

2021-0001 Public Hearing and request for Conditional Use Recommendation - City File No. 20-022 - Zeenat Plaza, a three-story mixed-use retail and residential building on .49 acre located at the southwest corner of Auburn and Gerald Ave., zoned BD Brooklands District, Parcel No. 15-36-226-068, Hisham Turk, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated February 10, 2021, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were Iftequar Fazal, 650 Robinson Dr., Rochester Hills, MI 48307 and Hisham Turk, 1412 E. 11 Mile Rd., #2, Madison Heights, MI 48071.

Ms. Kapelanski stated that the applicant was proposing a three-story, mixed-use building in the new Brooklands Districts at the southwest corner of Auburn and Gerald Ave. The bottom floor would be retail with multiple-family residential on the top two floors. She advised that a third story required a conditional use in the district. The third floor was stepped back appropriately, and the required site lines had been provided. Required parking had been provided for the residential as well. The applicant was asking for a space width reduction to allow nine-foot spaces in lower turnover areas. All required right-of-way plantings along Gerald Ave. could not be accommodated because of infrastructure issues. As with the last item, the matter had been considered at the January Planning Commission meeting, but it had to be postponed because of the noticing requirements. At that meeting, the Planning Commission requested some items from the applicant. The applicant had provided the requested rental and sale pricing estimates, and the rendering had been updated to indicate nine potential entrances at the rear of the site. A .pdf of the material board had been provided, and the applicant had reached out to the adjacent property owner at 2976 Gerald. She concluded that all staff reviews had recommended approval, and that she would be happy to answer any questions.

Mr. Turk thanked the Planning Commission. He agreed with Kapelanski's comments about what had been provided. Regarding the materials, the first floor would have brick and limestone with glazing, and the second and third floors would have brick and a composite panel system. They also had provided an updated EIS showing the estimated rental and sale prices. They estimated that the two-bedroom units would sell for \$299,000 and the rent would be \$2,000 per month. The three-bedroom units would sell for \$325,000 and rent for \$2,400 per month. They contacted the neighbor again - they had contacted him

back in November, too - and those emails had been included.

Chairperson Brnabic thanked the applicants for providing the requested information from January. She saw the email to the property owner at 2976 Gerald but saw no response. In her experience on the Planning Commission, it was very unusual that a homeowner for property most directly affected by a proposed development did not respond. It could be as simple as having no further questions or comments, but there was usually some response. She hoped that the email had not been overlooked for a variety of reasons, or that the neighbor's email address had not changed. She recalled that there had been discussion about providing landscaping on the neighbor's property to buffer the sight line of the third-story balconies looking into the home and yard, which was not included in the email to the neighbor. In her opinion, the applicant would have to plant 30-foot, fast growing trees to buffer the view. Anything less would take years to serve the immediate purpose. She read from the conditional use standards for three stories: "Sight lines from windows or other occupied areas of the subject building seeking additional height shall be indicated to minimize views from areas of additional height to adjacent residential buildings. Views should be minimized through the use of landscaping, additional step backs, building orientation or other means as determined necessary by the Planning Commission." She stated that an additional step back would not obscure the view, nor would changing the building orientation. The homeowner was not asked or informed of the option to have trees planted on his property. She indicated that it boiled down to "any other means determined necessary by the Planning Commission." She thought that removing the third floor balconies to protect the privacy of the homeowner was the best answer. She asked if there were seven balconies proposed for the rear of the third story, and Mr. Turk agreed.

Chairperson Brnabic read number two of the conditional use, "Submission of floor plans and elevations indicating the use of additional height areas, including any proposed outdoor uses on second or third floors, to determine potential noise nuisances." She thought that seven third floor balconies definitely had the potential to create a noise nuisance, especially since there were six balconies on the second floor. That was a total of 13 balconies facing a residential home. She maintained that it could definitely present a noise nuisance, which was very concerning to her. She asked, under the circumstances, that the third story balconies be removed from the rear. She asked if it was possible that a restaurant might rent a few of the retail spaces combined, which was confirmed. She said that could create a demand for more

parking. She wondered if they gave any further thought about dedicating parking for the residential units.

Mr. Turk said that they were providing the minimum spaces for the residential in the district. They had no more space to provide more than what was required. Chairperson Brnabic meant that she wondered if they would sign dedicated spaces for the residents. From a business perspective in the long run, she felt that the parking would affect the occupancy rate if renters had to park down the street, especially in the winter. Buyers would definitely expect a dedicated space, and she wondered if the applicants were going to mark them somehow. Mr. Turk said that they did plan to put signs in for the residential spaces.

Mr. Weaver still felt that the proposal was a great idea. He liked the renderings. At the last meeting, he had mentioned that the tree grates and bike racks should match what existed along the corridor for continuity. He would like to see that shown on the plans prior to final approval. There was also concern about the plantings in the southeast corner. The planting bed at the east end of the parking lot would encroach upon the southern-most tree in the grate, and he suggested reworking those a little. He said that he did not mind the balconies on the rear of the building, and he felt that it would add to the resale value. He recognized that there could be concern about privacy from the neighbors to the rear, but there were some existing trees in the back that would help. He felt that it was a great development, and he was excited for it. Mr. Turk agreed that matching the grates could be a condition.

Mr. Hooper stated that he really liked the development. However, if developers were not able to get a third story, it was a watershed moment as to whether the Brooklands District would survive, and the City had made a large investment. He knew that there had been a lot of discussion when creating the Brooklands District about allowing a third story. He fully appreciated the other Commissioners' opinions on whether it was appropriate or not for the area. He claimed that if it did not happen with the proposed project, it would not happen anywhere else. He supported the project and the third story and what Mr. Weaver had said. With all due respect to his fellow Commissioners, he indicated that they were at a watershed moment as to whether a third story would move forward or not.

Chairperson Brnabic clarified that she was not requesting removal of the third story but rather, the third story balcony, because of the views encroaching into the home directly behind and the invasion of privacy,

which they definitely had to consider. That was why a third story was a conditional use; it had to meet the requirements for sight lines, noise nuisance and other things. She added that she was only asking for the balconies at the rear of the building to be removed, not the front.

Mr. Kaltsounis said that regarding a third floor and balconies, he was sort of in between. He would prefer that they looked at an escrow so that if the resident in the back had a concern and wanted certain types of trees to be planted at a later time, there would be money for that.

Ms. Roediger said that in working on the whole Auburn Rd. project, she interacted with that neighbor regarding the alley reconstruction and the fence being installed. In her experience in talking about the proposed project, the neighbors were very laid back and did not have any concerns. It was her guess, based on her interactions with the neighbors, that no news was good news, and that they had no objections. As they had done with other developments in the past, staff could work with the applicant if the neighbor wanted additional landscaping. She agreed with Mr. Weaver that there were some substantial evergreens along the south property line as well as a garage as natural barriers already existing. She would not like to require an escrow, and they could add a condition about extra screening if necessary, although she did not think that any had been requested.

Mr. Kaltsounis said that when it came to the parking, the applicant was asking the Commissioners to go outside of their boundaries, while all he was hearing was the comment that they were at the minimum, and they met the requirement. The applicant was asking the Commissioners to step outside of their requirements for the conditional use. In regards to signs for the residents, he thought that there could be a condition, but he would also like to see signage added that noted more parking in the public lots. He asked the applicants if that would be an issue. Mr. Turk said that he agreed with him. When they planned the development, they took into consideration the new zoning district that encouraged pedestrian use and other types of transportation, and they would not mind adding signs about other parking areas.

Ms. Roediger said that whenever signs were put up, the City was cognizant of how many and what kind. They did not want a site cluttered with signs. She suggested that the City might be able to add more signage about the public parking. She did not think it would be a good practice to every site have signage referring to offsite parking lots. She thought that it could become unsightly quickly. She reminded that they

had to consider fire lanes and other regulatory requirements. The subject site was tight, and they were trying to maximize landscaping and other things.

Mr. Kaltsounis said that he was just thinking about having one sign at the end of the drive to direct people to the public parking. He suggested a condition stating that staff would review and approve a parking signage plan. He agreed with Mr. Hooper that if they did not have third stories and balconies, the City would never compete with Auburn Hills, and they would not get the developers. He asked the applicants to contact the neighbor and submit a plan addressing screening for the neighbor.

Chairperson Brnabic asked Mr. Weaver what type of plantings would be the best if the applicant were to plant on the neighbor's yard. Mr. Weaver replied that Arbor Vitaes tended to grow quickly. There were a number of varieties that would stay compacted in the five to eight-foot width range but still get 25 feet or more tall. There were Spruces, Firs and Pines that got really large and stayed evergreen all year long. As Ms. Roediger had noted, there was a garage and other things that should help with screening, but there were options that could be planted that would help. Chairperson Brnabic said that her concern was the sight line into the second-story window of the house. Mr. Weaver said that the second-story window was about 20 feet, and that height could be reached relatively quickly with various evergreen plant stock.

Dr. Bowyer thanked the applicants very much for coming back with the changes. She felt that the building looked great, and she loved the three stories and the balconies. She did not see any difference between the windows as balcony windows or regular residential windows. People could still see out of them. The balconies were very small, and people would not be having parties on them. People might not even go out onto the balconies from the bedrooms. She did not see an issue with noise or privacy. She appreciated that they had reached out to the neighbor, and there had been no concerns raised. She did not think that they should continue to ask the applicant to keep trying to convince the neighbor that he needed trees when he had not even asked for them. She stated that whole corridor was based on the kind of building as proposed, and they put that out to the residents who came to public open houses and had chances to voice their opinions about whether they liked those building or not. There were a few who did not like them, but for the most part, everybody loved the idea. As Mr. Hooper said, if they were not putting in that type of building, she asked why they would waste the millions and millions of dollars they spent in the corridor. Regarding the signs, she

agreed with Ms. Roediger that the City did not want sign pollution. The district was only so many blocks big. People were going to figure out that there was City parking on the other side of the road. She did not think that a lot of signage was necessary. In the daytime, the businesses could use the spots and at night, the residents could use the spots. She did not think that they should tell people they could not use a spot, which would be a hardship to the businesses and the residents. They could revisit whether they needed signs in the future if there was a problem. As presented, she felt that it was a great design and great building, and it would fit in with what the corridor envisioned for its look. She thanked them for all of their efforts.

Mr. Reece felt that everyone knew his opinion about three stories. He did not believe that it belonged in the area, and he had said that from day one. He did not think that there was a Commissioner there who would want people in the proposed, three-story building 50 yards from their property line looking down into their residences. He did not think that anyone would want the building in their back yard. He claimed that there were more than a handful of residents opposed to three-story buildings in a residential area. While he supported the Auburn Rd. development, he felt that three stories was out of place in the community, and he did not think that it was a well thought out plan in that regards. He thought that they were trying to cram five pounds into a two bound bag on the fact that it was what would pencil from an ROI standpoint. While he supported the development, he stated that he did not support three stories, and he would not support the project going forward.

Ms. Neubauer said that at the last meeting, she and Commissioner Gaber both had an issue with the colors. She noticed that a separate set of colors had been presented, and she wondered how the other Commissioners felt about the second choice, which she liked much more. It was more gray-toned.

Chairperson Brnabic noted that staff had received an email from Ernest Colling. She summarized that he opposed the approval of the site plan for the plaza. His concerns included the lack of parking, stating that the City's requirement of 1.5 cars per household was underestimating the current demands for parking. He listed sources to validate his statements. He felt that the requirement should be 1.922 per household based on the sources. He questioned snow removal and the impact of available parking in the rear lot. He reminded the Planning Commission that most people did not walk in the winter for five months out of the year. He expressed concerns about traffic in the subdivision increasing, stating

that there was already a problem with speeding and drivers using the subdivision to avoid Auburn Rd. He felt that the redevelopment of the area should not serve to create a negative impact on residents and the surrounding area. The email would be placed on file for the record.

Mr. Dettloff agreed with Ms. Neubauer about the color choices. He considered Mr. Hooper's comments about it being a watershed moment for the area. The City took the time and energy to put a lot of thought into the redevelopment of the area. He thought that it was developments such as the proposed that would really spur other developments. If they wanted to create a mini downtown feel, it was a perfect project for that. He supported the third floor balconies. He would hate to see the City's multi-million dollar investment go to waste if they continued to tie people's hands. He supported the project wholeheartedly, and he thanked the applicants for bringing it before the Commissioners.

Chairperson Brnabic opened the Public Hearing at 8:06 p.m.

Scott Struzik, 2735 Stonebury Dr., Rochester Hills, MI 48307 Mr. Struzik noted that he lived within walking distance from the subject property. He said that he was very excited about the development. It was the exact kind of development he was hoping for when the Auburn corridor plan was announced. He felt that the height, density and mixed-usage were appropriate for Auburn Rd. within the corridor. There was ample and underutilized parking in the area. There were over 120 public parking spots between the subject block and the two adjacent, including 35 on-street parking spots. The parking spots were waiting for a development such as the proposed to drive business to the corridor. He stated, "If you build it, they will come." The City built the Auburn corridor, and the proposed project is what they wanted for it. He hoped that the Planning Commission and the applicant would be able to come to an agreement over what changes were needed and that the project came to fruition. He said that it would be a great jump start for what the Auburn corridor would hopefully become.

Tom Yazbeck, 1707 Devonwood Dr., Rochester Hills, MI 48306 Mr. Yazbeck echoed Mr. Struzik's and some of the Commissioners' comments. He was very supportive of the project. It was projects like that which would make him more likely to visit the area. He supported three-story buildings for the area. He thanked Chairperson Brnabic and the Planning Commission for letting him speak, and he reiterated that he really supported the project.

Chairperson Brnabic closed the Public Hearing at 8:09 p.m.

Chairperson Brnabic said that for the first development in the district, she guessed that the parking would work out, but she did not think that there was an overabundance of parking in the area even with the public lots. When Johnny Black's reopened, 60% of the public lot would be used for their customers. The pocket park and splash pad would open in 2021, which she did not think would be used by only people from the neighborhood. The public lot would also be used by families traveling to the splash pad. They had mentioned the ability to use the public parking lot for their first third-story building, but it would be a concern in the future. At this point, in her opinion, there was not an overabundance of parking. She thanked the residents for sharing their opinions with the Commission.

Hearing no further discussion, Mr. Kaltsounis moved the following.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-022 (Zeenat Plaza), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a stepped back, third-story on a mixed-use retail and residential building in the BD Brooklands district, based on plans dated received by the Planning Department on December 11, 2020 and February 4, 2021, with the following six (6) findings.

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance for the recently adopted BD district.
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 will have a positive impact on the community as a whole and the surrounding area by further offering jobs and another financial institution.
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.

Chairperson Brnabic stated that she was really torn. She liked the project and she was excited about the Auburn Rd. corridor. There were conditional use standards in place for a reason, however, she wondered why they were there if they were not being considered. Perhaps the neighbor did not respond, but she questioned whether they would need extra landscaping. She maintained that the situation would have to be monitored in the future regarding noise and sight lines. She believed that they firmly needed to consider the privacy of the residents. Three stories was new to the neighborhood, and they needed to do everything they could to consider the sight lines into the homes. That was what was disturbing to her. It seemed as if they were not considering the conditional use standards fully, and she wondered why they had them. She supported the development, but she was torn because of the sight lines and lack of privacy that could happen. She agreed that people would not want others three stories up looking into their homes and yards.

Dr. Bowyer recalled a problem with Barrington Park. After it was built, there was one resident who came before City Council and stated that her privacy had been invaded. The City worked with the developers, and they were asked to install new plantings to ensure privacy. She pointed out that there was always an avenue for people to come before the City Council and bring up complaints. She did not think adding landscaping later was off the table, and that it could not ever be revisited.

Ms. Roediger said that the City worked with applicants and neighbors well after a project was completed. They built relationships. She agreed that they had talked with the neighbor of Barrington Park on many occasions, and it was not unusual for them. The City looked out for existing and future residents. Regarding the point of a conditional use review, it was not permitted by right but was a discretionary decision. It was intended to set some parameters that were very site specific. It was not a carte blanche for three stories everywhere. They had to look at each parcel individually and look at where it sat. The house directly behind Zeenat had vegetation and a garage and it faced a certain way, all of which had to be considered. That was part of the gray area, and there had been different opinions. She still felt that there was a point to the conditional use. It was not a given but done on a case-by-case-basis.

Chairperson Brnabic said that she was glad to hear that. Two stories could be built by right, but three could not. Ms. Roediger agreed. She

added that there had been a lot of discussion about the lack of parking, and she wanted to remind that the City was committed to finding long-term parking solutions for the corridor. Per the direction of Planning Commission and City Council, they were looking at other options for the future. The City was heavily invested in making sure that the Brooklands District was a successful part of the community.

Mr. Hooper had mentioned at the last meeting that the City purchased and built a public parking lot, and he stated that there was no question they would need more, so he agreed with Ms. Roediger's comments.

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 7 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Nay 1 - Reece

Excused 1 - Gaber

2021-0002

Request for Site Plan Approval - City File No. 20-022 - Zeenat Plaza, a proposed 29,808 s.f. mixed-use facility (8,387 s.f. retail, ten dwelling units) on .49 acre located at the southwest corner of Auburn and Gerald Ave., zoned BD Brooklands District, Parcel No. 15-36-226-068, Hisham Turk, Applicant

MOTION *by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-022 Zeenat Plaza), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on December 11, 2020 and February 4, 2021, with the following five (5) findings and subject to the following four (4) 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 Gerald Ave., 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.*

5. *The Planning Commission modifies parking spaces low usage spaces to nine feet.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters.*
2. *Provide a bond for landscaping and irrigation in the amount of \$9,050.00, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.*
3. *The applicant submits a drawing showing bike rack(s) and tree grate(s) that match the Auburn Rd. theme, prior to final approval by staff.*
4. *The applicant reach out to the neighbors at 2976 Gerald Ave. to confirm whether they want additional screening on their property and if so, submit a plan for to be approved by staff, prior to final approval.*

Chairperson Brnabic said that the applicant stated that they would place signage for the residential parking. It was an option, and she did not think that it was a bad idea. She did not think that everyone who worked would be gone during the day, because so many were working from home. They might also attract retirees, and she thought that it would be a good business move to dedicate parking for the residential.

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

Aye 7 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Nay 1 - Reece

Excused 1 - Gaber

After each motion, Chairperson Brnabic stated for the record that the motions had passed seven to one. She thanked the gentlemen and congratulated them. She wished them good luck moving forward. Mr. Hooper thanked them for their investment. Ms. Roediger noted that the matter would be going to City Council on February 22.

NEW BUSINESS

[2021-0021](#) Request for Endorsement of the Transportation Master Plan 2021