

Chairperson Brnabic stated for the record after each motion that it had passed unanimously. Mr. Hooper thanked the applicants for their investment in Rochester Hills. Ms. Roediger advised that the Wetland Use Permit would be sent to Council for the August 29, 2016 meeting.

2016-0306 Public Hearing and request for an Ordinance Amendment - City File No. 16-016 - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to add a Flex Business Overlay District to 13 parcels of land totaling approximately 22.5 acres: Parcel Nos. 15-35-352-001, -061, -066, -067, -019, 15-35-353-055, -039, -040, -041 with an FB-2 Flex Business Overlay; and Parcel Nos. 15-34-429-019, -021, 15-34-477-015 and -016 with an FB-3 Flex Business Overlay, City of Rochester Hills, Applicant
(Reference Staff Report prepared by Sara Roediger, dated August 12, 2016 and Ordinance Amendment had been placed on file and by reference became part of the record thereof.)

Mr. Anzek stated that the genesis for the request began at a Zoning Board of Appeals (ZBA) meeting when an applicant sought a Variance to develop a parcel at Rochester and Michelson. When the setbacks were applied to the site, the building would be hidden by the one immediately to the south that was built flush to the northern property line. The request was denied, but the majority of the members wondered if there were alternatives the applicant could pursue. Mr. Anzek offered that the Flex Business Overlay, which had been applied to the rest of Rochester Rd. north of M-59 had not been applied from M-59 to South Boulevard, and that would allow a different development option. The members thought there was merit in assigning that district, since the area was subject to redevelopment. The existing buildings had been done at different times with different setbacks, and there was no real uniformity. The ZBA passed a motion that the City initiate and consider a rezoning to apply the FB Overlay and assist in promotion of redevelopment. He and Ms. Roediger discussed it, and they thought that it should be applied to both sides of Rochester Rd. They felt that FB-3 would be appropriate for the west side because of the depth of the lots. They could provide for larger buildings and more of a regional draw. The eastern lots were relatively small. He added that staff notified all the property owners by sending a letter of explanation about what was being proposed, and there had been no inquiries.

Ms. Roediger said that unlike a traditional rezoning, nothing would be changed; it would just add an option. The underlying zoning would not change which was a mixture of B-2, B-3, B-5 and O-1 districts. The City wanted to promote mixed-use and walkability and increased housing

options. To the south in Troy, there was a Starbucks, Salsarita's, and a retail strip with townhomes behind it. Adding an FB Overlay would allow that type of development to move north. They had received inquiries about four story hotels, and she felt that south of the interchange might be a better location, particularly on the vacant property south of Bolyard Lumber. She explained that on the east side of Rochester, it would become FB-2, which had a maximum height of three stories with a 100-foot setback from residential. If that was not met, only two stories were allowed. On the west side, the maximum height was three stories, but it could go to four with a setback of 125 feet from residential. The only other difference was that FB-2 allowed for single-family homes and FB-3 allowed hotels, and both were conditional uses and discretionary reviews that would have to come before the Planning Commission and City Council. She reiterated that per the direction of the ZBA, they were seeking ways to foster redevelopment in the area. She pointed out that it was the only section of Rochester Rd. that was zoned commercial and office that did not have an FB Overlay, and it appeared to be a logical recommendation. She agreed that they had not heard from anyone who was notified until the meeting. There was a gentleman who lived on Orchard View who was going to attend, but when he heard that there were no plans submitted and what was proposed, he left.

As a member, Chairperson Brnabic had attended the ZBA meeting. She indicated that the Variance request was not approved because it was a want, not a hardship. The liquor store to the south would block the view of a new building, and the applicant had wanted his building to be even with the non-conforming building next door, knowing that other businesses in the area had abided with the setbacks. If approved, the Variance request would have set a precedent across the entire City. Mr. Anzek suggested the FB Overlay, and the members agreed it would be worth pursuing and offer the applicant another option. They were not aware that this section of Rochester Rd. did not have an FB Overlay.

Mr. Kaltsounis recalled that there was strip mall proposed for the BP gas station nearby. A Conditional Rezoning had been approved for that site, but a site plan had not been approved. He asked how the overlay would apply to that property.

Mr. Anzek stated that there would be no impact. FB was an optional use at the discretion of the applicant, and it would not affect the Conditional Rezoning at all. That was vested. Ms. Roediger added that it was like a PUD in that there was a contract for the parcel. If they decided to rescind the Conditional Rezoning, they could develop under FB, if approved.

Mr. Kaltsounis remarked that he cringed when he heard the potential for a four-story hotel on the west side of Rochester.

Chairperson Brnabic said that if she any concern about the FB option, one was the potential for a hotel. She noted that it was not permitted at all in B-2 or B-3. She realized that in FB-2 it was conditional, but in FB-3 it was permitted. Her second concern was about restaurant drive-throughs, because in B-2 and B-3 they were conditional uses and in FB they would be permitted.

Ms. Roediger explained that the City had received quite a few inquiries about hotels. In response, staff tried to see if there were areas in the City that were appropriate. She advised that last week, Council approved a WoodSpring Suites hotel as part of the Grand Sakwa consent judgment, which did not have to go before the Planning Commission. It would be constructed next to the Holiday Inn Express that opened a few years ago. As part of the REC-1 district, there was the Red Roof Inn and the Concord Inn, which were somewhat dated facilities that could be upgraded. There was not a lot of land available for a hotel, and hotel chains liked to be near interchanges, so they thought the subject area on the west side of Rochester Rd. might be a good location with quick access on and off M-59.

Mr. Hooper indicated that he did not mind a hotel in that location. It actually made sense to him, and he did not fear that as much. He was concerned that drive-throughs would now be permitted uses rather than conditional. Ms. Roediger stated that drive-throughs would still be conditional uses, although the staff report table said that in FB-2 and FB-3 they would be a permitted use. She said that she would clarify it. Sometimes, the FB use table phrased things differently and she did not catch it, but they (all types) were intended to be conditional uses.

Mr. Hooper thought that if it was a permitted use, he could see nothing but Wendy's, McDonald's, Taco Bell, etc., up and down the whole road, and Rochester Hills would look like Troy. That would be his biggest fear. Ms. Roediger said that it was a good catch, and she would be sure to clarify. Mr. Hooper said that other than that, he was all for the overlay to encourage more development. He thought it was a perfect spot for a hotel. Mr. Anzek noted that the residential homes on the west were fairly far from the property line. Mr. Hooper maintained that he would like to see high-end hotels.

Mr. Schultz said that he was part of the ZBA board that pushed for the zoning change. He thought that another issue that went into that discussion was the various right-of-way setbacks between what the City wanted, what MDOT wanted and what existed. Some of the parcels had become functionally obsolete in trying to adhere to the strict setbacks of the standard underlying zoning. He felt that the flex districts protected the residential behind them because buildings could be pushed closer to the right-of-way in a more progressive-type layout. He stated that he very much in support of the FB districts south of M-59, and he felt that it made perfect sense for the corridor.

Mr. Schroeder brought up a concern he had mentioned previously. He asked if the amendment would clarify the number of stories allowed in a certain area or if there would be multiple choices for hotels. Mr. Anzek said that height was a factor of setback from residential for FB. FB was a technique that encouraged going vertical with mixed uses. There were some height incentives in the FB district, and the tradeoff was that the activity would be pushed closer to the street. Mr. Schroeder clarified that there would be established criteria.

Mr. Kaltsounis shared the same thought as Chairperson Brnabic with regards to hotels - especially four story hotels. He knew that there was a zoning consideration and not site plan, but he thought it would be the best spot for a hotel because they would try to push the building(s) as close to the street as possible. It was when a development proposed a hotel in the back and a couple of restaurants in the front that made him cringe. He thought that with such a big property, someone would want more than a hotel.

Ms. Roediger said that was the whole point of the FB Overlay district; it gave more design flexibility, allowed buildings to be pushed closer to the road, allowed smaller setbacks, mixed uses and parking in the rear. She believed that the FB Overlay was the best tool to control design. They wanted people to stay in the hotel and walk to the restaurant instead of having to get in a car and drive somewhere else.

Mr. Kaltsounis was concerned a hotel would be pushed to the back, although it would not necessarily be. He asked if the Ordinance should be corrected with regards to drive throughs and then brought back, and Ms. Roediger assured that the Ordinance was correct; it was just the staff report that needed to be revised. Mr. Anzek said that he had discussions with the City Attorney and typos or things like that could be changed, and they did not need new public hearings. If the intent was clear, and it was

clear that all drive-throughs were conditional uses, things could move forward.

Mr. Schultz felt that it was important to note that some of the hallmarks of the form based code were the build to lines and the building envelopes. That pulled buildings towards the right-of-way and could ease some concerns about hotels being right next to a residential neighbor.

Chairperson Brnabic opened the Public Hearing at 8:41 p.m. Seeing no one come forward, she closed the Public Hearing.

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

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-016 (Flex Business Overlay Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning to add a Flex Business Overlay District to 13 parcels of land totaling approximately 22.50 acres: Parcel Nos. 15-35-352-001, -061, -066, -067, 019, 15-35-353-055, -039, -040, -041 with an FB-2 Flex Business Overlay; and Parcel Nos. 15-34-429-019, -021, 15-34-477-015 and -016 with an FB-3 Flex Business Overlay with the following six (6) findings.

Findings for Approval

1. FB-2 and FB-3 are appropriate zoning districts at this location as they are compatible with the goals, policies and objectives of the Master Plan.
2. Approval of the proposed rezoning will promote business growth and expansion in the community by allowing for the redevelopment of parcels and providing additional opportunities for potential uses in this area.
3. Approval of the proposed rezoning allows for a greater mixture of uses with a focus on design and connectivity between sites, thereby resulting in better developments that encourage walkability, thereby reducing the number of automobile trips needed between sites.
4. The proposed boundaries will create a logical zoning transition from

the residential neighborhoods to the more intense business uses along Rochester Rd.

5. *The addition of the FB overlay districts in this area is consistent with the other business areas along Rochester Rd., all of which already have the FB overlays as a development option.*

6. *The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in Section 138-1.200.D of the Zoning Ordinance.*

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

Aye 6 - Brnabic, Dettloff, Hooper, Kaltsounis, Schroeder and Schultz

Absent 3 - Morita, Reece and Yukon

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

2016-0305 Public Hearing and request for an Ordinance Amendment Recommendation - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to modify requirements of Section 138-4.410 for Drive-Through Facilities, City of Rochester Hills, Applicant

ANY OTHER BUSINESS

NEXT MEETING DATE

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. _____, Chairperson Brnabic adjourned the Regular Meeting at 9:18 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission