



Rochester Hills

Minutes

Planning Commission

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

Tuesday, August 16, 2022

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the August 16, 2022 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 8 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Scott Struzik and Ben Weaver
Excused 1 - Marvie Neubauer

Others Present:

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Jennifer MacDonald, Recording Secretary*

Also in attendance from Giffels Webster were Jill Bahm and Joe Tangari.

Chairperson Brnabic welcomed attendees to the August 16, 2022 Planning Commission meeting. She noted that if anyone would like to speak during the Public Hearings for the Zoning Ordinance Amendments or during public comment for non agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to planning@rochesterhills.org prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2022-0368](#) June 14, 2022 Worksession Meeting Minutes

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

Aye 8 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver
Excused 1 - Neubauer

[2022-0369](#) June 14, 2022 Meeting Minutes

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

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

Excused 1 - Neubauer

[2022-0370](#) July 19, 2022 Worksession Meeting Minutes

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

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

Excused 1 - Neubauer

COMMUNICATIONS

Chairperson Brnabic noted that the 2nd Quarter 2022 Road Report was received from the Oakland County Road Commission. A notice was received from the Charter Township of Orion regarding distribution of their Adopted Master Plan.

PUBLIC COMMENT

None.

NEW BUSINESS

[2022-0371](#) Public Hearing for Proposed Zoning Amendments

(Giffels Webster memo of 8/11/22, Draft FB Ordinance, Worksession minutes of 4/19/22, 5/17/22, 6/14/22, 7/19/22, summary of public comments, public hearing notices, and letters to the public had been placed on file and by reference became a part of the record thereof).

Ms. Roediger explained it has been a busy year analyzing these districts and there has been much interaction with many of those attending this evening. She stated that Giffels Webster will provide a brief overview of the Flex Business district, and noted that there were no changes made to the documents since the open house. Staff is looking to the Planning Commission for their input to some potential changes to the draft ordinance before hopefully sending it to City Council in September.

Ms. Bahm explained that when the FB districts were originally created in 2009, it was to accommodate a range of residential office and commercial uses, either in a horizontal or a vertical pattern. The idea was to concentrate the development on major roads, with optional standards and incentives to redevelop older commercial sites, and specifically to encourage redevelopment of commercial sites that have become tired or become functionally obsolete and to improve their appearance. The ordinance was devised with three different zoning overlay districts, from a lower to a higher density.

Ms. Bahm explained that a zoning ordinance is a living document. Every

community finds items in the ordinance that need to be revised as the ordinance is used and site plan reviews are completed. In this case some issues were identified by City Council and the Planning Commission in recent years, including an observation that some of the FB districts covered small parcels where the kind of development envisioned for the district may not be appropriate. Additionally, a parcel designated as FB ten years ago may not make sense any more. There have also been observations that some developments feel crowded or out of place; that buildings adjacent to single family residential areas are too imposing; and that there were too many requests for modifications from developers to the building design and form standards. The proposed updates include consolidation of the three districts into one district; set a minimum of two acres for a parcel to be redeveloped; update the outdoor amenity space provisions to call it "Places of Interest"; and include some standards and some examples to create some public or quasi-public spaces. Buildings up to 4 stories would only be permitted as a conditional use on parcels that are ten acres or larger requiring additional scrutiny and a public hearing; street side setbacks for all buildings are increased from 25 to 50 ft., and all setbacks for buildings over two stories next to single family residential are increased to 3-times the building height. Optional standards are either now required or eliminated. She referred to a graphic showing representations of buildings at different heights and what the setbacks would be, and how it would look if one building was of different heights. Other proposed updates include the intent statement, which explains the desire of the city to promote sustainable redevelopment through walkability, sustainability and aesthetics. The percentage of primary high quality building materials increased to 80% from 60%; it would also allow for an applicant to demonstrate to the commission that a different product is as durable, of good quality, and low maintenance. Small changes to permitted and conditional uses were proposed to make it more consistent with the rest of the ordinance; updated street design standards applying to parcels 10 acres or more; updated private frontage requirements that are simpler and more consistent with the standards found in the Brooklands District and create more walkability. There was previously a prohibition of offices/institutional uses on the ground floor for certain frontage types, which was there to promote walkability; however that is suggested to be removed to offer greater flexibility. Ms. Bahm explained that definitions have been consolidated, parking structures are limited to parcels over 10 acres with structure setbacks written to be the same as the other buildings.

Ms. Bahm said that the public meetings and open house yielded general and location specific comments from the public. Parcels on Rochdale and on Cloverport were requested to be removed from the FB district, and it is recommended to remove those properties from FB. Residents on Cloverport request some residential property to not be added and staff concur with that. A property owner of a residential parcel at Adams and Avalon is not supportive of removing the overlay, and the recommendation is to keep that parcel in the overlay. Additionally, there were some supportive comments from property owners having the overlay added to their parcels.

Regarding uses, self storage or mini storage is added as a conditional use; and it is recommended that if that is kept, it only be more of a secondary or an accessory use to a more active commercial use that is permitted in the district.

She explained that for now it should just be removed from the permitted uses. She noted that there were some property owners of less than two acres who attended the open house and were concerned that they could no longer use the overlay provisions with the two acre minimum. A potential recommendation the Planning Commission may want to discuss would be to consider allowing properties that are less than two acres on a case by case basis, and tie that to a site plan to avoid some previous concerns about overdevelopment on small lots. Questions included how buffers for the FB district would be applied; and whether it is worth talking about specifying in the landscape section that the city would determine which buffer type applies based on the mix of uses as related to the zoning district that they most closely correspond with. Since the FB district is an overlay, it sits on top of a number of other zoning districts, and so if parcels were reviewed based upon their underlying zoning it may not be consistent with how they are being developed under the FB. Lastly there was the suggestion to add conservation areas to the list of places of interest, and it is recommended that this be considered.

Ms. Roediger asked the Planning Commission for any thoughts regarding these comments and suggestions.

Chairperson Brnabic said that her only one concern with the list is the proposed change to allow the Planning Commission to approve a site plan for a property with less than two acres on a case by case basis. She said the commission needs to maintain consistency for the FB permitted uses and the two acre minimum was put into place due to density concerns and a lack of parking on small parcels. She explained that allowing only some parcels less than two acres to use the FB overlay could be viewed as a form of spot zoning or preferential treatment. She said that she doesn't want to be put in the position to make an exception for one property owner and not the next.

Mr. Weaver said Giffels Webster and staff have done an excellent job in addressing the public comments. He agreed with Chairperson Brnabic that he doesn't want to be put in a difficult position and set precedence, but otherwise he concurs with the changes.

Dr. Bowyer said that she also agrees with Chairperson Brnabic, that allowing the commission to waive the two acre position may put them in an uncomfortable position or be viewed as spot zoning. She said that it's great that staff has addressed most of the comments and appreciated their work.

Ms. Roediger said that a number of property owners with property to stay FB are less than two acres. The property owner spoke at one of the worksessions who owns the house on Auburn Rd. next to the Bebb Oak tree. She said that he would not be able to use this property under the FB provisions unless he combined it. She said it would be a similar situation with a property located adjacent to a gas station that was discussed, and also a property on Hamlin next to Bordine's that was discussed at one of the early meetings. She explained that it may be a pointless designation if they don't have two acres. She said there are a lot of properties that have always had the FB overlay, and the probability they will be developed under FB is minimal unless there is a case by case designation allowed for an exception to the two acre requirement.

Mr. Weaver asked if there are worries that if an FB property owner sells their property it is not as valuable, or if the concern is that they can now not develop it as they had planned.

Ms. Bahm said she spoke to at least one person that was interested in developing their property and not looking to flip it. She said the language could be written to be more specific with some standards that make sense.

Mr. Weaver said that his concern is there would be a new developer coming in with a property that is 1.5 acres and saying they are stuck. He said it is still a concern to allow it in one place and not in another.

Ms. Bahm said that properties under two acres are not likely to be tall developments. The City could possibly tie site plan approval to a development agreement, which would essentially be a contract between the City and the developer to ensure that the developer does what they say they are going to do. There are some things the City could do to facilitate development on lots that make some sense while minimizing impact to adjacent properties.

Mr. Weaver said he doesn't want to be in the position to make someone remove the overlay if they want to keep it.

Ms. Roediger said there would always be a possibility of land assemblage.

Chairperson Brnabic said that this whole discussion started over concerns expressed about high density and lack of parking. She suggested the commissioners could go back to this discussion but she is uncomfortable with allowing one property owner to use it and one not. She said that she would be more comfortable leaving that one out for now and coming back to the topic later.

Ms. Roediger stated that a conditional use allows the City the discretion to use site specific criteria when considering a request.

Mr. Weaver stated that it has been identified that there are 23 parcels with the FB that are over 10 acres. He asked how many are under two acres.

Ms. Roediger responded that there are at least a dozen.

Ms. Denstaedt said she was excited to see the recommendation for the conservation area based on the open house discussion. She echoed concerns about allowing for less than two acres and expressed concern over preferential treatment.

Mr. Struzik noted that the residents' input is reflected in the latest version presented. He mentioned Chairperson Brnabic's comments, stating that he doesn't like the idea of the case by case exemptions; however the benefits are compelling, especially for the properties that could sit unimproved for a long time. He noted that a house or a gas station could fall into disrepair, and the property owner would hold onto it because they don't have very many options for

redevelopment. He said that he is torn between offering the flexibility and the chairperson's concerns.

Mr. Hooper asked whether the three examples brought up are on the removal list. He asked if there would be the option for these properties to use a PUD.

Ms. Roediger responded that they are not, and there is always the option for land assemblage. She said she is trying to think how to accommodate the parcels with less than two acres. She said that is a whole different set of criteria for public benefit, noting that the City has been pretty stringent in applying those criteria.

Mr. Hooper stated that conditional rezoning is always an option, and that option is available so a developer can appeal the case or go the PUD route.

Mr. Dettloff stated that he understands the need for flexibility; however if the City allows this then it would be going against what was originally discussed and he is fearful for setting a precedent for this particular process. He said that he likes the two acre minimum standard for this process.

Chairperson opened the Public Hearings for both Legislative Files 2022-0371 and 2022-0372 concurrently at 7:30 p.m.

Tim Schwartz, 2951 South Adams Road, was called but did not speak.

Lorraine Mich, 2933 Powdernhorn, was called but did not speak.

Andrew Krupp, 168 Cloverport Ave., passed his time.

Michelle Denno, 145 and 155 Rochdale Dr. S., said she is the building owner for Rochdale Medical Plaza, managing the building for a few years and is also a city resident. She stated that as a second generation business owner, she would like to have the Flex Business overlay on her property. She explained that since 2009 their tenant base has changed greatly, and they have gone from being a medical building to now having spas, a preschool, tutoring company, and financial planners. She said that she would like to note that they have four buildings, all share the same parking lot and two of the buildings already have the FB overlay. Approving the overlay would add consistency to their projects and to the area. She pointed out that they have ten year lease terms so nothing would happen any time soon, however they would like the option. She said they have their own personal stake in the property and in the city because they manage their properties themselves. She requested that the FB overlay be approved for their properties, and she asked for consistency so all four of their buildings have the overlay on them. At Mr. Hooper's request, Ms. Denno read her property ID numbers.

Jeremy Olstyn, 152 Cloverport Ave., said that he appreciates the process and liked seeing the summary of public comments and recommendations in the agenda packet.

Ian Fitzner, 146 Rochdale Dr. S., spoke regarding 145 and 155 Rochdale Dr. S., noting that the current use is good as its office space includes a mental health/therapist office, and is a nice transition into a residential area from the

busy dentist's office. He said the overlay allowing a restaurant or storefront could greatly increase traffic onto Rochdale which has no sidewalks.

Diana Pagnani, 135 Rochdale Dr. S., thanked the commission for recommending to take that off the overlay at 145 and 155 Rochdale Dr. S. She said they have lived there for 40 years and it is a residential street, and she was under the impression nothing was to be changed on residential streets.

Brahm Windeler, 861 Leinster Rd., stated that he favors places of interest, and likes the conservation easement option. He explained a survey done a short while back showed how residents value green space and open space, and expressed concern that a denser use of space increases traffic. He can see traffic decreasing with density only if all of people's needs are concentrated in one area; and while not saying developers should be forced, they should be encouraged toward a broad swath of uses in one area to reduce traffic.

Pamela Wallace, 168 Cloverport Ave., said she is grateful about the formal greenspace provision that was added. She asked if there could be a direct donation of property to the City of Rochester Hills or the Six Rivers Land Conservancy, to make it a permanent feature. Two of the properties to be added to the FB are Priority 1 natural features and wildlife properties and both were recommended by the Green Space Advisory committee to be purchased by the City. She explained that there is a lot of redevelopment coming up which will be in areas that are difficult to redevelop. She said the traffic generated does not really align with the vision of the community; and there is a slight disconnect between that vision and the vision that the city has for itself. She commented that Rochester Rd. is not currently a walkable area and something else is needed besides the FB in order to encourage that, and does not want this to be a workaround tool for developers.

Jeff Gabrielson, 201 Cloverport Ave., stated that he likes the idea of consistency, as there are many aspects to consider for healthy developments. He said that there has been no objection to development of the parcel by Bordine's as it is not by a neighborhood.

Paula Rosenbusch, 476 W. Maryknoll Rd., stated that she was speaking on behalf of Tracy and Greg Utech, 2829 Hillendale, and Leslie Schneider, 348 W. Maryknoll Rd. Speaking for Ms. Schneider, she said that she appreciates efforts to clarify the ordinance and close loopholes. She said that with regard to the proposed setback requirements, it should be considered to require at least twice the building height as measured from the ground to the peak of the roof for the setback. Developers should be required to keep trees intact if there are mature trees in the setback area as clear cutting trees lowers the homeowner's property value and traumatizes them. She stated that she was astounded to see the height of the two-story buildings at Hamlin and Adams, how close they appear to the existing homes, that the only trees are the ones in the existing homes' back yards. She supported adding green space options to the places of interest. Speaking for the Utech's, Ms. Rosenbusch stated that over the past year they have become more connected to neighborhoods beyond their own, and there is one constant refrain that the community is becoming overdeveloped, and developers are using workarounds for developments that

are inconsistent with the character, beauty and health of the city and overdevelopment and high density next to residential neighborhoods. Residents choose this city partly on green space and wildlife elements which cannot be recovered once they are gone. She said they support adding the green space provisions to the FB ordinance and they are calling on City Council to protect the land and acquire and preserve as many green spaces as possible. She requested generous setbacks from multifamily and commercial and industrial developments, strict restrictions on building heights, and provisions for protecting trees. She said they want the city to address density and shoe horn development onto these sites.

Chairperson Brnabic thanked the public for coming to the meeting to express their concerns, and stated that many residents were also part of the worksession process. She noted there were several emails to mention and become a part of the record, including Joni and Guy Puckett concerned about the overlays on Rochdale, Craig and Julie Homestead and Pam and Andy Krump supporting green space. Ian Fitzer and Lily Saari, Tracey Utech, Matthew Fuhrman requested parcels 15-15-429-026 and 15-15-405-004 be removed from the FB list to be added. Annette Gilson asked officials to stop increasing the density of development in the city, and urged to stop using the FB overlay to allow for increased development. And John Christopher opposes the rezoning of the property at the end of Rochdale from office to commercial.

Rick Urbis, 506 Orchardale, said he appreciates the recommendation to remove the Rochdale parcels from the list. He said the area has become more single family with children and the corner is very difficult to navigate now and he would be opposed to it becoming more dense.

Jeff Wallace, 128 Cloverport Ave., he said that he's a longtime resident. Regarding retaining the replacement policy for current trees, it's really important to retain an old growth situation and he would like to see stronger rules to retain current trees when there is a new development.

Chairperson Brnabic closed the Public Hearing at 8:00 p.m. She thanked Ms. Bahm, Mr. Tangari, and Ms. Roediger for everything they put together for this process. She noted staff sent about 2,000 notices for the amendments and rezonings to residents and business owners. She said that she appreciates how the process has gone very well. She noted that there is a motion in the packet, however that would not include the changes from the summary of public comments.

Ms. Roediger clarified that the first motion is for the ordinance amendment, and whoever makes the motion can reference what items they want to modify. Regarding tree preservation, the City did a substantial update and requires 40% of all trees on a property to be preserved outside of the building footprint, which is one of the more aggressive preservation ordinances. She said that many woodland ordinances are being challenged in other communities, but we are holding steadfast. She explained that the tree preservation ordinance is city-wide and covers all parcels of land. Before that modification, the tree ordinance only applied to properties that were platted many years ago and therefore only applied to a quarter of the city. The updated ordinance applies to

the entire city, and tree preservation is on the forefront of our minds in all districts. She clarified on the map that the recommendations are to remove the overlay on the residential parcel on Cloverport. There was some discussion about adding the overlay to the parcels to the south; staff is now proposing to not add the overlay to those parcels. She asked Ms. Bahm for clarification on the height restrictions for multiple stories.

Ms. Bahm said the minimum height for each story is 15 ft., and three stories can only be 45 ft. regardless of how high the first floor is.

Mr. Hooper said he had a few questions about the first motion in the packet. He said from the general comments the following changes should be made to the motion for the ordinance amendments: remove self storage as a conditional use; allow less than two acres, however there is not any traction on changing that now so we'll keep the two acre minimum; regarding landscape section regarding buffers, he asked whether the language presented is the ordinance language and asked what section it would be in.

Ms. Roediger said the actual language has not been not drafted yet, but it could be added for Council. She clarified the section and said right now the landscape and buffering just says in the FB district staff would determine which use most closely resembles the most predominant use. As that table is written now it is black and white for each zoning district.

Mr. Hooper asked about the conservation areas, and people have referenced a giveback. He asked if that is what is meant by the conservation areas, and if there would be a size requirement.

Ms. Bahm responded that a conservation easement is a clearer term than a giveback, it is more clear of what is being asked for land to be conserved in perpetuity. That can be accomplished by a variety of tools, like what is done with park dedication and open space dedication, it is dedicated by way of easement and recorded in the deed that is agreed to by the City. Specific language may be provided by the City Attorney. She stated that two elements are required for any of the places of interest, and at the introduction to the table it requires a choice of two of the items listed and the area of 5% of the gross floor area of the buildings proposed.

Mr. Hooper moved the motion on the table to recommend to City Council approval of the ordinance amendments subject to remove self storage uses, the required buffer as stated in the draft letter paragraph to be added, and to places of interest add the conservation easement option. Seconded by Dettloff.

Chairperson Brnabic reread the motion on the table for the proposed zoning amendments, with the mentioned changes as noted, and the vote was taken. After the vote, she announced that it passed unanimously.

Ms. Roediger noted that the next step for the ordinance amendments would be to take them to the September 12, 2022 City Council meeting for First Reading and September 26, 2022 for the Second Reading.

Moving on to the proposed rezonings to add or remove the Flex Overlay to the specific parcels, Ms. Roediger noted that the following parcels on Rochdale are recommended to be removed from the list of properties to be added: 15-16-204-021 and 15-16-204-021. Regarding the Cloverport parcels, they are recommended to be removed from the list: 15-15-429-026, 15-15-429-027 and part of 15-15-405-004. She reviewed all of the parcels noted on the legal notice to be rezoned by adding or removing the overlay. At Auburn and Adams she said there was a discussion of removing those parcels, however the owner of Parcel 15-30-341-045 on Adams wanted to leave the overlay on their parcel. Since that parcel is on Adams Rd. and not within the subdivision, it is recommended the Board consider leaving the overlay on that parcel.

Mr. Weaver asked for clarification of conservation easements in perpetuity, and whether that would still be undevelopable for the new owner if the land was sold.

Ms. Bahm said that the conservation easement would remain with the property, similar to some of the park requirements, subdivision standards and open space development standards.

Mr. Weaver asked if the Rochdale parcels on the FB addition list along with the properties that are currently part of the overlay district comprise two acres.

Mr. Tangari responded that the four parcels combined are a little more than two acres.

Mr. Weaver commented that adding the adjoining parcels would make it three acres as is proposed, and he questioned whether there is a difference in development between two acres and three acres, and if the density permitted would be greater adding another acre.

Ms. Roediger said that four acres would be needed for three stories unless the property was on Rochester Rd., so in that location it could only be a two story development. She said that as zoned currently, they could do anything that is permitted in office zoning and staff is looking to update those sections to reflect more modern uses. Residents are concerned that the retail and multifamily uses that would be permitted may be more intensive. With regard to the two acre minimum, if there was ever a parcel less than two acres that wanted to take advantage of the FB district, they could propose a conditional rezoning with a site plan tied to it.

Mr. Weaver said that he understands that access to those buildings is currently from the residential street. With the current parcels in the overlay he doesn't see the density getting much more intense that it already is, he doesn't know that it would be advantageous to add all of it as access is off of the main thoroughfare. He suggested that there could be a stipulation that any development be accessed off of Walton Rd. to maintain the integrity of the residential area.

Ms. Roediger said that stipulation would be more of a condition of site plan approval not an ordinance amendment. She said to clarify, if they were to redevelop the northern portion this owner's parcels today, they would not be able

to use the FB because that is not two acres. They would have to combine with one or more of the parcels that front on Walton Rd. As part of the site plan review, access could be modified to get it onto Walton.

Mr. Hooper asked if staff could review each parcel on the list for additions and removals on the screen. The Planning Commission took a 10 minute recess from 8:26 p.m. to 8:36 p.m. for staff to prepare to show the requested documents to review all the parcels proposed to be rezoned.

Ms. Roediger explained she would review the groupings of parcels so that the locations are easier to understand. She went over each area to be added to the FB Overlay as follows, reading each parcel number and location:

- The grouping of parcels south of Cloverport.
- The commercial land behind Dick's Sporting Goods, which is split zoned.
- The vacant lands under common ownership southeast of Auburn and John R. They are the residential lots behind the liquor store, Chateau De Vin, they are under common ownership.
- The commercial land northeast of Auburn and John R, currently zoned commercial and abutting existing FB overlay parcels.
- Land owned by the Audi dealership parcel on Dequindre.
- The office land on Rochdale which was discussed.
- The commercial land northeast of Livernois and Auburn, next to the gas station.
- The office land on the west side of Crooks north of Auburn, basically the greenhouse properties.
- Commercial land on the north side of Auburn west of Crooks, at Midvale and Devondale.
- Retail land on the north side of Auburn east of Adams, consisting of 13 parcels.
- Four parcels of residential vacant land on the north side of South Blvd. That owner wants to propose a medical office development; since it is not two acres, it would have to be a conditional rezoning.

Ms. Roediger reviewed the proposed removals from the FB overlay district on the map as follows, reading each parcel number and location:

- On Old Orion north of Papa Joe's, a residential parcel with a house.
- The residential parcel on Cloverport.
- Properties at South Blvd. and Livernois, including the school, senior living facility, the Moose Lodge, and the veterinarian; removing the overlay from this intersection.
- Parcels at Crooks and South Blvd. One parcel is already developed as a bank.
- The Village of Rochester Hills. The property is under consent judgment.
- The residential properties on Avalon and Adams which were recently discussed, removing the properties that front on Avalon but leaving the parcel on Adams in the overlay.
- Three residential parcels behind the American House development within the residential neighborhood.

Mr. Hooper thanked Ms. Roediger for the additional presentation. He said that with regard to the add-ons and removals, the only one in discussion is the Rochdale parcels. He noted the underlying zoning is Office, and to Mr. Weaver's point it can be developed currently without the addition to the overlay, and if the other adjacent properties proposed are not added to the overlay, the property owner could still propose to develop as office, or come to the Planning Commission and City Council and request a rezoning, or a PUD. He concluded there are other options there that would not preclude the owner from developing their property if the additional parcels were not added to the overlay.

Mr. Struzik commented on the Rochdale properties, stating that if the other parcels proposed were added to the overlay, it would be a little over two acres. It would make it so that the added parcels could be developed under the FB without the parcels to the north, which could lead to a higher intensity development on the primarily residential road. He said that he would be in favor of removing those from the addition list. He said that down the road they could do a conditional rezoning if there was a site plan that included the properties to the north and access was moved from Rochdale to Walton Rd.

Mr. Weaver said regarding the Rochdale properties, based on the conversation he doesn't have a problem with keeping them on the list to be added but he recognizes there are other options. He said to him it makes sense to keep it on the addition list.

Mr. Gallina said that he has been going back and forth on this topic, but now supports removing the Rochdale properties from the list since there are other options.

Mr. Hooper moved the motion in the packet for the proposed rezonings and read each parcel, removing 15-15-429-026, 15-15-429-027, part of 15-15-405-004, 15-16-204-021, and 15-16-204-022 from the proposed addition list; and removing 15-30-351-045 from the proposed removal list, and the motion was seconded by Ms. Denstaedt.

Chairperson Brnabic read the motion. The motion was passed 7-1 with a roll call vote.

Ms. Roediger reiterated that the matter will also go to Council for First Reading on September 12, 2022 and Second Reading on September 26, 2022. She thanked the commissioners for their time on this.

Chairperson Brnabic asked Ms. Bahm and Mr. Tangari if they have anything further to add. Ms. Bahm said the constraints of the moratorium timeline and the public comments were helpful.

Mr. Dettloff said he is not a fan of moratoriums, however in this instance it was needed and he commented that everyone did a great job.

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

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

Excused 1 - Neubauer

Resolved, that the Rochester Hills Planning Commission recommends to City Council approval of an ordinance to amend Section 138-4.100, Section 138-4.214, Article 8, and Article 13 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to update the Flex Business Overlay Districts and associated definitions, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations, with the following changes:

1. Remove self storage as a possible conditional use.
2. Specify in the landscape section that with respect to the required landscape buffer, the City will determine which buffer type applies based on the mix of uses and the zoning district to which they most closely correspond.
3. Add an option for conservation areas under Places of Interest.

2022-0372

Public Hearing for Multiple Proposed Rezonings to Add or Remove the Flex Business Overlay

Please see discussion and public hearing held concurrently under Legislative File 2022-0371.

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper and Struzik

Nay 1 - Weaver

Excused 1 - Neubauer

Resolved, that the Rochester Hills Planning Commission recommends to City Council approval of an ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone the parcels of land as described below to add the Flex Business Overlay District, the parcels of land as described below to remove the Flex Business Overlay District, and to repeal conflicting ordinances and to prescribe a penalty for violations. Parcels include:

Lands TO BE ADDED TO the FLEX BUSINESS OVERLAY DISTRICT in the City of Rochester Hills, Oakland County, Michigan, described as:

| | | |
|-----------------------|-----------------------|---------------|
| 15-22-226-027 | 15-29-477-038 | 15-30-352-028 |
| 15-36-101-006 | 15-29-477-049 | 15-30-352-029 |
| 15-36-101-007 | 15-29-477-036 | 15-30-352-030 |
| 15-36-101-009 | 15-29-477-037 | 15-30-352-031 |
| 15-25-351-032 | 15-29-452-017 | 15-30-353-043 |
| 15-25-351-033 | 15-29-452-029 | 15-30-353-031 |
| 15-25-351-025 | 15-29-452-034 | 15-30-353-032 |
| 15-25-351-008 | 15-29-452-033 | 15-30-353-033 |
| 15-36-426-011 | Part of 15-29-452-021 | 15-30-353-034 |
| Part of 15-28-478-057 | Part of 15-29-452-020 | 15-30-353-035 |
| 15-29-478-056 | 15-29-453-024 | 15-32-482-025 |

| | | |
|---------------|---------------|---------------|
| 15-29-477-034 | 15-29-454-023 | 15-32-482-015 |
| 15-29-477-035 | 15-30-352-025 | 15-32-482-016 |
| 15-29-477-043 | 15-30-352-026 | 15-32-482-027 |
| 15-29-477-045 | 15-30-352-027 | |

Lands TO BE REMOVED FROM the FLEX BUSINESS OVERLAY DISTRICT in the City of Rochester Hills, Oakland County, Michigan, described As:

| | | |
|---------------|---------------|---------------|
| 15-03-477-017 | 15-34-352-035 | 15-30-351-020 |
| 15-15-429-034 | 15-33-351-042 | 15-30-351-019 |
| 15-33-476-043 | 15-33-351-041 | 15-31-301-021 |
| 15-34-352-010 | 15-08-351-005 | 15-31-301-027 |
| 15-34-352-034 | 15-08-303-037 | 15-31-301-028 |
| 15-34-352-011 | 15-08-303-036 | |

ANY OTHER BUSINESS

Ms. Roediger announced that the Mayor's State of the City Address would be held tomorrow, August 17, 2022, in the Auburn Road Corridor.

NEXT MEETING DATE

- September 20, 2022 Regular Meeting

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Struzik, seconded by Mr. Weaver, Chairperson Brnabic adjourned the Regular Meeting at 9:00 p.m.

*Deborah Brnabic, Chairperson
 Rochester Hills Planning Commission*

Jennifer MacDonald, Recording Secretary