



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis, Stephanie Morita,
David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, September 17, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 8 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, C. Neall Schroeder, Ryan Schultz and John Gaber

Excused 1 - David Reece

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Planning Manager
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2019-0409](#) August 20, 2019 Regular Meeting

A motion was made by Hooper, seconded by Schroeder, that this matter be Approved as Presented. The motion PASSED by an unanimous vote.

COMMUNICATIONS

- A) *Planning & Zoning News dated August and September/October 2019*
- B) *Email from M. Monkaba dated 9/17/19 re: drive-throughs Auburn Rd.*

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:08 p.m. Seeing no one come forward, she closed Public Comment.

UNFINISHED BUSINESS

[2019-0379](#) Request for Site Plan Approval - City File No. 19-013.2 - Auburn Rd. Park Plaza,

a proposed .36-acre park area with splash pad, bathroom and pedestrian amenities on Auburn and Emmons, Parcel Nos. 15-25-456-025 and -033, zoned C-I Commercial Improvement with an FB-2 Flexible Business Overlay, City of Rochester Hills, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated August 15, 2019 and site plans had been placed on file and by reference became part of the record thereof.)

Ms. Roediger noted that the matter had been tabled at the last Planning Commission meeting. She explained for members in the audience that it was for site plan approval for a plaza the City would like to construct in the Emmons right-of-way. It would consist of a splash pad, restroom facility, seating area, landscaping, lighting and other amenities. At the last meeting, there was some discussion related to the drainage of the splash pad. The Planning, Parks and Engineering Depts., the Mayor and the consultants had discussed various options, including a recirculating versus a flow through system that would discharge into the sanitary sewer rather than the storm sewer. After much discussion and evaluation of the costs, they unanimously decided to proceed with discharging into the storm sewer. That had been shown on the plans at the last meeting. She noted that Ken Elwert, Parks Director and Allan Schneck, DPS/Engineering Director were in the audience if there were operation questions. The contract had been awarded to lafrate, and they were doing some of the underground utility and grading work, and the plan was to have the park open in the first half of next year. Because it was work in a right-of-way, they were going to confirm with the City Attorney in writing that the City had the ability to change the road access to more of a pedestrian access. She suggested that if the park was approved that a condition be added to have the City Attorney review the original plat to confirm that the proposed use was consistent and allowed.

Mr. Hooper said that as stated at the last meeting, his employer was doing the work on the project, and he recused himself from the discussion.

Ms. Morita thanked Ms. Roediger for bringing up the road issue to the Planning Commission. Based on the information that the plan was consistent with what staff wished to do, she moved the following, adding a condition about the right-of-way use.

Mr. Kaltsounis thanked staff for re-reviewing the matter. He stated that the plan was what it should be, and the work set an example.

MOTION by Morita, seconded by Kaltsounis, in the matter of City File No.

19-013.2 (Auburn Rd. Plaza), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on August 1, 2019 with the following seven (7) findings and subject to the following two (2) 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 Auburn and the alley north of Auburn thereby promoting safety and convenience of vehicular and pedestrian traffic both within the site and on adjoining streets.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety for the visitors.*
4. *The front yard setback maximum is waived by the Planning Commission due to the intended use of the project.*
5. *The proposed improvements should have a satisfactory relationship with existing development in the adjacent vicinity.*
6. *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.*
7. *The plaza is an important component of the Auburn Rd. corridor improvements to enhance the family, pedestrian and bicycle-related activities in the corridor.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
2. *That the City Attorney shall review the plat dedication to ensure that use of the road right-of-way as a park is within the parameters permitted under the existing plat.*

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

Aye 7 - Brnabic, Dettloff, Kaltsounis, Morita, Schroeder, Schultz and Gaber

Abstain 1 - Hooper

Excused 1 - Reece

Chairperson Brnabic stated for the record that the motion had passed unanimously.

2019-0413

Public Hearing and request for Recommendation of an Ordinance to amend Chapter 138 Zoning of the Code of Ordinances of the City of Rochester Hills to replace the C-I Commercial Improvement District with the B Brooklands District with review of accompanying changes to the Sign Ordinance.

(Reference: Memos prepared by Giffels Webster, dated September 12, 2019 and Ordinance amendment documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Rod Arroyo and Eric Fazzini, Giffels Webster, 1025 E. Maple, Birmingham, MI 48009.

Ms. Roediger advised that the proposed district was consistent with the Master Plan and the significant investment that the City was making in the corridor. They wanted to create a framework that would allow properties adequate room to develop in a fashion that aligned with the vision set forth for the area. They had set up a public survey. At the last meeting, a couple of items had been discussed at length, including the height of buildings and whether or not to allow drive-throughs. She noted that the meeting had been noticed for a Public Hearing, and she turned it over to Giffels Webster to talk about the draft Ordinance.

Mr. Arroyo stated that the Brooklands district was intended to implement both the Auburn Rd. Corridor Plan and the updated Master Plan. The Master Plan had identified the area for redevelopment based on the input received during public open houses. Staff had showed concepts from two to three stories. Many of the buildings contained viable businesses, and if they were looking at redeveloping, there had to be an economic reason to do so. There had to be a greater yield after modifying or demolishing a building. There were existing one-story buildings, and if only one-story was allowed after a major improvement of the road network, chances were that there would not be a lot of redevelopment in the area, because there would not be enough of an economic incentive. They had discussed how certain incentives and flexibility could be built into the Ordinance, and that they wanted the corridor to become more walkable. They discussed

allowing some additional building height while keeping within the character of the vision. Three stories with a top step back and gable roof were preferred, but four stories with a top step back was not. Three stories with a darker colored third floor and flat roof was not desired. The Ordinance took into account building heights, setbacks, design, parking and uses. There had been quite a bit of public input through the process. In April, there had been a public open house. The uses of retail, office and restaurant were generally preferred by people who attended. Lodging was generally not desired. Residential dwellings as part of mixed-use buildings were preferred; standalone residential buildings, such as an apartment building, were not preferred. Second or third floor residential above retail had more support. Drive-through facilities was strongly not desired. Tuck under drive-throughs as part of a two-story building were favorable. That would incorporate a drive-through into a building so that it could not be seen. He noted that there was a preference for high-quality materials and brick storefronts with projecting awnings and canopies. Painted brick, wood panel and trim, exposed timber sidings, split face concrete, composite, plastic wood trim, vinyl composite siding, metal cladding and roofing, steel and corrugated steel and recycled materials were not desired.

Mr. Fazzini explained that the C-I district, two B-5 and one B-2 parcels would be renamed B Brooklands, and the standards would be specific and unique to the area between Culbertson and Dequindre. The FB-2 Overlay uses would be eliminated and incorporated into the B district. There was a unique conditional use list. Drive-throughs would be a conditional use, but he pointed out that they were not generally associated with urban or walkable areas. That was to encourage people to get out of their cars, to use outdoor dining and to walk into businesses. It did not mean that there could never be drive-throughs in walkable areas, but they were discouraged. He showed a list of the proposed conditional use standards for drive-throughs. Standalone drive-throughs, such as ATMs, would not be allowed. Restaurants that had deep fryers would not be allowed, but that would not prevent a café or coffee shop having a drive-through. There would be setback standards for the distance between drive-throughs, and it listed where vehicle stacking could occur. A restaurant with drive-through would have to have outdoor dining, and a traffic study would be required.

Mr. Fazzini recapped that they had discussed building height extensively. The C-I and FB-2 districts currently allowed two stories. They were proposing a permitted height of two stories or 30 feet in the B district, and three stories or 45 feet would be allowed as a conditional use. There were

standards associated with that. He advised that setbacks were generally the same as they currently were. They were trying to create an urban street, addressing the road with buildings and allowing some variation. There were some limited accommodations for encroachments, such as balconies, projecting signs or awnings. They tried to simplify the building design standards which would be unique to the area. Clay brick was strongly preferred throughout the public input, and limited EIFS would be permitted on upper floor areas. Metal cladding and metal buildings were prohibited. Hand painted murals would be permitted on non-Auburn road facades. The glazing requirements would be higher on the ground floor and less on upper residential floors. Parking was a focus. They kept the reduced space size and aisle dimensions that were currently in effect. They updated the shared parking calculations to be more accurate. They allowed on-street parking directly in front of an establishment to count towards meeting the requirements, and a 10% reduction in parking would be allowed if an establishment was within 500 feet of a lot. Parking would still be required onsite.

Mr. Fazzini advised that as of 4 p.m. that day, there were 240 responses to the survey. They had asked for feedback on one, two, three and four stories. People could select all they liked. 52.5% of respondents liked one stories, 52% liked two stories, 37% liked two stories with a third floor step back, and 15% liked a flat three stories. For drive-through uses, 51% said that they should not be permitted, 23% said that limited uses for coffee shops, banks, etc. should be permitted (no fast food), and 18% said that all drive-throughs should be permitted. The number one use desired in the area was a coffee shop or bakery.

Chairperson Brnabic opened the Public Hearing at 7:31 p.m. She advised that each speaker would have three minutes, and that questions would be answered after all speakers were finished.

Ernie Colling, 3227 Emmons, Rochester Hills, MI 48307 Mr. Colling noted that he chaired the Zoning Board of Appeals and had over 20 years' experience on the ZBA and over 35 years with the Traffic and Safety Advisory Board. He had been a resident of Brooklands for 40 years. He thought that anything over two stories would be out of character for the neighborhood and would not fit. He thought that the design of the roadways were such that the higher the buildings and the more density, the more problems they would have moving the traffic out. There was a half-mile stretch of highway with seven road cuts on each side, two traffic circles and a traffic light on either end, and that was going to reduce the amount of traffic that could flow through with on-street parking

approximately 50% over a standard roadway. He thought that the plan that was originally presented in April and the survey responses indicated that people in the community considered the corridor to be a walking-friendly environment, but he felt that the more, larger commercial space they added with higher stories would detract from that. It would be out of character with the neighborhood, and he did not think it belonged there. He asked the Commissioners to keep in mind the wishes of the residents; they had to live there, and some had lived there a very long time and enjoyed the peace and quiet. They were already starting to see more accidents because of the construction, and they did not want a situation where the businesses emptied out into the sub, and there was a traffic problem. He indicated that they had enough issues with that already. He maintained that the traffic from the businesses belonged on Auburn, not through the subdivision.

Shaun Llewellyn, 442 Willow Grove Lane, Rochester Hills, MI Mr. Llewellyn said that he owned a business on Auburn, and he had been working in that area since he was 12 years old. He commented that so far, he had been very happy with what he had seen. When the alley first opened, there were families walking up and down the alley and bicycles going up and down. He thought that it was great to be able to say hello to the neighbors. Now that the sidewalk was done on the north side of Auburn, he was seeing even more of that. There had been a really good response, and he was meeting neighbors. As far as walkability and building a community, even on the current limited basis, he stated that it was working. He asked about signage for the rear of the buildings. He said that he had not read the proposed Ordinance. He had a parking lot behind his building, and he was getting a lot more traffic walking through the back door. He thought that there needed to be something so they could add signage on the rear of the buildings. He thought that drive-throughs should be very limited, and he would go along with the current recommendation. Some might work in certain situations with the restrictions proposed. He said that he would like to see the opportunity to go to a third floor, mostly because he felt that the second and third floors would be residential. There could be 14-foot ceilings on the ground floor with nice commercial on the sidewalk and opportunities for some beautiful apartments/condos on top. He envisioned possible terraces off the front and rear of the buildings as an aesthetic for the residents who lived in the buildings. He would not want to infringe into the neighborhoods off the back. He would prefer to have the opportunity to present a plan with a third story.

David Duda, 1650 E. Auburn Rd., Rochester Hills, MI 48307 Mr. Duda

said that he had owned Brandon Electric on Auburn Rd. since 1980, and he had also owned Olde Towne Commons since 1984. He remarked that Ms. Roediger should be commended for the job she had been doing, because they would never get everyone to agree on everything. He would like to see the City adopt an architectural design committee, consisting of residents, business owners, and Planning Commission and City Council members. He felt that it would be a shame to let someone build a nice building and have someone move in next door and paint the building purple. He realized that there were design criteria in the Ordinance, but he thought that there should be a committee including people who lived in the area and had some stake in the decisions.

Daniel Laatsch, 2966 Emmons Ave., Rochester Hills, MI 48307 Mr.

Laatsch said that he had lived in his home almost 25 years. He was getting used to it, but people were driving 50 mph down the alley with no signage or speed limits. He was concerned about many things, although he agreed that some updates needed to be done. He read the Auburn Rd. Corridor Study, which had 15 pages of input from people. He wondered if the City had considered that input. He noted that there had been high water lately. With the drainage they were adding and a sort-of water pool across the street and the rains they had lately, it would be a lake. He did not think that the drainage would handle that. He claimed that there were no drainage receptacles in the alley other than a route which was not directed correctly. Some of the buildings had sidewalks where the drainage went to the buildings, and he said that would not be good in certain conditions. They had seen increased truck traffic, and he would like to see no truck deliveries except for local deliveries and perhaps Art Van trucks. He would like to see a two-story limit. His house was in the first row off the alley, and people would look directly into his yard and house, where he had security issues already about who would come in and use the park who were outside of the neighborhood. He liked where he lived, and he would like to continue to like it, but he did not see "of the people, by the people, for the people" being administered. He thought that drive-throughs should be limited. It was said that there would not be McDonalds and Taco Bell, but Star Bucks in the morning had 50 people line up. He did not think one lane on Auburn would take care of that traffic. When M-59 backed up, Auburn backed up, and when Auburn backed up, the alleys would back up. He suggested that they needed speed bumps in the alley and a 10 or 15 mph speed limit. He said that 25 or 30 mph would be fine on Auburn. He mentioned the fire truck stuck in the roundabout, which he did not feel was big enough, diameter-wise, to get some trucks through it. He asked them to please be considerate of the people who lived there. He realized that they wanted to bring in more

businesses and a City environment. He observed that 60-70% of the buildings in downtown Auburn Hills were empty, and that people were not walking around there. He believed that when rent got too high in the corridor, local people trying to make it would have a hard time.

Iftequar Fazal, 650 Robinson Dr., Rochester Hills, MI 48307 *Mr. Fazal noted that he owned vacant land at Gerald and Auburn. He had lived in Rochester Hills for about 25 years. He was planning to build some retail with apartments or condos. He had already submitted a plan to the City, but he was waiting for the height issue to be determined. He liked the step back. Regarding privacy for the neighborhood, they could work on screening. He thought a third floor was a good idea. He wanted to submit a formal plan as soon as the issue was finalized. He did not agree about drive-throughs. He felt that they would limit walkability. He said that he was very thankful to the City, and everything looked really beautiful. If they added a drive-through, it would "mess it up." He stated that they did not need drive-throughs, and he was not in favor. He asked them to please consider a third floor with a step back.*

Chairperson Brnabic noted the question about drainage. Ms. Roediger said that they were really talking about two different things - the road project and a potential zoning district. In terms of the drainage with the road project, the City had received a grant from SEMCOG, and they were adding extensive rain gardens along Auburn Rd. The idea was to drain a lot of the storm water to the rain gardens, which would then connect to a larger regional system. In terms of private development for drainage, the City's Engineering standards required that all sites kept storm water on site.

Chairperson Brnabic brought up potential signage on the rear of buildings. Ms. Roediger believed that there was language in the Ordinance that allowed for additional rear signage facing the alleys. She advised that the amendments they moved forward to Council would include the Sign Ordinance, which was something Council would approve, not the Planning Commission.

Chairperson Brnabic asked Ms. Roediger to put up the survey results for height and drive-throughs. She clarified that people that liked two stories with a third floor step back was 37%; flat three stories was 15%; and 51% of people did not want drive-throughs at all.

Thomas O'Dea, 2980 Emmons Ave., Rochester Hills, MI 48307 *Mr. O'Dea said that he had a concern about the roundabouts. There were two*

within two blocks and as emergency vehicles went through, he wondered if there would be enough room for a ladder truck.

Ms. Roediger said that it was really a question about the design of the road, which had been vetted through the Fire and Engineering Departments. There were almost two circles for each - an inner green and an outer gray. The cones out there now were for the entire larger circle. There would be a mountable curb that would allow larger trucks and busses. There had been turning templates to show that larger trucks could maneuver the roundabout. The current incident with the fire truck was because the roundabout was under construction, and the curb could not be mounted yet.

Mr. O'Dea said that another concern was that the City did not want to allow restaurants with deep fryers, but he wondered how that would affect the existing businesses.

Diana Douglas, 1990 E. Auburn Rd., Rochester Hills, MI 48307 *Ms. Douglas said that she owned North Shack. She also wondered about existing restaurants that used deep fryers, and she asked what was classified as a deep fryer, since there were many different kinds. She did not know of too many restaurants that did not have some sort of equipment for shortening. She asked about being able to expand her business.*

Ms. Roediger clarified that the condition about excluding deep fryers would only apply to drive-through restaurants. Any restaurant that did not have a drive-through would not be subject to that condition. She knew that North Shack was unique, because it was currently the only drive-through in the area. They could add a clause that would allow it to be grandfathered and expanded.

Chairperson Brnabic closed the Public Hearing at 7:53 p.m. She thanked everyone who spoke. The Commissioners appreciated it, and she stated that those opinions and comments would be taken seriously.

Ms. Morita brought up that North Shack would become a pre-existing, nonconforming use if the Ordinance changed. She asked Ms. Roediger if she was suggesting that they should add a specific clause just for one business. If it was nonconforming when it was enacted under the existing Ordinance it could stay, but it could not expand. Ms. Roediger said that would be up to the Planning Commission. Ms. Morita asked if she was suggesting an Ordinance language change that was not in front of them.

Ms. Roediger pointed out that it was done for the gas stations. They allowed the existing gas stations to be able to expand the non-automotive element of the stations. Ms. Morita thought that it would have to come back to the Planning Commission with new language. Ms. Roediger felt that they had the ability to modify the language as part of a recommendation to City Council. Ms. Morita said that she had some concerns about carving out exceptions. She understood the property owner's concern, but if they were trying to create some uniformity in the way the district was utilized, she was not sure they wanted to make exceptions for any of the existing businesses beyond what they had already done, declaring that there would be no point to the Ordinance.

Ms. Morita said that she was really interested to see the results of the survey regarding drive-throughs. It was her understanding from other Council members that the idea behind pouring all that money into the district was to make it more walkable, which did not seem to fit in with a drive-through at all. She said that she was glad to hear from Mr. Llewellyn about seeing more people out walking. She said that she was still not in favor of any drive-throughs in the area. She liked the idea of the third story step back as a conditional use and two stories by right, and she appreciated the hard work by Giffels Webster.

Chairperson Brnabic referred to page three, A.4. which said, "No drive-through use shall be within 200 feet of another drive-through use in the Brooklands District as measured from the closest building points." She stated that she was totally against having drive-throughs for the same reasons mentioned - they contradicted walkability. She noted that the distance of a block between side streets was 340 feet. If someone owned a whole block and put up a building filling 80% of the block, it appeared to her that there could be a drive-through every other block. She wondered if there was one 200-foot building if a drive-through could be placed on both ends. That concerned her.

Mr. Arroyo said that if 200 feet was an issue, it could be increased to 350 or 400 feet so there could not be more than one within a block. They could also just not allow drive-throughs. He felt that the Planning Commission had the most perspective, and they needed to decide what best fit the vision for the corridor.

Chairperson Brnabic recalled that drive-throughs were not being considered at all until the July meeting. She said that she would not like to see them, and it was obvious that residents who lived there would not, either. If they were conditional uses, it would have to be changed from

200 feet, because it would be horrible if there could be a business with a drive-through on every block.

Chairperson Brnabic noted page three A. 5. that said, "Vehicle stacking is prohibited between a building and Auburn Rd. All vehicle stacking shall be accommodated and contained on site. A conditional use permit may be revoked by the City if the Planning Commission observes that vehicle stacking is consistently occurring on adjacent sites without permission or in the public right-of-way." She said that it was good that it was part of the Ordinance, but she did not have much confidence in it. She pointed out the used car dealer in the district. Inspectors might have been out there, but she did not know if tickets had ever been issued. The site was not being enforced, so as far as someone losing the privilege of a conditional use, she did not have a lot of confidence in that Ordinance language. She would like to see a change in the way enforcement was done.

Chairperson Brnabic noted A.8. which read, "Drive-through lighting, menu boards and speaker boxes shall be aimed away from residentially zoned properties." She felt that the language was good, but she did not know if just turning a box away would buffer the noise level very much.

Mr. Kaltsounis asked if there might be a better name than B. He looked at it and saw "Business." Ms. Roediger said that there was no magic to it. If there was something else preferred, he could suggest it. Mr. Kaltsounis indicated that he liked BR.

Mr. Kaltsounis said that there was discussion about moving it forward or bringing it back. He felt that they owed it to the residents who came to take another look at the changes coming out of the meeting. Regarding drive-throughs, he did an estimate as to how a Culver's worked with one, and it could not go anywhere in the corridor the way the Ordinance was written. He thought that drive-throughs would take away the intent of what the area should be. He felt that they needed to do something for the North Shack, but he would not like to see that style of building in the area. He commented that he could not stand drive-throughs that went across sidewalks. They had them in Royal Oak, and he almost got bumped by an exiting car. Feasibility-wise, he did not think that the area warranted drive-throughs at all. He felt that should be stricken. He noted that there were a lot of details for entrances in the front, but he wondered if they could add something for the back entrances. They saw a lot of developers who did not do much to the back of buildings. He asked what design features they would want to see in the back abutting the neighbors and the alley. He suggested some varied textures or painted features.

He recalled when the City of Troy got a lot of restaurants on Big Beaver, the first batch started to have entrances in the back, and the next year, there were a lot of building entrances in the front and not the back.

Mr. Kaltsounis said that regarding three stories, page four in the Ordinance showed a graphic of different setbacks. He said that he was not against three stories with a step back, but he suggested that they needed to have another graphic to show it. He asked if something overhanging a sidewalk was allowed. Mr. Arroyo said that an encroachment of four feet would be, such as for a balcony or awning. Mr. Kaltsounis asked where it said balcony, which was pointed out. He thought that they were getting close, but he felt that they needed one more view before they were ready.

Chairperson Brnabic said that with three-stories and a step back, a roof could be 45 feet high with a three-foot parapet. She asked if the height could not be any more than 48 feet. Mr. Arroyo said that would be the limit. Mr. Fazzini said that for a flat roof, 45 feet would be the maximum, excluding exceptions for things like chimneys. Mr. Arroyo said that it would be the same as it was in all districts. Chairperson Brnabic clarified that 45 feet would not include the parapet.

Mr. Gaber thanked everyone for their efforts, and he appreciated the public participation. He noted that he had not been on the Planning Commission for that long, so he had not seen the whole process, but he hoped that he had gotten up to speed and understood it fairly well. He asked who decided what the content of a mural could be. Mr. Arroyo said that it would be part of a site plan process. Mr. Gaber said that it would be like any other site plan requirement. He said that he just saw a story on the news about a gentleman who painted murals on his garage, and some were offensive. He wanted to make sure that if they allowed murals that the City had absolute control in the site plan process. He did not want any ambiguities. With regard to the third floor, he liked it, and he thought that it could work. He liked the fact that it was a conditional use, and that certain conditions would be imposed. He thought that some of the comments were well taken. He claimed that the parking requirements seemed fairly severe. He thought that they were that way because of the concern about the availability of parking, and the fact that they did not want establishments with parking on the side streets which would adversely affect the neighborhoods. He felt that there should be a balance with competing concerns. In some parts of the Auburn corridor, they were talking about a uniform streetscape, and there was a zero to ten-foot setback with basically zero lot lines. It would be a downtown look

with buildings filled in along the streetscape to encourage walkability and to have places for people to go. He thought that the parking requirements were pretty demanding, and he thought that would discourage development. That was a concern from an economic development standpoint. He also thought that a change was made in terms of utilizing some benefit from public parking areas within 500 feet and getting 10% reduction. He was not sure how many spaces would have to be on a site, but if someone needed ten spaces, to get credit by being within 500 feet of public parking, the parking could be reduced from ten to nine, which did not serve much of a purpose from a design standpoint. He thought that if they wanted to give credit like that, he thought that it should be more than 10% to matter. He thought that they needed to consider the balance and perhaps do some scenarios and look at how large some of the sites were and what potentially could go on them. He wondered if it was feasible to allow a building to be developed that offered any type of a return with the parking requirements. He said that he would like to see some examples as to how that would work on a typical site, because he thought it was a problem.

Mr. Gaber said that in terms of drive-throughs, he thought that Mr. Kaltsounis' comments were well taken. He was one of the people that contemplated the opportunity at the last meeting, and he could see the detriments. At the time, if someone had a particular use that the neighborhood wanted, whether a Star Bucks or another national coffee place, a lot of times the only way they would get one was with a drive-through. If they were satisfied with the fact that those stores would probably not come into the area, and they wanted more mom and pop establishments, he felt that they could dispense with drive-through uses. He also agreed with Mr. Kaltsounis' comments about rear entrances and making sure that the rear of the buildings were appropriately designed as well as the front and sides.

Chairperson Brnabic also agreed about North Shack. It had been in the area for 30 years, and she felt that there would have to be an exception made for them. They could not put an Ordinance in place that said that they could not function as they were currently. She also thought that they needed to re-review the Ordinance again before moving on. There had been additional input from the survey and further thoughts from the Commissioners.

Ms. Roediger said that she and Ms. Kapelanski had talked about drive-through options and about North Shack. She said that there might be consideration for the Planning Commission to allow a drive-through

only on the corner of Dequindre and Auburn. The north corner might redevelop in the future, and both of those were not in the core of the district. She wondered if the Commission would potentially consider a drive-through on Dequindre at both corners. That would allow the North Shack to continue and potentially allow a drive-through on the north corner.

Mr. Schroeder stated that he did not agree with drive-throughs, and he did not think that they should allow them. It was a walkable community, and they would interfere with walkers. Mr. Colling had clearly defined the traffic problem they were developing in the corridor, and he would be handling the complaints. The subdivision would get a lot of traffic, and it would be blamed on Auburn, but a lot of it would be the subdivision traffic created by the problem. By adding a third story and by putting in drive-throughs, all they would be doing was adding to the traffic problem. In the afternoon, the traffic would back up through the roundabouts. They did not want to add more congestion than they needed. He said that he did not really disagree with three stories, but he reiterated that it would add traffic. He agreed that they should address the rear of properties. He pointed out that they would allow awnings to go four feet into the right-of-way over a sidewalk, but all the rain would fall onto the sidewalk. He stated that Mr. Colling had cut it to the nub on traffic, and they had not been addressing the traffic throughout the whole process, but they needed to.

Mr. Hooper agreed that they had to provide some kind of economic incentive for redevelopment. One story would stop anything from being redeveloped. City Council had spent a lot of money there, but there would not be much activity unless there was an economic reason for people to invest and to continue to improve their properties. For that reason, he supported three stories with a tiered step back. The way the drive-through section was written with conditions and not being allowed to enter or exit onto Auburn and other restrictions, he felt that they might as well skip drive-throughs. He supported Ms. Roediger's idea about allowing them on the corners of Dequindre and Auburn. They could also carve out the exception for North Shack to be able to remain as it was. That would be similar to Part 7. C. - existing gas stations - where they could add a sentence that the existing drive-through was allowed to be maintained, and the property would be allowed to be improved. He commented that his family loved North Shack.

Mr. Hooper thought that Mr. Gaber had a great point about murals. They would want to have some interesting things in the corridor, and the

concept sounded good. They would be limited to 100 s.f. in area. He indicated that the devil would be in the details as far as a good mural versus a bad mural. Someone probably would not want the mural on the rear of the property. The Ordinance stated that it could not be on the front along Auburn, so that meant either the side or the rear. If he lived behind it, he might or might not enjoy it. They would have to determine if it was advertising or a sign. Mr. Arroyo said that it would be a sign if someone tried to advertise, so the mural could not be a sign.

Mr. Hooper questioned whether a mural could be a mural and not a sign. Mr. Fazzini responded that commercial messages that had a logo or text about a business would be the difference. Mr. Hooper asked if that was well defined so that it would not be subject to interpretation. Mr. Arroyo remarked that art was always subject to interpretation. Mr. Hooper said that he did not want to be no fun, but he was not sure how that would shake out. He stated that they needed to promote economic viability and redevelopment, and he was concerned that if they placed too many restrictions and changes that it would make the area a place that no one would possibly want to invest. He said that it was a balance; they did not want to ruin the character of the neighborhood, but they needed to provide economic viability so people would invest in the area.

Mr. Dettloff said that he agreed with everything for the most part. One of his concerns was whether they were getting a little ahead of themselves with the speculation of what might go in the corridor. He said that he understood the purpose of a market analysis, but he questioned whether they had honed it to be a little more specific in identifying uses that could go in the area.

Ms. Roediger said that as part of the Auburn Rd. study, Mr. Howard Kohn had analyzed the area. Mr. Dettloff said that he would like to see that document again to compare it to the discussions they were having. They could make some more educated decisions moving forward. He appreciated the residents' input, but they had to see if the market could sustain the proverbial wish list. He asked if they could look at that again. Ms. Roediger said that they would provide it at the next meeting.

Chairperson Brnabic stated that she agreed about balance. They knew that the City had invested in the infrastructure, and they knew that it was important to attract developers. However, they had to consider the surrounding area and the health, safety and welfare of the residents. The intention was to create a safe, walkable area, and she felt that they were not going in that direction. They had taken a survey, so they were aware

of the residents' opinions. She wondered if the survey could remain open so they could further reach residents, although she felt that they had a pretty good idea. She said that the area was what it was, and they could not try to turn it into something that could not be supported, and that was her concern. She was also concerned that three stories would add to the problems of traffic and parking and even the views. There were a lot of single-story homes, and there was really not a good way to screen a three-story building. She preferred two stories, and stated that they had to be careful with what they were creating. She felt that it would be terrible to alienate and overwhelm the residents for whom the project was started.

Mr. Kaltsounis said that he loved murals, and he saw them in large cities. He had a cousin who did murals in Virginia. She had mentioned that there was an arts commission that approved them. He felt that the City had plenty of people who could help out. His cousin painted one on the side of a building of people from the past sitting for dinner. He would like to see something like that tastefully done in the area.

Ms. Morita said that she loved the idea of murals, too. She had recently been in Toronto, and they had a whole alley of artwork. It used to be called graffiti, but it was very beautiful. She thought that there would be a regulation issue though, trying to decide what was or was not commercial or about just letting someone put one up. If they were going to put up murals, they had to be willing to live with whatever an applicant's taste was. She did not know if they could get into the regulation of what could or could not be put up. If the Planning Commission was considering it, she felt that it would be incumbent to talk to the City Attorney about whether or not they could regulate. Someone might see a picture of a big, naked lady, and she did not know how that might be stopped. They might not want to permit it at this point. Some things would be more appropriate if they had a DDA or some type of organization with an additional layer of government, but the intent was not to over regulate. She reiterated that it should be reviewed by Mr. Staran.

Mr. Arroyo said that the big issue was the drive-through. He felt that there was a consensus that they should be limited to just the one corner. He sensed some support for that, and he was hearing more against having them elsewhere. He asked if that was correct.

Chairperson Brnabic asked if anyone objected to allowing drive-throughs only on the north and south Dequindre corners.

Ms. Morita said that she did not have a problem allowing the south side

as an existing, nonconforming use, but she did not want to see it expanded. She did not want there to be an impetus to sell the property so someone could put in a McDonalds or a Burger King or a Starbucks. If it was there and the Ordinance was enacted, it would be allowed to stay. Chairperson Brnabic asked if she would not want to see a drive-through on the north side. Ms. Morita agreed that she would not.

Chairperson Brnabic said that there were some that supported allowing it on both corners, so she felt that they should take a straw vote. She agreed that the Commissioners did not want them in the corridor.

Mr. Gaber said that he would support Ms. Roediger's suggestion. He felt that it was dangerous to limit regulations to a single site. He felt that they would need some other type of categorical measure to limit them. Mr. Dettloff agreed with the suggestion. Mr. Schultz said that he did not want to cast a vote in either direction, because he was the one that had advocated for drive-throughs in the corridor, so he abstained.

Mr. Kaltsounis thought that North Shack was fine the way it was. However, the north side of the road was the entrance to the City. He would like it to look as they intended for the rest of the Auburn corridor with buildings up against the street, etc. He would like that tone set there, and not have a restaurant with a big parking lot. He said that he would not want to see another drive-through, but rather, have a nice streetscape.

Mr. Schroeder said that he would like to keep it as presentable as could be. He realized that North Shack existed, but he did not think that another should be allowed or that it should be expanded.

Mr. Hooper said that he supported both. Chairperson Brnabic said that it was a tie at that point, but she had not voted. She said that she could see both points, and she wanted the existing business to be able to continue. She did not have a problem with having drive-throughs on both corners, but she was somewhat in the middle. She asked the consultants if they needed any further guidance. Mr. Arroyo believed that they had heard the discussion. There had been a lot of consensus on the issues, and he felt they could address comfortably. They would come back with a new draft.

Mr. Kaltsounis moved to postpone.

MOTION by Kaltsounis, seconded by Dettloff, the Rochester Hills Planning Commission hereby **postpones recommendation of an**

Ordinance for Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to amend Section 138-4.100, Table 3. Zoning Districts, to replace the CI Commercial Improvement District with the New B Brooklands District; amend Section 138-4.209 to replace CI Commercial Improvement with the new B Brooklands District; amend Section 138-4.301 (B) to replace CI with the new B District; amend Section 138-5.100, Table 6, Schedule of Regulations, to replace the CI Commercial Improvement District with the new B Brooklands District; amend Section 138-5.101 (F)(2) and (3) to replace CI with the new B District; amend Section 138-5.101 (I) to replace CI with the new B District; replace Article 6 Supplemental District Standards, Chapter 3 CI Commercial Improvement District in its entirety with the new B Brooklands District; and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations until the next available meeting.

Voice Vote:

Ayes: Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Schroeder, Schultz, Gaber

Nays: None

Absent: Reece

MOTION CARRIED

2019-0414

Public Hearing and request for Recommendation of an Ordinance to rezone various parcels on Auburn Rd. from Culburtson to Dequindre from CI Commercial Improvement District and/or B-5 Automotive Service Business and/or B-2 General Business District with a FB-2 Flexible Business Overlay to a new district - B - The Brooklands District

Chairperson Brnabic opened the Public Hearing at 8:53 p.m.

Randy Laratta, 47211 Dequindre Rd., Rochester Hills, MI 48307 Ms. Laralla said that she lived near the corner of Auburn and Dequindre on Dawes. She noted that two houses on Dequindre would be demolished to widen Dequindre. She stated that she did not wish to be next door to a drive-through restaurant, and she did not want them to single out the corner as the only place that there could be a second drive-through restaurant in the corridor. She said that she loved North Shack, and she was very thankful that she was allowed to speak. She objected to focusing on changing the zoning in the future. If they had not discussed the future, she would have just sat quietly and listened about the present. She said that she would love to be involved in what was being done to Auburn at Dequindre in the future. No one had talked about what was going to happen on Dequindre, but she was affected by it. She would object if they wanted to make that corner as the only designated place in the future for a

drive-through, and she was glad the matter was being postponed.

Chairperson Brnabic said that there was an insurance agency on the corner, a small house and then the Marathon station. She cautioned that they would have to think about how far a drive-through could encroach into the neighborhood.

Ms. Roediger said that because of the Dequindre widening, it was her understanding that the insurance agency would be removed, and the property would be ripe for redevelopment.

Chairperson Brnabic closed the Public Hearing at 8:56 p.m.

MOTION by Schroeder, seconded by Kaltsounis, the Rochester Hills Planning Commission hereby ***postpones recommending to City Council an Ordinance for Chapter 138, Zoning***, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone the following parcels from Commercial Improvement District (CI) and/or Automotive Service Business (B-5) and/or General Business District (B-2) with a Flexible Business Overlay (FB-2) to a new district - B - The Brooklands District and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations until the next available meeting.

Postponed

Chairperson Brnabic stated for the record that the motions had passed unanimously.

2019-0246

Public Hearing and request for recommendation of an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to add a new R-5 One Family Residential district.

(Reference: Memo prepared by Giffels Webster, dated September 12, 2019 and Ordinance amendment document had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Rod Arroyo and Eric Fazzini, Giffels Webster, 1025 E. Maple, Birmingham, MI 48009.

Mr. Arroyo noted that the proposed district was a recommendation from the Master Plan. It was a new district that would provide for a variety of housing types on smaller lots, including single-family homes and

attached products to provide housing styles lacking in the community. They would typically be suitable for empty nesters and young professionals and be more affordable, which was another thing heard during the Master Plan process. Existing manufactured housing communities were included in the category, although new communities were not planned as part of the Master Plan. He pointed out the areas identified for potential rezoning to R-5, but advised that no rezonings were proposed at this time. The action requested would create the district, and it would be up to property owners to petition the City to initiate a rezoning. The uses were generally consistent with other residential uses except for allowing attached dwelling units. Certain uses were not included, such as some agricultural uses, cemeteries, golf courses and funeral homes. There would be an increase in maximum lot coverage, recognizing the need for affordability and certain housing types on smaller lots with reduced setbacks. There were different standards for minimum floor area, allowing for smaller units than in other districts. The idea was to create a walkable neighborhood that would not be dominated by garages facing the street or having parking in the front yard, and access and parking in the rear was encouraged. He showed pictures of units facing a common area and a duplex type. The attached dwelling units, even three or four-units, were intended to look like single-family homes. He indicated that decreasing setbacks would provide flexibility on smaller lots. The tri-plexes and quad-plexes would be limited to a maximum of 25% of the lots on a single block. He noted that building frontages were identified, focusing on pedestrian orientation and conversations with the neighbors, with stoops and projecting porches. In terms of the next steps, he explained that the Planning Commission was being asked to make a recommendation to City Council. Regarding the text, he referred to page three and sections labeled Part 6. and Part 8. One dealt with agricultural operations and one with funeral homes. He advised that those uses had been deleted, so if the Commission chose to move forward, he recommended that both Parts be stricken.

Mr. Schultz recalled a proposal before the Commissioners for non-traditional group home settings which he had been really excited about, and it would tie in with the R-5 concept. He asked what happened with that proposal. Ms. Roediger said that the applicant was unable to get the property. Mr. Schultz said that he was still excited about an opportunity for alternative housing methods, and it was unfortunate that it did not work out. He stated that he was behind the R-5 100%. He wanted to see alternative housing, and it would be a way to help get another level of individuals into the community, which he felt was really needed.

Mr. Hooper mentioned seeing adult foster homes as a conditional use, but he remembered talking previously about that use even being possible. Ms. Roediger agreed that they did not want to include those. She had talked with the City Attorney, and they had the option of whether or not to allow 7-12 residents, which the City did not want to permit, and it would be stricken.

Mr. Kaltsounis commented that the last applicant that came before them with a request for more than six residents stated that they had space in the kitchen.

Ms. Morita said that the area the district was supposed to go into covered the manufactured housing areas. She understood that they were talking about a paper district, and they were not rezoning anything, but hypothetically, if they were to rezone a district, the way the Ordinance was written, it would not allow for manufactured housing. If they were, hypothetically, to no longer have a paper district, but to actually put land into the district, she asked if there was anywhere else in the Ordinance that would permit manufactured housing.

Mr. Arroyo responded that the intent was that within the umbrella of the R-5 area on the Master Plan, that they could potentially have two different zoning districts - one being the manufactured housing and one being the R-5. As long as there was a demand for manufactured housing, that separate district would continue to exist in those areas. The new R-5 would be covering other areas that were within the geographical areas that had been identified in the Master Plan but not developed as manufactured housing. It was not intended to apply to manufactured housing. It would be a separate district within the umbrella area in the Master Plan, but manufactured housing would be kept as its own district. They would always provide for it as long as it was a legitimate land use.

Ms. Morita said that the Commission needed to understand that they were not intending to put any property into the R-5 district or rezone anything. Mr. Arroyo said that was correct; the land would be available for someone to petition and ask for a rezoning if the district passed.

Chairperson Brnabic opened the Public Hearing at 9:10 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Kaltsounis asked about halfway houses. He noted that there were a couple in the City, and he wondered if they needed to address them. Mr. Arroyo stated that they were not permitted in the R-5 district. They were

not called out as a permitted use, so they were not permitted. That is, if it was not listed, it was prohibited.

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

MOTION by Kaltsounis, seconded by Hooper, the Rochester Hills Planning Commission hereby **recommends to City Council an Ordinance for Chapter 138, Zoning**, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to amend Section 138-3.104(b)(2) to include the new R-5 District; amend Section 138-4.100, Table 3. Zoning Districts, to include the R-5: One-Family Residential District; insert new text into Section 138-4.200 RE, R-1, R-2, R-3 and R-4 One Family Residential Districts to add the R-5 District; amend Section 138-4.300, Table 4, Permitted Uses by Zoning District to add a new R-5 Column with permitted and conditional uses; amend Section 138-4.400(C) to include the new R-5 district; amend Section 138-4.401 to include the new R-5 district; amend Section 138-4.402(C) to include the new R-5 District; amend Section 138-4.412(A) to include the new R-5 District; amend Section 138-4.415(A) to include the new R-5 District; amend section 138-5.100, Table 5, Schedule of Regulations - Residential Districts to add a new row R-5; amend Section 138-5.101 (A) Footnotes to the Schedule of Regulations to include the R-5 District; amend Section 138-6.102 Setbacks for the RM-1 District to include the R-5 District; amend Article 6 Supplemental District Standards, to add a new Chapter 7. R-5 One-Family Flex Residential; amend Section 138-10.102 Height for Detached Accessory Structures to add the R-5 District; amend Section 138-10.106 Gazebos to add the R-5 District; and to amend Article 13, Section 138-13.100 to add a new Definition; and to repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations subject to the following conditions:

Conditions

- 1. Parts 6. and 8., pertaining to agriculture and funeral homes shall be stricken.*
- 2. Page 2, Adult Foster Care Large Group Homes and Adult Foster Care Congregate Facilities shall be stricken as conditional uses.*

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

Chairperson Brnabic stated for the record that the motion had passed unanimously. She thanked Mr. Arroyo and Mr. Fazzini.

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for October 15, 2019.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Regular Meeting at 9:13 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary