



Rochester Hills

Minutes

Planning Commission

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Home Page:
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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: Siddh Sheth

Tuesday, January 17, 2023

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the January 17, 2023 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 9 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver

Others Present:

Sara Roediger, Director of Planning and Economic Dev.
Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

Chairperson Brnabic welcomed attendees to the January 17, 2023 Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight 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

[2023-0015](#) December 13, 2022 Regular Meeting Minutes

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

COMMUNICATIONS

Dr. Bowyer announced that the city has kicked off the Capital Improvement Plan (CIP) program for projects over \$25,000. Residents are invited to propose

their ideas for consideration. She noted there is an application on the city's website on the Planning and Economic Development page (PED) and she suggested that any residents looking to submit an application should first contact the appropriate department to discuss their idea. She said that all applications are due February 24th and must be submitted to the city's financial officer Joe Snyder.

PUBLIC COMMENT

Chairperson Brnabic noted that one speaker's card was submitted relative to the proposed development on the east side of Rochester Road, and she called John Przybysz to come forward. Mr. Przybysz did not come to the front to speak, and Chairperson Brnabic closed public comment at 7:05 p.m.

UNFINISHED BUSINESS

2022-0393

Public Hearing and Request for Rezoning Recommendation - File Nos. PR2023-0001, PR2023-0002, PR2023-0003, PR2023-0004 and PR2023-0005 - An Ordinance to Amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone approximately 12 acres of land located west of Rochester Rd. and south of Cloverport Ave., Parcel Nos. 15-15-429-026, 15-15-429-027, 15-15-405-004 and 15-15-429-034 from I Industrial to R-4 One Family Residential District, and Parcel 15-15-429-035 from I Industrial to B-2 General Business District

Chairperson Brnabic read the request for a Public Hearing and Request for Rezoning Recommendation for an ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone approximately 12 acres of land located west of Rochester Rd. and south of Cloverport Ave., Parcel Nos. 15-15-429-026, 15-15-429-027, 15-15-405-004 and 15-15-429-034 from I Industrial to R-4 One Family Residential District, and Parcel 15-15-429-035 from I Industrial to B-2 General Business District.

Mr. McLeod explained that the proposed rezonings are to R-4 One Family Residential with the exception of one parcel to B-2 General Business. He stated that this is the first step in the process, to hold the public hearing and for the Planning Commission to make a recommendation to City Council. He noted that City Council makes the final determination. He described the current zoning of the subject properties on the map, and described the zoning of the surrounding properties. He described the future land use designations as identified in the City's Master Plan for the subject parcels and the surrounding properties. He said that the proposed rezoning would result in most of the parcels to be rezoned to R-4 and then the easternmost portion would be rezoned to B-2 while maintaining the Flex Business Overlay on that portion.

Mr. McLeod presented the review criteria for a rezoning, and noted it is important for the commissioners to consider how the proposed rezoning designations correspond with the surrounding area, the natural environment, and the Master Plan, among other items. He noted that there was a question about whether there is a concept plan submitted at this point for a residential development for these parcels, and he stated that there is not.

Chairperson Brnabic invited the owner and attorney for one of the parcels to come to the table, and she said no speaker's cards had been received for the Public Hearing.

Christopher McNeely, attorney, stated that he appreciates the attention paid to the difficulties of this issue. He said that he believes that his client has access to Cloverport through the contiguous property that he owns, and he said rezoning the property now is premature. He said they are trying to determine when the zoning overlays and the splits occurred to look for where the access would be. He said they filed a variance request to the City also, and he said this commission should adjourn making a decision on the rezoning so that the ZBA can make their decision. He said his client has looked at trying to make an economically feasible project under R-4 zoning but it simply doesn't make sense. He asked whether it would be fair to say that all of the parcels proposed for rezoning currently have some industrial zoning.

Mr. McLeod responded that all of the parcels have at all or at least portions zoned for industrial purposes.

Mr. McNeely said that it would be an unfair change since it was zoned industrial when they bought the property. He said his client was in the pre-planning stage with regard to a self storage development and there were discussions with the City about that. He said the plans had been fairly fully developed as a self storage facility. He said that he submitted an additional letter to the City's Planning Department and staff.

Ms. Neubauer said that the commissioners did not receive the letter and said that she didn't know anything about the ZBA meeting. She questioned why the rezoning would be premature, and said Mr. McNeely had not provided a reason for saying that. She said that the property was purchased in May of 2022 and there has not been a formal proposal for development made to the City that has been presented to the Planning Commission.

Mr. McNeely said that rezoning is unfair because they have an economic interest in the property. He said it is a significant change to rezone to R-4, and it would be a significant change from the other properties around it. He said there may not have been a formal application but they were in the pre-planning stages with the City.

Ms. Neubauer said that it appears the parcel is landlocked.

Mr. McNeely said that it is not landlocked, and he disagrees that they cannot use another property to access a differently zoned parcel. He stated that there are legal cases to back this up.

Ms. Neubauer asked whether he has those cases for her review. She said that he is basing this on one Supreme Court decision to mean that they can use a residential property to access an industrial property.

Mr. McNeely responded that it may be unconstitutional to say they can't access

their property just because it would be going through another property. He said there are traffic studies that show that if the property is converted to residential zoning for development there will be more traffic volumes than if the property is developed as self storage.

Ms. Roediger said that none of the staff had previously received Mr. McNeely's email, but she made copies for the commissioners so everyone would have it now. She noted that they did submit a use variance application for the ZBA to determine whether they can use the Cloverport parcel for nonresidential purposes. She stated that staff is discussing whether this is considered a use variance or an interpretation. She noted that the City Attorney said that the fact that a ZBA application has been filed should not affect the Planning Commission from making a decision, and commissioners should not be deterred by the ZBA application filed.

Mr. McNeely stated that it would be premature to push this rezoning through and make a recommendation since there is no planned development. He said that nothing has to change now, and only bad things can happen from that because it would be forcing the issue. He said the commissioners should let the ZBA meeting take place. He said they did a FOIA request to the City, however the City doesn't have the information about when a zoning change or splits occurred. He said they need to know whether the split came first or if the zoning came first. He said that Michigan law says that you cannot landlock a property, and the City cannot landlock a property. He said the only entity who might have the records is the County and they will file a FOIA request there.

Ms. Neubauer asked Mr. McNeely if he acknowledges that if the property were zoned as R-4 they would be able to develop it, it might just not be as financially rewarding.

Mr. McNeely said that it is not feasible to develop the property under the R-4 regulations. He said that no one was looking to make the property a green space, and zoning it to R-4 makes it impossible to develop and so therefore would be a taking of his client's property.

Mr. Hooper said that this discussion has been going on for a long time - at the September meeting the property owner requested an extension of time and that was granted. He said that it is now four months later, and the developer is still searching for things. He said that he would rely on the City Attorney's comments. He said that the property as currently zoned is undevelopable. He said this is one step of many in the process.

He moved the motion in the packet to recommend the rezoning to City Council, and it was seconded by Ms. Neubauer.

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

Ms. Roediger said that the First Reading for the rezoning would take place at the February 6, 2023 City Council meeting.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matters of File Nos. PR2023-0001, 0002, 0003, 0004 and 0005, regarding the City initiated rezonings, the Planning Commission recommends approval to City Council of the proposed rezoning of approximately 5.2 acres, consisting of all or part thereof of Parcel Nos. 15-15-405-004 (part of), 15-15-329-027, 15-15-429-026, and 15-15-429-034 (part of) from I Industrial District to R-4 One Family Residential District and all of Parcel No. 15-15-429-035 to B-2 General Business District with following findings:

Findings for Approval

1. The R-4 One Family Residential District and the B-2 General Business District are appropriate zoning districts at these locations as they are compatible with the goals and objectives of the Master Land Use Plan to service residents of the community and the region.
2. Approval of the proposed rezoning will allow for uses that will complement the existing surrounding land uses and will be a logical extension of and improvement to the existing commercial business along Rochester Road.
3. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.

NEW BUSINESS

2023-0011

Request for Approval of a Tree Removal Permit - File No. JPUD2022-0001 - for the removal fourteen (14) regulated trees and to provide twenty-one (21) replacement trees in association with a site plan for a new multi-purpose athletic field located on approximately 76 acres, 800 W. Avon Rd., located on the north side of Avon between Livernois and Rochester Rd., Parcel 15-15-451-008, Rick Lipski, French Associates, Inc., Applicant

(Staff Report dated 1/17/23, Application and applicant's letter, reviewed site plans, lighting plans, landscape, floor plans, athletic equipment plans and elevations, Notice of Tree Removal Permit, and EIS had been placed on file and by reference became a part of the request thereof.)

Chairperson Brnabic read the request for approval of a site plan, tree removal permit, and natural features setback modification for proposed athletic field improvements at Rochester University at 800 W. Avon Rd., located on the north side of Avon between Livernois and Rochester Rd., zoned SP Special Purpose with a PUD overlay, Parcel 15-15-451-008.

(Present for the applicant were Tom Rellinger, Executive Vice President with Rochester University and Dale Jerome with French Associates.)

Mr. McLeod said that the request is for approval of the site plan, tree permit, and natural features setback modification. He showed current pictures of site, including the existing ballfield, clubhouse and concession stand. He explained

that the plans are for a multipurpose field to support five different sporting events, including batting cages on the west side of the field house. He said that all of the proposed improvements are surrounded by a large tree stand area. He showed a picture taken from the Groves residential development looking west. He noted the picture was taken several days ago, and the current ballfield is only visible through the thinnest part of the tree stand from the residences. He said the ballfields would not normally be operational during the wintertime. He showed a photo looking from the back side of the ballfield toward Avon, which he said demonstrates of the topographic changes on the property. He presented the zoning map showing the overall Planned Unit Development (PUD) area for Rochester University. He explained that the ballfield is right in the middle of the development, and it is well separated from abutting neighbors. He presented an overview of surrounding zoning designations. He said that the site plan itself includes a new all-purpose field with synthetic turf material, significant improvements to pedestrian walkways, minor parking improvements with accessible spaces, and batting cages. He said the building shown on the right side will house equipment during off times.

Mr. McLeod reviewed the lighting plans and said that they require a modification for athletic field lighting due to the height and intensity of the lights. He noted that the applicant said this is needed is due to the fact that the school is an NCAA school and they have lighting requirements for safety and performance considerations. He explained that all lighting will be new technology with downward facing fixtures whereas the older field lights faced light outward. He noted the university will be removing a limited number of trees in the area and providing a good number of replacements, especially on the back side of the field. He presented a rendering of what the ballfield would ultimately look like and showed an aerial perspective of the rendering of the ballfield.

Chairperson Brnabic asked if there is anything that the applicants would like to add to Mr. McLeod's presentation.

Mr. Rellinger stated that he appreciates the opportunity to come to the Planning Commission to present this project. He said that at Rochester University they have been working to increase their assets over the last six years. He noted the original campus site plan had two fields. He explained that the new plans save space with putting multiple athletic programs on one field, and noted that this will also leave more green space. He said that the University purchased 250 Avon Rd. which allowed them to pick up 271 additional parking spaces. He said he is excited about the plan and is hoping to get through the process quickly. He said they will finish up fundraising and hope to break ground soon.

Chairperson Brnabic commented that with regard to the requested modification to the light ordinance requirements, she realizes that athletic fields have different needs. She asked for confirmation if the applicant is asking for the light poles to be 66 ft. high.

Mr. Jerome responded that is about right, and noted the height varies because of the topography.

Chairperson Brnabic asked for an explanation of why the height is needed. She

said that she researched on the internet, and it says that the average height for athletic field lighting is 40-60 ft. high. She said that she had asked for information on the height of the poles at Borden Park but that measurement was not available, and she said that she understands that the state reviews the high schools and the City does not. She said that she knows that the light will be projected downward but asked why the height has to be that high.

Mr. Jerome responded said most of the fields they are doing today are 60-80 ft. He explained that the need to get an even dispersion of light across the field and this is what drives the height of the poles. He said that people nearby will see a glow of light but it will not be like a headlight, and the light source will not be visible. He said that the light diminishes quickly as it moves away from the playing surface.

Chairperson Brnabic said that she understands that if the lights were at a lower height they may not distribute light across the field as needed.

Mr. Jerome responded that a lower pole would need to be aimed more outward and not just downward. He explained that as the light source is lowered, it begins to interfere with play on the field, especially for baseball and softball. He said they hired MUSCO, they are the sports lighting experts. He said the heights are not arbitrary and they help to minimize light spillover beyond the playing surface.

Chairperson Brnabic asked for confirmation if 66 ft. is the highest light proposed.

Mr. Jerome responded yes, and he said some of the lights are lower. He said some of the light bases could be as much as 10 ft. over the playing surface, but the top of the poles will be the same height. He said a lower height would diminish the performance of the light on the field.

Mr. Gallina stated that as an administrative professional in higher education he is excited for this project. He said that there are a lot of details included in the plans such as irrigation, stormwater, and lighting. He said the lights are great technology and he commended Rochester University on the plans. He said that the plans are purposeful since the different sporting teams can share the field and it also presents an opportunity for the community to be able to rent it out. He congratulated the applicants on a job well done.

Mr. Rellinger said that they have a great partnership with the community, and they can run two little league games at the same time on the field.

Mr. Hooper said that he doesn't see the 66 ft. height of the light poles on the plans. He noted that the company MUSCO who they used was who the City used for Borden Park lighting and he commented that they are the king of sports lighting projects.

Mr. Jerome said that the light poles are not any taller than is needed and he can double check the documents.

Mr. Hooper said this is the age old discussion of lighting and spillage. He explained that typically if the poles are lowered then more lights need to be added. He said that from the lighting analysis, the perimeter footcandles are at most 0.6, so by the time you reach the nearest residence 350 ft. away it is zero footcandles. He said that he fully supports this asset to the community and looks forward to this development.

Mr. Weaver said that the plans look really nice. He said that he understands the need for the lighting and he lives across the street. He said that in summer there can be just be a glow. He asked the applicants whether there will be set hours for use of the fields since there are residences around there and whether there would be little league games played at night.

Mr. Rellinger said that they haven't worked through those plans yet but typically little league is not played at night. He said that Little League occurs during such a short time period that they may like to make use of the fields after those times.

Mr. Weaver said that intramural athletics often go until 9:00 p.m. or so but he does not have a problem with that. He asked for confirmation that there is only one access point for the new fields. He noted that near the center field there are some deciduous trees plans but he suggested changing them out to evergreen trees. He said that the proposal fits nicely into the existing development and it is a well thought out plan.

Ms. Neubauer said that she really likes the plans and fully supports the proposal. She said she loves seeing the growth and Rochester University is a great asset to the community. She said it is a beautiful plan and thanked the applicants.

Mr. Struzik said that he echoes the comments of his fellow commissioners. He said that he is excited about the project and he thinks it is an efficient use of space with a multi-use field. He said it is a good idea to leverage the parking at the church and he appreciates the increased pedestrian connections. He asked whether the lights will be on a timer.

Mr. Rellinger responded that the lights would only be on when they are in use since they have to pay for them.

Mr. Struzik said that pedestrians on the Clinton River Trail are invited into the campus and this will be a great addition to the community.

Mr. Rellinger said that they have tried for the last several years to make this Rochester College's asset.

Ms. Denstaedt said that the plans are really exciting. With regard to traffic, she asked the applicants what they are anticipating in terms of attendance.

Mr. Rellinger said that they are making sure that as they do programming, they are not overlapping events. He said that they can only have one sport on the field at the same time, and he doesn't see the traffic being significantly different

from what it is now. He said that he is well aware of all the kids that are on their campus in the summer.

Mr. Dettloff thanked the applicants for continuing to bring forth quality projects.

Dr. Bowyer thanked the applicants and noted she is happy they bought the church to add some overflow parking for the University. She said this is a fabulous project and Rochester University is a great asset to this community.

Mr. Hooper stated that he planned to move the motions in the packet, and he made note of the lighting conditions.

Mr. Jerome noted that the LED lights can be adjusted after installation from an iPad.

Mr. Hooper moved the two motions in the packet to grant the tree removal permit and to approve the site plan. He added a fourth condition to the site plan motion for the applicant to work with staff to review deciduous tree locations.

The motions were seconded by Ms. Neubauer.

After voice votes for the tree removal permit and for the site plan approval, Chairperson Brnabic announced that each motion had passed unanimously.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JPUD2022-0001 (Rochester University) the Planning Commission grants a Tree Removal Permit (PTP2023-0001), based on plans received by the Planning Department on December 6, 2022 with the following findings and subject to the following conditions:

Findings

A. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.

B. The applicant is proposing to remove fourteen (14) regulated trees and no specimen trees, with twenty (21) replacement trees required, and with a total of eighty eight (88), including the required twenty one (21) replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

No payment to the City's tree fund is required.

2023-0010

Request for Site Plan Approval - File No. JPUD2022-0001 - for the proposed athletic field improvements at Rochester University, 800 W. Avon Rd., located on the north side of Avon between Livernois and Rochester Rd., zoned SP

Special Purpose with a PUD Overlay, Parcel 15-15-451-008, Rick Lipski, French Associates, Inc., Applicant

For discussion see Legislative File 2023-0011.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JPUD2022-0001 (Rochester University) the Planning Commission approves the Site Plan (PSP2022-0013), based on plans received by the Planning Department on December 6, 2022 with the following findings and subject to the following conditions:

Findings

- A. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, with the exception of the modifications requested, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
- B. That the proposed multipurpose athletic field has been found to be generally consistent with the overall Rochester University PUD and the proposed improvements serve as an enhancement to the existing athletic field in the same location.
- C. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- D. 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.
- E. The applicant has demonstrated that a modification to allow for the lighting plan as proposed, exceeding the permitted maximum footcandles and mounting height for the athletic field lighting, is appropriate based on the fact that the lighting fixtures being proposed to be utilized are of such a design light will be directed downward, rather than outward and that the photometric plan provided indicates that essentially no light will be emitted from the athletic field beyond 180 feet which is significantly less than the nearest residential properties outside of the campus.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff, including the appropriate final legal description being provided and accepted by the City.
2. Provide a landscape bond in the amount of \$265,558, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. If, in the determination of City staff, the intensity of the lighting changes or increases, in terms of intensity, glare, or other aspects that may cause adverse off-site impact, City staff may require and order the site plan approval to be remanded to the Planning Commission as necessary for re-examination of the site plan approval and lighting modifications for possible revocation, modification or supplementation.

4. The applicant must work with city staff to review deciduous tree planting locations.

2023-0012

Request for Natural Features Setback Modification - File No. PSP2022-0013 - for approximately one hundred and five (105) linear feet of permanent impact to the required twenty-five (25) ft. natural feature setback in association with a site plan for a new multi-purpose athletic field located on approximately 76 acres, 800 W. Avon Rd., located on the north side of Avon between Livernois and Rochester Rd., Parcel 15-15-451-008, Rick Lipski, French Associates, Inc., Applicant

For discussion see Legislative File 2023-0011.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. JPUD2022-0001 (Rochester University), Site Plan No. PSP2022-0013, the Planning Commission grants a natural features setback modification for approximately one hundred and five (105) linear feet of permanent impact to the required twenty five (25) natural feature setback to construct parking spaces, install bleachers and pedestrian sidewalks and retaining walls, based on plans received by the Planning and Economic Development Department on December 6, 2022 with the following findings and conditions:

Findings

A. The impact to the Natural Features Setback area is limited and is necessary for construction activities.

B. The approved PUD agreement indicates that modifications necessary for the construction of buildings/facilities that are consistent with the approved PUD the modifications are not likely to endanger or materially and adversely affect the natural feature adjacent to such setback.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.

2023-0014

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2022-0009 - to operate a car wash, for the proposed demolition and construction of a new auto detailing building for Jax Kar Wash on the west side of the property, 2714-2728 S. Rochester Rd., located on the west side of Rochester Rd., north of Auburn Rd., zoned B-5 Automotive Service Business with the FB Flex Business Overlay, Parcel 15-27-477-067, Leslie Accardo, PEA Group, Applicant

(Staff report dated 1-17-23, Reviewed Plans and WRC Letter of 7-15-22, Application, EIS, Public Hearing Notice/Tree Removal Permit Notice had been placed on file and by reference became a part of the request thereof).

Chairperson Brnabic introduced the request for a conditional use

recommendation, site plan and tree removal permit approval for Jax Kar Wash for the proposed demolition and construction of a new auto detailing building for Jax Kar Wash on the west side of the property, 2714-2728 S. Rochester Rd., located on the west side of Rochester Rd., north of Auburn Rd., zoned B-5 Automotive Service Business with the FB Flex Business Overlay, Parcel 15-27-477-067.

Present for the applicant was Leslie Accardo, 1840 Pond Run, Auburn Hills, Michigan, with PEA Group.

Mr. McLeod presented the plans showing the proposed demolition of the existing building at the rear of the site and noted that the intent is to provide a more modernized building. He showed a picture of the building location as viewed from Rochester Rd., and he noted that not much of the building would be visible from that perspective. He said that the subject property abuts residential properties to the west. He presented the zoning map for the area with commercial zoning to the north, east and south. He presented a slide of the proposed site plan, and explained that the plans include keeping the existing screen wall on the western border of the site. He stated that the applicant is proposing some added landscaping. He showed renderings for the proposed building façade and presented the floor plan with detailing areas and cleaning bays. He stated that the concept is that all the cleaning will take place indoors so there will be no external impacts to adjoining properties. He reviewed the conditional use standards from the zoning ordinance since an auto wash requires conditional use approval.

Ms. Accardo thanked the Planning Commission for the opportunity and staff for all of their assistance. She said that Jax is excited to offer this service to their customers.

Chairperson Brnabic noted that there were no speakers cards received for the Public Hearing and closed the public hearing at 8:25 p.m.

Mr. Dettloff said that this will be a great addition, and asked if any of their other facilities have a building with services like this.

A Jax representative responded from the audience and said that no other Jax facilities have this type of operation.

Mr. Dettloff said that given the volume of cars this is a much needed service and it will do very well.

Mr. Weaver said that he is excited to see some landscaping as part of the plans. He suggested the applicant revisit the shrubs chosen for along Rochester Rd. to ensure that they are salt tolerant. He commented that the plantings will really "green up" the property.

Ms. Accardo responded that they will take a look at the shrub choices.

Mr. Hooper noted that there is a typo in the first paragraph of the conditional use motion. He said that he has no issue with the two buffer modifications

requested, and he said there will be no additional impacts by this redevelopment to remove the dated building.

Mr. Struzik said that the current building is in need of replacement and this is a great improvement. He noted there are some minor pedestrian improvements which will be helpful since this is a busy location and drivers just are not looking for pedestrians. He said that he knows some other auto businesses in the area are getting rid of their detailing services so there is really a need for this.

Mr. Hooper moved the motion in the packet for recommending approval of the conditional use (typographical error corrected). The motion was seconded by Ms. Neubauer.

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

Mr. Hooper moved the motion in the packet for granting the tree removal permit. The motion was seconded by Ms. Neubauer.

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

Mr. Hooper moved the motion in the packet for site plan approval, and added a third condition for staff to review shrub and landscape selection. The motion was seconded by Ms. Neubauer.

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

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. PCU2022-0009 (Jax Car Wash), the Planning Commission recommends to City Council Approval of the Conditional Use (PCU2022-0009) to allow a car detailing facility at 2728 S. Rochester Road, based on plans dated received by the Planning Department on December 19, 2022, with the following findings.

Findings

1. The 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 will have a positive impact on the community as a whole and the surrounding area by further offering jobs and improving an existing commercial site.

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 since the building is essentially of the same size and location of the current building onsite.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare since the site and current buildings have been used for automotive uses historically.
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.
7. The applicant has demonstrated that a modification to not meet the buffer requirements along the west and north property lines is appropriate due to the location of the existing screen wall to the west, the existing site improvements that are not being modified in those locations, that the applicant has increased the landscaping along the north side of the site and that the building is largely in same location and orientation as the current building that is being replaced and will be buffered from the residents to the west by the existing building and screen wall.

Conditions

1. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the detailing operation changes or increases, in terms of noise, hours, location (i.e. outside), odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

2023-0017

Request for Approval of a Tree Removal Permit - File No. PTP2023-0002 - for the proposed removal and replacement of three (3) regulated trees for the proposed demolition and construction of a new auto detailing building for Jax Kar Wash on the west side of the property, 2714-2728 S. Rochester Rd., located on the west side of Rochester Rd., north of Auburn Rd., zoned B-5 Automotive Service Business with the FB Flex Business Overlay, Parcel 15-27-477-067, Leslie Accardo, PEA Group, Applicant

For discussion see Legislative File 2023-0017.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JNRNB2022-0006 (Jax Car Wash) the Planning Commission grants a Tree Removal Permit (PTP2023-0002), based on plans received by the Planning Department on December 19, 2022 with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.

2. The applicant is proposing to remove three (3) regulated trees and no specimen trees, with three (3) replacement trees required, and with a total of nineteen (19), including the required twenty one (21) replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.

No payment to the City's tree fund is required.

2023-0016

Request for Site Plan Approval - File No. PSP2022-0015 - for the proposed demolition and construction of a new auto detailing building for Jax Kar Wash on the west side of the property, 2714-2728 S. Rochester Rd., located on the west side of Rochester Rd., north of Auburn Rd., zoned B-5 Automotive Service Business with the FB Flex Business Overlay, Parcel 15-27-477-067, Leslie Accardo, PEA Group, Applicant

For discussion see Legislative File 2023-0017.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. JNRNB2022-0006 (Jax Car Wash) the Planning Commission approves the Site Plan (PSP2022-0015), based on plans received by the Planning Department on December 19, 2022 with the following findings and subject to the following conditions:

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, with the exception of the modifications requested, 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 Rochester Rd. and does not propose any new access points, therefore promoting safety and convenience of vehicular traffic both within the site and on Rochester Road by not adding an additional access/conflict point.
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 since the proposed building replaces an existing building already onsite.
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 since the proposed building replaces an existing building already onsite and actually proposes new landscaping to bring the site further into compliance with City requirements.
5. That the modifications as requested by the applicant and identified in the motion for conditional use approval has been found acceptable based on the conditions noted previously.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including the submittal of appropriate cross access documents and assuring compliance with noted ADA requirements.
2. Provide a landscape bond in an amount determined acceptable by the Office of Planning based on a reasonable cost estimate being provided by the applicant, plus inspection fees, prior to the preconstruction meeting with Engineering.
3. Review appropriate shrub and landscape selection with City administration to ensure long term viability.

ANY OTHER BUSINESS**2023-0018** Annual Master Plan Implementation Progress Report

(Memorandum by Chris McLeod 1-13-23, Master Plan Implementation Status Report had been placed on file and by reference became a part of the record hereof).

Mr. McLeod stated that one of the major steps that went forward as part of the last Master Plan progress report discussion was to revisit the FB Flex Business Overlay districts, and that process including rezonings and ordinance amendments took up much of 2022. Staff and City Council also reviewed the sign ordinance and some other items. He noted that the ordinance updates are one of the largest accomplishments, and most other items from the progress report are ongoing. He pointed out that the city has reached the five (5) year limit to update the Master Plan based on State law, so moving toward the fourth quarter later this year the process will begin. He stated that with regard to the Brooklands District, the City has constructed the eastern parking lots, and staff are still pushing some previously approved projects in the Brooklands to get shovels in the ground, and hopefully they will commence in the spring. He said as part of updating the Master Plan staff may look at building design requirements and landscaping standards since some concerns have been raised about these items as part of site plan reviews at the Planning Commission. He noted that staff continues to monitor the progress made on the implementation recommendations of the Master Plan, which is also required by the City's Redevelopment Ready Communities (RRC) certification.

Mr. Dettloff noted that in Mr. McLeod's memo he references customer service and promoting transparency. He stated that it is wise of the State to have such a program such as the RRC, and he asked whether there are rankings published with regard to where the City stands with the RRC certification.

Mr. McLeod responded that the redevelopment ready mantra is discussed on a daily basis in Planning.

Ms. Roediger commented that to elaborate, in Rochester Hills alone the City received a grant from the Michigan Economic Development Corporation (MEDC) for the City Streetscape Plan for \$50,000, because the City is certified

and the plan aligns with the City's vision. She noted that part of that vision is assisting property owners to get to shovel ready projects. She stated that one of the things that is difficult to get to time wise but important for the certification is offering ongoing training for City boards. She pointed out that such training will be required for all Planning Commission and Zoning Board of Appeals members in order to keep everyone abreast of important topics. She said that every community handles the training differently, and staff could conduct a poll with members and see what topics are of interest. She said that the City has a healthy training budget for this purpose. She mentioned that there are many options for conferences and webinars for at-home learning.

Mr. Weaver noted that there is the ability to attend the Michigan Association of Planning (MAP) conferences online.

Discussed

NEXT MEETING DATE

- *Joint Meeting, Planning Commission/City Council, January 30, 2023*
- *Regular Meeting, February 21, 2023*

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Struzik, Chairperson Brnabic adjourned the Regular Meeting at 8:45 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary