for \$1.275 million.*
- Bloomer Park Climbing Playscape, scheduled for 2023, for \$200,000. An example photo was provided.*
- Borden Park Pitching Machines scheduled for 2024-2025 for \$175,000.*
- Clinton River Bank Stabilization at the Cloverport Green Space Property,*

scheduled for 2023 at a cost of \$229,300.

- Park Entrance Signs, prototypes were shown, along with photos of the existing signs, scheduled for 2024 for \$455,000.

Water and Sewer Projects:

- PRV #10, #23, and #24 Removal, scheduled for 2025-2026 for \$281,250.

- PRV #9 relocation for 2025-2026 for \$312,500.

- PRV #20 replacement, located on Dequindre just south of Avon where all the construction is, 2024-2025 for \$715,000.

- RCO2 Relocation for 2023-2024 for \$1,875,000.

Road Project:

- Leach Road paving, scheduled for 2023-2024 for \$1.7 million.

Stormwater Projects:

- Eastlawn Drainage Improvements, scheduled for 2023 for \$358,000.

- Elmdale in Juengel Orchards Subdivision Drainage Improvements for 2023 for \$592,000.

Dr. Bowyer questioned whether these projects are where the open ditch will be taken away and put into an underground drain and have them draining somewhere.

Mr. Pollizzi stated that those are planned to return back to open ditching. He explained that right now it is a combination of both and is not working very well.

Dr. Bowyer questioned whether the open ditching has been working even with the three recent significant flooding events, and if those areas do better than the underground storm drains. She expressed concerns if additional underground drainage is implemented whether those neighbors would then flood in their basements as well.

Mr. Pollizzi responded that they would be going back to open drains.

Ms. Hoyle continued the list of Stormwater projects:

- Dennison Acres Ditching Improvements, also for 2023 for \$185,000.

Dr. Bowyer questioned whether that was the same type of project.

Mr. Pollizzi confirmed it was.

Ms. Hoyle noted that this list encompasses all 20 projects and noted that staff was available to answer any questions.

Chairperson Brnabic thanked Ms. Hoyle for doing such a wonderful job with the CIP every year. She stated that it stands out in its excellent work. She requested that for the projects added to include a page number so it makes it easier to find a project quickly.

Ms. Hoyle responded that it definitely could be added for the final.

Chairperson Brnabic noted that two emails were received regarding the Dutton Road Paving project which is pending, and she noted that the residents expressed some safety concerns. She summarized their concerns noting that in regarding to project MR-18 in the proposed CIP, the CIP's pending project list should be addressed more quickly. She noted that the emails state that portions of Dutton Road are gravel with some stretches that are paved. The portions paved are in very poor condition, and the portions that are gravel are barely navigable. Dutton has a rather steep hill just west of the Livernois intersection and it develops not only potholes but basins or gorges as well, being washed out along the sides of the road. They also stated that the Road Commission for Oakland County specifies that gravel roads should be paved when daily traffic exceeds 500 cars per day, and they stated the range given was 1,500 to 5,320 cars per day. She noted that the email came from Matthew Berard.

She noted another email from Diane Myers stated many of the same concerns that Mr. Berard did, and expressed concerns about the safety of Dutton Road. The email stated that in the summer the road is extremely narrow due to erosion with deep ditches on either side. Cars going in opposite directions try to pass each other on a steep hill by bicyclists trying to climb the hill, people walking and walking their dogs, and joggers. Ms. Myers' email stated that one cyclist even fell in front of her husband's truck. She said that the road is destroying their cars and in the winter they have seen many cars that slide off the road and were stuck in a ditch. Ms. Myers also states the same traffic counts for the road being between 1,500 and 5,320 per day and Chairperson Brnabic stated that she believes these residents would like to see this project moved up because they are considering it not only horrible conditions but a safety risk.

Mr. Davis stated that he cannot take issue with any of the comments, and he noted that everyone knows that Dutton Road is a very tough road especially this time of year. He stated that it is a road that is not only owned by the Road Commission for Oakland County, and a mile road, but it is the northerly boundary between the City and Oakland Township. He explained that many years ago, the City submitted a portion of the remaining gravel road for Dutton to be paved, but about 15 years ago there was a project that came before the Planning Commission and was discussed with Council about going from the area where the pavement ends east of Livernois and going to Tall Oaks, basically up the big hill where there is a lot of erosion, difficult to navigate during the winter, gets icy and is a tough spot in the community. That stayed in the CIP as an actual project for a while and was eventually moved into the Pending section as it was deemed that this project was probably not going to move forward. He explained that in order for this project to go forward, it would have to basically be three entities coming together and prioritizing it and finding the funding for it. He stated that the Road Commission has approximately \$2 million available every year for paving gravel roads for the whole county. The last time he checked, they are already committed or have obligations toward gravel road funding toward 2029. He stated that if the Planning Commission or Council want staff to move forward on that, it can be done, and they would start making a request for the Road Commission to begin the process with paving Dutton Road, but it would be a very expensive project. He noted that 0.8 miles of it is a Natural Beauty Road. He stated that you can pave Natural Beauty

Roads and even put pathways on them, but it would come at the expense of significant tree removal. He explained that there is a large elevation difference just off the side of the road, and he noted that if the City was going to put in ditches, there would be a lot of enclosed storm sewer pipe in a lot of areas as the vertical difference is so great. He stated that one of the things that the Road Commission has stated is that if they were going to go forward with the project, they would want to look at the Paint Creek bridge just east of Livernois and see if that should be redone. If that was not the case, they would at least want the communities to show a significant amount of public support for paving it. He noted that he cannot take issue with the two emails tonight. He added that he also talked to Dr. Benjamin Best, a surgeon that works out of Ascension, and he has been saying the same things that this is a dangerous road and someone is going to get hurt on this road. He commented that he drove it tonight before the meeting and it is in terrible condition. He stated that the Road Commission will be grading it soon but this time of year the gravel roads are in rough shape coming off the winter.

Mr. Davis stated that if the Planning Commission desires to take it out of the pending section and put it back into the Major Roads section and asks Staff to begin work to get this as a priority with the Road Commission, one of the things that they expect the Road Commission will want is a show of significant public support for moving it forward. He stated that this comes as a lesson from Washington Road. He explained that the City was working with the Road Commission to pave Washington Road from Tienken up to 26 Mile Road. He stated that the road passes through a historic district and there are many walnut trees in the area, and because there was no commitment on the Road Commission to sign it 25 miles per hour like a lot of the residents were requesting, that project was designed and not constructed. He stated that it ultimately failed due to a lack of public support in that area. He noted that this is why the Road Commission, prior to doing anything on Dutton Road, would want to see that support in both communities, Oakland Township and Rochester Hills. He added that a lot of those mature trees on Dutton Road would be taken out and it would not look the same. He stated that if you look at the area that is paved east of Livernois, there are no old mature oak trees there and pointed out that paving that portion required their removal. He stated that from an Engineering standpoint, they are willing to move to whatever the Planning Commission or City Council deems as a priority and will await further direction, but as of right now it resides in the Pending section.

Chairperson Brnabic stated that the three entities involved are Oakland Township, Rochester Hills and the Road Commission. She noted that public support was mentioned and questioned how it could be moved forward to find out if there is a bigger or general support. She stated that she knows people who have complained about Dutton Road especially on the hill and in winter conditions with ice. She questioned whether Mr. Davis would have an estimation of what the project would cost and if there had been talks in the past with Oakland Township.

Mr. Davis responded that there are past estimates, and mentioned that cost information was in the CIP project prepared in 2007. He stated that back then it was a total project cost of about \$800,000. He noted that there are probably four

homes that are very close to the future right-of-way for Dutton Road and those could become very costly to deal with if the Road Commission wanted to try to secure additional right-of-way. He commented that they probably do not have to do that if they are going to pave it as a two-lane road, but the latest cost that they have is \$3.96 million and would include some of the bridge reconstruction and some of the right-of-way expectations. He commented that it is an expensive project and he thinks it's similar to what Washington Road was. He explained that Washington Road encompassed a couple of years of the Road Commission's gravel-to-pavement funding. He mentioned that there are sections of Dutton Road that are paved and they are in pretty lousy shape too and he believes that pretty soon the Road Commission is going to have to look at doing a maintenance overlay or mill and fill. He stated that there are a lot of potholes and are some that need to be filled soon. He commented that there is a potential for spending a lot of money on Dutton Road with the Road Commission taking the lead, but as far as the Road Commission, he is not sure that it is their priority.

Chairperson Brnabic stated that one of the emails mentioned the paved sections are in need of repair. She commented that she only travels that area so often, and noted that the topography and other circumstances play into the consideration as well. She questioned how long Mr. Davis feels that this road has been in a more treacherous condition.

Mr. Davis responded that he does not think it has changed much. He stated that he has been with the City 21 years and thinks that with the elevation, the hills and the erosion gets carried down to the Paint Creek and to the wetland area that is at the southwest corner of Dutton and Livernois, and he commented that this has consistently been happening over the years that he has been here. He stated that he thinks that this road in big rain events can deteriorate significantly and quickly and what he saw today is probably what he would have seen 20 years ago along the gravel road portions of Dutton. He commented that the gravel roads can vary quite a bit and that is why they are unposted. He explained that when they are graded and in good condition they can allow higher speeds; but with the condition Dutton Road is in today there is no way anyone can drive at a high speed. He pointed out that drivers are obligated to drive to the conditions of the road. He commented that if it is super icy outside that does not mean that one can drive 50 miles per hour and if someone is recklessly driving on icy conditions they probably need to adjust their speed down. He stated that the same is true for driving on gravel roads that are in a poorly washboarded or deteriorated state because of rains or the recent winter conditions.

Chairperson Brnabic questioned whether Mr. Davis feels that the erosion has escalated over the years to something that stands out from now to 20 years ago, or even in the last 10 years.

Mr. Davis responded that since he has been here, the Road Commission has done some things in the ditching on the Rochester Hills side west of Livernois to try and address some of the erosion and he stated that it has helped somewhat. On big events, however, you will have erosion on the gravel portions of Dutton.

Dr. Bowyer questioned approximately how many houses are on Dutton Road on both sides that would be impacted. She commented that if the Road Commission is going to want to see support, she would have to send a letter to all of the neighbors on both side to see if there is support. She noted that as Mr. Davis stated, the people who live close would lose their front yards.

Mr. Davis responded that there aren't a lot of homes, but there are at least four relatively close ones he knows of that are on the Rochester Hills side of Dutton. He commented that there are some larger subdivisions like Vintage Estates that have an entrance onto Dutton Road, and North Oaks 3 is also one that does. Oakland Township has a couple of big subdivisions that have entrances onto Dutton Road. Those people would want to have a say as well and probably use it when it is in a good condition. He commented that some may have alternate means to get into their subdivision. North Oaks does not have an alternate but Vintage Estates has an alternate and Oakland Township subdivisions might as well. He commented that as far as homes fronting Dutton in Rochester Hills, it is probably only a dozen or less.

Dr. Bowyer questioned whether the City could ask the Road Commission to do grading more often, as when the roads are graded they drive nicer. She stated that losing all those trees is not something that anyone living on that road is going to want. She commented that she does not think that she will get the support from the residents to do anything with that road, but if it could be graded more often it should be.

Mr. Davis responded that the City constantly asks the Road Commission to do that along with requesting chloride on the roads that are not the City's. He commented that it seems like the City is constantly calling them, and while they are responsive, they do have a budget to work with. He stressed there has been no lack of calls to the Road Commission over the years either for grading, filling or spot repairs. He noted that right where the pavement ends there might be a dip that might need to be spot repaired. He mentioned that City Council in the past has agreed to expend some monies to do additional chloride applications on Road Commission-owned roads just because of the amount of traffic and the fact that it is more of a regional use such as Dutton or Livernois would be.

Dr. Bowyer stated that she is not in support of moving it forward to be explored because of all of the issues. Her suggestion would be to ask them to grade it more often for the residents.

Mr. Davis responded that staff can keep doing that.

Mr. Dettloff questioned Mr. Davis on the cost and asked if the \$3.9 million estimate was for the Rochester Hills portion of the road.

Mr. Davis responded that it would be the total project cost for the gravel portions. He stated that there are different ways that the City can fund projects. He explained that if the Road Commission is able to get Federal funding, which encompasses the \$2 million he spoke of previously, that pays 80 percent of the construction cost. He noted that then there is generally a ten percent share that

the Road Commission will cover, and then there is a shared ten percent cost that Oakland Township and Rochester Hills would share. He stated that it is very good for Rochester Hills to take advantage of projects that have Federal funding. He noted that another way to do it if the City did not want to wait that long or the push was to do it sooner is to perhaps utilize Tri-Party funding. He stated that he does not think the City has \$4 million in Tri-Party funding; however, it could possibly be used in combination with other funding. He commented that it is a significant cost to do this road and it competes with other Major Road funds that would not be spent in other areas of the city. He pointed out that this year Old Perch will be done, and that was a very expensive project.

Mr. Dettloff questioned how long the project has been in the CIP.

Mr. Davis responded that he did not go back before 2007, and he believes that this is when it was first formally prepared and submitted by Engineering to the Planning Commission as a project. He explained that at that time the project only was from just east of Livernois to Tall Oaks, and did not go further west to pave out the remaining portions of Dutton.

Mr. Dettloff stated that obviously the \$3.9 is in today's numbers.

Mr. Davis responded that it is an estimate. He commented that what they've learned is some road projects have been well beyond estimates with the current supply chain management and scope of the work. He stated that there are no bargains on road projects in today's climate.

Mr. Weaver commented that Mr. Davis mentioned the asphalt was in really bad shape and questioned what the remaining life on it would be if it hasn't already been passed. He stated that while he understands cost will change and will not go down, he would ask if the scope of the project would change if waiting longer, and will it become a larger project if it is not addressed soon.

Mr. Davis reiterated that the road is owned by the Road Commission, and he would say that the portion that is paved is worse than any other road in the city. He stated that it is probably in poor condition already today and a mill and overlay that and it will extend some life, if waiting too long it would require a full reconstruct which he is sure the Road Commission would prefer not to do. He said you can continue cold patching and crack sealing but they will probably have to do something such as an overlay soon if they are going to salvage it; otherwise they will be looking at a reconstruct soon.

Mr. Weaver noted that it was mentioned that the best way to get this moved up is to have support from the neighborhoods. He questioned what is the best way or a formal way for residents to do this.

Mr. Davis responded that more awareness and voices are needed. He stated that he knows it works with the City, and said sometimes residents do help by notifying us of some poor sections in the community. He commented that he thinks the Road Commission is probably aware of the condition on Dutton, but he does not think it hurts for them to continue to hear additional voices requesting it be improved, whether it is paved or just more treatments with

gravel or limestone.

Mr. Weaver stated that maybe they just haven't addressed it because in their eyes there isn't enough of an outcry. He commented that it might help if more residents keep peppering them with emails. He stated that he would hate to see a death be the catalyst to get this going.

Mr. Davis stated that a lot comes to funding for the Road Commission. He noted that they have a lot of information about the funding they have on their website and historically they have just been underfunded for decades. He stated that they do the best they can to spread the money that they have available on the demands throughout the county; but at some point it would be better if they had more funding. He commented that the City's position is enviable to them as it has the ability to keep the road network in the City pretty good because of its commitment to maintaining the roads and the strength of the community.

Mr. Hooper stated that he agrees with what everyone has said, and commented that he recalls going back 35 years ago about Dutton Road being a problem. Years ago they added more chloride treatments and gravel with more frequency. He noted that back then those who wanted the road paved had equal numbers that came out of the woodwork that said they did not want the road paved. He pointed out that tree removal is in direct conflict with a Natural Beauty Road and this would be a hurdle to get over. He commented that some people think that you pave the road and it would create more traffic and they do not want more traffic. He stated that it is a political decision. He noted that it doesn't matter to him whether it is in the pending section or moved into the front section, it still comes down to politics. If City Council determines that it is that important to spend City tax dollars at it, then it will get funded. He stated that where it sits in the CIP is not the final determination, it is a political determination by City Council. He moved the motion in the packet to adopt the Capital Improvement Plan.

Mr. Struzik supported the motion.

Dr. Bowyer questioned whether the parks signs proposed will be all uniform across all the parks.

Mr. Elwert responded that they will be uniform with some slight differences to show the character of each park.

Dr. Bowyer questioned whether anyone will use the disc golf courses.

Mr. Elwert responded that this was actually a request from the Mayor's office and the answer is yes. He commented that it does not have to go on Bloomer. He explained that while he was not here when the course at Wabash was in use, it was not really a true disc golf course as they are known to have challenge and trees, slopes and concrete tees. He stated that they have had six or eight citizen requests in the past six months as well as the Mayor's office having a few. He stated that he could almost guarantee that it would be used more than Wabash was. He commented that he is familiar with disc golf courses and they

are used quite heavily in some areas.

Dr. Bowyer commented that she sees the charging stations will go in next year throughout the city.

Ms. Hoyle responded that they will be started next year.

Mr. Struzik questioned whether the disc golf will cause disruption in cutting down trees or if it will be built into the landscape location within the park.

Mr. Elwert responded no, the intent is that the design would build it into the landscape instead of disrupting any landscape or features. He mentioned the Parks Manager informed him that Wabash had regular use by the neighbors.

Mr. Struzik questioned whether a location had been identified. He commented that from what he has heard is a popular thing.

Mr. Elwert responded that it hasn't been located in detail.

*Chairperson Brnabic noted that the CIP requires a **Public Hearing to be Opened**, and she commented that she was not aware of any cards turned in.*

Resident Diane Myers stated that she has started a petition that currently has just under 500 signatures and is working through social media to spread the word. She stated that they would really like Dutton Road to be paved with a safety path. She commented that it is just so dangerous and is not safe.

Chairperson Brnabic responded that something is started.

Ms. Myers questioned how the project is still pending and if it is moved up the CIP.

Chairperson Brnabic stated that it is still a pending project.

Mr. Hooper stated that whether it is pending or in the full CIP does not really matter as it always comes down to City Council decisions as to what projects get funded. He commented that just because all the projects are listed, it does not mean that they all will get funded every year. He pointed out that it is a yearly decision as to what gets funded or not. He encouraged the residents to keep doing what they are doing and keep the pressure on and possibly the politics will bear fruit.

Seeing no additional Public Comment, Chairperson Brnabic closed the Public Hearing at 7:41 p.m.

After a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

A motion was made by Hooper, seconded by Struzik, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, that the Rochester Hills Planning Commission Approves the Capital Improvement Plan that has been proposed for the years 2023-2028. The Rochester Hills Planning Commission has determined the following:

Whereas, the Municipal Planning Act, Act 285 of Public Acts of 1931, as amended, requires the Rochester Hills Planning Commission to annually accept a Capital Improvement Plan for the benefit of the health, safety and welfare of the community as those criteria relate to the physical development of Rochester Hills; and

Whereas, the Rochester Hills Fiscal Office has consulted with the City's professional staff who carry out the business of planning for and providing for the present and future needs and desires of the citizens of Rochester Hills; and

Whereas, the Capital Improvement Plan is meant to consider the immediate and future needs and goals of Rochester Hills, as identified by the public, City Boards and Commissions, and the Mayor's staff, in light of existing projects and plans and anticipated resources; and

Whereas, the Capital Improvement Plan is a flexible document, necessarily meant to be reevaluated and amended each year, to project into the six succeeding years, and further amended as needed to address practical realities as they relate to policies and philosophies of relevant Boards, the City Council and the Mayor's office; and

Whereas, the Capital Improvement Plan is a guide and forum to aid the Rochester Hills Mayor's Office and the Rochester Hills City Council in making decisions regarding the physical development and infrastructure maintenance of the City and determining what, if any, resources can or should be available to carry out City Council's policies and budgetary decisions; and

Whereas, the components of the Capital Improvement Plan have been subject to a public hearing, public review, and committee reviews over the course of several years and a duly noticed full public hearing held on April 19, 2022 and

Whereas, the components of the Capital Improvement Plan were arrived at through a point system using variables that included, among other things, whether the project has begun, funds committed, sources of funds, prior City Council decisions, Planning Commission or administrative recommendations and decisions; and

Resolved, that the Capital Improvement Plan presented for review on April 19, 2022, is adopted by the Rochester Hills Planning Commission on April 19, 2022 and

Be It Further Resolved, that this Plan should be published and attested to according to law.

(Planning Commission recessed from 7:42 p.m. to 7:48 p.m.)

2022-0199 Public Hearing and Request for Conditional Use Recommendation - File No. JNRA2022-0002 - to allow alcoholic beverage sales for on-premises consumption at 112 Pizzeria Bistro, 2528 S. Adams Rd., located west of Marketplace Cir., zoned I Industrial District, Parcel No. 15-30-326-015, Achille

DiNello, 112 Pizzeria Bistro Inc., Applicant

(Staff report dated April 13, 2022, floor plan, environmental impact statement, and public hearing notice had been placed on file and by reference became a part of the record thereof).

In attendance for the Applicant was Achille DiNello, 112 Pizzeria Bistro Inc., 2528 S. Adams Rd., Rochester Hills, MI 48309.

Chairperson Brnabic introduced this item and stated the request for a conditional use to allow alcoholic beverage sales for on-premises consumption at 112 Pizzeria Bistro, 2528 S. Adams Rd., located west of Marketplace Circle, zoned I Industrial District.

Ms. Kapelanski stated that this is a conditional use request for just the on-premises alcohol sales, and no changes to the site are planned. She commented that the applicant is asking for a positive recommendation on the conditional use this evening. She noted that the requirements and findings of the conditional use from Section 138-2.0302 of the Zoning Ordinance are outlined in the Staff report, and the Commission's recommendation will be forwarded onto City Council for consideration along with the liquor license request.

*Chairperson Brnabic noted that this item requires a **Public Hearing**, and stated that she does not have any speakers cards. Seeing no one in attendance wishing to speak, she **Closed the Public Hearing at 7:50 p.m.***

Mr. Hooper questioned whether the applicant currently has a liquor license or would be bringing one in.

Mr. DiNello responded that they do not have one currently, and explained that they are take-out fast casual along with dine-in. He stated that they have been there since 2012 and he is a small business owner. He mentioned that they do a New York-Style pizza, and feel that beer and pizza are a perfect marriage.

Ms. Kapelanski stated that with the most recent census counts, the City was allocated four additional liquor licenses.

Mr. Hooper stated that they are not promised or given to anyone yet.

Ms. Kapelanski confirmed that was correct, and explained that the first step in the process is for a potential applicant to come before the Planning Commission, and then go to the Liquor License Technical Review Committee, and then after that consideration by Council.

Chairperson Brnabic stated that she noticed several typographical errors in the Environmental Impact Statement summary. She suggested the applicant move to correct a few of them.

Mr. DiNello stated that he would have no problem correcting them.

Mr. Weaver questioned what kind of beverages would be served.

Mr. DiNello responded that they would do specialty beer, wine and seltzers, and would be using the tavern part of the license. He stated that they have no plans to do full liquor or spirits, and explained it would more than likely be four taps of one Italian and three Michigan craft beers, a wine selection of reds and whites, and some seltzers that are gluten free and lighter on calories.

Mr. Weaver questioned whether there would be a bar area or would just be beer served with pizza..

Mr. DiNello stated that they did submit plans that are generally what they already have now with four taps added, and do not have plans to create a bar area.

Mr. Dettloff questioned whether the applicant has had any dialogue with the State Liquor Control Commission.

Mr. DiNello responded that the process is a little bit newer because the last time there were quota licenses was in 2010, and most since then have been transfer licenses. As this is a quota license the process was a little cumbersome to figure out whether they would go to the State first or the City first. It appears that they will start here, obtain the City approval assuming they could get it, and then it would go to the Liquor Commission in Lansing. Currently there are four new licenses so if it is approved by the City Council, they have submitted the rest of the application and the only one missing is the local Rochester Hills approval, which is very important.

Mr. Dettloff questioned whether they would go for a Class C.

Mr. DiNello stated that right now they would be doing the Tavern license; he explained that they technically are upgradable to Class C licenses. He stated that unless they were doing high-end cocktails, then there would be a bar requirement that they would have to create. He commented that they would probably have to come to the Planning Commission to approve the new plans.

Mr. Dettloff questioned whether the applicant has explored all the liability.

Mr. DiNello responded that the insurance would have to be increased for liability; and they think that the benefits far outweigh with increasing business, adding more labor into the market and putting more foot traffic into an area that has recently lost some tenants during Covid. He stated that they are really excited to get a lot of that dining business back.

Mr. Dettloff stated that he has never been there, and questioned whether they had outdoor seating.

Mr. DiNello stated that they do put out a couple of benches. He commented that they have spoken to the landlord and could put a few tables outside, but would also have to check with the City to make sure that those are in part of the planning.

Mr. Dettloff questioned who the landlord is.

Mr. DiNello responded that the group is called Continuum, and he believed that Grand Sakwa sold it. He explained that this other group out of California took it over in 2018 or 2019 and they own a few things. Farbman is the property manager in Southfield.

Dr. Bowyer stated that she would agree that beer and pizza go well together, and she thinks they are in a great location and it looks like they have been established for a while. She recommended that the Board approve the conditional use to go to City Council.

Mr. Dettloff supported the motion.

Mr. Hooper questioned whether since there is no liquor license yet, it should be conditioned upon City Council's awarding of a license. If he doesn't have one, and City Council chooses not to award a license, he would have to bring one in.

Ms. Roediger stated that the question before the Planning Commission is whether the Commission thinks the use is appropriate at this location. How he gets his liquor license is for the Liquor Committee to decide.

After a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

A motion was made by Bowyer, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of City File No. JNRA2022-0002 (112 Pizzeria Bistro), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on February 15, 2022 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.

5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.
2. Public hours of operation for the restaurant will be between 11:00 a.m. - 9:00 p.m. Monday - Saturday and 12:00 p.m. - 8:00 p.m. Sunday.

2022-0197

Request for approval of a Tree Removal Permit - File No. JNRNB2021-0032 - for the removal and replacement of as many as five regulated trees for a proposed medical office development on approximately 0.84 acres of vacant land located on the south side of Auburn Rd. and west of Crooks Rd., zoned B-1 Local Business District with an FB-2 Flexible Business Overlay, Parcel Nos. 15-32-228-076 and 15-32-228-077, George Ghanem, M.D., Applicant *(Staff report dated April 13, 2022, site plans, applicant email and environmental impact statement, had been placed on file and by reference became a part of the record thereof).*

Present for the applicant were George Ghanem, MD., 11 Woodland Shores, Grosse Pointe Shores, MI 48236 and Greg Bono, PEA, Civil engineer for the project.

Chairperson Brnabic introduced this item and noted that it is a proposed medical office building on approximately 0.84 acres of vacant land located on the south side of Auburn Rd., west of Livernois, zoned B-1 Local Business District.

Ms. Kapelanski stated that the applicant is proposing to construct a one-story medical office building with associated parking and above-ground detention on the south side of Auburn near Crooks. She stated that the property would be developed under the B-1 zoning district. She noted that all reviews are recommending approval, but there are some modifications requested for landscape plantings placed elsewhere on the site instead of the required buffer and parking lot perimeter areas, also for an excess of parking. She explained that the applicant has provided justification in an email for the parking overage based on his clinical experience. The Planning Commission is asked to approve the Tree Removal Permit and the Site Plan this evening.

Mr. Bono stated that there is not much to present. He stated that this client, Dr. Ghanem currently has a practice in the Rochester area where he is leasing some space. He has acquired some property and is looking to construct his own building for his own practice. He stated that the applicant is here to answer any questions regarding the parking, and stated that they have worked diligently with the internal departments at the City to get the recommendations for approval.

Chairperson Brnabic questioned how many physicians will work at the office.

Dr. Ghanem responded that two to three physicians will work at the same time.

Chairperson Brnabic questioned whether they would be in their count of employees or separated.

Dr. Ghanem responded that they have ten exam rooms, three exam rooms per physician, and have a nurse practitioner or physician assistant who would use one room, which is why they have ten exam rooms. Employee total including physicians would probably be 15.

Chairperson Brnabic stated that she noticed a comment by staff on the site that on page C, 2.0, that there was a request that Type D would be preferred to connect the accessible sidewalks, so it would not require someone to walk on the street. She asked if they had considered that.

Mr. Bono stated that he did not believe they would have a problem accommodating that request. He noted that they were more on the lines of matching what was existing there, but could definitely work with Engineering staff to accommodate that.

Chairperson Brnabic stated that she does like the full brick and stone accent materials on the building and thinks it is very well done.

Mr. Struzik questioned how many patients per day at maximum capacity the site would see.

Dr. Ghanem stated that each doctor sees between 10 and 15 patients per day. Four testing areas would include stress testing, stress echo, ultrasound, and nuclear medicine. He would estimate probably 60-65-70 patients per day.

Mr. Struzik questioned how many staff.

Dr. Ghanem responded that including the physician probably 12-member staff.

Mr. Struzik noted that in the letter of explanation, some of the test could take up to three hours.

Dr. Ghanem responded that nuclear medicine tests the agent has a certain half-life of five to six hours. He explained that you stagger those tests to be able to work within those. He noted that tests can be a resting test where the patient has to rest for about a half hour, and then treadmill, or a chemical stress test they rest half an hour and then pictures are taken. He stated that two sessions of pictures at rest and at stress would take approximately two hours.

Mr. Struzik stated that generally he likes to have as little parking as possible, but in this case they do not want parking to potentially overflow onto the residential streets. He commented that the additional parking may resolve that concern.

Dr. Ghanem added that parking is expensive to put together and expensive to keep. He commented that he certainly would prefer grass, but the problem is he does not want people to park on the street either. He noted that his administrator sent a letter to Ms. Kapelanski explaining why that number of parking spaces are needed.

Chairperson Brnabic stated that she supports the additional parking, noting there is nothing worse than going to the doctor and not finding parking. In light of the circumstances and the amount of employees and physicians she does not have a problem supporting that.

Dr. Bowyer questioned what type of medicine is being practiced.

Dr. Ghanem responded that they are cardiologists, and in southeastern Michigan are one of the largest private group, with 18 and practice at Ascension's three hospitals including St. John in Detroit, St. John Macomb, and Ascension Rochester, along with Grosse Pointe Beaumont and Troy Beaumont.

Dr. Bowyer stated that she would echo her fellow commissioners that the brick building is very nice and fits in well with that area and she would agree that it is better to have parking there rather than on the street.

Mr. Dettloff stated that the applicant mentioned that he was currently leasing a building in Rochester.

Dr. Ghanem responded that it is across from Ascension Rochester, and noted that they also lease an office from Troy Beaumont on the fifth floor adjacent to the hospital. He explained that this office would take care of the two offices together and would be more efficient. He commented that the lack of employees these days it is a big problem for them to accommodate patients.

Mr. Dettloff questioned the hospital affiliation.

Dr. Ghanem confirmed that they are affiliated with five hospitals, three Ascension and two Beaumonts, which are Spectrum now.

Mr. Hooper noted that the staff report referred to possibly more trees for screening on the back. He stated that the plans show conifers being planted on the back and he questioned whether staff has concerns along that residential portion of the southerly property line.

Ms. Kapelanski responded that she does not know if they could necessarily fit more in. She noted that they are asking for a modification of that and it was pointed out.

Mr. Hooper commented that it looks like they are fairly close together right now, and he thinks they are in good shape. He moved the tree removal permit, first with the two findings and conditions as listed in the Staff Report.

The motion was seconded by Mr. Weaver.

Mr. Dettloff commented that in the EIS it was stated that proposed construction was winter of 2022 with completing in the fall of 2022. He questioned whether with Commission and City Council approval it could still be completed this year.

Dr. Ghanem stated that at a minimum it would be enclosed this year. He commented that he was not sure that it could be finished inside.

Mr. Dettloff suggested that be amended.

Mr. Weaver stated that he would agree there is no room for additional evergreens on the south. The only place he would possibly recommend it is at the southeast side. He stated that he noticed small evergreens and to put anything larger would hurt the existing trees he is trying to save. He commented that he has no problem with what is proposed.

After the voice vote for the Tree Removal Permit, Chairperson Brnabic noted that the motion passed unanimously.

Mr. Hooper moved the motion in the packet for the site plan approval with five findings and two conditions. He noted that condition 1 addresses the comments made by City staff that would be resolved prior to final approval.

Chairperson Brnabic stated that she had brought up an additional condition for a Type D sidewalk ramp to be used to connect the additional sidewalk.

Mr. Hooper stated that the condition could be made separate, however he noted in his statement that the condition to address all applicable comments from other City departments and it was listed as a comment.

Chairperson Brnabic stated that it was a request, and they would not be required.

Mr. Hooper stated that he would make it Condition 3.

The motion was seconded by Mr. Weaver.

After the voice vote for the Site Plan Approval, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Hooper, seconded by Weaver, that this matter be Granted. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. JNRNB2021-0032 (Medical Office Building - Auburn & Crooks), the Planning Commission grants a Tree Removal Permit, based on plans received by the Planning Department on April 5, 2022 with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove five (5) regulated trees and no specimen trees, with five (5) replacement trees required and proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. A Land Improvement Permit must be issued prior to the removal of any trees.

2022-0196

Request for Site Plan Approval - File No. JNRNB2021-0032 - Medical Office Crooks & Auburn - a proposed medical office building on approximately 0.84 acres of vacant land located on the south side of Auburn Rd., west of Livernois Rd., zoned B-1 Local Business District, Parcel Nos. 15-32-228-076 and 15-32-228-077, George Ghanhem, M.D., Eastlake Northwest, LLC, Applicant ***(Note Discussion held under Legislative File 2022-0197).***

A motion was made by Hooper, seconded by Weaver, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. JNRNB2021-0032 (Medical Office Building - Auburn & Crooks the Planning Commission approves the Site Plan, based on plans received by the Planning Department on April 5, 2022 with the following findings and subject to the following conditions:

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. Approval is granted for the modification to allow for 30 parking spaces when a maximum of 24 spaces is permitted, based upon the applicant’s demonstration of the need for additional parking spaces.
3. The proposed project will be accessed from Auburn Rd. and not Donley Ave., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets since traffic will not disrupt the residential street.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff, including completing a parcel combination of the two existing parcels of land.
2. Provide a landscape bond in the amount of \$59,018, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Sidewalk Ramp Type D would be used to connect the accessible sidewalks.

2022-0200

Public Hearing and Request for Conditional Use Recommendation - File No. JNRA2021-0005 - to allow modifications to a place of worship at Covenant Christian Church, 900 W. Hamlin Rd., located on the north side of Hamlin, east of Livernois Rd., zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-22-351-003, Aaron Santangelo, Maura Engineering, Applicant

(Staff Report dated April 13, 2022, site plans, topographic survey, floor plans and elevations, EIS and OCWRC letter had been placed on file and by reference became a part of the record hereof).

In attendance for the applicant were Jason Pirosko, architect with JMP Design and Build on behalf of the applicant, and Pastor Clay Bernier of Covenant Christian Church.

Chairperson Brnabic introduced this item and stated that it is a conditional use request to allow modifications to a place of worship at Covenant Christian Church, 900 W. Hamlin Rd., located on the north side of Hamlin east of Livernois Rd., zoned R-3 One Family Residential, with an MR-Mixed Residential Overlay.

Ms. Kapelanski stated that the applicant is seeking approval for their proposal to construct an addition on the front of the existing Covenant Christian Church, located on the north side of Hamlin Road. She noted that they are also proposing 12 additional parking spaces and an outdoor pavilion. The plan generally meets the requirements of the Zoning Ordinance, and stated that places of worship are a conditional use in all single family districts and the expansion of the church requires a conditional use permit. She referenced the requirements noted in the Staff report from section 138-2.302 of the Zoning Ordinance for the conditional use. The applicant is seeking approval of the site plan and a positive recommendation on the conditional use.

Mr. Pirosko asked if Commission members had any objections or questions, and stated that they are adding a front area that would be a gathering place when you enter the church. The seating of the church is not changing at all. They also didn't have the best bathroom situation, so they are being added in the front of the addition along with a porte cochere to allow someone to drive up and drop off someone. The City had asked them to add the parking spaces because the square footage of the building was increased, but the amount of seats in the church did not change. He stated that they added the spaces and commented that they went through a pre-meeting with the engineer and they went over the project and everything went well. He stated that they came to all the requirements that they asked for and he does not think there is anything left that

they haven't committed to or provided information for that they would do. He explained that basically the building will be constructed of stone veneer and band ribbon glass around the front and a pitched roof behind that to match the existing. The tower-looking structure is the new elevator because there is no elevator in the building. Since they were doing the addition, they thought it was a good time to put the elevator in. He stated that it will showcase the glass on the top of the tower and match the new addition, trying to bring the whole building cohesively to look all as one.

Mr. Weaver stated that looking at the plans new landscaping is proposed around the front of the building.

Mr. Pirosko responded that it is the drive-through area so any trees to be removed, part of the requirements is they would have to put back, and also to make it look nice.

Mr. Weaver questioned whether they could get more of a detailed plan to understand what is being proposed, and if the tree symbols could differ from what is existing versus proposed.

Mr. Pirosko stated that there are two trees to be removed, and the same two trees basically will be moved closer to the front of the street. He commented that he believes they were required to provide a landscape plan when they go through and it would be a part of that.

Mr. Weaver asked if they are proposing to plant new trees or relocate the existing trees.

Mr. Pirosko responded that two are being relocated and some of the shrubs will be new.

Mr. Weaver noted that there is a comment in the plans that the accessible route looks a little disjointed. There are three accessible parking spaces and then the walk to get across the drive looks like it is in the middle of one of the spaces.

Mr. Pirosko responded that there are two levels, a walkout basement, and the back one is existing and goes to the back of the building so that the elevator accessed from the basement also. In the back there is a pavilion proposed which is an open-air pavilion roof and the City had asked for an accessible path to that. One of the requirements for the front is that they wanted an accessible wheelchair access from the sidewalk, and that is why that is there. He stated that if you look at the site in person, it goes upward toward the building, and they were picking the path of least resistance over removing parking spaces.

Mr. Weaver showed his computer screen, and questioned some spaces on the plan.

Mr. Pirosko stated that they are van-accessible spots.

Mr. Weaver noted that the crosswalk looks like it is in the middle of a vehicle and questioned whether there was any way to move it over.

Mr. Piroosko stated that he is sure that they could do that.

Mr. Weaver stated that his other question about the open-air pavilion had been answered.

Chairperson Brnabic stated that she saw the hours of operation listed in the EIS, and asked if those are the current hours and if they would change at all due to the addition. She noted it said Sunday-Tuesday 9-1 and Thursday and Friday 9-1.

Pastor Bernier pointed out that they have a Wednesday night service. He commented that right now it is cancelled because of the work that they are doing, but eventually they will have a 7:30 p.m. on Wednesday night for Bible Study.

Chairperson Brnabic stated that as it will continue after renovations, she asked that it be added to the EIS. She asked if the church approached the neighbors about the addition.

Pastor Bernier stated that he and his wife walked the new subdivision adjacent and gave everyone a potted plant and told everyone that they will have things going on, and that they will be more than welcome to come to their church. He stated that they also did that with the neighbors across the street.

Chairperson Brnabic questioned whether any neighbor expressed concern in regard to the addition.

Pastor Bernier responded no.

Mr. Struzik stated that the structure as-is is very unique, and commented that there is nothing else like it in the city. It is nice to see a proposed investment for it and he likes the look of what is proposed and how the elevator is incorporated into the hexagon-shaped building. Turning it into a tower turns it into a nice building element. He concurred with Mr. Weaver's concern regarding the handicap path.

Mr. Hooper stated that he supports the project and moved the motion in the packet for recommendation for conditional use approval.

Dr. Bowyer seconded the motion.

*Chairperson Brnabic noted that as this item is a conditional use, it requires a **public hearing**. She stated that she has not received any cards as of yet tonight, and seeing no hands raised, she **Closed the Public Hearing**.*

After the voice vote for the Conditional Use recommendation, Chairperson Brnabic noted that the vote passed unanimously.

Mr. Hooper moved the motion in the packet for site plan approval, and noted to include an additional condition for modification of the EIS.

The motion was seconded by Mr. Struzik.

After the voice vote, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Hooper, seconded by Bowyer, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. JNRA2021-0005 (Covenant Christian Church), the Planning Commission recommends to City Council Approval of the Conditional Use to allow modifications to the church, based on plans received by the Planning Department on November 1, 2021, December 3, 2021, and March 9, 2022 with the following findings.

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community by adding landscaping and offering easier access for elderly or disabled church attendees.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.

2022-0201

Request for Site Plan Approval - File No. JNRA2021-0005 - for modifications including a building addition and parking lot expansion at Covenant Christian Church, 900 W. Hamlin Rd., located on the north side of Hamlin, east of Livernois Rd., zoned R-3 One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-22-351-003, Aaron Santangelo, Maura Engineering, Applicant

(See Discussion under Legislative File 2022-0200).

A motion was made by Hooper, seconded by Struzik, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. JNRA2021-0005 (Covenant Christian Church), the Planning Commission approves the Site Plan, based on plans received by the Planning Department on November 1, 2021, December 3, 2021, and March 9, 2022 with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Hamlin Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond in the amount of \$5,000.00, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
4. Environmental Impact Statement is to be revised for the hours of operation.

ANY OTHER BUSINESS

2022-0160

Proposed Commercial Development, consisting of 0.44 acres at the northwest corner of Auburn and Dequindre Roads, zoned BD Brooklands District, Ravinder and Anita Saini, Applicants.

(Memorandum by Kristen Kapelanski of April 13, 2022, site plan, presentation and owner profile had been placed on file and by reference became a part of the record thereof).

Present were Michael Hassan and Mitesh Ghandi.

Chairperson Brnabic introduced the discussion item, a proposed commercial development consisting of 0.44 acres at the northwest corner of Auburn and

Dequindre Roads, zoned BD Brooklands District. She noted that applicants were Mr. and Mrs. Ravinder and Anita Saini.

Michael Hassan stated that he is friend and attorney for Mr. and Mrs. Saini, stating that he is here because Mr. Saini has come down with Covid and cannot be here today. Mr. Saini asked him to come represent him in the discussion, and he introduced Mitesh Gandhi, Civil Engineer, who he stated would be able to answer any technical questions.

Mr. Hassan stated that he has known Mr. and Mrs. Saini for close to a decade, and stated that many of the Commissioners may also know him. He stated that he wanted to point out a few things about the Sainis, and stated that they have been in Rochester Hills for coming on two decades and have four Tim Horton's, after starting with one. He noted that what they have shown in the past with the previous stores is that it is an essential theme for them to partner up with the communities that their stores are located in; they are local business people and care about the communities and their success is tied to it. They wanted to come here today to get feedback to make sure that what they propose is in line with what the City's vision is for this property.. He pointed out that Mr. Saini was Small Businessman of the Year 2014, was awarded the Diversity Award with the Regional Chamber of Commerce, member of the Lions Club, Leader Dog member, member of the Christmas Parade, and so he is active in the community. What he wanted to do with this design is to make it as feasible as possible for the location that it has. He stated that he personally thinks it is a very cool idea; they have a walk-up window so that the bikers and foot traffic can come up and be serviced that way. He stated that it is the most efficient design that is possible for this location, and he thinks it looks great. He explained that they are open to hear the Commission's comments. He mentioned that Mr. Sean Stoner is also in attendance, a former police officer, and wanted to come on his own volition to give a personal testament for the Sainis.

Sean Stoner, 3381 Donley, Rochester Hills, 48309, stated that he has known Ravinder and Anita for close to ten years, and their locations in the City of Rochester Hills do good business. He added that he thinks that they would do well in the Brooklands area and it would be nice to add to the improvements that the City has done. He stated that he thinks it would be good for the people who frequent the City and live in the City. He commented that it is always nice when you come to a community and there are resources that you can go to, shopping centers, restaurants, and things. He stated that he lives in the area and knows these people and thinks it would be an asset to the community and to the people who travel through it.

Chairperson Brnabic stated that the current owner operates a Tim Horton's at Avon and Rochester. She questioned what other locations he has in Rochester Hills.

Mr. Hassan says he has one other one at Crooks north of M-59, and also has two other ones in Shelby Township, at 21 and Van Dyke and 23 and Van Dyke.

Chairperson Brnabic stated that she is really happy that he is part of the community and has a very successful business, more than one, within our

community. She stated that she welcomes his application, but has some concerns about this proposal for several reasons. She stated that she sees 13 stacking spots and she has a feeling that with the business that Tim Horton's does, the cars will run out onto Dequindre Road. Her dual concern is that this location would be right next to a residential side street and a home past that side street. She stated that with the proposed business so close to a residential side street and the likelihood of traffic running out, the possibility is that traffic will block the residential side street. She stated that her next concern is it will definitely present an inconvenience for residents. She would anticipate there will be drivers that are polite and will decide to leave a space for those cars waiting to come through if blocking the side street, and with trucks and vans and SUVs there would not be great visibility trying to come through that space. This presents a safety concern. At the same time, there will probably be cars pulling out to go around those cars that run out onto Dequindre Road and are stacking.

Chairperson Brnabic stated that when the BD Brooklands District was reviewed, and it has not been that long since it has been developed, the Planning Commission did have a discussion about the possibility of a business with a drive-through on this property. There was a decision not to consider a drive-through for that corner and location. She stated that on the opposite side of the road, North Shack was grandfathered in because they have been in business in that location for 30 to 40 years, their drive through is low intensity, and obviously they would not want to push someone out of business that has such a successful business and been a part of the community for so long. She commented that it was very intentional that no drive-throughs would be located in the BD District.

Chairperson Brnabic stated that in order for that to happen they would have to apply for a rezoning or a conditional rezoning for this property. She stated that due to the circumstances and the concerns, she could not support rezoning that property to do this. She stated that she has nothing against Tim Horton's and is glad that the owner is successful in other parts of the city, she just does not think this is the right location.

Mr. Hassan stated that to address the concerns of cars stacking up, he would point out that Ravinder in his four other locations has exceeded the protocol of passing through each car every 30 seconds. He stated that while the concerns are well-taken and understood, he believes he could alleviate this concern to point out that not only does he know what he is doing, he has done this in the past to keep his business so it exceeds the national standards Tim Horton's puts on its franchisees.

Chairperson Brnabic stated that it is good that he has that policy, but it depends on how much business they have on any given day and at any given time. She stated that she does believe that traffic at times spills out onto Rochester Road in the mornings particularly. She commented that this is her concern with 13 stacking spots, and noted that it is a small piece of property next to the residential side street is a safety concern. It would move from an inconvenience to a safety concern. Also the way the BD Brooklands District is zoned it does not permit that.

Dr. Bowyer expressed thanks to Mr. Saini for having the Tim Horton's in the city and appreciates his business. She stated that the City just undertook this development, and in it, no drive-throughs. She stated that she is a solid no drive-throughs and commented that this is going to be a walkable part of town. Also if people are going to live there they are going to walk. She commented that the North Shack was grandfathered in but they won't be able to keep it once they are no longer North Shack, so there won't be a drive-through there, and there won't be a drive-through on their side either. She commented that if they come back in 10 years and nobody has developed it, the Commission can talk then, but no drive-throughs. In the short term, it is a no for her.

Mr. Weaver questioned whether there would be any indoor dining.

Mr. Hassan responded that it would be strictly drive-through.

Mr. Weaver questioned the design and noted that they just had a modular proposal request come through on another site. He commented that he likes the idea of walk-up in this part of town; however, he does share concerns about the stacking and the traffic and getting in and out of the site. He questioned whether there were any plans for dine-in or if not having a drive-through would be a deal breaker. He asked if there could be an expanded building for interior seating.

Mr. Hassan stated that he would let Mr. Ghandi address the practical issue with the size of the lot.

Mr. Ghandi stated that it is a very small site as everyone knows, and he believes that they have come up with a very unique site plan with the condition of the site. The plan proposed is that there will not be any entrance allowed for Auburn Road so entry is from Dequindre Rd. He stated that he thinks they have enough stacking.

Mr. Weaver asked if their thought process would change if a drive-through was eliminated and it was a sit-down concept. He stated that they would still have to see the plans and review them of course. He pointed out that the entire corridor was designed to be a pedestrian-friendly walkable corridor and throughout the whole process as many of the driveways as humanly possible were removed from Auburn Road and flipped to the alley in an effort to reduce traffic and make it more pedestrian-friendly. He commented that putting in a drive-through with the amount of traffic Tim Horton's would get is counterintuitive to that. He commented that he would still have to see a site plan, but would entertain it. He stated that he really likes the idea of a walk-up, but unfortunately he does not think a drive-through will happen there. He reviewed the aerial and stated that Tim Horton's could take up the rest of that corridor.

Mr. Hassan stated that he appreciates the comments.

Mr. Struzik stated that he shares some of the same concerns with the drive-through; it's not really the appropriate place where they are looking to do that. He commented that he does not mind that it is drive-through only, but this location is a no-go. He mentioned that he does like the walk-up and commented

that this location is walking distance for him and he would love the idea of walking up to a business and buy a cup of coffee. He stated that he thinks the other big issue here is traffic safety. If they do have issues and it is backing out onto the road, it is pretty much on the intersection so there would be some southbound impacts in blocking off Dawes. He pointed out on the northbound side if people are trying to turn left into there, the left turn lane for southbound to eastbound is right there and he can see a lot of conflicts. He stated that this is going to present a lot of issues with people getting in and out. He noted that generally he likes seeing less cutouts for driveways, but in this case it hurts because it would be nice if the site accommodates a way to get out to Auburn Road. He stated that he does not know if there is a way to connect it to the adjoining business for another way to get out. His main concern is what they want in the district and also the traffic implications, especially the left-turn traffic. He commented that it would be great for people going southbound and want to continue southbound, but for people who want to do a lot of other things it will present issues.

Mr. Hooper questioned whether in BD zoning the drive-through would be a conditional use approval or a total rezoning.

Chairperson Brnabic responded that it is not permitted, and could be a total or conditional rezoning.

Mr. Hooper stated that the site will be a challenge at that corner. He commented that the walk-up presented is such as an indoor mall, and nothing outdoors is a walk-up unless it is similar to a small ice cream shop before they had drive-throughs. He pointed out that the insurance business used to be there, and Pat Somerville's home was right next door to it, and it will be a challenge to put much of anything there.

Chairperson Brnabic stated that she would have to agree that she would consider looking at a walk-up, although she is not saying to move forward with it. She commented that people may walk for coffee and donuts or anything else offered.

Mr. Hooper stated that he does not believe the economics would pay off for something like that.

Chairperson Brnabic noted that this would be the applicant's decision. She stated that it was very intentional that no drive-throughs be located in the BD District. She asked if the applicant had any additional questions.

Mr. Hassan responded no, and stated that he believes the Commission has been very frank and it is appreciated to let them know. He commented that he did not know if it would be economically feasible to try to re-do it, but they would look at it.

Mr. Dettloff asked if the applicants own that parcel.

Mr. Hassan responded no; however, it is under contract.

Discussed**2022-0161**

Request for Election of Officers - Chairperson - for a one-year term to expire the first meeting in April 2023

Dr. Bowyer nominated Chairperson Brnabic for Chairperson, and stated that she has been doing a great job and right now with the changeover of Commissioners, if it is not broken it should not be changed. Mr. Weaver seconded the nomination.

Chairperson Brnabic accepted the nomination.

After a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

A motion was made by Bowyer, seconded by Weaver, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, the Rochester Hills Planning Commission hereby appoints Deborah Brnabic to serve as its Chairperson for a one-year term to expire the first meeting in April 2023.

2022-0202

Request for Election of Officers - Vice Chairperson - for a one-year term to expire the first meeting in April 2023

Dr. Bowyer stated that Vice Chairperson Hooper has been doing an excellent job and she would nominate him if he is willing to continue on.

Mr. Dettloff seconded the nomination.

After the vote, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Bowyer, seconded by Dettloff, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, the Rochester Hills Planning Commission hereby appoints Greg Hooper to serve as its Vice Chairperson for a one-year term to expire the first meeting in April 2023.

2022-0203

Request for Election of Officers - Secretary - for a one-year term to expire the first meeting in April 2023

Dr. Bowyer stated that she has spoken to Ms. Neubauer and she indicated that she would love to be Secretary. As Ms. Neubauer cannot be here tonight, she would like to nominate her and she knows that she would take the nomination.

Mr. Struzik seconded the nomination.

After the vote, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Bowyer, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, the Rochester Hills Planning Commission hereby appoints Marvie Neubauer to serve as its Secretary for a one-year term to expire the first meeting in April 2023.

2022-0074

Request for appointment of a Planning Commission representative to the Citizens Pathway Review Committee for a one-year term to expire December 31, 2022

Chairperson Brnabic stated the Mr. Struzik mentioned to her that he would like to serve on the Citizen's Pathway Review Committee.

Mr. Hooper nominated Mr. Struzik and Dr. Bowyer seconded the motion.

After the vote, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Struzik, seconded by Bowyer, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Excused 1 - Neubauer

Resolved, that the Rochester Hills Planning commission hereby appoints Scott Struzik to serve as its representative to the Citizens Pathway Review Committee for a term to expire December 31, 2022.

NEXT MEETING DATE

- May 17, 2022

Ms. Roediger noted that assuming everyone is available, a worksession will be planned for that evening as well. She noted that only one agenda item will be on the Regular Meeting agenda, the Commission could return to the zoning discussion work session after the Regular Meeting to keep the discussion moving forward as quickly as possible.

She added that there will be renovations underway in the Auditorium and the next couple of meetings may be disrupted. She highlighted the renovations planned.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Hooper, seconded by Mr. Weaver, Chairperson Brnabic adjourned the Regular Meeting at 8:53 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary