



Rochester Hills

Minutes - Draft

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

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

Tuesday, August 16, 2016

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:03 p.m. in the Auditorium.

ROLL CALL

Present 6 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, C. Neall Schroeder and Ryan Schultz

Absent 3 - Stephanie Morita, David Reece and Emmet Yukon

Quorum present.

Also present: Ed Anzek, Director of Planning and Econ. Dev.
Sara Roediger, Manager of Planning
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2016-0263](#) June 21, 2016 Regular Meeting

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

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

Absent 3 - Morita, Reece and Yukon

COMMUNICATIONS

- A) *Planning & Zoning News dated June and July 2016*
- B) *Ordinance Amendments (3)*
- C) *Letter from S. Cohen, dated 7/12/16 re: Auburn Hills Master Plan Amendment*
- D) *Letter from K. Kapelanski, (OC) dated 7/22/16 re: Auburn Hills Master Plan*

E) *Response letter from R. Bonislawski, dated 8/16/16 re: Griffen Claw Brewery*

NEW BUSINESS

2008-0302

Request for Approval of an Extension of the Final Site Condominium Plan until July 14, 2017 - Pine Woods Site Condominiums, a proposed 28-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One-Family Residential, Parcel Nos. 15-34-101-012, -013, L&R Homes, Inc., Applicant

(Reference: Memo prepared by Ed Anzek, dated August 12, 2016, extension request letter and site condo plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Vito Randazzo, L & R Homes, Inc., 2490 Walton Blvd., Suite 103, Rochester Hills, MI 48309.

Mr. Randazzo stated that originally, the development had 29 units, but due to storm water standards in place after the development was completed, the storm water capacity had to be increased and they lost a lot. They were working with Engineering to finalize plans so they could get a Land Improvement Permit. They did not have enough time before the previous Extension expired to finalize the process, and that was why he was requesting the Extension.

Mr. Anzek added that he had talked with the Engineering staff, and the applicants were very close to having construction documents approved. He expected that a Land Improvement Permit would be issued shortly.

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

MOTION by Kaltsounis seconded by Dettloff, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission hereby recommends that City Council approves an Extension of the Final Plan until July 14, 2017.

A motion was made by Kaltsounis, seconded by Dettloff, 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

2015-0224

Request for Final Site Condominium Plan Recommendation - Nottingham Woods, a proposed 17-unit, single-family site condominium development on 8.7 acres, located on the north side of Hamlin, east of Livernois, west of Crestline, zoned R-3, One Family Residential with an MR Mixed Residential Overlay, Parcel No. 15-22-376-039, Vanguard Equity Management, LLC, Applicant
(Reference: Memo prepared by Sara Roediger, dated August 12, 2016 and Final Site Condo Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Michael DiNello, Vanguard Equity Management, LLC, 101 S. Main St., Suite 200, Rochester, MI 48307 and Michael Park, Giffels Webster Engineers, 6303 26 Mile Rd., Suite 100, Washington, MI 48094.

Ms. Roediger noted that almost a year ago to the day, the Preliminary Site Condo Plan was before the Planning Commissioners. There was a little delay over the fall, and the matter went to City Council in February 2016 for approval. Since then, there had been quite a bit of conversation with the applicants and the residents about further buffering around the property edges. The applicants had submitted a revised plan which enhanced the screening along the north, east and west property lines. The applicants were back for Final Site Condo Plan review, and the plans met and exceeded the landscape Ordinance requirements and all staff recommended approval. She said that she would be happy to answer any questions.

Chairperson Brnabic thanked the applicants for doing an excellent job of communicating with the neighbors. She indicated that it oftentimes helped avoid misunderstandings and enabled the neighbors to get the proper facts and to be able to express concerns and offer input before a meeting, which was better in the long run.

Mr. Kaltsounis commented that he got excited when he saw the house on Sheet A2 that had a four-car garage - three on the side and one in the back. But when he looked at the lot layouts, he did not see a place to put a house of that size. He asked if the homes were just shown as references, and if the developer was not mandated to build what was shown.

Ms. Roediger explained that the floor plans and elevations provided were representative of the type of housing that could be developed. The homes would have to conform to the building envelopes based on the setbacks. The City would not hold the applicants to the letter, and each

home had to get its own building permit through the Building Department.

Mr. DiNello added that the City had a square-footage requirement they would have to meet. The homes shown were just different options, but they would have to comply with the maximum lot coverage allowed.

Mr. Kaltsounis stated that as a Final Site Condo Plan Recommendation, the Planning Commission's job was to review the plans to see if they matched the Preliminary. He said that he also appreciated the extra effort they did to work with the neighbors, and he moved the following:

MOTION *by Kaltsounis, seconded by Schroeder, in the matter of City File No. 15-004 (Nottingham Woods Site Condominiums), the Planning Commission recommends that City Council approves the Final One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on June 23, 2016, with the following five (5) findings and subject to the following seven (7) conditions.*

Findings

- 1. Upon compliance with the following conditions, the proposed final condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.*
- 2. Adequate utilities are available to properly serve the proposed development.*
- 3. The final plan represents a reasonable and acceptable plan for developing the property.*
- 4. The applicants have worked diligently with the neighbors to provide acceptable screening from the development.*
- 5. The final plan is in conformance with the preliminary plan approved by City Council on February 8, 2016.*

Conditions

- 1. Provide all off-site easements, on-site conservation easement and agreements for approval by the City prior to issuance of a Land Improvement Permit.*
- 2. Provide landscape bond in the amount of \$93,049.00 plus inspection*

fees, prior to temporary grade certification being issued by Engineering.

3. *Provide an irrigation plan and cost estimate, prior to temporary grade certification being issued by Engineering.*
4. *Payment of \$3,400 into the tree fund for street trees prior to temporary grade certification being issued by Engineering.*
5. *Approval of all required permits and approvals from outside agencies.*
6. *Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.*
7. *Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.*

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.

2016-0300

Public Hearing and request for Conditional Land Use Recommendation - City File No. 16-015 - for a proposed drive-through at a 4,062 square-foot Culver's Restaurant on 1.08 acres to be located on an outlot on the Meijer property at the southeast corner of Rochester Rd. and Auburn Rd., zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant
(Reference Staff Report prepared by Sara Roediger, dated August 12, 2016 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Andrew and Vickie Zielke, Just Burgers & Fries, 4564 Oakhurst Ridge Rd. Clarkston, MI 48348.

Ms. Roediger stated that the applicant wished to develop a drive-through restaurant on the existing Meijer site (outlot) at Rochester and Auburn Roads. Staff had been working with the applicant for almost a year refining the plans and going back and forth between the underlying B-3

zoning and the FB-3 Flex Business Overlay, and they determined that the Flex Overlay was the best development option for the property. She noted that the existing access drive to Meijer would be relocated. The amount of parking for Meijer was still more than ample - even on the day after Thanksgiving. They met with MDOT, and there would be no curb cut onto Auburn Rd. The site would be accessed via the revised drive into Meijer. A shared access was proposed for the north end of the property close to Auburn to connect to the current Stone Shop, which was for sale. The Fire Department requested a fire access lane to Auburn, but that would be a rolled curb grass paver access that would not look like a driveway to motorists. She noted that the Tree Removal Permit was to remove some landscaping trees that had been planted by Meijer. She concluded that all staff had recommended approval with some conditions as noted in the review memos, and that she would be happy to answer any questions.

Mr. Dettloff asked Ms. Roediger to explain the entryway relocation. Ms. Roediger advised that the curb cut would not change at all. The proposed plan would bump the curb out to the south to give a little more buildable space for the development. The applicant was also proposing a sidewalk connection from Auburn by the building to the Meijer property.

Chairperson Brnabic noted that the motion for the Tree Removal Permit stated the removal of up to 17 trees, but 14 had also been shown, and she asked if it should be changed. Ms. Roediger felt that it should stay as it was to err on the more conservative side until things were finalized. Chairperson Brnabic asked if the applicants had anything to add, but they did not.

Mr. Dettloff asked the applicants if it was their first Culver's. Mr. Zielke advised that they had one in Livonia, as well. Mr. Dettloff clarified that it would be a purchase not a land lease. Chairperson Brnabic asked if the purchase was completed, and Mr. Zielke said that it was still under contract.

Mr. Hooper brought up the modifications regarding the setbacks - the front yard aerial, front yard minor - and façade transparency that the Commissioners were being asked to approve. He observed that the front yard would be set back further from the road than was normally allowed in the Flex district. Ms. Roediger agreed. They talked about pushing the building as close as possible to the road, but there would be a drive-through and an access around the building for the Fire Department. She noted that there was no parking in front of the building. Next to

Auburn was the amenity area with benches and landscaping; then the fire lane, and then the outdoor patio. It still represented active space in the front of the building without having parking. Mr. Hooper thought it was similar to the Taco Bell on Walton. He asked about the front yard minor setback and if it was a little further away from the access road. Ms. Roediger explained that it was also due to the drive-through; they could not meet the setbacks with the drive-through lane. Because it was an outlot, the parcel had three front yards. Mr. Hooper said that he was o.k. with that. He mentioned the façade transparency. Ms. Roediger claimed that requirement was quite strict, and she felt it was intended more for retail shop fronts where there was glass that covered the shopping windows. If it was applied to restaurants, there could be seating along the windows, but it was hard to meet that requirement sometimes. She looked at it as a discretionary review the Planning Commission had the ability to modify if they felt the architecture of the building met the intent of the district. She felt that it did with the stone front, and that it had a very welcoming façade, just not the transparency found on retail typically. Mr. Hooper considered that it was more brick and mortar versus glass.

Mr. Zielke added that part of the parapet wall would cover the rooftop units. Instead of bringing the walls down lower, they would use the parapet walls and the architecture of the building to bring up the façade and make it more attractive rather than bringing it down lower and having a screen wrapped around the units.

Mr. Hooper asked if the brick work would go all the way to the top or if there would be EIFS. Mr. Zielke agreed that there would be EIFS at the very top. There would be a metal cap on top of the EIFS and stone below. There would be a striped awning, versus the solid blue that was shown in the picture to make it stand out. He showed an example of the awning colors.

Mr. Schroeder had noticed on the drainage drawing that there would be detention in the employee parking area. Mr. Zielke said that was correct. Mr. Schroeder asked if it was because the overall detention for the site was deficient. Mr. Zielke said that it had more to do with the soil conditions. They tried to use the ground to let it percolate and recycle into the earth, but there was too much clay to do that. Mr. Schroeder said that he liked the treatment on the building. He also thought that it was kind of unique to have an isolated area for the employee parking. Mr. Zielke said that it had worked out very well having it behind the back of the building.

Mr. Hooper noted that there were a lot of fast food entities that had claimed that 65-70% of their business was drive-through. He asked what Culver's historically saw. Mr. Zielke answered that it was 35-40%. He explained that a lot of families had a tendency to come and enjoy a sit down experience. He commented that it was more of a culture type of a restaurant. They were very involved in the community, and they built their growth by creating an experience for people. Mr. Hooper asked if that drove the need for more parking, which Mr. Zielke confirmed.

Chairperson Brnabic opened the Public Hearing for the Conditional Use Recommendation at 7:28 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Kaltsounis felt that with all the drive-throughs in town, the subject area was made for a drive-through. There were not many residents, and Meijer was a neighbor. He thought that with the size of the drive-through and with ample parking, that it was a good spot for the restaurant. Hearing no further discussion, he moved the following, seconded by Mr. Schroeder:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-015 (Culver's of Rochester Hills) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to construct a drive-through, based on plans dated received by the Planning Department on July 19, 2016, with the following seven (7) findings.

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.*

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

2016-0321

Request for a Tree Removal Permit - City File No. 16-015 - for the removal and replacement of as many as 17 trees associated with the construction of a 4,062 square-foot Culver's Restaurant on Auburn, to be located on a 1.08-acre outlot on the Meijer property at the southeast corner of Rochester and Auburn Roads, zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant

MOTION *by Kaltsounis, seconded by Schultz, in the matter of City File No. 16-015 (Culver's of Rochester Hills), the Planning Commission grants a Tree Removal Permit to remove and replace up to 17 trees, based on plans dated received by the Planning Department on July 19, 2016, with the following three (3) findings and subject to the following two (2) conditions.*

Findings

1. *The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
2. *The applicant is proposing to replace six existing trees being removed on the Meijer property with six Linden trees.*
3. *The applicant is replacing 17 trees with 17 tree credits or the associated contribution to the City's tree fund if replacement trees are not proposed.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.*

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

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

Absent 3 - Morita, Reece and Yukon

2016-0301

Request for Site Plan Approval - City File No. 16-015 - Culver's of Rochester Hills, a proposed 4,062 square-foot restaurant on 1.08 acres on Auburn Rd. to be located on an outlot on the Meijer property near the southeast corner of Rochester Rd. and Auburn, zoned B-3 Shopping Center Business with an FB-3 Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 16-015 (Culver's of Rochester Hills), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 19, 2016, 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 setbacks are modified based upon the Planning Commission's determination that the building is located similarly to other outlot development in the City; it will not negatively impact the potential of adjacent parcels to develop in accordance with the standards of Article 8; is necessary for adequate fire safety; and will be compatible with adjoining properties as the project is part of a larger development.*
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 it will not make future adjacent development impractical; that evidence has been submitted demonstrating that compliance with the standard makes development impractical; that it is the smallest modification necessary; and that it will permit innovative design.*
4. *The proposed project will be accessed by an existing driveway, 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. *The applicant has submitted evidence that additional parking is necessary based on demand on a typical day and the Planning Commission has the ability 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 \$36,499.00, as adjusted as necessary after all landscaping has been determined with a cost estimate for additional ornamental trees and shrubs and the irrigation plan 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 Kaltsounis, seconded by Dettloff, that this matter be Approved. 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 after each motion that it had passed unanimously. Mr. Hooper thanked the applicants for their investment in the City. Ms. Roediger advised the applicants that the Conditional Use request would likely go before City Council on August 29. Mr. Kaltsounis asked the proposed timeframe. Mr. Zielke said that it depended on a few things. He had to re-do the parking lot, and they were trying to get that done before the asphalt plants closed in mid-November. It also depended on the weather. If they could get the footings in the ground and get the shell up, they could open in early spring. Mr. Dettloff noted that they had referenced 12 jobs per shift, and he asked if they would be part or full time. Mr. Zielke said that it varied. They had high school kids to managers who tended to be older. Mr. Dettloff pointed out that the City had a good student workforce.

2016-0309

Request for a Tree Removal Permit - City File No. 16-012 - for the removal and replacement of as many as seven regulated trees associated with the

renovation and construction of a restaurant, warehousing and brewery building for Griffin Claw Brewery, located at 2273 Crooks Rd., at the northeast corner of Crooks and M-59, zoned REC-I Regional Employment Center - Interchange, Parcel No. 15-28-151-004, Scott LePage, ESM Properties, Applicant
(Reference Staff Report prepared by Sara Roediger, dated August 12, 2016 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Scott LePage, ESM Properties, 2273 & 2265 Crooks Rd., Rochester Hills, MI 48309, Roman Bonislawski, RonandRoman and Keith Ahee, Kelly Building and Development Company.

Ms. Roediger advised that staff had been working with the applicants for quite awhile. It was their intention to close Eastside Mario's. Clubhouse BFD would remain, and Eastside Mario's would be replaced with a new warehouse and brewing facility. As the members knew, the property had been recently rezoned to REC-I, which allowed the proposed use, to encourage redevelopment at the interchange. The site would be improved with regards to landscaping, lighting, sidewalk access and better access in from Crooks. The site was just south of the Clinton River Trail and would provide a nice destination for bikers, and bike racks would be provided. Because the site existed, there were trees primarily in the parking lot that would be coming down because they were regulated. The applicants proposed to replace the trees along the eastern side that abutted the Concorde Inn. She concluded that staff recommended approval with conditions as indicated in the reviews, and said that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything to add. Mr. Bonislawski agreed that it had been a long process, and he thanked Mr. Anzek and Ms. Roediger for the great work. He commented that they were very proud of what they did in Birmingham, and he hoped that the Commissioners had an opportunity to see that facility. They were bringing the same design to Rochester Hills. He also said that they were proud to be the first enterprise that fit the new zoning requirements for the district. They saw the importance of its position with regards to M-59 and the fact that it was an important interchange in Rochester Hills. As the process started, there was consideration for getting a building up quickly with a pre-engineered building, but they steered the clients into another direction. It would cost a lot more, but it was respectful of the position. He said that he would be happy to discuss any aspects of the project.

Mr. Hooper asked if the operation would be considered a manufacturing

facility selling wholesale or be a manufacturing facility with a small retail component. He asked exactly what the business model was.

Mr. LePage explained that they would sell the beer to the distributor as well as serve the product and also have a retail component for their brand. Mr. Hooper asked what percentage would be for sale versus wholesale. Mr. LePage said that in Birmingham, it was 50-50 for what was going into distribution and what was consumed on the property. They expected it to be 80-20 in the next year and a half - 80% would be distribution. He noted that the restaurant scale was maxed out. The distribution footprint in Rochester Hills would supplement the Birmingham facility, because they had run out of space.

Mr. Hooper mentioned Big Buck Brewery in Auburn Hills which had been sitting vacant for 14 years, and he asked how the proposed business would be different. Mr. LePage remarked that it would be good beer. He believed that Big Buck brewed and served on site and did not distribute its product. His products were in the State of Michigan with plans for expansion in the Midwest. They were only held back by space. The Birmingham facility could handle Michigan, and if they wanted to look at Wisconsin, Ohio and Indiana, they needed to be able to brew more beer. The taproom was a by-product, and they would have more capacity.

Mr. Hooper asked if the building would have clear story. Mr. Bonislawski said that it would be kal wal, which was being proposed for the upper 20 feet around a majority of the building. The facades of the building that faced south and west would have kal wal. He said that they had taken a modernist approach to the building using a very high quality material that would illuminate nicely from the interior. The bottom would be concrete masonry all the way around. He felt that it would be "a great juxtaposition of the utility of the concrete block below and the refinement of the kal wal material above and the lighting qualities associated." They were also cognizant of the mechanical requirements. The grain silos would be highlighted, as they were an integral component of the brewing. Along the southern façade, there would be stainless cooling equipment and pipes coming into the building, which was also part of the brewing facility. He pointed out that it was a reasonably neutral building but cleanly defined all the way around. He stated that the brewery was being put on as a show at this location, and he thought it would be a great view for everyone passing by on M-59. Mr. Hooper said that there was no question that the grain silos would be the dominant feature.

Mr. Hooper asked if the fence would really be decorative. Mr. Bonislawski

noted that there would be a long run of straight fencing, and they would use a black, powder coated chain link fence to prevent vandalism, which was intended to be invisible. Mr. Hooper clarified that it would not be decorative, and Mr. Bonislowski agreed, but he claimed that they wanted simplicity with all the stainless equipment.

Mr. Hooper asked about the height. Mr. Bonislowski said that it would be 30 feet to the top of the parapet. Ten feet of it would be concrete masonry and 20 feet would be kal wal, and then it was capped with aluminum.

Mr. Kaltsounis joked that he did not drink beer. He said that when he opened the plans, he thought he saw a warehouse. He realized that it was a Regional Employment Center district and if they wanted something different, it was probably the place for it. Mr. Bonislowski had walked them through a few things, and Mr. Kaltsounis said that he was starting to feel better about it. He considered that everything above the brick would be a translucent, cloudy material that would look illuminated. He thought that would give the opportunity to get light during the day, and it would be lit at night to showcase the building. He clarified that it would be backlit. Mr. Bonislowski agreed that it would by means of the light transmitting on the interior. Mr. Kaltsounis said that at first, he looked at it as an industrial building, but he liked it better and better. He thought that it would look great to people going down M-59. He asked about the business. He had heard about consuming and selling, but he did not see many doors. Mr. Bonislowski clarified that the sales would be through BFD. The facility would not have an assembly function. There would be a viewing window from the inside of Clubhouse BFD to see the brewing action. Mr. Kaltsounis asked if they owned BFD, which was confirmed, and he realized that would be the gateway into the brewery. Mr. Bonislowski stated that the brewery would be the operations, but that did not mean they could not play up the building and make it an important piece of architecture.

Mr. Kaltsounis asked if the Planning Commission would see the applicants for a liquor license request (Conditional Use). Mr. Anzek said that there was a license already in existence for Clubhouse BFD. If they were bringing a license in from the outside, it would need to go through that process. Mr. Kaltsounis asked if that applied to the sale and take out of alcohol. Mr. Anzek agreed, but said that there might be a distribution license needed, which would be handled through the Clerk's office. Mr. Kaltsounis said that he appreciated the applicants considering Rochester Hills to invest.

Mr. Schroeder said that he would like to be assured that the applicants owned or would own the property. Mr. LePage confirmed that he owned it. Mr. Schroeder wondered if the silos outside would be affected by extreme heat or cold. Mr. Bonislowski responded that they had been operating in Birmingham for four years with the same outdoor silos. Silos always ended up on the exterior because there were safety issues and the grinding of grain. He assured that the grain silos were designed to operate in an exterior fashion in extreme temperatures.

Mr. Dettloff commented that it was exciting, and the City was happy that they had chosen Rochester Hills. He had been to the Birmingham location, and he thought it was a first class facility. He remarked that he was blown away by the craft beer industry, but he wondered where it stopped. In looking at the research, it was like a blank check, in his opinion. It seemed as if everyone wanted a craft beer facility in their town, and he wondered if there would be a saturation point.

Mr. Bonislowski believed that they could always look to capitalism to define when something would not work because it was not good enough. Michigan was very strong in the craft market. They noticed a turn around when women were embracing beer in a huge way. He agreed that the trend had exploded. He felt that it came down to great product, and Griffen Claw was a one-of-a-kind story. There had been many brewers that had started, but none had the success that Griffen Claw had. He was sure that at some point, saturation would be reached, and those that could not make it would bow out.

Mr. Dettloff saw that there would be six employees for the brewery and 40 for the restaurant. He asked if those jobs would be full and part time, which was confirmed. It was mentioned that they only distributed in Michigan, but they wanted to go regional. Mr. LePage said that they could at any time, but they thought they would master Michigan first and be really good at it. Brewing schedules were complicated, and he felt it would take another couple of years. Mr. Dettloff asked if at some point they would do other product. Mr. Bonislowski advised that currently in Birmingham, they were distilling. They had a building specifically for the aging of bourbon. It had to age for three years, and they had about 350 barrels going. They would have a distillery in Rochester Hills, which would not be a major operation, but a small portion of the building would break the kal wal material with a window, and in that window would be a distillation tower along the primary parking lane everyone would walk by.

Mr. Schultz also stated that he was very excited for the project to come to

Rochester Hills. He saw a documentary about how craft brewing was helping to regenerate the rust belt and the many communities that were struggling with functionally obsolete buildings and jobs. That industry had helped them survive. He thought that the building was very attractive.

Mr. LePage noted that he had gotten a letter from the Mayor of Adrian that said, "We Want You" with a picture of Uncle Sam. The Mayor said that they had buildings for them. Mr. Schultz said that it was a great entrepreneurial story, especially the re-use of structures, and it was fabulous to see it come to the community.

Mr. Kaltsounis said that he used to work in the bourbon trail, and he knew a lot about it. He asked Mr. LePage how he would make bourbon without Kentucky limestone water. Mr. LePage said that they used Birmingham water now. Their bourbon age house was open to the elements year round to create the same environment where the heat was extracted and the wood contracted. The water was the difference, but they had not tasted it yet.

Mr. Kaltsounis said that he walked into the meeting with sort of a negative attitude, but he was walking out with a positive one. He thought that the architectural choices were top notch, and he looked forward to other companies in the City seeing the building. They were starting to see a lot of exciting designs, and he mentioned JENOPTIK, and he felt that their facility would be a center point for the City. He moved the motion:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 16-012 (Griffin Claw Brewery), the Planning Commission grants a Tree Removal Permit, for the removal and replacement of as many as seven regulated trees, based on plans dated received by the Planning Department on August 1, 2016, with the following two (2) findings and subject to the following two (2) conditions.

Findings

- 1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.*
- 2. The applicant is proposing to replace seven regulated trees with eight trees on site.*

Conditions

- 1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
- 2. Should the applicant not be able to meet the tree replacement*

requirements on site the balance shall be paid into the City's Tree Fund.

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

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

Absent 3 - Morita, Reece and Yukon

2016-0310

Request for Site Plan Approval - City File No. 16-012 - for the renovation and construction of a restaurant, warehousing and brewery building on 3.14 acres for Griffin Claw Brewery, located at 2273 Crooks Rd., at the northeast corner of Crooks and M-59, zoned REC-I Regional Employment Center - Interchange, Parcel No. 15-28-151-004, Scott LePage, ESM Properties, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-012 (Griffin Claw Brewery), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on August 1, 2016, with the following five (5) 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 Crooks, 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 and truck traffic will avoid the main roads coming directly off of M-59 and use the rear of the building for deliveries.*
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. *Provide a landscape bond for replacement trees, landscaping*

plantings and irrigation in the amount of \$37,800.00 plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.

2. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Approved. 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. Mr. Bonislowski thanked the staff and Ms. Roediger and Mr. Anzek, in particular, for their effort over the last months, and they were looking forward to opening. Mr. Hooper thanked the applicants for their investment in Rochester Hills. Mr. Dettloff asked the anticipated opening. Mr. Bonislowski noted that the construction documents were almost completed, so they were on the cusp of starting.

2016-0302

Public Hearing and request for a Wetland Use Permit Recommendation - City File No. 16-010 - Henry Ford Pharmacy Advantage, for impacts to approximately 965 square feet associated with the construction of a 25,667 square-foot office building on 3.2 acres located on the north side of South Boulevard, between John R and Dequindre, zoned O-1 Office Business, Parcel No. 15-36-352-025, Glenn Jones, Dembs Development Applicant
(Reference Staff Report prepared by Sara Roediger, dated August 12, 2016 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Ryan Dembs, Dembs Development, 27750 Stansbury, Suite 200, Farmington Hills, MI 48334, Brian Liming, Faudie Architecture, and Tom Gizoni, Alpine Engineering,

Ms. Roediger stated that the proposal was for a new office building on South Boulevard. The three actions being requested were Wetland Use Permit Recommendation, a small Natural Features Setback Modification and Site Plan Approval. The property backed up to M-59, and it was zoned Office. The plan had been through three reviews, and staff recommended approval. She noted that there was a low quality wetland along the edge of the eastern property line, which was regulated, and the applicants were proposing to construct a boulder wall to better separate the flow from the wetland. She indicated that it was a fairly straight forward project, and she felt that it would be a nice addition along the office

corridor on South Boulevard.

Chairperson Brnabic opened the Public Hearing regarding the Wetland Use Permit at 8:08 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Hooper commented that he was trying to get a feel for what exactly the business was. He could see offices and racks of storage, and he asked if there would be retail sales or exactly what it would be. Mr. Liming said that there were two parts. There would be a call center to take incoming information for prescription fills and in the back of the building, the prescriptions were actually filled and sent out. They dealt with a lot of high end, rare drugs. Mr. Hooper asked if it would be a compounding facility - if they would make the pharmaceuticals. Mr. Liming said they would not; they would fill bottles for different hospitals. Mr. Hooper considered that it would be like a regular pharmacy, but Mr. Liming said it would not be open to the public. Mr. Hooper noticed that there was a lobby, so he thought people from the outside could walk in. Mr. Hooper asked who the clientele was. Mr. Dembs advised that it would be major hospitals and doctors. Mostly, it involved rare drugs for rare diseases. They would be costly drugs and hard to get. This was Henry Ford's division of the pharmacy to handle that. Mr. Hooper asked if there were other facilities like it in Michigan. Mr. Dembs said that the facility would be moving from Troy. They were growing, and the current facility was about 10,000 square feet, so that was the need for a new building. Mr. Hooper referred to the EIS which stated that there would be 90 employees, and he asked if that was accurate, which Mr. Dembs confirmed. Mr. Hooper asked if it would just operate during the day. Mr. Dembs agreed it would just have regular office hours. Mr. Hooper clarified that the call center would operate from 8-5 Monday through Friday.

Mr. Anzek said that he was familiar with the operation because with the health insurance the City had, HAP, Henry Ford provided a three-month maintenance prescription refill. It was called in and shipped, and that was currently being done in the facility in Troy. When they first met with the applicants, they said it would be the same operation, just bigger. The Troy operation was next to Optimize by Oakland Mall. Mr. Dembs added that they did not advertise the pharmacy in Troy, so people did not know it was there. Mr. Hooper remarked that there was a good reason for that.

Chairperson Brnabic summarized that there would be 90 employees and they planned to add 30 more, so she asked if that was the reason for the request for additional parking. Mr. Dembs said that was correct.

Mr. Dettloff asked if they would be closing the Troy facility. Mr. Dembs said it would close, but Optimize would expand into that space. Mr. Dettloff asked if the pharmacy would only distribute to Henry Ford affiliates or if they sold outside of the network. Mr. Dembs did not know the answer, but he believed it was only to Henry Ford's network in Michigan.

Mr. Kaltsounis thanked staff for bringing developments that were appropriate for the different types of zoning. He suggested that it planted the seed as to how the City wanted areas to grow, especially the South Boulevard corridor. He knew that the corridor had been planned for over 12 years for medical office, and it was slowly starting to "work its way across" the corridor. He moved the following, seconded by Mr.

Schroeder:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-010 (Henry Ford Pharmacy Advantage) the Planning Commission **recommends** City Council **approves a Wetland Use Permit** to permanently impact approximately 965 square feet to construct an enclosed culvert and associated grading as part of the development, based on plans dated received by the Planning Department on July 22, 2016, with the following two (2) findings and subject to the following four (4) conditions.

Findings

- 1. Of the 0.16 acre of wetland area on site, the applicant is proposing to impact 0.06 acres.*
- 2. Because the wetland areas are of low ecological quality and are not a vital natural resource to the City, and impacts should have little effect on the current primary function of the southern watercourse, the City's Wetland consultant, ASTI, recommends approval.*

Conditions

- 1. City Council approval of the Wetland Use Permit.*
- 2. If required, that the applicant receives all applicable DEQ and OCWR permits prior to issuance of a Land Improvement Permit.*
- 3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.*
- 4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.*

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

2016-0303

Request for a Natural Features Setback Modification - City File No. 16-010 - Henry Ford Pharmacy Advantage, for impacts to approximately 420 linear feet associated with the associated with the construction of a parking lot, retaining wall and associated utilities, an enclosed culvert and associated grading for a 25,667 square-foot office building located on the north side of South Boulevard between John R and Dequindre, zoned O-1 Office Business, Parcel No. 15-36-352-025, Glenn Jones, Dembs Development, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-010 (Henry Ford Pharmacy Advantage), the Planning Commission **grants Natural Features Setback Modifications** for the temporary and permanent impacts to as much as 470 linear feet of natural features setbacks associated with the construction of the proposed parking lot, retaining wall and associated utilities, the enclosed culvert and associated grading and in the adjacent property near the southeast corner of the site from proposed grading activities associated with the proposed enclosed culvert, based on plans dated received by the Planning Department on July 22, 2016, with the following three (3) findings and subject to the following one (1) condition.

Findings

1. *Natural Features Setback Modifications are needed to construct the parking lot, retaining wall and parking lot.*
2. *Because the Natural Features Setbacks are of poor floristic quality, sparsely vegetated and offers minimal buffer quality to the linear wetland, the City’s Wetland consultant, ASTI, recommends approval.*
3. *The applicant has provided a letter from the adjacent property owner giving permission to do the proposed grading activities planned off-site.*

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

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

Absent 3 - Morita, Reece and Yukon

2016-0304

Request for Site Plan Approval - City File No. 16-010 - Henry Ford Pharmacy Advantage, a proposed 25,667 square-foot office building on 3.2 acres, located on the north side of South Boulevard, between John R and Dequindre, Glenn Jones, Dembs Development, Applicant

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-010 (Henry Ford Pharmacy Advantage), the Planning Commission approves the Site Plan based on plans dated received by the Planning Department on July 22, 2016, 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 applicant has submitted evidence that additional parking is necessary based on demand on a typical day and the Planning Commission has the ability to modify the requirements based on this criterion.
- 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 Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
 1. Provide a landscape bond in the amount of \$70,970.00 for landscaping, irrigation and replacement trees, prior to temporary grade certification being issued by Engineering.
 2. Provide an irrigation plan prior to final approval by staff.
 3. Payment into the tree fund, if necessary, for landscaping deficiency of deciduous and evergreen trees, prior to temporary grade certification being issued by Engineering.

4. *Compliance with the department memo comments, prior to final approval by staff.*

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Approved. 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 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 concerns 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-I 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 all types of drive-throughs were intended to be conditional uses.

Mr. Hooper thought that if it was a permitted use, they would 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 was 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 it was a zoning consideration and not a 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 approved that way. He asked if the Ordinance should be corrected with regards to drive throughs as conditional uses 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

(Reference Memo prepared by Sara Roediger and Ed Anzek, dated August 12, 2016 and Ordinance Amendment had been placed on file and by reference became part of the record thereof.)

Ms. Roediger stated that the petition was at another request of the Zoning Board of Appeals (ZBA). Meijer has a satellite Huntington Bank facility in its store, and the bank would like a drive-through installed in the parking lot. The Ordinance indicates that all drive-through facilities have to be attached to the primary structure. The applicant went to the ZBA, and the

ZBA thought that the request had merit and that it was becoming more of a trend, not just an isolated incident, but the request was denied due to the Ordinance. The ZBA thought it would be appropriate to re-consider the requirements for drive-throughs to be able to be detached from facilities, and they directed staff to work on an amendment and bring it to the Planning Commission/City Council as soon as possible. Staff thought about the potential impacts and added a section stating that "Drive-through uses detached from the primary structure shall be permitted only if the drive-through use is directly related to an occupied tenant of the property." She and Mr. Anzek tried to think of potential abuses of drive-throughs, and she mentioned Red Box movie rentals for which they did not want to see a lot popping up all over. With regards to maneuvering in a parking lot, they wanted to ensure that there would be adequate stacking spaces and that it was safe for the overall parking and site layout. She advised that it would still be a Conditional Use and be reviewed under discretionary terms.

Mr. Anzek indicated that he and Ms. Roediger had some interesting discussions playing devil's advocate. He remembered Photo Mats and some drive-through coffee places years ago, and they did not want to get inundated with unintended consequences. They thought that if there was a tenant of a principal building, such as a bank in Meijer, there was merit to support the business. Key to that was to avoid little pop ups in the smaller strip centers. Someone could not install one without seriously impacting the maneuverability of the smaller parking lots. He did not consider a Red Box sitting in a Kroger as a tenant. It was taking space, but it was not occupied. They went back and forth and finally came up with language they were comfortable with that they felt would avoid abuses. He reiterated that as a Conditional Use, if the Planning Commission found that a layout would be detrimental to life, health and safety, it could be recommended for denial. He recalled many free-standing ATMs in bank parking lots when he was growing up that had become a drive-through window, and it was trending back.

Ms. Roediger noted that a few weeks ago, they had a presentation from the consultant who was helping with the Auburn Road Corridor Study. He talked about the future of retail, and he asked how often people went into banks any more. They knew that ATMs were used frequently for all kinds of transactions. Mr. Cohen (consultant) considered that as they moved into the future, typical, large-scale banks with five bays might become more obsolete. It was a convenience trend that was gaining traction.

Mr. Dettloff recalled that a few years ago, the Commissioners had

approved a site plan for a stand-alone ATM at the Rochester Plaza on Walton. Mr. Anzek agreed. He added that at that time, Mr. Breuckman (former Planner) had missed the section in the Ordinance that said that facilities separate from the main structure were prohibited. Mr. Anzek said that it had expired and was not built.

Chairperson Brnabic noted that she was also at the ZBA meeting when Huntington's request for a Variance came before them. The bank leased space in Meijer, and they wanted more convenience for their customers. The majority of the ZBA members did not find a hardship, because Meijer was open 24 hours, and people could access the ATM inside. The ZBA did not want to set a precedent, but they passed a Resolution asking the Planning Commission to review and evaluate the drive-through Ordinance to determine if it should be amended. She could think of a lot of sites where ATMs could be located - Meijer, Walmart, Lowe's, Home Depot, Target, perhaps the former K-Mart property or even Kohl's. As long as a store that leased space to a bank, for example, had adequate parking and stacking spaces, amending the Ordinance would permit drive-throughs in a parking lot, but she was concerned that there could be a multitude popping up in the City.

Mr. Schultz mentioned the point about Red Box or similar elements popping up in parking lots, and he said that he was struggling with a couple of components in the amendment, and it was not necessarily the context of what would happen in a parking lot. He felt that some good points had been made at the ZBA meeting. Some members were not happy with the overall concept of putting a remote ATM in a parking lot. They felt it was safer to walk into the Meijer and walk out with a fistful of cash. He struggled with that, because he felt that staying in a car would be safer for a late ATM transaction. He supported the remote ATM-type of use, but he and Commissioner Kaltsounis had been discussing what would happen when it no longer fit a bank's use or if a bank decided to vacate. He felt that they might need language that said that if a facility was no longer being used, it should be removed and the area restored to pre-existing conditions. He had observed some former ATMs that were now just a shed roof in a parking lot.

Mr. Anzek said that it was a point well taken. For a user to get permission from the City, he would have to provide something from the owner that was assignable that obligated him to remove and restore it to previous conditions. Mr. Anzek mentioned that staff had been working with Mr. Staran on the issue of non-profits having colorful "dumpsters" in parking lots. They had won a court case that made it possible for them to be

visible to the public and available to be put in the front of parking lots. Staff was trying to find places that were not so obvious but would be within the law. He was not faulting any of the organizations - it was a service they provided, and there would be more in the City. As long as there were restrictions placed related to an occupant, he thought that a lot of places could be eliminated, so he was not overly concerned about proliferation of drive-throughs associated with an internal bank, but more so with the non-profit "donation bins," as Ms. Roediger referred to them.

Mr. Kaltsounis asked Ms. Roediger to pull up google maps for Telegraph and Huron. He drove by the area all the time and cringed. There was a CVS on the corner that had an ATM drive-through that looked like an RV right against the road. It worried him that they would be walking into that type of situation. He was not against a detached drive-through, but he was thinking about the curbside pickup they recently approved on the side of the Meijer building. He considered that they would now have a Culver's drive-through as well and there would be a kid pushing cars in from the parking lot which could be dangerous. He said that he could not really say yes to the Ordinance as written. He recalled the bank that closed that was turned into a day care center on property his family owned. The bank asked the tenants of the day care center to leave the ATM drive-through. It was a reasonable distance from the street. He would lean towards that restriction - how far a detached ATM should be from the building. He felt that everyone would want something big out by the road.

Mr. Anzek said that he was a little shocked by the examples shown, because he had always envisioned the ATMs to be non-obtrusive, yet the ones shown had a big roof over them. He agreed that they needed to look at size, weather protection, awning size and other limitations. Mr. Kaltsounis reiterated that he was not opposed to the concept; he just felt that there needed to be restrictions so that ATMs were more harmonious with the environment.

Ms. Roediger noted that the examples shown were at more of the urban, walkable places. If someone was walking along the road to an ATM, there would be something closer to the street than having to walk through a large parking lot. A lot of examples on line were more pedestrian-oriented. She realized that it would be a subject they would struggle with, and they gave it their best effort to protect some of the unforeseen things. She maintained that it was hard to apply setbacks across every district, especially those that had a zero setback.

Mr. Dettloff asked if there were any groceries or drugstores in town that had an ATM by the road. Mr. Kaltsounis said that he could guarantee that the Kroger at Walton and Livernois, where his wife worked, would put a drive-through next to the Taco Bell. Mr. Anzek said that Kroger did inquire about putting one on the north edge of their building, but that was before they did a renovation. He thought that it would have created a traffic conflict.

Mr. Dettloff reminded that CVS owned pharmacies in Target now, so technically, they could propose something at Hampton Village as an occupied tenant. Mr. Anzek agreed that there were things that needed further messaging and thought. He wanted to know if the Commissioners felt it was worth pursuing if they further refined the standards. He asked for their input as to whether a distance from the street should be added or something that made it appear integral to the development. Mr. Kaltsounis said that was why he had mentioned his old day care center. People saw the ATM when driving by, but it was at the back by the building.

Mr. Kaltsounis recommended postponing the matter based on the comments. Ms. Roediger mentioned that staff recently went out for a bid for a planning consultant. One of the first tasks for the consultant would be to work on Zoning Ordinance amendments. The consultant might have some ideas about what standards other communities had for detached ATMs.

Mr. Schroeder felt that they had discussed the matter quite thoroughly, but he stated that they could cause real traffic problems. He did not feel that ATMs could be put in a parking lot because of it, and that they would have to be placed on the perimeter. They would not want it behind a store because of safety or potential theft. He recommended that they had to be separated from the parking lot in some way.

Mr. Anzek was not sure how one could be separated from the parking lot because everyone basically built parking lots and maneuvering lanes right up to ten feet off the right-of-way. Mr. Kaltsounis asked Ms. Roediger to pull up the day care center again. He pointed out that the ATM had been closer to the building than the street, and he suggested that they might want to add language to that effect. Mr. Schroeder asked if the ATM had taken a parking spot, which Mr. Kaltsounis confirmed. Mr. Schroeder asked if it got much use, and Mr. Kaltsounis stated that it definitely did and brought in income.

Mr. Anzek thought that it was appropriate to postpone the matter and a good idea to have the consultant work on the amendment. He indicated that staff always welcomed the Commissioners' thoughts, so if they were driving out and about and they thought of something, they might wish to email him or Sara.

Chairperson Brnabic opened the Public Hearing at 9:14 p.m. Seeing no one come forward, she closed the Public Hearing.

MOTION by Kaltsounis seconded by Schroeder to postpone the Drive-through Ordinance amendment indefinitely until staff has had time to incorporate the Commissioners' thoughts and comments and bring it back at a future date.

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Postponed. 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.

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 20, 2016.

ADJOURNMENT

Hearing no further business to come before the Planning Commission, Mr. Kaltsounis thanked staff for bringing forward developments that "fit the bill," and he moved to adjourn, seconded by Mr. Schroeder. Chairperson Brnabic then adjourned the Regular Meeting at 9:18 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary

