



# Rochester Hills

## Minutes - Draft

### Planning Commission

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Home Page:  
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*Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper*  
*Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,*  
*Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz*

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Tuesday, April 18, 2017

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Vice Chairperson Greg Hooper called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

## ROLL CALL

**Present** 8 - Ed Anzek, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

**Excused** 1 - Deborah Brnabic

Quorum present.

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

## APPROVAL OF MINUTES

[2017-0179](#) April 4, 2017 Special Meeting

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

**Aye** 8 - Anzek, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Excused** 1 - Brnabic

## COMMUNICATIONS

A) *CIP Completed Projects Insert*

## NEW BUSINESS

[2017-0178](#) Public Hearing and request for Adoption of the 2018-2023 Capital Improvement Plan (CIP)

*(Reference: Memos prepared by Joe Snyder, dated April 18, 2017 and*

*Sara Roediger, dated April 14, 2017 and draft Capital Improvement Plan had been placed on file and by reference became part of the record thereof.)*

*Present for the application was Joe Snyder, CFO. Other City staff members present were Alan Buckenmeyer, Parks and Forestry; Scott Cope, Building; Deborah Hoyle, Fiscal; Paul Shumejko and Tracey Balint, DPS/Engineering.*

*Mr. Snyder thanked the Commissioners for their attention to the City's 2018-2023 Capital Improvement Plan (CIP). He advised that the CIP process generated 16 new projects with a City-share total of \$13.5 million. He further advised that the total estimated City-share costs for all the projects in the 2018-2023 CIP totaled \$80.1 million, which was a reduction from last year's CIP, which was \$85.3 million. As in the past, roads dominated the CIP, making up 57% of the proposed cost. With water and sewer, pathway and storm water, it totaled 80% of this year's Plan, so there was a major emphasis on the City's infrastructure. Mr. Snyder noted that a special focus had been put on project timing, especially for any project identified in the 2018-2020 timeframe. They wanted to present a plan of what was feasible over the next three years and not propose something for the near term that was not financially possible. The projects for the next three years would be presented as part of the City's upcoming 2018-2020 budget process, which would kick off in two weeks. For Fiscal Year 2018, the CIP included \$16.7 million of City-share project costs; in 2017 it was \$31 million and in 2015 and 2016 it was \$20 million each. Mr. Snyder mentioned that 21 projects had been removed from the Plan; 15 of those projects had been or were anticipated to be completed this year; three were sent to the pending section; and three projects were deleted.*

*Ms. Roediger outlined the new CIP projects. She first noted the Hamlin Rd. major road construction project. The City wished to reconstruct about 5,500 linear feet of concrete that was in poor condition. It would be for Hamlin from Adams to the City's western limit. The total project was a little over \$5 million, and the City would be responsible for about half of that. They would share costs with the County and were looking at a State grant, and the LDFA had committed \$1 million to the project.*

*Ms. Roediger talked next about the Auburn Road Corridor implementation. The Auburn Road Corridor Study had been completed at the end of 2016 and at its April 17 meeting, City Council approved about \$115k to advance the early preliminary engineering study for the*

*project in 2017. That would lead to a deeper dive to look at stormwater, grading, utilities, etc. to see exactly what it would take from an engineering standpoint to move the project forward. The CIP request was for \$3.8 million.*

*The third project was rehabilitation of Harding Ave. Harding was a road off Livernois that headed into downtown Rochester. The first segment, which would be 1,300 feet of asphalt east of Livernois, was in poor condition, and they hoped to rehabilitate it next year.*

*The next major road project included Avon Industrial Dr. and a small portion of Star Court, located north of M-59 off of Crooks to rehab almost 3,000 linear feet of asphalt for the year 2021. The last major road project was for John R from Avon Rd. north to Bloomer Park. The road was rated poor, and there was about 3,000 feet of asphalt to be replaced for 2021.*

*Ms. Roediger moved to the local roads project, which she indicated was two-fold. It involved the Safe Routes to School Program in the Reuther Middle School area. The streetlights and some sidewalks would be installed on Marlow Ave. between Dequindre and Culbertson and Culbertson north between Marlow and Auburn to create an easier, safer walking path for students. That would be in cooperation with the school district and the Program. She mentioned that Mr. Shumejko of DPS/Engineering had been working with the PTA and the school to try to enact the project.*

*Vice Chairperson Hooper thought that the City was going to add something regarding SADs to the CIP. Mr. Snyder advised that City Council just approved a revised SAD Policy. The decision was that any future SAD had to abide by the revised Policy with an increased resident share. The two SADs that had already gone through the process under the old Policy were not in the CIP. If they got 60% of the residents to agree, at that point, something would be included in the CIP.*

*Ms. Morita further explained that the new SAD Policy was a multi-year process. It was set up that way so if residents wanted their gravel roads paved, they would start off with a petition at an early enough date and if they had enough signatures, it could be included in a future CIP. It would be planned and budgeted, and the City would have more control over the situation so it was not a surprise to Council. There were deadlines during the year that residents had to meet in order to accommodate engineering staff to be able to do cost estimates to get everything into the budget. Any petitions that the City had already received would not meet the*

requirements of the new Policy, so the two that had already come in were ahead of schedule. They had a placeholder, but they did have to circulate new petitions and bring them in to the City. If they got the needed signatures, the process would start moving forward, and there would be something in a future CIP.

Ms. Roediger noted the Bedford Square Apartments/Tienken Ct. watermain replacement. 2,800 feet of six-inch and 4,050 feet of eight-inch cast iron would be replaced with eight-inch ductile iron pipe. There would be a connection that would loop the existing apartment's watermain with a closed system on Tienken Ct. and connect the two, which would eliminate a dead-end watermain on Tienken Ct. That was planned to begin in 2019 at a cost of \$2.3 million.

The next watermain project was planned for Wayside Ct., north of Hamlin, east of Bordine's. The plan was to install 540 feet of eight-inch ductile iron pipe and a fire hydrant. There was a very old development there, and the current system ran behind the homes and under garages, which had caused a number of drainage and flooding issues. The new watermain would clean up the water and allow a safer situation where there was currently not a fire hydrant. That was proposed for next year and would cost \$195k.

Ms. Roediger discussed the Adams High School watermain replacement. The City would replace just over 1,200 feet of six-inch and 200 feet of eight-inch cast iron watermain and install a new 500-foot, eight-inch ductile iron pipe to improve the flow and increase redundancy.

Ms. Roediger explained that there was a project planned for the Hamilton Drain in regards to stormwater drainage management,. It would be for the entire Hamilton Drain district between Avon and Walton, west of downtown Rochester extending slightly west of Old Perch. There was a very old, 96-inch pipe that discharged to the River that had experienced severe erosion. It currently went between two homes. The erosion of the past 40-50 years had made it unsafe, and the proposal was to replace the pipe and connect the new pipe to the OCWR sewer. It would start in 2017.

Mr. Kaltsounis asked if an audit of what the City had done to try to determine if any situation was similar to what was happening in Roseville or Fraser. Ms. Roediger stated that none that she was aware of, but she deferred to Engineering staff, who said no. Mr. Kaltsounis asked if the above was the oldest pipe to be replaced, which was confirmed. Ms. Roediger remarked that the City would not have a Fraser situation.

*Ms. Roediger commented that Borden Park would get some attention at the tennis courts. There were four courts along the northern edge of the Park, and three of those would be renovated for tennis, and one would be transformed into four pickle ball courts. That was proposed for 2019. In addition, a new infield groomer was proposed. It would contain a laser lever that would drag along infields to help the fields, and it could also be used for landscaping and trail maintenance. The Parks Department would like it done in 2018.*

*Regarding the City-owned facilities, there was a proposal for a pole barn at the Van Hoosen Jones Cemetery. It would be 30 x 40 feet located at the southwest corner behind the office. It would store existing equipment and materials that had been stored outside. That was proposed for 2018.*

*The Fire Department requested that LED signs be installed at all five of their stations. Four stations were renovated, and the fifth station was recently approved for a new facility that should be under construction in the summer. In 2019, they would like to have new signage to help announce City-wide news, emergency or health concerns or other alerts.*

*The final request was for electronic plan review software. It originated in the Building Dept. and was expanded to other departments that reviewed plans. There would be the ability to scan, digitally store and review plans in coordination with other departments. That was proposed for 2018 at a cost of \$500k. Ms. Roediger advised that the Planning Commission was being asked to adopt the CIP, which would aid in the budget process starting next month, and she asked if there were any questions.*

*Vice Chairperson Hooper explained the procedure for the Public Hearing, and he opened the Public Hearing at 7:20 p.m. Seeing no one come forward, he closed the Public Hearing.*

*Ms. Morita noted that she had sent an email to Mr. Shumejko regarding adding a pedestrian pathway on Adams Rd. from Avon going north. She asked how that was being handled and where they should expect to see it in the Plan. She assumed it would be under the Pending Projects. She and Mr. Shumejko had discussed the issue in the past with folks at Oakland University who owned the property. She remarked that they would be going on their third President in three years, so she hoped "the third time was the charm."*

*Mr. Shumejko said that he drafted a rating form for that pathway. The*

*limits he selected were Adams from Cambridge Dr. to Heidleberg Ct. on the east side of Adams. The reason he did not go north to the fraternity house was because of the topography. He claimed that it would be very challenging and expensive to put a pathway over the hill. The pathway he drafted would service the subdivision primarily. To the south, they would be restricted by the pedestrian bridge crossing. If a pathway were to be pursued in the near term, it would probably be from the creek north. Ms. Morita asked why it would not start at Avon. Mr. Shumejko said that they did not know at this point if there was any pending road work along Adams. It would be ideal to have the economies of scale and try to install the pathway with a road project. To build a separate pathway adjacent to Adams would be very expensive.*

*Ms. Morita acknowledged that it would be expensive, but in their discussion with the University, the University stated that they might be looking for some solutions. She would like it in the CIP so that it did not come up as a surprise if all the stars aligned and there was support and the money to go from Avon up to the fraternity houses. She observed that it was a very dangerous stretch of road. Her husband saw some girls walking south from the University light on the west side of the road recently, and he thought they were going to get hit by a car. She stated that there was definitely a need for a pathway, and she would like to see the whole stretch in the Plan. Mr. Shumejko agreed that it made sense to put it in the Plan, and then if funding became available, it was in an adopted Plan, and it could be used for grants. Ms. Morita realized that there was a creek and a hill and undulating topography. She realized that there were some property owners who were leasing the land their homes were sitting on, and that a lot had to happen for the pathway to go in, but she strongly believed that it needed to be on the City's radar. Mr. Shumejko said that he would submit the rating form.*

*Mr. Snyder felt that putting it in the Pending section was a good suggestion. They did not have a good idea about cost or timeline yet, but it would be identified, and if an opportunity came along, and the Road Commission wanted to do something with Adams, it could be added to the project because it was on their radar. The Planning Commissioners, if they wished, could adopt the Plan with the addition of the pathway project. It had been done in the past, knowing that the final would be modified. Mr. Shumejko noted that there were currently four pathway projects in the pending section with some of the same challenges with topography. He added that the proposed pathway could go from Avon to Hillendale.*

*Mr. Anzek advised that Oakland University recently did a Master Plan. It went beyond the campus boundaries and included housing. He suggested talking to those folks to get the pathway formally introduced. Mr. Shumejko agreed that it would be nice to get the pathway project aligned with what the University was planning.*

*Mr. Reece asked about the electronic plan review software. He noted that the estimated total project cost was \$500k, and the software maintenance was \$100k per year for the expected life of the software. He asked if the \$100k per year was included in the \$500k cost. Mr. Cope said that the first year, it would cost \$500k, and after that, it would be \$100k per year. Mr. Reece asked what they would be getting that required \$100k per year maintenance and how long the software would be good. Mr. Cope stated that it would be City-wide software that would provide a means to store all electronic plans and forms (for Planning, Engineering and Building). Regarding what the City would be getting for \$100k, Mr. Cope said that he would have to get more details from the company. Mr. Reece asked the anticipated FTE savings by having the software. Mr. Cope said that it would be a customer service savings and a support staff savings. Staff could retrieve and track files a lot easier. They got a lot of FOIA requests, and there were processes where they had to locate plans, and it would make it much easier. It would help customers with the permit and plan review process, allowing them to submit plans electronically and have reviews transmitted back and forth electronically. It would reduce the amount of customers coming to the counter, and it would make the process faster. Mr. Reece asked the shelf life of the software. Mr. Cope said that he was not in the position to say. Mr. Reece said that even if it were five years, the City would be paying \$1 million for the software, and he was struggling with the cost.*

*Vice Chairperson Hooper asked if there would be equipment, such as a full sized construction sheet scanner. Mr. Cope agreed that it would allow scanning of large plans. Vice Chairperson Hooper said that they had one at his company, and it was \$35k. He asked if more than one would be purchased. Mr. Cope said that they would probably acquire three. He understood that it would be a fairly substantial cost, but the benefit would be to make it a lot smoother and simpler for everyone. Vice Chairperson Hooper asked if there would be OCR reading capabilities, which was confirmed. He noted that they bought a Bluebeam System. Mr. Cope said that it would be similar to that. Vice Chairperson Hooper pointed out that it did not cost that kind of money.*

*Ms. Roediger said that in terms of the City-wide element, currently, the*

*Building Dept. used BS&A software. The Planning Dept. had its own process, and Engineering had its own process for storing and categorizing documents. It was somewhat segregated. If someone came to Planning, she could answer what was happening in terms of Planning, but people would have to be deferred to Building or Engineering to find out about a project in their review. The software would integrate all the departments so if someone called Building, they should be able to answer a Planning process question. Mr. Cope agreed that it would allow staff internally to communicate. They spent a lot of time sending emails or hard copies back and forth when approvals were made, and they would be able to look at the software and find an answer. Vice Chairperson Hooper indicated that it would be like an internal routing system as well as a scanning and optical reading system.*

*Mr. Reece said that they also had Bluebeam in his office for a similar purpose, but he knew what they paid for the licenses and hardware to run it. The proposed software seemed significant. He suggested that they could leave it in the CIP and let Council decide. Mr. Snyder reminded that it was an initial project; once they got into the budget process and it was approved, at that point it would go to Purchasing, and they would get a number of vendors bidding. There was a good chance the project cost would come down. They would basically just be agreeing to the idea of it. Mr. Cope said that they only had one company come and give a presentation. There were a number of other companies out there, and they had not made a decision about which company, but they wanted to get a number. He felt that it was a high number, and hopefully as they researched other companies, they would be able to find something less costly. They wanted to get a placeholder in the CIP. Mr. Reece said that he was fine with a placeholder. When it moved forward, he suggested that some more due diligence could be done in terms of potential savings and benefits.*

*Hearing no further comments, Mr. Kaltsounis moved the following, seconded by Mr. Schroeder:*

***MOTION*** by Kaltsounis, seconded by Schroeder, that the Rochester Hills Planning Commission Approves the Capital Improvement Plan that has been proposed for the years 2018-2023. The Rochester Hills Planning Commission has determined the following:

***WHEREAS***, the Municipal Planning Act, Act 285 of Public Acts of 1931, as amended, requires the Rochester Hills Planning Commission to annually accept a Capital Improvement Plan for the benefit of the health,



*safety and welfare of the community as those criteria relate to the physical development of Rochester Hills; and*

***WHEREAS***, *the Rochester Hills Fiscal Office has consulted with the City's professional staff who carry out the business of planning for and providing for the present and future needs and desires of the citizens of Rochester Hills; and*

***WHEREAS***, *the Capital Improvement Plan is meant to consider the immediate and future needs and goals of Rochester Hills, as identified by the public, City Boards and Commissions, and the Mayor's staff, in light of existing projects and plans and anticipated resources; and*

***WHEREAS***, *the Capital Improvement Plan is a flexible document, necessarily meant to be reevaluated and amended each year, to project into the six succeeding years, and further amended as needed to address practical realities as they relate to policies and philosophies of relevant Boards, the City Council and the Mayor's office; and*

***WHEREAS***, *the Capital Improvement Plan is a guide and forum to aid the Rochester Hills Mayor's Office and the Rochester Hills City Council in making decisions regarding the physical development and infrastructure maintenance of the City and determining what, if any, resources can or should be available to carry out City Council's policies and budgetary decisions; and*

***WHEREAS***, *the components of the Capital Improvement Plan have been subject to a public hearing, public review, and committee reviews over the course of several years and a duly noticed full public hearing on April 3, 2017; and*

***WHEREAS***, *the components of the Capital Improvement Plan were arrived at through a point system using variables that included, among other things, whether the project has begun, funds committed, sources of funds, prior City Council decisions, Planning Commission or administrative recommendations and decisions; and*

***RESOLVED***, *that the Capital Improvement Plan presented for review on April 18, 2017, is adopted by the Rochester Hills Planning Commission on April 18, 2017 with the addition of an Adams Road Pathway project from Avon to Hillendale to be added before Council review; and*

***BE IT FURTHER RESOLVED***, *that this Plan should be published and attested to according to law.*

**A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Adopted. The motion carried by the following vote:**

**Aye** 8 - Anzek, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Excused** 1 - Brnabic

*Vice Chairperson Hooper stated for the record that the motion had passed unanimously.*

2017-0144

Public Hearing and request for Conditional Use Recommendation - File No. 17-006 - The Jagged Fork, for onsite consumption of alcoholic beverages at 188 N. Adams Rd., at The Village of Rochester Hills at the northeast corner of Adams and Walton Blvd., zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, part of Parcel No. 15-08-351-005, Thomas Teknos, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated April 14, 2017 and associated documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Thomas Teknos and Francesco Adamopoulos, Hudson Cafe, 1241 Woodward Ave., Detroit, MI 48226 and David Draper, The Draper Law Firm, 18534 Mack Ave., Grosse Pointe Farms, MI 48236.*

*Mr. Kaltsounis recused himself from the discussion, noting that although he had no financial ties to the restaurant, he was related by marriage to the applicant.*

*Mr. Draper stated that the applicants had a wonderful product and also had two other restaurants in the Detroit area. Their restaurant in the Village of Rochester Hills would be an upscale brunch concept, and they felt that offering alcoholic beverages would be a nice addition. He had passed out some awards before the meeting the other restaurants had received. He said that the Jagged Fork would meet all the criteria of the Conditional Use, and they respectfully requested that it be recommended for approval to allow alcohol to be served at 188 N. Adams.*

*Ms. Roediger summarized the request. She stated that as the Commissioners were aware, the sale and service of alcoholic beverages was changed to be a Conditional Use in every district in the City last year when there were some modifications at the State level. It was a way to inform the local level of changes in liquor licenses, and the restaurant was currently under construction and wanted to bring in a license. She noted that it would be a recommendation to City Council. Staff did a*

*review based on the five criteria for a Conditional Use approval and found that as a full service restaurant as part of a successful shopping area that all should be met. Staff recommended approval as it appeared that all applicable regulations would be met and followed. She said that she would be happy to answer any questions.*

*Vice Chairperson Hooper opened the Public Hearing at 7:41 p.m. Seeing no one come forward, he closed the Public Hearing.*

*Vice Chairperson Hooper asked the applicants if the liquor license was being brought in from another community.*

*Mr. Draper agreed, and said that it was an Oakland County Class C License, which allowed for the service of beer, wine and liquor. The restaurant would like to serve Mimosas or Bloody Marys with breakfast or lunch. It would be a little on the lighter side, and be a different use than other bars and restaurants.*

*Mr. Dettloff asked if the license was in escrow. Mr. Draper apologized that he had not brought that information, and he offered to email it. Mr. Dettloff asked if there would be outdoor seating at some point. Mr. Teknos agreed that there potentially could be. Next door, they had four or five tables outside, but he had not applied for it yet. Mr. Dettloff reminded that there would be a few different rules with serving alcohol outside. He asked if they had outdoor seating at their other facilities, and Mr. Teknos advised that at The Jagged Fork in Grosse Pointe Farms they did serve outside. In the downtown café, they received a liquor license about three days ago.*

*Mr. Draper said that Mr. Teknos had recently gotten approval for the transfers, and everything went smoothly. Mr. Draper added that he represented a lot of bars and restaurants, and it had been a pleasure to work with the applicants. He felt that the City would be happy with them as new members of the business community. Mr. Dettloff thanked them for choosing Rochester Hills.*

*Hearing no further discussion, Mr. Reece moved the following, seconded by Mr. Dettloff:*

***MOION*** by Reece, seconded by Dettloff, in the matter of City File No. 17-006 (The Jagged Fork) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow alcoholic beverage consumption on site, based on documents dated received by

*the Planning Department on March 7, 2017, with the following six (6) 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 is having a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
- 4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.*
- 5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

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

**Aye** 7 - Anzek, Dettloff, Hooper, Morita, Reece, Schroeder and Schultz

**Abstain** 1 - Kaltsounis

**Excused** 1 - Brnabic

*Vice Chairperson Hooper stated for the record that the motion had passed unanimously, and he thanked the applicants for their investment in Rochester Hills. Ms. Roediger advised that the matter was planned for the May 1, 2017 City Council agenda.*

*Mr. Anzek asked the hours of operation. Mr. Teknos said that they would open at 7:00 a.m. and close at 3:00 p.m. They had discussed opening up*

*at night, as they serviced a lot of private parties. Mr. Schroeder asked when they would open, and Mr. Teknos advised that they had a final C of O inspection in two days, and if all went well, they planned to open on April 24th.*

## **UNFINISHED BUSINESS**

### **2017-0115**

Request for Site Plan Approval - City File No. 99-028.3 - 2020 Rochester Rd. Gas Station Rebuild, a proposed new 2,700 gas station and convenience store with associated site improvements on .42 acre at the southwest corner of Rochester and Hamlin Roads, zoned B-5, Automotive Service Business with an FB-2 Flex Business Overlay, Parcel No. 15-27-226-012, PEA, Inc., Applicant (Reference: Memo prepared by Sara Roediger, dated April 14, 2017 and revised EIS and site plans had been placed on file and by reference became part of the record thereof.)

*Present for the applicant were Scott Barbat, Rochester Hills Investments, 2020 Rochester Rd., Rochester Hills, MI 48307; John Abro, Abro Design Group, 30600 Northwestern Hwy., Suite 310, Farmington Hills, MI 48334; and James Butler, PEA Inc., 2430 Rochester Ct., Suite 100, Troy, MI 48083.*

*Ms. Roediger noted that the matter was before the Commissioners two weeks ago. Since that time, the applicant had tweaked the plans and provided the additional information requested by the Commissioners. They had submitted an updated Environmental Impact Statement that acknowledged that there were man-made structures on the parcel, and the PEA plans showed the exact locations of the underground storage tanks, indicating that they were not beneath the proposed building. There was some discussion about the elevations, and the architect (Mr. Abro) had added vine material on the western elevation and had wrapped the burnished masonry on the north and south walls. They also added a second door for emergency access. She said that she would be happy to answer any questions, and she added that the matter did not have to go to City Council.*

*Mr. Schroeder asked if six parking spaces were all they needed. Mr. Barbat said that he would love to have more, but the Ordinance counted the parking spots at the pumps. He would love to go across the whole front of the building. Mr. Schroeder asked if the tanks would be left in the ground, which was confirmed. Mr. Schroeder asked if there could be parking on top of the tanks, and Mr. Barbat agreed that there could. Mr. Schroeder asked why that area was not being used for parking.*

*Ms. Roediger explained that the Parking Ordinance capped the maximum number of spaces based on the square-footage of the building, which was fairly small. The two spaces at each pump counted as parking spaces. The parking that was shown met Ordinance requirements, and if they wanted to add more, the Planning Commission would have to grant a modification to allow for more than the 125% of the maximum parking required. Mr. Schroeder said that personally, he felt the applicants would be better off with more parking. He reminded that there would be employees as well. Mr. Barbat said that he had hoped for that, and he also wanted to put a couple on the north side of the building but they had to eliminate them.*

*Vice Chairperson Hooper agreed. He thought it would happen by default, and people would park there anyway. Mr. Schroeder recommended extending the parking to the available spaces along the frontage of the building. It would not have to come back to the Planning Commission; it would just be approved by staff. Ms. Roediger said that they would work with Engineering and Fire regarding the turning radius and utilities.*

*Mr. Kaltsounis thanked the applicants for coming back with revisions. He felt that the plans were much better, and there were great additions for the project and for the City. He realized that it was a two-week delay, but he felt that they would really be ahead of the game. He then moved the following, seconded by Mr. Schroeder:*

***MOTION*** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 99-028.3 (2020 Rochester Rd. Gas Station) the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on April 13, 2017, with the following five (5) findings and subject to the following five (5) 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 Hamlin and Rochester Roads (one access on each with the elimination of one existing drive), thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been*

*incorporated to promote safety and convenience of pedestrian traffic.*

3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *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.*

#### Conditions

1. *Replacement of the proposed shrubs along Rochester and Hamlin with a mixture ornamental grasses where feasible, and low height perennials in areas within the sight line and corner clearance areas.*
2. *Provide a landscape bond for landscaping/trees in an amount to be determined, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
3. *Payment of \$2,055 into the City's Tree Fund for trees that cannot fit on the site (deficient), prior to temporary grade certification being issued by Engineering*
4. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
5. *Modify the parking to extend along the east frontage of the building, to be approved by staff prior to final approval.*

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

**Aye** 8 - Anzek, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

**Excused** 1 - Brnabic

## **DISCUSSION**

[2017-0007](#) Discuss proposed Crematorium Use in the City

*(Reference: Memo prepared by Sara Roediger, dated April 14, 2017 and application and opinions from John Staran and Giffels Webster had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Gary Piontkowski, 2201 Crooks Rd., Rochester Hills, MI 48309.*

*Ms. Roediger recalled that the subject was discussed by the Commissioners informally a couple of months ago. The City received a request last fall to locate a crematorium in the REC-W district north of M-59 and Crooks, however, the use was not listed in the Zoning Ordinance. Staff looked at a similar use, incinerators, but the Zoning Ordinance prohibited them. The City Attorney, John Staran, supported staff's determination that crematoriums were also prohibited. Mr. Piontkowski went to the Zoning Board of Appeals for an appeal of that decision. The ZBA supported staff's interpretation of the Ordinance. She noted that the information provided to the ZBA and the Minutes from that meeting were included. It was clear that while the ZBA supported staff's interpretation, they were not necessarily opposed to the idea of allowing crematoriums in the City. They asked if the item could be taken to the Planning Commission to determine whether they wanted to go down that route. Giffels Webster, the City's Planning consultants, did some research to see what other communities did. She noted that it was not common for cities to call them out in Ordinances. She also reached out, at the request of Vice Chairperson Hooper, to see what the neighboring communities were doing. She spoke with the Planners at Shelby Township, Troy and Auburn Hills. All three had crematoriums. Shelby Township allowed them as Special Land Uses as part of cemeteries in residential zoning districts. However, they had only one in the Township, and it was located in an industrial zoning district in a multi-tenant building. They considered crematoriums to be a processor or manufacturer of materials in an industrial district. In their experience, they have had no problems or complaints. The City of Troy did not address crematoriums in its Zoning Ordinance, but they had one at the White Chapel Cemetery. They considered it an accessory use to a cemetery, and cemeteries were permitted in residential districts in Troy. They had never had a complaint or problem either. Auburn Hills treated it a little differently. Incinerators were permitted as Special Land Uses in their Heavy Industrial districts. They had one in their Light Industrial district in a multi-tenant building which was fairly close to their downtown. It was south of the Clinton River and backed up to the Clinton River Trail off of Squirrel. They had not had any complaints as well. She indicated that it was somewhat of an interesting topic that many communities did not address head on. She*



wanted to get the flavor of the Planning Commission to give the applicant better direction as to whether the City would even entertain an amendment to the Ordinance. She said that she would be happy to answer any questions.

Mr. Piontkowski stated that he had been researching the topic for two years. He stressed that it would not be an incinerator that burned material that went into the air. The body was mostly made of water, and it evaporated. There was no smell or smoke. He claimed that his proposal would be much cleaner than the nearby asphalt plant. He used to put cars out that were just painted, and the sediment from the plant would fall on a new paint job. With a crematorium, there would be steam, not smoke. He visited the Auburn Hills location, and there was an aerobic facility where people were doing aerobics outside about 50 feet from it. With the new computers and technology with the chambers, there would be no smoke or smell. His proposed location was back in an industrial area, and no one would see it. He had stacks for car spraying and paint fumes, and no one had complained. He stated that everyone would be there someday, and it was a growing business. He felt that it was something the City should address, because the little cemetery in Rochester Hills was getting filled up, and there would be no more room for bodies.

Mr. Schroeder said that he was involved in developing the cemetery. He agreed that it was a changing industry. He asked Mr. Piontkowski if he would have enough business.

Mr. Piontkowski responded that he absolutely would. When he was looking at purchasing a crematorium machine, the seller told him not to order only one. The first year he might be a little slow, but after that, he told Mr. Piontkowski that he would not believe it. That man did 1,600 in one year. Mr. Schroeder asked if he would have a full service pickup and delivery, which Mr. Piontkowski confirmed. Mr. Schroeder said that a lot of people did not realize that they did not have to go through a funeral home. Mr. Piontkowski said that he had talked with some priests about it. They saw the poor widow who paid \$20k for a funeral when she did not have to. A body could be cremated for about \$700. Mr. Schroeder noted that the same cost at a funeral home would be \$2,500 or more. Mr. Piontkowski explained that he would pick up a body and bring it to his location. The car would be able to unload inside the building, which would have no windows. It would be set up that if a family wanted to be there they could. He asked the seller how many people came to do that, and he said that they came but lasted about 20 minutes. Mr. Schroeder

*mentioned that he looked up cremation on his cell phone, and it seemed like it was centered in the Detroit area more than the suburbs. In his opinion, it was a service that the City needed, and it was coming. He agreed that the cemeteries were filling up, and that was why they were looking at doing different things, such as allowing more than one urn in a plot. They were installing columbariums at the Avon Cemetery.*

*Mr. Dettloff asked Mr. Piontkowski if he would contract with funeral directors, nursing homes and hospitals. Mr. Piontkowski said that he would, and he would deal with people directly. Someone could be in hospice, and then pass away, and he would pick up the body and do the paperwork for the State. In the State of Michigan, a funeral home could not own a crematorium. It had to be contracted out. Mr. Dettloff asked if a special license was required. Mr. Piontkowski was surprised that there was not. The death certificate would have to be signed by a funeral director. He or she had to have a Mortuary degree. Mr. Dettloff clarified that Mr. Piontkowski currently had a body shop. Mr. Piontkowski agreed, and said that he owned an industrial building. Mr. Dettloff remarked that a crematorium would be another version of a body shop. There were definitely groans.*

*Mr. Schultz exited the meeting at 8:10 p.m.*

*Ms. Morita joked that she knew more about this topic than she would like to admit. She asked Mr. Piontkowski if there would be cold storage at the shop. Mr. Piontkowski said that he really did not want it. His theory was to get the bodies and get them cremated as soon as possible. He would not want a decay problem. He had talked to the other guys in town, and they did not have cold storage. That was why the gentleman suggested getting two machines. He noted that it was a two-and-a-half hour process. Ms. Morita asked if he planned to run 24/7, which Mr. Piontkowski confirmed. Ms. Morita considered that if there were four decedents that came in at 2:00 in the morning, those remains would not be put in cold storage until they could be handled. Mr. Piontkowski said that each case was individual and had to be scheduled appropriately. Ms. Morita asked what type of fire suppression system he would have. Mr. Piontkowski said that it would be big. Ms. Morita asked if it would be wet or dry, and Mr. Piontkowski stated that it would be wet. He had huge pipes that were ready to go. Ms. Morita clarified that it would not be a concern if there were remains on site with a wet suppression system. Mr. Piontkowski said that it would not be at all, because the remains would be put in sealed units. Ms. Morita asked if that they would be waterproof, which was confirmed. She asked how many cremains Mr. Piontkowski would be*

keeping on site before they were picked up or delivered. Mr. Piontkowski said that it was a good question. He recalled the time a woman had a car in his shop. The technician said that there was a box of ashes in the car. She said that it was her mom, and she had been driving around for two years with her in the back of the car. Mr. Piontkowski stated that he did not want the ashes; he wanted to get them back to people as soon as possible, whether he had to deliver them or send by UPS. Ms. Morita asked if there had been any flooding issues at his site, and he claimed that he had never had any.

Ms. Morita said that if staff was looking at crafting an Ordinance, they had to look at regulating the amount of cold storage. They did not want to get into the situation where a facility was storing a lot of decedents. They would need to look at the fire suppression, depending on how the decedents were being kept. They did not necessarily want someone to have a wet system because if a body was not taken care of right away, there could be water damage to the bodies. She realized that it might not matter for a body that was being cremated, but it could be distressful to a family. The storage and amount of cremains that could be kept onsite was important, because they would not want a crematorium to be acting as an ad-hoc cemetery. The crematorium could have remains from a customer that was not paid for or picked up and something might happen where the relatives did not want the ashes. There had to be some type of regulation regarding how many cremains could be kept on site. Also, if they planned to run a 24/7 shop, they would have to look at how it would fit into the district and the surrounding area and the number of employees. She also thought staff should take a look at whether it would be in a flood-prone area or if there had been prior backups at a location. There could be issues with floaters. The area needed to be high and dry and not located next to a drain property. She was not sure about other cities, but if Rochester Hills was going to consider it, she would like crematoriums regulated.

Mr. Piontkowski said that his property was pretty high and dry and far from the Clinton River. He said that Ms. Morita made a good point. Ms. Morita related that she handled a lot of flooding cases, and she knew how far water could travel. If there was a massive event, a building could be 150 feet from the River and still end up with 24" of water on the property. Even though Mr. Piontkowski would not be operating a funeral home, there would still be decedents that had to be treated with care and respect. He might be very responsible, but they did not want someone else coming in who would be shoving people on a shelf and acting like an ad-hoc cemetery. Mr. Piontkowski suggested that there could be rack

storage. Ms. Morita said that would still depend on how high the water got. If there was a wet system, and there were decedents that had not yet been cremated, there could be a problem. Perhaps having cold storage would be a way around it until there was the ability to cremate.

Mr. Reece asked if it would be for human remains only. Mr. Piontkowski was not sure if it would include animals. He could do that in another unit he had. Mr. Reece thought that the Ordinance should address human and animal remains. Mr. Piontkowski stated that it would be much easier with animals. Ms. Roediger reminded that any text amendment would be for the entire City, not one situation. She stated that it should be addressed comprehensively. Mr. Reece felt that the points that Ms. Morita brought up were perfect, and he said that with a well-written Ordinance, he would be fully supportive of what Mr. Piontkowski wanted to do. Mr. Reece added that it would have to be written correctly for everyone. He thought that the issues with smell and other things were old school. He mentioned that he worked in a funeral home for four years, and he was all in favor. He suggested that if the Ordinance was amended, Mr. Piontkowski would be the test case, and his operation would be highly scrutinized in terms of the process and how things were going.

Mr. Schroeder thought that animals should be addressed. He had dogs cremated, and that was a big business, and he felt that it should be included. He said that Mr. Piontkowski's site would have been a gravel pit before they found out how much high-quality sand was there. He knew that it was a well-drained site with no problems.

Mr. Anzek said that he was glad Mr. Piontkowski was getting direction, one way or another. He reminded the Commissioners that they were talking about a City-wide Ordinance, not one just for Mr. Piontkowski's site. They had to be careful how an Ordinance was crafted, and determine if they were going to develop distance standards. He noted that Mr. Piontkowski's site had a lot of parked cars. He asked if they were still there. Mr. Piontkowski said that if the Ordinance went through, he would move two businesses out of the site. Mr. Anzek asked if he would maintain the collision shop, and Mr. Piontkowski agreed that he would keep that in the front part. Mr. Anzek realized that it was more of a site plan issue, but he stated that there should be some dignity for families that came. He asked if they would have to drive through a bunch of smashed up cars waiting to be repaired. Mr. Piontkowski said that would all be cleaned up. There was a back entrance from Star Batt. Mr. Anzek felt that it should be a Conditional Use for the reasons he had mentioned.

*He also felt that they should have distance standards and perhaps regulated hours of operation. He thought that 24/7 was a bit much, although he did not think a family would be there at 2:00 in the morning. He said that he was lukewarm on the whole idea of a crematorium, but he understood the demand, and that it was moving forward.*

*Vice Chairperson Hooper stated that he supported the idea, and he supported everything people had said. He believed that it should be a Conditional Use, that it should not be allowed in Residential, and that there should be good setbacks. He was not opposed to 24/7. It would be in an enclosed building, and it would be subject to the City's noise ordinances. Mr. Piontkowski said that one of the funeral home directors he had talked with said that a lot of times, they would postpone a funeral until the weekend because the kids were flying in from all over the country. They wanted to leave Sunday, and they wanted the ashes to go. Vice Chairperson Hooper also thought that it should be in an industrial district only.*

*Ms. Roediger said that she would like to know in what districts it would be permitted. The industrial districts had been mostly changed to REC districts. She suggested that it would be a Conditional Use in the I (Industrial) and REC (Regional Employment Center) districts. There would be other conditions that had to be met, including separation from residential areas.*

*Vice Chairperson Hooper suggested that they could look at the draft Ordinance when it was done and see what areas would comply. Mr. Piontkowski said that he saw an animal crematorium in Southfield in a storefront. He would not want that. Mr. Reece asked if the adjacent cities' crematoriums did animals. Ms. Roediger really had not asked that question. They would find out more as part of a deeper dive into an Ordinance.*

*Mr. Anzek noted that at the ZBA meeting, the directive was to take the discussion up with the Planning Commission and the City Council. He said that he would defer to Ms. Morita about having a discussion at Council or just bringing an Ordinance forward. Ms. Morita felt that they could do an informal poll, but she would rather see a formal format brought to Council. The Clerk's office could take an informal poll. If Council did not want to support it, that should be known so that a lot of work was not done needlessly. She reminded that there could be a turnover of members, because there were four people up for re-election this year, so the direction could change. Ms. Roediger said that she*

*would work with the Mayor and the Clerk's office to get the general thought.*

**Discussed**

### **ANY OTHER BUSINESS**

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

### **NEXT MEETING DATE**

Vice Chairperson Hooper reminded the Commissioners that the next Regular Meeting was scheduled for May 16, 2017 (subsequently cancelled).

### **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Vice Chairperson Hooper adjourned the Regular Meeting at 8:35 p.m.

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Greg Hooper, Vice Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary