



Rochester Hills

Minutes

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Gerard Dettloff, John Gaber, Marvie Neubauer,
Nicholas O. Kaltsounis, Scott Struzik and Ben Weaver

Tuesday, November 16, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Rochester Hills Planning Commission Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 9 - Deborah Brnabic, Gerard Dettloff, John Gaber, Greg Hooper, Nicholas Kaltsounis, Susan M. Bowyer, Ben Weaver, Marvie Neubauer and Scott Struzik

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, Utilities Services Manager, DPS/Eng.
Jennifer MacDonald, Recording Secretary*

Chairperson Brnabic welcomed attendees to the November 16, 2021 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. Roediger. 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

[2021-0468](#) October 19, 2021 Regular Meeting

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

COMMUNICATIONS

None.

PUBLIC COMMENT

Gretchen Komarzec - 3248 Hickory Lawn Road - Ms. Komarzec stated that she has concerns about the proposed Chick-fil-A site plan that was submitted in October to staff. She explained that she lives right behind there, her home is one of the closest to the proposal, and she is very concerned about the development. Her understanding of the purpose of a conditional use approval is that uses such as drive throughs have to go through a special approval to ensure to prevent adverse impacts to neighboring properties, and especially to the homes adjacent and to her neighborhood. She said that she thinks that the proposal will definitely adversely impact the homes in her neighborhood and especially the homes that are directly adjacent. Ms. Komarzec noted that her biggest concern is the proximity to residences, and stated that this is the only Chick-fil-A except for one other in Michigan that abuts residential properties. She explained that this is not a regular drive through use, because they use outdoor attendees to take orders, direct traffic and to deliver food. Also this proposal has 77 stacking spaces, and 20 of them would directly be westbound right into her house, which is significant. She said that the whole site plan will be excessive in terms of the noise of vehicles, there will be air and light pollution from all of those cars idling, and there will also be direct impacts to adjoining residential traffic. She said that with regard to the Traffic Impact Study submitted, there are 31% of the points are level service of E, and the whole area is very congested. She noted that she is concerned about cut through traffic to Hickory Lawn, as well as Shadywood, as a result of north bound and south bound Rochester getting backed up due to the excessive traffic.

Eileen Arseneau - 3284 Hickory Lawn Road - Ms. Arseneau said that she and her family have lived in their house on Hickory Lawn since 1984 and during that time the City has gone through a lot of changes and they have put up with a lot. She said that this development will result in a drastic change for their neighborhood. She said that the cut through traffic will be tremendous. Ms. Arseneau noted that there are a lot of kids and autistic kids in her neighborhood and there will also be a lot of noise. She explained that they already put up with a lot of light pollution with backyards lit up like it is daytime. She said that they already put up with a lot, and she is hoping with this Chick-fil-A and all of the traffic, noise, drive throughs right across the street from her house will just be too much.

Richard Moher - 3212 Hickory Lawn Road - Mr. Moher said that he lives on Hickory Lawn as well. He said that he thinks placing a Chick-fil-A in this location is not a good idea knowing the traffic flow that happens at the existing one by Lakeside Mall. He suggested commissioners go over to look at that location and stated that it is a very large parking lot. He said there will be an increase in traffic, and the only access lane for M-59 for east and west bound traffic will conflict if a very popular restaurant is jammed in that area. He explained that southbound traffic headed to M-59 will be severely impacted, as people are trying to move into that same lane with all of the people trying to get into Chick-fil-A. He said that it is a very popular restaurant and will significantly increase traffic flow. He said that the Planning Commission is going to have to decide for everyone that is going up and down Rochester Road that the additional traffic will not impact the residents. He said that it is a serious situation because of the restaurant's popularity. He said that the Culvers

restaurant across the street flows into the Meijer parking lot, even though that is not their property, and what happens at McDonalds is the same thing, it goes all the way out to Auburn Road. He explained that what happened at Starbucks was a great example during the first part of the pandemic, the cars entering went all the way around the building and out to Rochester Road. He said that the Planning Commission better consider the situation that everyone going up and down Rochester Road will be impacted by that restaurant.

Jeremy Kenimer - 3106 Hickory Lawn Road - Mr. Kenimer explained that he is representing his mother-in-law who lives on Hickory Lawn. He said that he and his family are often at her house on evenings, and his children are five and seven years old. He explained that he is concerned about all of the traffic that this proposed development will bring to their road. He said it is a great restaurant but it can't have that effect on their neighborhood. He commented that he is sure that two things will happen: the traffic on Rochester Road will be influenced, and there will be traffic backed up on Hickory Lawn. He is concerned about the safety of his children and his aging mother-in-law.

John Panzica - 144 Shadywood Road - Mr. Panzica noted that he has been a resident of Rochester Hills for 35 years. He said that it has been a great place to live and he echoes the other comments made. He noted that there have been several lawsuits against cities in Ohio about Chick-fil-A, and the business people aren't happy and the residents are not happy because of all the reasons previously stated. He said that he doesn't care if residents live north, south, east or west of Rochester Road, it's going to have a significant impact on traffic for everybody as it is a main thoroughfare and this development will affect the whole City. He said that they already have a significant amount of cut through traffic on Shadywood. He stated to the Planning Commissioners that as the residents' representatives he hoped that the concerns that are expressed tonight resonate with them.

Debra Alexander - 306 Shadywood Drive - Ms. Alexander noted that last week she celebrated two years of living 2 in the same home on Shadywood. She said that she loves her neighborhood and has been blessed with wonderful neighbors. She commented that property value devaluation will surely occur on Hickory Lawn and Shadywood with this development as they see fewer and fewer people wanting to live in the neighborhood. She said that they have a ridiculous number of people cutting through their street, and said she yells at people to slow down. She said that the residents know they are going to get some fallout from the Chick-fil-A. She explained that they have a terrible time with people turning out from the Sunoco gas station, from Rochester Road into the neighborhood, and she has no idea on why every fast food restaurant should be crammed on the west side of the road. She stated that it is a terrible suggestion and everybody knows it, and it needs to be moved elsewhere. She said that Chick-fil-A should negotiate with the people who own the Target parking lot, that parking lot has never been full. She said this development would result in a terrible devaluation of their properties, and said they already have to live in torment of waiting for all of the lights. She said that she's done her research, there is an eight minute average time that cars wait. She said that she knows all about the Chick-fil-A's in her home state of Delaware, as she has been a patron, and at times you wait a long time. She expressed concern of the carbon

monoxide that emits from the cars waiting eight minutes, and the lovely sound of diesel and big muscle cars that neighbors will have to listen to. She noted that there are better places for the proposed Chick-fil-A to exist, where it is not there fitting tightly between other businesses, and suggested that it should be moved across the street to the Target parking lot.

Chairperson Brnabic thanked the residents for their comments and noted that the Planning Commission has not seen the plans submitted yet for the proposed Chick-fil-A. She further stated that the drive through will require a conditional use approval by City Council.

NEW BUSINESS

2021-0475

Public Hearing and request for Conditional Use Recommendation - City File No. 21-033 - to allow for alcoholic beverage sales for onsite consumption at Meshico Restaurant, 2949 Crooks Rd., north of Auburn Rd., east of Crooks, zoned B-2 General Business District with FB-2 Flexible Business District overlay, Parcel No. 15-28-353-002, Michael Livanos, Meshico Restaurant, Applicant

Present for the applicant was Michael Livanos, owner of the Honey Tree Grill.

Ms. Brnabic introduced the application for a conditional use application to allow for alcoholic beverage sales for onsite consumption at Meshico Restaurant at 2949 Crooks Rd., north of Auburn Rd., zoned B-2 General Business District with an FB-2 Flexible Business District overlay.

Mr. Livanos introduced himself as the current owner of the Honey Tree Grill.

Ms. Kapelanski reviewed the plans to alter the concept of the Honey Tree restaurant near the corner of Auburn and Crooks Roads for a new Mexican restaurant, Meshico, with onsite alcohol sales. The current zoning does permit onsite alcohol sales as a conditional use. There are some minor site modifications to the outdoor seating and facade shown as well which can be reviewed and approved administratively by staff. The applicant is in compliance with ordinance requirements and is requesting a positive recommendation of the conditional use this evening.

Mr. Livanos said that the location is currently the Honey Tree Grill restaurant and they are doing some cosmetic changes and designs to bring a Tex Mex southwest type restaurant to the area. There is a high volume of restaurants in the area of Crooks Road between Auburn and Hamlin. He noted that they have lost business in the last few years especially with the pandemic, and they are having a hard time maintaining employees and the hours of operation. They hope that this new concept will bring more customers and employees back. They've been there since 2006, and with the changes and new patio they look forward to doing business for the next 20 yrs. or more. He explained that it will be a Tex Mex style restaurant with a bar, featuring tacos, tequilas, and southwest entrees. They are bringing in a chef from another restaurant and look forward to opening with these changes.

Chairperson Brnabic said that she does not have a problem with the sale of alcoholic beverages in this location, and noted it would have been nice to have a small color rendering showing the exterior changes to the facade and the outdoor seating area, although it's not required.

Mr. Livanos said that they spoke with the landlord and suggested that they change the lime green steel awnings that are very dated. The proposal is to make them look more up to date and modern and to match his patio. He doesn't have the renderings of the patio yet, he just has a drawing of where the patio will be built, and it will be facing west. He is looking at a black steel style railing, with zip-ups, so that it could be used for four seasons with heaters inside. It will be a nice element incorporated into the style of the building.

Mr. Dettloff said that this is a smart move for this concept. He noted that he can imagine how the applicant's business has been impacted for the last 18 months. He asked the applicant whether he currently has the liquor license. Mr. Livanos replied that he did. He said that the Liquor Control Commission has given him a conditional use and is awaiting for the use to be permitted by the City. Mr. Dettloff said that he thinks it's a great idea and noted that there are guidelines for serving alcohol on the patio. He said that supports this use and wished the applicant good luck in moving forward. He asked the applicant how long has the Honey Tree been there and if he's been the operator during that whole time. Mr. Livanos replied it has been there since 2007, and noted he used to have two partners however they backed out after the business went down, now he is the sole owner. Mr. Dettloff asked Mr. Livanos whether he owns any other restaurants in the area. Mr. Livanos replied that he does not.

Mr. Kaltsounis asked staff whether the applicant have to come back for the seating outside if the conditional land use has already been approved. Ms. Roediger replied that the conditional use is only for the alcoholic sales and the outdoor seating is handled administratively.

Dr. Bowyer asked the applicant whether they would have a full liquor license, or if they would just be selling beer and wine. Mr. Livanos replied that it is a Class C liquor license so it would be a full liquor license. Dr. Bowyer commented that it is a great idea to have the outdoor seating. She noted that this will increase the business since Tex Mex is very popular and wished them well.

Chairperson opened the public hearing at 7:26 p.m. Seeing no one wishing to speak and no email communications received, she closed Public Comment.

Mr. Kaltsounis commented that this property is surrounded by a lot of shopping plazas and office buildings, and is pretty far away from houses in this location. He said that he lives in the area and has seen some of the issues that Mr. Livanos has mentioned. He said that it fits a lot of the checks in the boxes that he likes to fill with regard to an application like this.

MOTION & VOTE

Mr. Dettloff asked the applicant if he acquired an existing or an escrow license. Mr. Livanos said that it is an escrow license; it came from outside. Mr. Dettloff wished Mr. Livanos good luck.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, in the matter of City File No. 21-033 (Meshico Restaurant), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents dated received by the Planning Department on October 13 and 15, 2021 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. - 11:00 p.m. daily.

2021-0474

Public Hearing and request for Conditional Use Recommendation - City File No. 21-040 - to allow for alcoholic beverage sales for onsite consumption at Shake Shack Restaurant, 66 N. Adams Rd., north of Walton Boulevard, east of Adams Rd. zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-08-351-005, Randall Garutti, Shake Shack Michigan, LLC, d/b/a Shake Shack, Applicant

Present for the applicant was J. Patrick Howe, attorney for Shake Shack.

Chairperson Brnabic presented the application to allow for alcoholic beverage sales for onsite consumption at Shake Shack restaurant at 66 N. Adams Rd., north of Walton Blvd., zoned B-3 Shopping Center Business District with a FB-3 Flexible Business overlay.

Mr. Howe introduced himself as the attorney for Shake Shack of Michigan.

Ms. Kapelanski said the applicant is requesting to add alcohol sales to the recently opened Shake Shack in the Village. She noted that the current zoning permits onsite alcohol sales as a conditional use. She noted that there are some minor site modifications and to the facade that were recently approved administratively and were completed prior to the grand opening. Ms. Kapelanski commented that the applicant is in compliance with ordinance requirements and is requesting a positive recommendation of the conditional use permit this evening.

Mr. Howe said that this is their fourth location in Michigan, and they would like to add beer and wine as they service across the country. He noted that this fits in their national concept and they are in the process of purchasing a license to transfer to this location. Mr. Howe said that they are performing a full remodel of existing building, and they are currently open to the public. Although there is an outdoor patio they don't intend to serve alcohol outside at this time. He said that they have restaurants with liquor licenses in Ann Arbor, Detroit, and Troy also.

Mr. Dettloff asked whether other Shake Shacks in Michigan have liquor licenses. He said that he was trying to do some research on the alcohol sales since they are more of a fast food type of restaurant. Mr. Dettloff commented that he was intrigued by incorporating alcohol which he is not opposed to. He thanked Mr. Howe for Shake Shack's presence in Rochester Hills. He asked Mr. Howe for confirmation that they will only be selling beer and wine at this time.

Mr. Howe said that they are applying for a Class C license and would like to keep it a Class C in case anything changes, and in the industry things like canned cocktails would push them into that category. The Class C allows for beer, wine, and spirits but the menu is just beer and wine at this time. Mr. Dettloff asked jokingly whether he could order a cabernet shake. Mr. Howe said that they have a lot of unique offerings. Mr. Dettloff wished the applicant luck.

Dr. Bowyer asked whether the other Shake Shack locations have a Class C or a Tavern license, and whether they just sell beer and wine or if they sell spirits, and whether they serve the alcohol outside. Mr. Howe replied that they have the same menu they just do beer and wine also, and the other Michigan locations service alcohol outside. Dr. Bowyer asked how this location would stop people

from taking the alcohol outside. Mr. Howe said there will be signage indicating there is no alcohol allowed beyond a certain point. If they serve outside, the LCC would require a much more secure fence/enclosure which may not be fitting with this location. Dr. Bowyer commented that Shake Shack has great food and they've done a great job.

Chairperson Brnabic opened the public hearing at 7:35 p.m.

Corey Rowe, 1556 Charter Oak Drive, Rochester Hills, MI 48309 Mr. Rowe said he is located in District one and he wanted to thank the applicant for the walk up window. He said that this is one of the more walkable areas in the City, he lives about a mile southeast of this location, and noted that a lot of my friends that went to Oakland University and they like to walk or bike up there to meet. He said that it is nice to have a place to walk to without having to drive. He said that he hopes this moves thorough.

There being no further comments, Chairperson Brnabic closed the public hearing at 7:37 p.m.

Mr. Kaltsounis commented that this request checks all of the boxes that he's looking for, it's not too close to houses.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, in the matter of City File No. 21-040 (Shake Shack restaurant), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents dated received by the Planning Department on October 25, 2021 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 not exceed Monday through Friday 10:00 p.m. - 9:00 p.m. and Saturday and Sunday 11 a.m. - 9:00 p.m.

2021-0472

Public Hearing and request for Conditional Use Recommendation - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlot within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

Present for the applicant were Kyan Flynn and Deanne Richard, 24Ten LLC, 807 Ironstone Dr., Rochester Hills, MI 48309, and Tonia Olson with BCubed Manufacturing, 666 McKinley Ave., Alpena, MI 49707.

Ms. Brnabic introduced the application for Biggby to add a modular coffee drive-through with landscaping within an outlot in the Meijer parking lot, on Rochester Rd. south of Auburn Rd.

Ms. Kapelanski reviewed the plans for a modular coffee drive through with landscaping to be installed within an outlot of the Meijer parking lot and Auburn and Rochester Road. The proposed service would include both drive through and walk up service. She noted that the applicant has provided the required parking counts, and staff has confirmed that adequate parking will remain for the entire square footage of the Meijer store. She noted that the development does not include any new access points, all access would be provided by the existing entrances on Rochester or Auburn Roads. The applicant has provided required lighting specifications, and mounting heights are within the ordinance requirements. The site is zoned B-3 with an FB-3 overlay, drive throughs are a conditional use in the B-3 district. All departments are recommending approval with some minor comments to be addressed in a future submittal. Ms. Kapelanski noted staff recommends a more natural brick or stone appearance for the façade instead of the proposed Indurawall material. She stated the applicant is seeking site plan approval and a positive recommendation for the conditional use this evening. A tree removal permit is required for one tree; adequate notice was not posted for this so it will have to be noticed again for a later date. Ms. Kapelanski suggested an approval condition that if the intensity of the drive through were to increase, the applicant may be required to come

back to the Planning Commission for reconsideration of the conditional use request, and she noted this condition is similar to the condition the Planning Commission added for another drive through at the last meeting. Ms. Kapelanski introduced Mr. Boughton from the Engineering department who could answer any engineering and utility related questions.

Ms. Richard noted that she and Ms. Flynn have been dear friends for 30 years, this is their first business and they are the first franchisee. She explained that they are both Michiganders and what landed them back into Rochester Hills together was to open this Biggby. She said that they are partnering with Michigan based companies, Meijer, BCubed Manufacturing, and Biggby. She noted that they want to bring this before the Planning Commission, to put faces to names and they are excited to be here tonight.

Chairperson Brnabic noted that she agrees with staff that the façade needs some stone or brick; the facade is rather unattractive as it is presented right now. She said that she has a few concerns with this location. She explained that if someone was traveling west, and looking at where a customer would enter the drive through, there are ten stacking spaces. She expressed concern that traffic could back up into the main travel aisle, which is two-way as of now. Chairperson Brnabic noted that another concern is that if someone entered off Rochester Road and then came in the other way, they may try to go around and use that aisle with the parking there to go past where people are exiting the drive through, and then continue and try to come into the line, which looks like it would be a safety issue for a few reasons. She asked the applicants that since this is a modular building, if this structure is this meant to be temporary and asked the length of their lease.

Ms. Olson said that B Cubed Manufacturing is the company that invented this building. She explained that it has three different sections and an awning. It has the capability of being expandable and moveable. She said it is like any stick built building in that it will be connected to utilities and it is intended to be permanent, and stated that it is structurally sound and well built. She said they have a five year lease term with three renewals, so it is intended to be long term.

Chairperson Brnabic said that drive through stacking may extend out into the main aisleway. She said that someone could be trying to turn left or right to get into the drive through since that aisle is two-way, plus there could be someone coming around. She expressed that she really has some concerns with the setup and the location right now. She noted there is outdoor seating, and a walkway in this location is helpful; but drivers would have to be paying attention. She referred on the plans to the far aisle to the north of the structure, that is currently a two-way traffic aisle. She explained her concern is that people could be coming in off of Rochester Road and either choose to use that traffic aisle or the other to go to the front of the store. She noted that with the way that the drive through is set up, people could be turning left or right to enter the drive through, plus the concern about the stacking if it exceeds ten cars, because then those cars would come out and block people.

Ms. Olson said that her role for this project is beyond merely manufacturing or providing the building because this is a new concept. She said they currently

have 23 of these structures installed in Michigan, Kentucky, Indiana and Ohio. She said she worked with their site plan support and engineers to make sure this location is suitable for the use. She explained that they did think a lot about the traffic and said that City staff has done a good job of pointing out concerns. She would agree there might be a need to address things in a different way in the future once they see what the traffic patterns are going to look like. She is comfortable knowing that they have provided the required stacking, the bypass lane, and have ensured that deliveries would not obstruct the flow of traffic. She said their engineers felt comfortable with the proposal as it is. She said that they have an understanding with Meijer, and they may have to look further with Meijer at some modifications.

Chairperson Brnabic said that she is also concerned about how close this proposal is to Rochester Road and expressed concern for the traffic patterns adjacent. She noted regarding the façade, that it had been suggested by staff to use stone or brick. She asked at this point whether the applicants did not think that is necessary.

Ms. Flynn said that the picture they provided does not do justice to the planned structure, and suggested that they could try to get pictures of current buildings that are already in use. She said that looking at the neighboring strip mall, Panda Express, Culvers and the building in front of Rochester Road they seem to be somewhat made out of the same material.

Ms. Olson referred to the rendering presented, and that they will have an attractive façade material with the landscaping, a dryvit stucco-like material, painted in two tones of gray. She said the kitchen unit will be a bit darker than the tower.

Chairperson Brnabic said that she would like to see some stone or brick on the façade as it would coordinate better in that area with the surrounding buildings as they basically all have those materials and noted that it would definitely give it a more attractive façade.

Mr. Kaltsounis asked staff whether the City currently has a coffee drive through situation similar to this.

Ms. Roediger responded that there are coffee businesses in outlots, but none are similar to this proposal.

Mr. Kaltsounis shared his screen, and suggested the applicants should utilize similar façade materials as Panda Express, and showed a picture of their brick façade. He also showed an aerial photo of a Starbucks in the City with numerous stacking spaces. He noted that he went to a Biggby similar to this proposal in a Meijer's parking lot in Alpena, and was extremely disappointed, and showed a photo of it. He said that is not something that is Rochester Hills worthy. He commented regarding the poor placement of the structure within the parking lot, the sad the look of the building sitting on the columns, and noted that the window was not impressive. Mr. Kaltsounis remarked that the look of the building sitting on the columns does not impress much, and looking at what is presented it is the same thing which is being proposed here.

Ms. Olson said that the Alpena location is the prototype building, as they are manufactured there. Their owner reclaimed a foundry and that's where they are being manufactured. She said the one shown in Alpena fits that location more and not Rochester Hills. She said that is not how any of their other installations look. She explained that there would be a curb around the base of the building to create a skirt and therefore a more finished look together with the landscaping. She said that the window has an overhang on it in the newer buildings they have designed. Also the color scheme on the one in Alpena is nowhere near the color scheme that they are proposing. Mr. Kaltsounis said that the details he sees in the plans presented match the picture in Alpena, Michigan. Ms. Olson replied that the Alpena location is the only one that does not have a curb around the structure. She said that the renderings they provided were intended to be a reference sheet so that you could understand the elevation of the building and not necessarily how it fits into the land use.

Mr. Kaltsounis said that he agrees with staff on the façade needing brick and he would like to see more accurate renderings and designs. He noted that there are brick-style Biggby's around. Ms. Olson said that there is an option for brick veneer and it is an upgrade for the franchisees to consider, however it's all or nothing, they can't do a combination of materials. She said that using brick presents a concern for transportation weight.

Mr. Kaltsounis said the Planning Commission is charged with ensuring that the structure would be harmonious with the environment, and right now how it is presented it is not. He noted that he doesn't want to see under the building. He said in some of the other pictures presented you can see underneath the building and in some you can't. He said going back to the Alpena picture he was very concerned about it.

Ms. Olson said she has other examples in her binder of other locations.

Mr. Gaber said that in terms of the site working for what is being proposed, it has the potential with the drive through and the configuration and the surrounding drive aisles that it can work in that location. But in terms of the façade and the look he has a difficult time with it, as it's not compatible with anything in Rochester Hills in terms of the modular look with the three components, the height variation, and the way the drive through looks. He commented that Panda Express, Meijer, and Culver's, perhaps even the oil change place on the corner, all have stone or brick in their façade. He said that frankly this proposal is not what he wants to see in Rochester Hills, and he is afraid of setting a precedent. He said that this proposal doesn't meet the site plan or conditional land use criteria, it is not architecturally or aesthetically harmonious and compatible with surrounding land uses in the area. He said that the applicants may be able to design a building that could work on this site but this is not it.

Mr. Struzik asked to show his screen, and said that he is concerned with the aesthetics of the structure and it is not harmonious with surrounding developments. He presented a picture of a Biggby's in Akron, Ohio with a brick façade, and said that would be a lot closer to the mark. He said that he is not

opposed to the modular design but he does oppose the current materials on the plans. He said that the applicant needs to provide better renderings to provide a better understanding of the texture of the materials. He pointed out the main aisle leading to where the Biggby's would be located. He noted he has a concern with two parking spaces, that already it's difficult to pull out of that aisle. Adding the Biggby's will add a lot of traffic to that particular aisle. He said that when he went to visit the site today there was a big Cadillac parked there. He said that any proposal is going to need to address the difficulties with those two parking spaces, there needs to be some sort of hard barrier and not just paint in order to increase visibility if the proposed development is going to be adding traffic to that location. He also said that it would be nice if there were more sidewalks to enter on foot and via bicycle from Rochester Road, although it's not necessarily a requirement for this proposal.

Ms. Neubauer also shared her screen and asked the applicant if the structure shown would be closer to what it the structure would look like. Ms. Olson responded that the photo being shown was taken during the installation and was not finished. She said contractors would come back and install a patio. Ms. Neubauer showed another picture with a patio, and asked if it would be the structure shown on one picture and the patio and curbing shown on another. She said that the material and color are gray from the first picture and it has the skirting.

Ms. Olson said that is 95% of what it would look like.

Ms. Neubauer asked the purpose of the second story.

Ms. Olson explained that the shorter piece is the kitchen unit, the taller portion contains a bathroom, and the top contains infrastructure including a reverse osmosis system, a water softener, and utility items.

Ms. Neubauer remarked that the façade presented tonight with the brick is much closer and more fitting for Rochester Hills.

Ms. Flynn explained that they went with the façade that Meijer has approved for all of their locations.

Ms. Neubauer replied that the commissioners are trying to give the applicants advice so they can bring this use to Rochester Hills. She said that she is not a big fan of the modular type of structure, and she hates the Meijer parking lot as it's very difficult to navigate. She stated that as Chairperson Brnabic mentioned, she also watched someone at Taco Bell turn in, get stuck, and they just couldn't back out. She said that the area is always is so congested and people are always looking for shortcuts. She said that the way the drive is proposed it is very concerning, it is a safety issue, and the commissioners are trying to do what's best. She suggested that they discuss it with the commissioners today so it can be fixed today, to allow the applicants have the chance to do what they want to do.

Dr. Bowyer said that she appreciates the idea but doesn't think it fits in Rochester Hills at all. She suggested that the applicants custom design the

building so that it is half brick, and resembles Panda Express, for example. She noted that Meijer's recently spent a lot of money to upgrade their façade. She suggested that to put something in there that won't have any brick at all would not fit in. She asked the applicant whether there would there would be a walk up window, and asked Ms. Kapelanski whether there are any buildings in Rochester Hills that are on piers.

Ms. Kapelanski responded that was not aware of any but did not know for sure.

Dr. Bowyer said that since you can't put a deck on piers in Rochester Hills, how it would be possible to put a structure on piers in Rochester Hills.

Ms. Kapelanski noted that the Building Department has reviewed these plans; however, they look more at the details during the permit review process.

Dr. Bowyer suggested that the piers may not work and they may need to dig a foundation. She noted she also has traffic concerns as Culvers backs up and it's going to be an issue. She remarked that Meijer may have to lose some of their spaces in the parking lot in order to have the area curbed, and so the traffic flow can be better directed.

Ms. Kapelanski responded that if the Planning Commission were to add a condition that there be more curbing to the site plan approval, then it would be up to Meijer or Biggby as to who would be responsible for installing it.

Dr. Bowyer said this is a quaint idea, but this would not be fitting with the buildings in the area and therefore would not be harmonious. She noted the commissioners are charged with ensuring buildings are kept to the same standard and are harmonious.

Chairperson Brnabic asked Mr. Boughton if he has any concerns about sanitary waste, kept in a holding tank and then pumped out with a two inch force main to the sewer.

Mr. Boughton responded that there are multiple properties that are on grinder pumps in the City, and explained that it is in essence a glorified sump pump with a special plate on the bottom if it, they discharge to a force main out and out to Rochester Road where there's an existing sanitary lead pretty close to the right/in-right/out entrance at Rochester Road. He noted there are approximately 150 in the City. He said that at times, pumps do fail, and this one would be privately owned and maintained.

Mr. Weaver stated that he is concerned about setting a precedent for a modular structure, and commented that he doesn't want to see this everywhere. He stated that there are a lot of parking lots in the City. He suggested that the trees shown on the plans can get very large, and they would get too large for this spot. He suggested that the applicant should have some soil tests done, and commented that they may struggle with getting plants to grow in this location. He asked the applicants whether they would be looking to have signage on Auburn Road for this business.

Ms. Olson responded that the building comes with built-in signage. She commented that they would have to negotiate additional signage with Meijer, and did not think that Meijer would be a fan of additional signage.

Mr. Struzik shared his screen showing an aerial photo and referenced "Lake Meijer" right to the south of the proposal where water pools when it rains. The applicants responded that that issue has been resolved.

Chairperson Brnabic said that with all of the concerns expressed she cannot support this proposal, even with the comment that that the applicants could see how it goes. She stated that there needs to be a better plan before approval and not leave it until after. She noted that there have been many concerns expressed about safety, the façade, and about setting a precedent for a modular facility, especially one that looks like this.

Ms. Olson questioned the procedures if they were to receive a denial. Ms. Roediger responded that a denied site plan has to wait one year before coming back before the Planning Commission.

Ms. Olson asked if they can postpone the application, nothing that they felt that they spent a long time working with staff to understand the requirements so they could determine where to go with this proposal. She said they were listening and taking notes about all of the concerns brought up tonight, and they'd like to have the opportunity to interact with staff and understand the requirements versus what are the interests. Chairperson Brnabic responded that it wouldn't just be the requirements, because there have been a lot of comment tonight expressing different concerns. She said the applicant has the option to request a postponement and to come back.

Chairperson Brnabic opened the public hearing at 8:17 p.m. There being no cards for public comment, she closed the public hearing.

Mr. Kaltsounis said that he took a lot of notes regarding the building, piers, and seeing underneath the structure. He noted that every time he has driven with his college-aged daughter to Meijer she has made the mistake of not looking, and stated that there is a lot of traffic. He said that the traffic flow needs to be addressed right away, which is why he showed the pictures of the Starbucks across the street. He commented that the Planning Commissioners have a tough job with the intangibles and they have let these concerns be known today.

Motion by Kaltsounis 2nd by Neubauer to postpone to a later date when the applicant would like to come back with a revised plan.

Mr. Dettloff stated that there is a Biggby on Long Lake in Troy, there is not one in Rochester Hills. He asked if this is a partnership they see in the future between Biggby and Meijer, installing more of these. Ms. Olson said that she can't speak on behalf of Biggby but BCubed have the exclusive modular design with Biggby and they have enormous growth plans, mostly because they will be using this structure, which is 349 sq. ft. of coffee-making efficiency, it will be efficient and 40% less operating costs than a traditional building. So it is part of the Biggby growth plan to locate these in what would be considered overparked

areas or on small lots that are not suitable to develop in any other fashion.

Mr. Dettloff said that he agrees with all the other commissioners' comments made tonight and suggested the applicants coming back with revised plans is a good plan, and wished the applicants good luck.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, that the Rochester Hills Planning Commission hereby postpones Legislative File 2021-0472 and 2021-0473 to a later date to allow the applicant to return with a revised plan.

2021-0473

Request for Site Plan Approval - City File No. 21-022 - City File No. 21-022 - Biggby - to add a modular coffee drive-through with landscaping within an outlet within the Meijer parking lot, 3099-3175 S. Rochester Rd., south of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-35-100-056, Kyan Flynn and Deanna Richard, 24Ten, LLC, Applicant

Postponed.

2021-0469

Public Hearing and request for Conditional Use Recommendation - City File No. 21-008 - Bebb Oak Meadows - to construct a drive-through associated with a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Present for the applicant were Michael Thompson and John Vitale, Stucky Vitale Architects, 27122 Woodward Avenue, Royal Oak, Michigan. Also in attendance were Jill Bauer, PE, Rowe Professional Services Company, and Nick Nacita, Hubbel Roth and Clark, the City's traffic consultant, and property owner Fred Hadid.

Chairperson Brnabic introduced the proposal to construct a drive through with a mixed use development with retail, restaurant and apartments on approximately five acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay. She introduced Michael Thompson with Stucky Vitale Architects as the applicant.

Ms. Kapelanski explained that the plans include the demolition of the existing Barnes & Noble store and the construct a mixed use development which includes of a one-story retail building with a drive-through restaurant and a four-story 94 unit apartment building. She noted that the site is zoned B-3 with an FB-3 overlay and the applicant is proposing this development using the FB-3 provisions. Access to the site is provided via a full access drive on the south side of the property, and then also a right-in/right-out access drive on the north

side. A conditional use permit is required for the proposed drive through, and the site layout meets all of the requirements of the zoning ordinance with the exception of required right-of-way plantings which have been placed elsewhere on the site because of utility conflicts. A Tree Removal Permit is required and replacement trees have been provided on the site. The applicant is seeking site plan and tree removal permit approval and a positive recommendation for the conditional use permit. She noted that staff has suggested an additional condition regarding the drive-through, similar to the Biggby request, noting that if the intensity of the drive through were to increase, the applicant may be required to come back before the Planning Commission for reconsideration of the conditional use request. Ms. Kapelanski noted that Jason Boughton is in attendance to address any stormwater or utility questions, and also Nick Nacita with HRC, the City's traffic consultant, is in attendance since he reviewed the Traffic Impact Study.

Mr. Nacita said that HRC is an engineering consulting firm and they assisted the City with the review of the Bebb Oak Meadows Traffic Impact Study, the use being a mix of apartments, retail and fast food. He said that HRC performed two reviews of their study, and also had one meeting with the developer and MDOT. He said that the limits of their TIS included Rochester Road from Barclay to Auburn, and said Rochester Road is under the jurisdiction of MDOT, therefore, in conjunction with the City's decision MDOT will also need to provide their approval. The Traffic Impact Study (TIS) included an estimate of new trips that they believe the development will generate, and also a capacity analysis which looked at the existing and future level of service delay on their road. He noted that they met with the developer and MDOT regarding a conceptual review only and discussed the number of driveways. He said MDOT preferred to have one driveway only along with shared access with Belle Tire for fire safety, however MDOT indicated they will accept one right-in/right-out entrance with one full entrance to the south as presented. He noted that the study concluded that a right taper lane is warranted at the south driveway, which is a full lane that allows drivers to move over early before they get to the driveway and to get out of the main through traffic, and currently there are no improvements scheduled for the intersections to the north at Barclay or to Auburn to the south. Mr. Nacita said that he would be happy to answer any questions that the Commissioners may have.

Mr. Vitale noted Barnes & Noble is relocating, which provides an opportunity to redevelop this site. He explained they are proposing a mixed use development with a four-story residential building with retail that fronts on Rochester Road. He explained that they have a fast casual restaurant proposed on the end of the building with a drive through window. He said the materials they are utilizing are brick, stone and cement panels throughout the building. He said they have targeted a higher end of the market for the residential portion. He said they worked hard with staff and consultants to accommodate all of the concerns identified. Mr. Vitale said he feels that this would be a great addition to the community and he is here to answer any questions.

Chairperson Brnabic noted that a few emails were received and summarized the public comment noting the following: Aubrey A. stated that the City doesn't need more apartments and another mixed use development. She said that her main

concerns include traffic, congestion, and overdevelopment. An email from Sara Malicki expressed the same type of concerns regarding traffic and overdevelopment. A third email correspondence shared the concerns about traffic and a four-story building being built directly adjacent to residential homes. Chairperson Brnabic stated that while there is another four-story apartment in Rochester Hills, there are two-story structures in the vicinity of this proposed development. She noted that one speaker card had been turned in and opened the public hearing at 8:30 p.m.

Alberto Murguia Tesch - 2789 Hickory Lawn Road - Mr. Tesch said that he lives behind the proposed development, and he and his family are really worried about it. He expressed that his first concern is the safety of the neighborhood, because their street is already used as a bypass when Rochester Road is too busy. He noted that he is concerned about trash generated by the apartments and light contamination, and stated that he doesn't know if they'll turn out the lights at night. He said that he is concerned about the height of the building and their loss of privacy in their backyard.

Chairperson Brnabic said that she shares the concern of having a four-story building backing up to residential homes. She noted that there are several residences that back to the Barnes & Noble, and even if it the residence was on the other side of a street they'll still be looking at the building. She said that she thinks a four-story building is a bit much, and they questioned whether they could go with three stories. She asked the applicants what type of fast casual restaurant user they would be expected.

Mr. Vitale said there is a difference between fast food and fast casual, and explained that McDonald's is considered fast food. He said that fast casual is generally a more upscale restaurant, and the traffic generated by a fast casual restaurant would be very different from fast food. For example they may have a Panera, offering more of a different style meal.

Chairperson Brnabic asked with regard to the retail component, how many additional restaurants they would be expecting to have.

Mr. Vitale said they are planning on a fast casual restaurant on one end of the building. He said the total retail space is 13,000 sq. ft. and at this time, they don't have any dedicated users for the balance of the space and it may end up as all retail with no restaurants. Regarding the building height, Mr. Vitale said that it is a pretty large site, given the size and depth of the parcel, and definitely four stories would be supported by the site. He said that there is a good distance between the building and the adjoining neighborhood. He said that they have used a drone onsite who took some photographs, and they can demonstrate that with the screening that is already there for the residential properties and what they are proposing, and the building will not be visible from the neighbors' houses, and most of the height will be screened. He said that the site supports the density that they are proposing. He said they are targeting upscale residents and professionals. He said that with regard to the traffic concerns, they worked very hard with their traffic consultant and with the City to come up with something acceptable.

Ms. Bauer said that in their analysis of the traffic generated by a fast casual restaurant with a drive through, when they were doing their traffic study they presented the worst case scenario. She said that in the study, they were looking at it as if it was a McDonald's and the kind of traffic that might generate. Mr. Vitale stated that the residential component of the development would not be a high traffic generator.

Mr. Hooper said that the TIS existing background conditions level of service E for the two locations, Rochester Road at Auburn and Rochester Road at Wabash Circle. The new development increases the intensity. He commented that there is no agreement there, the future analysis remains E, and then you add F to Rochester for the south side driveway. He asked why the applicants did not go ahead with the TIS recommendation of adding a right lane taper for the south driveway.

Ms. Bauer responded that the right lane taper came as a recommendation for the design portion, however it wouldn't change the level of service but it would be for safety for the people turning right into that driveway. Mr. Vitale responded that they are not opposed to adding a right lane taper.

Mr. Hooper stated that he is not opposed to a four-story building, noting that four stories have been approved several times in the City, including City Walk on Tienken and Rochester, and also for a Fairfield, since it would be approximately 360 ft. away from neighboring residential properties. He asked the applicants whether they have the drone photos that they referred to.

Ms. Kapelanski pointed out that the ordinance does allow for four-story buildings on Rochester Road, provided that appropriate setbacks are maintained from adjoining residential and any other adjacent zoning districts and they have met those requirements.

Mr. Vitale showed pictures on the overhead, and noted that they "ghosted" the four-story building, taken from the adjoining residential properties, to show the distance and to put it into scale. He noted the pictures also show the screening that takes place with the existing trees.

Mr. Hooper commented that that screening would only really exist in the summer.

Mr. Vitale said that screening would be during the summer, however he noted that they would be installing more trees along the property line, and they could make those evergreens if that would help the screening.

Mr. Hooper confirmed that making them evergreens would be assumed. He referred to the two trash dumpsters on the site plan, one on the south side and one at the southwest corner of the property. He suggested that the applicants move the dumpster away from the residential properties to be less intrusive and so that they would not provide negative consequences to the residential homeowners.

Mr. Vitale responded that they could relocate the dumpster to the commercial

side.

Mr. Hooper noted that there are only two color renderings provided. He commented on the balconies shown on the façade and asked whether they are about 3 ft. wide, and questioned whether there would be outdoor closets. Mr. Vitale responded they are probably 3.5 ft. wide, just enough to step out, and there would be outdoor closets that would be part of the mechanical rooms for each unit. He said the intent for the balconies would not be to allow for having a large party out there.

Mr. Hooper said that there appears most of the building has very little masonry, and he noted there are not many labels on the drawing which identify the materials used.

Mr. Vitale said there would be a mix of masonry and aluminum panels, and pointed out that the darker shaded area is a lot of the masonry, the lightest shade is the metal panel, and the façade includes brick and stone. He said that the towers are the major portions that are brick, and the lighter color is metal panels.

Ms. Kapelanski pointed out the brick locations on the façade. Mr. Thompson said that "BR-1" on the plans is brick and "ST-1" is stone. Mr. Hooper said that he was not seeing any masonry on floors two through four.

Mr. Vitale responded that was correct, the lighter aluminum panels are on the higher rise part of the building, including the stair towers, and there are some portions of the building that are brick. He stated that for example, the darker shades that are shown in the background are masonry and the lighter portion is the metal panel.

Mr. Hooper said the applicant referred to brick all around the building, however the north elevation has very little brick. He noted there is brick on just on the one corner of the courtyard. He said that every architect has a different dream, however the commission has made some serious mistakes in the past not having enough masonry. He questioned the square footage of the apartment units and the projected price range.

Mr. Vitale responded that they would be 900-1200 sq. ft., with two bedroom two bath units, and a mixture of 1-2 bedroom units. He said he was not sure at this point of the price range.

Mr. Gaber said that he is waiting for somebody to say they're putting in entry level apartments for the City. He noted that although he understands the costs involved with the property and construction, he would like to once see entry level units offered. He asked why the back building is slanted and not perpendicular to the side property lines. Mr. Vitale responded that that is a design feature to give the development a more unique look and to not be so regimented. He said

that it is for no reason other than aesthetics.

Mr. Gaber asked whether there would be rooftop mechanical equipment. Mr. Vitale responded that there would be rooftop equipment on the retail building but not for the residential building. He said that each unit would have its own furnace, which be located adjacent to the balconies that he was referring to.

Mr. Gaber stated that he would like to see more masonry on the top portion of the building, and commented that on the north and south sides of the residential building there is quite a bit of non-masonry material. He said that the Commission has asked developers before to break that up such an expanse with columns, architectural features or masonry, and that would be appropriate in this case also. Mr. Vitale responded that they could look at that, to better define the masonry, at least on the first floor.

Mr. Gaber asked the applicant if 95 units was the maximum density they could fit for this property, together with the parking requirements and other items. Mr. Vitale responded that the design got them pretty close to maximizing the site, since the property and development are expensive it was necessary.

Mr. Gaber questioned various aspects of the site plan where the rear building attaches to the front building, and what the dotted lines represented. He questioned whether there was a driveway that went under the building rom north to south and noted that there was no illustration of that area. He asked if there are any renderings of the courtyard.

Mr. Vitale responded and said that is correct about the driveway, and there is a landscape plan but not renderings of these additional items. He mentioned that they do want to have some outdoor amenities including a gazebo. He noted that the driveway is there to service the retail building, and you can drive under the residential building to access the retail portion. He said that it's sort of a service road for the retail.

Mr. Gaber said that looking at the HRC report, they made comments that challenge the applicant's traffic report, specifically about using internal capture reductions to explain how the level of service in the area is being affected by this development.

Ms. Bauer responded that Rochester Road is an MDOT roadway, the signal timings are such that it's meant to create progression and said that side streets such as Auburn Road have a poor level of service when compared to Rochester Road. From their study and in comparing the background conditions to the future conditions, the site will have minimal impact. She said that they looked at this development also as if it were a shopping center with the same building, and determined that it would generate about the same number of trips as with the proposed mixed use development. She said that she knows there has been discussion back and forth and about their practice of using internal capture, with the approach that they took internal capture is typically used with mixed use developments. She commented that it wouldn't be a new trip on the roadway if someone living in the apartment went to the fast casual restaurant onsite. Regarding the impact overall to the level of service, she said that if you

compare the condition if there was no development whatsoever on this site to the proposed future condition, those cues are one to two car lengths different, or about 50 feet, which is really a minimal impact. Ms. Bauer said that in the a.m. or p.m. weekday peak hour and in the weekend peak hour, the development would be adding about 10-15 cars to the Rochester Road and Auburn Road intersection. She noted that overall if you think about the thousands of cars that are driving through there in an hour that is a pretty small percentage.

Mr. Gaber said that in terms of the numbers, the HRC report says that at Rochester and Auburn Road, the southbound lane on Rochester and you want to turn left on Auburn, in the afternoon trips for this development would add 25 seconds of delay. The northbound through on Rochester at Auburn is 12 seconds of delay, and then southbound is 20 seconds. So it looks like it does change the level of service in the second scenario from D to F and C to F, he said that he is trying to understand those numbers.

Ms. Bauer responded that the level of service letter provided is incorrect, if you look at the actual delay number, it should be C to D and D to E. She said that sometimes that happens with Synchro. She said that they also looked at doing a singular driveway, and what impacts that would have, and this information was provided in an addendum.

Mr. Gaber commented that for signal optimization, the report noted there needs to be changes to Wabash and Rochester Road intersection.

Ms. Bauer commented that that recommendation did not come from the study, it was because it was what they understood that the City and MDOT had been talking about, that signal operates in what is called a split phase. It is their understanding that here has been discussion of reconfiguring that signal or the intersection itself, so that the split phasing is not needed. When they looked at that, that intersection operated better overall and provided better progression on Rochester Road.

Mr. Gaber commented regarding improvements to the site entry ways, and asked HRC to review their requests or recommendations and to comment as to whether they have been incorporated into the site plan. Mr. Nacita responded that with the site plan they viewed they have a handful of comments, and from the latest site plan revision they are under the understanding that their comments have not been addressed.

Mr. Gaber asked the applicant if those comments would be addressed, and how they would be addressed. Mr. Thompson responded that he had plans to address those comments, if they could go line-by-line to discuss them.

Mr. Nacita said that there were five items from their review letter. He said that the first item was that it was agreed at the conceptual meeting with MDOT that the site have would two driveways, with one a right-in/right-out and the south entrance would be full access. Mr. Nacita said that he was concerned that the site plan that they reviewed, dated September 14, 2021, they did not think that the curb at the right-in/right-out driveway was not dominant enough to restrict left hand turns out.

Mr. Thompson said that this design works for fire access, for restricting the left hand turn, however they are open to widening both of those to provide enhanced access for fire trucks. Mr. Vitale said that they are willing to work with HRC to address their concern, they were trying to modify to address the fire marshal's concern and are open to making it work for both.

Mr. Nacita said their next comment was that on the right-of-way drawing some layers made it confusing as to where the right-of-way is located, it was not a critical item necessarily. He explained that the third comment was that at the conceptual meeting with MDOT they were concerned with having two lanes exiting the site, they believed that if there were two cars that arrived at the same time at the full access driveway they would be in competition with each other. Mr. Thompson responded that they were planning on leaving this as one egress lane.

Mr. Gaber asked for confirmation that anyone leaving and wanting to turn right or left at this location would be in the same exist lane. Mr. Thompson said that was correct.

Mr. Gaber asked why this design was chosen instead of having separate right and left hand turns like elsewhere in the City. Mr. Thompson said that it was discussed in their meeting that there would be some conflict when there is a right turn and a left turn, there is a conflict as you are coming across Rochester Road, a person turning right limits the visibility of a person turning left and then there's a conflict. So stacking them one at a time that conflict is lost. Mr. Vitale said that they studied it and that was the safer alternative.

Mr. Gaber said that could be a real disadvantage to the site, he would feel bad for the person looking to turn right who was stuck behind a person waiting to turn left.

Mr. Nacita said that the last comment was about the corner clearance, to make sure that on the landscaping plan that landscaping or any other obstacles would meet the required site distance.

Mr. Gaber said that a general comment with regard to this proposal is that there have been a number of comments about whether the City needs this type of development and that it's too dense. He noted that the FB Flexible Business zoning designation gives this flexibility to property owners and developers, and staff may want to reconsider having the FB districts. Otherwise developers could have to do a PUD, which is what the City did with Tienken Trail Lofts at Tienken west of Rochester Road, another mixed use development before there were the FB districts. He noted that this gives the City the ability to have other protections added to the site. He the PUD allows more flexibility to address traffic congestion, neighbors' concerns and related concerns. He said the FB district is generally for dealing more with multiple sites that utilize interior roads, for example the development on the east side of Rochester Road with Fifth Third Bank, some apartments, First State Bank, Genysis Bank, and the senior living facility just north of Bordine's, and those concepts don't seem to apply to a development like this.

Dr. Bowyer said that she likes the slanted look. She said that she lives just to the northwest of this proposal. She said that she's not a big fan of the four stories, because of the density together with the commercial portion at the front. She asked the applicants whether they are planning on having a pool or a fitness center for the development. Mr. Vitale said they would have a fitness center and maybe a pool.

Dr. Bowyer asked where the loading area is located for the apartment building on the plans, for when people are moving in and they would want to be close to a door. Mr. Vitale identified an area on the plans that would be close to the elevator and said that would be an ideal location to make a designated loading area.

Dr. Bowyer said that having a truck in that location looks like it could block traffic from going around the building. She said that she agrees there needs to be more brick utilized on the apartment building facades, but that the front of commercial building looks great. She said the apartment facades are all white on the top, from a distance it looks like a prison and the applicant needs to do something with that. She said that she would like to see brick on floors two, three and four. She stated that it would be nice if the applicant could connect the site to the businesses on adjoining properties through the back parking lot, and said it would be nice to have an interior road since traffic is a nightmare and it would reduce traffic on Rochester Road by allowing residents to access stores and restaurants further south without using Rochester Road. Dr. Bowyer said that in the approximately 22 years since she has lived nearby, the only accident she ever had was just in front of the southern entrance to this proposed development. She was just sitting on Rochester Road southbound, next to the left turn lane, and a truck in the left turn lane was trying to turn into Barnes & Noble. Because cars were stacked up way past Barnes & Noble, the cars behind the truck gave him a spot, but he didn't realize how big his truck was, he pulled in and took her car with him. She said that's not unusual in this area, to be backed up that far and for people to have to allow gaps in the cars to allow people to get in and out of the businesses. Mr. Vitale said that unfortunately they cannot solve the traffic on Rochester Road, but the traffic study has proven that no matter what is developed on the site, even a shopping center, it will add the same amount of impact. He said they are not developing something that will have a higher amount of traffic impact.

Dr. Bowyer said that whatever is constructed will still lead to a bigger nightmare for Rochester Road, she realizes that it is MDOT's road. With regard to the drive through, she that there are the two lanes heading south, and they will turn to access the window on the other side of the building. She suggested that there should be a curb or a wall so drivers don't hit people in the drive through and cause a head-on collision. Mr. Thompson said they have addressed that by widening the standard drive aisle, and there is no curb around the drive through as it is now.

Dr. Bowyer asked if there would be pavement markings to delineate the drive through lanes with arrows, so that drivers to the south would know that they need to move over a lane so they would not cause a conflict with the drive through

traffic. Mr. Vitale said it would definitely be marked and signage that will help guide traffic and keep it organized. He said that was one of the reasons why they want the tow access locations on Rochester Road. Dr. Bowyer said there needs to be a curb or a wall so that the drive through lanes are totally clear and there are no head-on collisions, there could be major accidents there. Dr. Bowyer said that she understands they are looking to construct high end apartments with the price of construction, and asked the applicants to confirm that they would have enough parking both for the residents and their visitors.

Mr. Dettloff asked whether the owner of the parcel is in attendance to the meeting. He asked whether the owner could provide a ballpark estimate for the price points. Mr. Hadid responded that they had a professional complete it, the price for rent identified was \$1.50-1.52/sq. ft.

Mr. Dettloff asked if it was an independent study done for rent prices or if it was something that the applicant completed. Mr. Hadid replied that they had an independent study completed. Mr. Dettloff said that the commissioners don't want to see a saturation of the market, however there is definitely a need for more high end apartments in the City. Mr. Hadid said that they always construct buildings high end but that doesn't necessarily mean the price will be high end.

Mr. Kaltsounis said to be blunt, the applicants are setting themselves up for failure. He noted that the driveways are extremely critical, and said the south entrance will become a left turn fight and nightmare like Kroger at Livernois and Walton. He said that it is a big mess going in and out, and in this instance you are adding a turn so it will be worse. He said that if everyone is going to leave for work at the same time at 8:00 a.m. it will be an issue. He said that he would like that analysis presented today. His second concern is that every high end residential development has one thing which these plans are missing, which are carports. He said that carports need to be on this plan. He said the applicant will need to come back showing carports and also to address the traffic items. He said this is the applicant's business decision, but a premium customer will need a carport for their cars. He said the applicants also need to come back to revise the renderings to show additional brick. He asked where the applicants would put carports, and said the plans are not ready for approval in this condition. He asked for the height of the open air drive through, he cannot imagine a Panera bread truck getting through the left turn at the corner, it would hit both of the curbs to get out of the driveway. He said the light study shows light going onto the neighbor's property and that needs to get fixed. He said that he's not excited for a four-story building, however there is a precedent on Rochester Road. He said there are serious intangibles that need to come back for review, and making a left hand turn out of this site will be very difficult.

Ms. Neubauer asked how many units there would be on the fourth floor, and how many would be two bedroom units.

Mr. Hadid said that there would be 24 or 25, and said that about ¼ of them would be two bedroom units. Ms. Neubauer asked Mr. Hadid how many other completed developments he has in Rochester Hills. Mr. Hadid said that he does not have any.

Ms. Neubauer said that she would like to see renderings for the courtyard design, and extra screening with evergreens included in the plans. She suggested the applicant provide a rendering of the amenities to be offered, and address issues from traffic consultant. She said that she would like to see how the drive throughs will look, and asked if there would be one or two speakers. Mr. Thompson replied that there would be two. Ms. Neubauer said that when she was in high school they had new construction and it was said that it looked like a prison, and she didn't understand that at the time. However she said that when you have lots of tiny windows they look like cells, and there has to be something to break it up. She said where they have aluminum would be a good place to add masonry. She noted the applicant said they would be willing to add masonry to the first floor, she said what the commissioners are looking for is all the way around the building. She said it looks contemporary, but stone and masonry can also look contemporary. She also asked the applicant to include the underdrive in the renderings. Mr. Vitale pointed out the underdrive on the elevations. Ms. Neubauer said that 94 units will be a lot for this parcel, especially because they are so small and it would not be attractive.

Mr. Struzik said that moving the dumpster away from residences is always better, and said that he likes the mixed use idea. He said with the large setback and the right kind of landscaping on the west property line, he thinks the four stories should work. He implored the applicants to please work with the adjoining neighbors, especially those that are directly adjacent to the site. He said that he appreciates the sidewalks to take foot traffic from Rochester Road into the development, including a sidewalk that goes all the way back through to the apartments. He said that he likes the northern in-out, it wasn't quite a straight shot. He said that he rides his bike through this area a lot and people just don't look. He noted that he can wear a neon yellow vest with flashing LED lights during the daytime, and they don't look. He said the fact that the exit is not straight will help slow people down when exiting. He said that he doesn't see the need to have a left turn lane, however he understands the concerns. As a pedestrian he likes having less road area to cross on the sidewalk. Mr. Vitale said there was a lot of discussion about that with their traffic consultant, engineers, MDOT, the City in multiple meetings it was something that they studied pretty extensively. That part was a major part of their work over six months and this driveway is very important.

Mr. Struzik said that he appreciates the work that went the design, that there is a balance between the needs of pedestrians, moving cars, and the need for safety, and sometimes there is not a clear and obvious solution. He said that he agrees with the need for additional masonry on the building. He asked if there is fire suppression, if there was a vehicle fire under the bridgeway. Mr. Vitale said that they haven't gotten to that level of detail but that if fire suppression was required in that location they'd probably have to provide it.

Mr. Struzik said that a vehicle catching on fire in that location would not be great. He related an occurrence where there was a vehicle fire at 9 Mile Road and I-75 where the heat from the vehicle fire caused the bridge to collapse, and he would hate to see a similar occurrence here.

Dr. Bowyer asked for clarification that this project would only come before

Council for the conditional use for the drive through. Ms. Kapelanski confirmed that was correct.

Dr. Bowyer said that if there's any way the applicants can reduce the density that would be positive, by either taking away some of the single bedrooms and making them three bedroom units, or getting rid of the fourth floor. She said that Ms. Neubauer requested a picture of a semi-truck fire truck to show how it could be accommodated under the underpass. She said that with the proposal going to City Council for the conditional use, residents are up in arms regarding the overdevelopment of the City aside from this proposal.

Chairperson Brnabic said that the City has already set a precedent for four story hotels; however she wouldn't want to get stuck on that since those were hotels in the M-59 corridor which is a different situation than a mixed use development.

Mr. Gaber asked the applicant to consider a green roof for this building. Mr. Vitale responded that they have not considered a green roof but will be as energy conscious as they can, doing all of the things that will make sense.

Mr. Gaber asked if the retail building is intended to serve the residents of the apartments or the general public. Mr. Vitale responded that they hope it will serve both.

Mr. Gaber asked what the rear of the retail building looks like, since there will be apartment units with windows facing the back of the retail building. Mr. Vitale said the rear elevations will be masonry, and not glass, and there will be service doors.

Mr. Gaber asked with 13,000 sq. ft. of retail space, whether they have had an interest expressed for renting the space. Mr. Hadid said they have had a lot of people express interest but they have no commitments at this time. He said potential tenants may include a medical use, restaurants, and a phone or optic center. Mr. Gaber commented that for the new commercial building south of Bolyard Lumber, their representative said they've been trying to lease that space for two to three years and they haven't had any luck. Mr. Hadid replied that they have had a lot of people interested and they have been very selective and have not made any decisions.

Mr. Gaber asked if they would be bringing new businesses to the area, or if they would be taking them from other locations within the City. Ms. Roediger said that the Gateway project on Rochester Road went to City Council last night, and they indicated that they had four letters of intent signed for that building now. She said that it looked like the drive through there really drove the interest in the building.

Mr. Weaver said that he thinks the commercial building looks great from Rochester Road but he has mixed feelings on the size of the proposed development. He said there have been discussions about too much density in the City, and he is concerned about the drive through conflicting with oncoming traffic based on the design. He said some sort of signage or separation there

could help. He is concerned with the neighbor's view, and said that the landscape plan needs to show how it will look for the neighbors, and adding their existing trees would help also, and he would hate for the new trees planted to be detrimental to the health of the existing trees on the residential properties. He said that a 12 ft. high evergreen is going to take 15 years to grow in fully, and noted larger trees are available and will help the situation if a four story building is approved. With regard to the soil conditions onsite, he said that the landscape notes need to say something about breaking up the clay barrier to help the rooting of the plantings, also because when the asphalt is removed the soil will be very compacted underneath. He wished the applicants luck and complimented them on this project.

Chairperson Brnabic asked the applicants to describe where a swimming pool would be added onsite. Mr. Vitale said the pool would be located in the courtyard.

Mr. Kaltsounis asked if the applicants would like a motion to postpone and come back. Mr. Vitale said that they would take everything mentioned work with staff and if this could be approved conditionally. Mr. Kaltsounis said that there are too many issues to be worked out with staff. Mr. Kaltsounis moved to postpone this item, seconded by Ms. Neubauer.

Mr. Hooper asked whether the south driveway could be moved further to the south, and said that if they decide to move forward with a pool it needs to be shown on the plans. Mr. Vitale that they can look at the pros and cons of moving the driveway further south, but there could be some added traffic issues with that too. Chairperson Brnabic said that adding masonry to the facades is very important.

Dr. Bowyer asked staff regarding the retention pond that is currently onsite. Mr. Boughton responded that Barnes & Noble had a 10 year retention pond, but the new proposed one would have a larger 25 ft. capacity. Mr. Dettloff asked the name of the firm that completed their market study. Mr. Hadid replied that the company was called Lease Up.

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

Aye 9 - Brnabic, Dettloff, Gaber, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Resolved, that the Rochester Hills Planning Commission hereby postpones Legislative File Numbers 2021-0469, -0470 and -0471 to a later date to allow the applicant to address the Planning Commission concerns.

2021-0471

Request for Site Plan Approval - City File No. 21-008 - Bebb Oak Meadows - a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Postponed

2021-0470

Request for approval of a Tree Removal Permit - City File No. 21-008 - for the removal and replacement of as many as 13 trees for Bebb Oak Meadows, a mixed use development with retail, restaurant and apartments on approximately five-acres located on the west side of Rochester Rd., north of Auburn Rd., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-058, Michael Thompson, Stucky Vitale Architects, Applicant

Postponed

ANY OTHER BUSINESS

Chairperson Brnabic asked for any other discussion.

Ms. Roediger said that there have been a lot of comments about the proposed Chick-fil-A and that she would provide an update regarding the status. She said that the City provided the first round of reviews on Monday back to the applicant, so it is in their hands. She said that we wouldn't see that application coming before the Planning Commission until 2022.

Mr. Gaber asked the location of the other Chick-fil-A that adjoins residential property.

Mr. Struzik said he thinks that it is located in Walker, Michigan, near Grand Rapids.

Dr. Bowyer asked if there have been discussions about requiring LEED certification.

Ms. Kapelanski replied that there have been discussions about sustainable design, but if that was something that the Planning Commission wanted to pursue it could be brought up as a discussion item.

Dr. Bowyer said that with overdevelopment, looking at the FB districts would help slow down development.

Ms. Roediger said that requiring sustainability elements is a good concept, however she has seen in other communities that this can become onerous and adds significant cost and delays to projects. However, it would have to be an incentive and not a requirement. The incentives would have to allow more density or other items.

Mr. Dettloff asked if that could be discussed at the joint meeting with Council.

Mr. Gaber suggested the City consider revising the FB Flexible Business zone district or doing away with them, depending on the objectives. He noted that there were some items missing in the staff report regarding the conditional land use criteria.

Ms. Roediger said that staff has been working on zoning ordinance and general ordinance amendments including lighting, performance standards, vibration,

noise, dust, and reevaluating REC and office districts with regard to post Covid districts. Also staff have been evaluating the FB districts.

Chairperson Brnabic asked if there is any reason why the FB district could not be discussed within a few months.

Ms. Roediger said that may take a year to prepare and perhaps we could consider a special meeting since there often is not room on agendas with development applications.

Mr. Dettloff asked staff if they are you familiar with Lease Up the market company and whether they are Michigan based.

Ms. Roediger said that staff does not really work with market studies and she was not familiar with the company.

Mr. Kaltsounis informed meeting attendees that December 4th at Avondale Middle School will be hosting the best robotics teams in the area, and he would be helping host the event, and 40 volunteers are needed, if anyone may be interested.

NEXT MEETING DATE

- December 21, 2021 Regular Meeting

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Ms. Neubauer, Chairperson Brnabic adjourned the Regular Meeting at 9:55 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary