

**NEW BUSINESS**

- 2017-0363** Public Hearing and request for Conditional Use Recommendation - City File No. 17-018 - Premier Academy, a proposed 15,078 square-foot childcare center on 1.6 acres at the southeast corner of Adams and Tienken Rds., zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant
- 2017-0338** Request for a Tree Removal Permit - City File No. 17-018 - for the removal and replacement of as many as 12 trees associated with Premier Academy, a 15,078 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant
- 2017-0339** Request for Site Plan Approval - City File No. 17-018 - Premier Academy, a proposed 15,078 square-foot childcare center on approximately 1.6 acres located at the southeast corner of Tienken and Adams, zoned R-1 One Family Residential, Parcel Nos. 15-08-100-021 and -022, Paul Dunn, JS Capitol Group, Applicant

**UNFINISHED BUSINESS**

- 2015-0308** Request for Site Plan Approval - Innovation Hills - City File No. 17-015 - City-owned park totaling 112 acres, located on the north side of Hamlin, east of Adams, zoned R-2, One Family Residential, Parcel Nos. 15-20-300-005 and 15-29-101-020, Ken Elwert, Director, Parks and Forestry Department, City of Rochester Hills, Applicant.

- 2014-0497** Request for Conditional Use Recommendation - City File No. 14-016 - Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No. 15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

*(Reference: Memo prepared by Kristen Kapelanski dated August 25, 2016 and site plan and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Joe Nirta, Silver Spoon Restaurant Italiano and Salvatore D'anna, D'Anna Architects, 1055 South Blvd., E., Suite 200, Rochester Hills, MI 48307.*

*Mr. D'Anna noted that he was unable to attend the first meeting. He stated that they had addressed the issues from that meeting, the first of which was the retaining wall. There were originally 15 parking spaces along the wall, and that was reduced to nine. They also eliminated three spaces in the front and three spaces in the rear, and they would hatch that area as "no parking," but it would be used for turnaround for the trash haulers. He added that the underground detention would be under the parking lot, and there would be a manhole access to the underground system. They also submitted additional details for the retaining wall which would be 6.5 feet tall. Where parking would abut the wall, there would be 2.5 feet of soil retained. There would be an additional four feet of wall, which would block the headlights from shining into the neighbors' property. They submitted details of the wall product, which would be a Rosetta Stone seen in many residential and higher-end commercial applications. It would present more of a residential-type of feel for the neighbors. They revised the drainage plan and showed more details about drainage between the wall and the property line. They were proposing to use the natural contours and a high point to swale the water to the front and back. They would add storm drainage catch basins to collect the water into the system, detain it and slowly release it. They had a memo from the City's Engineering Dept. with comments about the wall and the drainage and agreeing with the improvements. They also took the advice of the Planning Commission and modified the parking lot. They would eliminate a couple of trees in the front and add parking spaces. They removed the six spots along the wall, and they added 12 spots in the front of the building. The total parking count increased by six spaces. The applicant also sent out a letter with drawings to all the adjacent property owners within 300 feet. He said that he would be happy to answer any questions.*

*Chairperson Brnabic asked whether the applicant had a meeting with or mailed the information to the neighbors. Mr. D'Anna clarified that the applicant sent a letter and drawings to the neighbors. Chairperson Brnabic asked Ms. Kapelanski if she had anything further to add.*

*Ms. Kapelanski said that she did not have remarks to add to Mr. D'Anna's, but she noted that the Natural Features Setback Modification had been reduced by 100 linear feet because of the changes to the south parking area.*

*Mr. Hooper stated that he liked all the improvements the applicants had made. He asked the hours of operation. Mr. Nirta said that he did mention it in the letter to the applicants, and it would be Monday through*

Thursday 5-10:00 p.m. and Friday and Saturday 5-11:00 p.m. They would be closed Sunday.

**MOTION** by Hooper, seconded by Reece, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a restaurant in the FB-1 district, based on plans dated received by the Planning Department on July 6, 2017, plus the additional prints dated August 1, 2017 with the following seven (7) findings and subject to the following one (1) condition:

Findings

1. *The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.*
2. *The expanded use will promote the intent and purpose of the zoning ordinance.*
3. *The proposed building has been designed and is proposed to be constructed, 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.*
4. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
5. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
7. *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.*

Condition

1. Hours of operation shall be, as stated by the applicant, 5:00 to 10:00 p.m. Mondays through Thursdays and 5:00 to 11:00 p.m. Fridays and Saturdays.

Mr. Dettloff commended the applicants for the quick turnaround. At the last meeting, there was much discussion, and they had become a model for anyone that came before the Commissioners and a revision was requested. It was fortunate there was a Special Meeting, but it was greatly appreciated that they complied that quickly. Mr. D'Anna thanked Mr. Dettloff, and said that they just had to stay late a few nights to get everything completed as quickly as they could.

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

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

**Excused** 1 - Schultz

2017-0336

Request for Natural Features Setback Modifications - City File No. 14-016 - for natural features setback impacts of up to 245 linear feet for Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No.15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

**MOTION** by Hooper, seconded by Reece, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **grants Natural Features Setback Modifications** for the permanent impacts to as much as 155 linear feet of natural features setbacks associated with the construction of the proposed parking lot and concrete walk west of the building, based on plans dated received by the Planning Department on July 6, 2017, plus additional plans dated August 1, 2017 with the following two (2) findings and subject to the following one (1) condition.

Findings

1. Natural Features Setback Modifications are needed to construct the parking lot and walkway.
2. Because the Natural Features Setback areas are of extremely low quality, the City's Wetland consultant, ASTI, recommends approval of the modification.

Condition

1. *Any temporary impacts must be restored to original grade with original soils and seeded with a City approved seed mix, where possible, prior to final approval by staff.*

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

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

**Excused** 1 - Schultz

2017-0337

Request for Site Plan Approval - City File No. 14-016 - Silver Spoon Ristorante, a proposed 3,986 square-foot restaurant at 6780 Old Orion Ct., north of Tienken, west of Rochester Rd., zoned R-1, One Family Residential with an FB-1 Flexible Business Overlay on 1.8 acres of the three-acre parcel, Parcel No.15-03-476-013, Silver Spoon Ristorante Italiano, LLC, Applicant

**MOTION** by Hooper, seconded by Dettloff, in the matter of City File No. 14-016 (Silver Spoon Ristorante Italiano), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 6, 2017, plus additional plans dated August 1, 2017 with the following eight (8) findings and subject to the following four (4) 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 requested front yard setback is modified based upon the Planning Commission's determination that the requested option is consistent with the intent of the form-based district as established in Section 138-8.100.*
3. *The minimum building frontage build-to area and minimum façade transparency requirements are modified based upon the Planning Commission's determination that they meet the intent of the FB district; that they will not make future adjacent development impractical; that they will permit innovative design; and that the two patio areas provide transparency and activity into the site.*

4. *The proposed project will be accessed by two existing driveways, 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.*
5. *Additional parking is necessary based on demand for a restaurant use and in other zoning districts, more parking would be required than proposed for a restaurant of this size, and the Planning Commission has agreed to modify the requirements based on this criterion.*
6. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
7. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
8. *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. *City Council approval of the Conditional Use.*
2. *Provide a landscape bond in the amount of \$56,470.00, as adjusted as necessary, plus inspection fees, and a cost estimate for additional ornamental trees and shrubs required, prior to temporary grade certification being issued by Engineering.*
3. *Provide an irrigation plan, prior to final approval by staff.*
4. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*

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

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

**Excused** 1 - Schultz

*After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously and she congratulated the applicants.*

*Mr. Hooper thanked the applicants for their investment in Rochester Hills. Mr. Dettloff asked when they could expect the ribbon cutting. Mr. Nirta said that it would be as soon as possible. Ms. Roediger advised that the Conditional Use request would likely go to the next City Council meeting on September 11.*

**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 September 19, 2017.

**ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Special Meeting at 10:40 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary