



Rochester Hills

Minutes - Draft

Planning Commission

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

Tuesday, April 4, 2017

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 7 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita and David Reece

Excused 2 - C. Neall Schroeder and Ryan Schultz

Quorum present.

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

APPROVAL OF MINUTES

[2017-0140](#) February 21, 2017 Regular Meeting

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

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita and Reece

Excused 2 - Schroeder and Schultz

COMMUNICATIONS

- A) Planning & Zoning News dated January and February 2017
- B) Certificate of Appreciation for Emmet Yukon
- C) Mayor Barnett

Mayor Bryan Barnett stated that he wanted to come and thank the members for their service. He knew that it was one of the more challenging boards to serve, and that it took a significant amount of time

and investment to prepare. There were several projects on the agenda for which Administration was strongly supportive, and he felt that they would be a great inclusion into the City. He wanted to officially recognize the City's new Planning Director, Ms. Sara Roediger. She was given the title about a week prior, and he stated that he could not be more proud. He wanted the Commissioners to know that Ms. Roediger absolutely earned it. She competed with candidates across the region and State, and he knew that he already had the absolute best in house. Ms. Roediger had his full support moving forward, and he was thrilled that she had accepted the challenge. He looked forward to her leadership, knowing that she would service the Planning Commission well. He mentioned that she had moved into Rochester Hills recently.

The Mayor stated that it was the first meeting of the "newly constituted" Planning Commission, and he wanted to thank Mr. Emmet Yukon for his years of service on the Planning Commission. The Mayor commented that Mr. Yukon was an excellent member and a good friend, and the Mayor would like to see him on other committees. The Mayor also welcomed Mr. Ed Anzek, former Planning Director, to the Planning Commission. He felt that Mr. Anzek would bring some great expertise, and he looked forward to his contributions. He thanked the members for the good work they were doing on behalf of the City.

NEW BUSINESS

2017-0143

Request for Site Plan Approval - City File No. 17-004 - Emagine Theater Expansion, a 15,266 square-foot addition to the existing 47,971 square-foot theater at 200 Barclay Circle, south side of Barclay Circle, east of Rochester Rd., zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, Parcel No. 15-26-351-010, Tower Construction, LLC, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated March 31, 2017 and site plan and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Paul Glantz, Chairman and Founder of Emagine Rochester Hills, 200 Barclay Circle, Rochester Hills, MI 48307; Jason Gekiere, Tower Construction, LLC, 3883 Telegraph Rd., Suite 200, Bloomfield Twp., MI 48302; and Leslie Zawada, Civil Engineering Solutions, 1150 Corporate Office Dr., Suite 210, Milford, MI 48381.

Ms. Roediger stated that the project was a fairly simple expansion of the Emagine Theater. If the expansion had been under 20% of the original building's size, it could have been administratively approved, however, as an addition to a large theater, it was over 20% and needed Planning

Commission approval. The property was zoned B-3, which was how the entire shopping center was developed, with an FB-3 Flex Business Overlay, which was how the addition was reviewed, due to the height. Theaters were a little unique in their requirements, and because of the auditoriums, they tended to be higher than what was normally seen in B-3 zoning. FB-3 allowed the flexibility to go higher, but there was some stricter regulations in terms of landscaping and the amenity area.

Ms. Roediger noted that there were improvements proposed to the entrance coming off Barclay Circle and to connect the sidewalk along the front of the building. The building would be moved closer to Barclay Circle, which was promoted in the Zoning Ordinance to eliminate seas of parking; they would add a small seating area where the existing building met the addition; and there would be improvements to the existing parking lot. The ends of many of the islands were just striped without landscaping, and they would be making them landscaped islands in accordance with regulations.

As part of the FB Overlay, the applicant was requesting some modifications from the strict regulations, which included the front yard setback build-to lines and the building transparency materials. The project was also somewhat unique in that the existing site was developed under B-3, and it was being expanded under the FB Overlay. Everything the applicant was doing met the intent of FB-3, but it would be difficult to meet all the regulations. She concluded that staff recommended approval with conditions.

Mr. Glantz thanked the Commissioners for their consideration. He said that he appreciated the hard work that Ms. Roediger and City staff had put into reviewing the plans. Recognizing the importance of enhancing the quality of the movie-going experience, they lost about 2/3 of their seating capacity when they added new seating. The new seats were occupied at a far higher rate than the former rocking chair seats. Since they lost capacity, they were limited in the current building, and they were seeking the opportunity to expand their business in the community. He thought that they would have fewer aggregate seats than when they first opened, but they would all be of the highest quality. They had reached an accord with the owner of the property to provide for the expansion, and they would enter into a lease amendment.

Ms. Zawada advised that there would be some minor parking lot revisions as well as utility revisions. She showed the proposed floor plan and elevations of the expansion. Mr. Gekiere explained that the two

auditoriums were being added with a total of 259 seats - one with 200 and one with 59. They tried to match the existing elevations as best as they could. The transparency issues were pretty impossible with a movie theater. They were trying to duplicate the brick and would add some EIFS above. They tried to break it up with cultured stone, and they tried to keep with the same theme as the original. He said that they would be happy to answer any questions.

Mr. Glantz advised that the height was largely driven by the fact that one auditorium would be known as a premium large format or EMAX auditorium. There would be a floor-to-ceiling and wall-to-wall screen along with an immersive sound system. He noted that there was also a substantial amount of ground water on the site, so excavating down would be impractical.

Mr. Hooper said that in the Staff Report, it showed 324 parking spaces, but the Building Department showed 753 spaces. He asked why the difference.

Ms. Roediger explained that the theater was in an existing parking lot, so trying to define the actual limits of who used the theater parking versus the shopping center was a little difficult. The Building Dept.'s calculations backed it out from a capacity standpoint (maximum seating in each theater) and worked backwards to get the number of barrier free spaces that would be required.

Mr. Hooper commented that seating capacity was back to the way it was when the theater was first built. Mr. Glantz agreed that there would be fewer seats when the expansion was done than when they first opened the venue. Mr. Hooper said that he had never seen people parking on Barclay Circle or any overflow parking.

Mr. Hooper said that he understood having the two auditoriums, and he wanted all businesses to be successful in Rochester Hills. Regarding the party area, he asked if it would be for church functions or what the purpose was.

Mr. Glantz said that they currently did not have a place to host birthday parties or other celebrations. They thought that it would be a useful space to enable folks to gather and enjoy food and beverages and then see a film.

Mr. Hooper considered their liquor license and asked if the expansion

was going to be for a different purpose than what they currently did. Mr. Glantz said that they would not be changing the character of the business at all. He acknowledged that they would have to notify the State about the change in the size of the building, but they did not intend to operate any secondary form of business or create a bar or restaurant. Mr. Hooper believed that there was at least one church that used his facility, and he asked if that was still the case. Mr. Glantz said that he believed so.

Mr. Hooper stated that he did not have a problem with the requested variances.

Mr. Dettloff thanked Mr. Glantz for making the investment in Rochester Hills, and he wished him continued success. He knew that whatever community Mr. Glantz was in, he was a great asset. Mr. Dettloff asked if the meeting space would be similar to the one in Royal Oak. Mr. Glantz said that he would not say it would be; they were not adding food and beverage operations. Any food brought in would be from offsite catering.

Mr. Dettloff asked when Mr. Glantz planned to start and when he estimated it to be completed. Mr. Glantz said that they were ready to go. They would like to see it up and running for the holiday season. Mr. Dettloff asked if construction would impact any part of the existing theater or if they would have to temporarily shut it down. Mr. Gekiere agreed that they would have to address egress for the two auditoriums, so they would probably build some temporary tunnels or protective coverings. They would create a staging area off of the north end of the building that would be fenced in and separated from public traffic. Mr. Dettloff asked if it would be a land lease, and Mr. Glantz advised that it would be a building lease.

Mr. Kaltsounis thanked Ms. Roediger for her explanation about the height. It was a single-story that would be much higher than usual, but there was a reason. He noted Finding number seven, regarding being harmonious with developments in the adjacent vicinity, and said that as the City was starting to fill up, there was more of a challenge trying to fit a facility like the theater into it. He looked at what surrounded the theater, and there was a sea of parking, a lot of offices and some higher condos down the street. He felt that the location made sense. He wished Mr. Glantz luck with the expansion. He recalled when it was the Star Theater, and Mr. Glantz said it was Star until about 26 years ago. Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Ms. Morita:

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

17-004 (Imagine Theater Expansion) the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on March 20, 2017, with the following eight (8) 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 various curb cuts into the entire surrounding commercial area, 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. *The requested front yard arterial and minor setbacks are modified based upon the Planning Commission's determination that the proposed project is consistent with the intent of the form-based district as established in Section 138-8.100 and will provide activity in an existing, underused parking lot and brings the building closer to the street; the requested option will not negatively impact the potential of adjacent parcel to develop in accordance with the standards of Article 8; the requested option will result in a superior site design or layout than would a permitted improvement or layout.*
4. *The proposed building façade transparency and materials are modified based upon the Planning Commission's determination that the proposed building, as an addition to an existing theater building, will be unable to completely meet the requirements for transparency and building materials in the district.*
5. *The building frontage build-to areas are modified upon the Planning Commission's determination that the modifications will meet the intent of the FB district; 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.*
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. *Provide a landscape bond for landscaping/trees in the amount of \$41,080, 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 Morita, that this matter be Approved. The motion carried by the following vote:

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita and Reece

Excused 2 - Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously. Mr. Hooper thanked Mr. Glantz for his continued investment in Rochester Hills.

2017-0116

Request for Site Plan Approval - City File No. 17-005 - ARaymond Engineering Headquarters, a proposed new 21,982 square-foot building on 6.45 acres located at 2474 Devondale Road, west of Crooks, north of Auburn, zoned REC-W Regional Employment Center - Workplace, Parcel Nos. 15-29-451-001 & -003, Chuck Lee, ARaymond Corporate, Applicant

(Reference: Staff Report prepared by Sara Roediger, dated March 31, 2017 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Michael Piette, JMA Management Group, 16948 Marywood Dr., Macomb Twp., MI 48042; Andrew Danaher, Stucky Vitale Architects, 27172 Woodward Ave., Royal Oak, MI 48067; and David Hunter, PEA, Inc., 2430 Rochester Ct., Suite 100, Troy, MI 48083.

Ms. Roediger stated that the site plans were for a development to be located on the west side of Devondale across from the applicant's

Rayconnect facility at the corner of Austin and Devondale. The proposed office building would be a 22,000 square-foot, single-story. The applicant had discussed expanding in the future, and the building was designed to accommodate a second story in the future. She advised that the zoning was REC-W, and the proposal was exactly the type of business the City would like developed in that location. It would be their engineering headquarters with a little warehousing.

Ms. Roediger said that the site plan was fairly straight-forward, and it met most site layout requirements. The applicants were asking for two modifications - for parking and a loading space. In terms of the parking, the Ordinance capped the maximum amount at 125% of the required parking. For this development, it would be 79 spaces, and they were proposing 86. They had provided information that based on the number of employees, combined with the fact that their Rayconnect facility across the street had a parking shortage, they felt that the extra seven spaces could help address a current shortage and be what they needed for their employees. They also indicated that there would be no loading. There might be a Fed-Ex truck occasionally, but because it was an office with no manufacturing, there would be no large trucks. Staff felt comfortable recommending approval with minor conditions, as the plan met applicable regulations. She said that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything to add. Mr. Piette noted that it was the third phase of a commitment ARaymond made to Rochester Hills in 2008. He was formerly with the firm that developed the Rayconnect project, which was then expanded. He advised that ARaymond had acquired a company called Tinnerman several years ago. Tinnerman was a manufacturing company which helped expand their business line into automotive. The proposed project was a strategy that would enable them to consolidate engineering capacity from both companies. The applicants were going to City Council in a couple of weeks to request a tax abatement. As Ms. Roediger mentioned, there was an anticipated phase two. Mr. Chuck Lee, the President of ARaymond Tinnerman, if he were present, would say that with the current growth expectations, it was their hope that within the next three to four years, they could add another 22,000 square feet to the building. They would like to maintain a lot of the green space on the site, and they had engineered the building to expand vertically. He thanked the Commissioners for agreeing to a Special Meeting.

Mr. Anzek said that as Mr. Hooper might remember, in 1998 the City did

an area development plan for the Austin Ave. extension, with the hope of getting these types of developments. The City paid for the extension with LDFA funds with the intent to attract world headquarters, R&D developments, etc., and he felt that they were right in line with that plan. He hoped that they did the expansion soon than later.

Ms. Morita asked about the landscaping. She observed that there was a residence to the north and one to the south. There was a mobile home park to the west of the site. It appeared that they were adding a lot of screening for the park. There was an existing tree buffer on the south lot line that did not quite extend all the way to the road, and there did not seem to be anything planned for the north lot line. She asked the applicants to explain the reasoning for that.

Mr. Hunter responded that they were trying to comply with the zoning requirements of the City. He offered that they could look at extending some trees. He was not sure if it would make sense for the south side. The future zoning for the north side was REC-W. Ms. Roediger added that the property to the south was not a home; there was a cabinet maker business, and she did not think anyone lived there. Ms. Morita pointed out that there was a residence closer to the road (separate parcel). Ms. Roediger said that there was a home to the north, but it was zoned REC-W, and the Zoning Ordinance did not require a buffer between the two. Ms. Morita maintained that currently, it was being used as a residence, and it was used as a residence before the zoning change.

Mr. Hunter said that they planted in accordance with the zoning, but they could look at some options to enhance the buffer. Ms. Morita felt that it would help to be a good neighbor. She knew that the neighbor to the south was not exactly on the lot line, but someone would still be looking at the building or the parking lot. If she lived in the house to the north, she would appreciate a better buffer. Mr. Hunter claimed that there were quite a bit of existing trees along the western/northern boundary of the site that they were trying to leave in place, so that was why they did not add a lot of landscaping material. Ms. Morita realized that the house farther east did not abut the property line, but their view was a concern to her. She did not think they wanted to see a big, lit building. She said that she would prefer extra evergreen trees on the north property line and where the existing green buffer ended on the south lot line towards the road, but she was not sure what the rest of the Commission felt. Mr. Hunter offered to work with staff and look at adding more landscaping to fill in the north line.

Mr. Dettloff asked if the 77 employees that would occupy the building

would constitute new jobs to the City. Mr. Danaher advised that the employees would be relocated mainly from Auburn Hills. Mr. Dettloff asked if they would be full time positions, which was confirmed.

Mr. Kaltsounis asked the applicants if they would be willing to have a condition added to work with City staff to enhance screening on the north property line. Mr. Piette said that would be fine. Mr. Kaltsounis asked them to explain how the building would look. He noted the blue color and different features, but he wanted a little more detail.

Mr. Danaher stated that the building was being designed to be LEED certified, although they were not going after certification at this point. The intent was to maximize views outside of the building and have natural materials on the building. There would be a wood material at the main entrance to offset some of the stone and metal panels elsewhere. It would be primarily a masonry building with corrugated metal panels, which was the blue product. There would be two colors of masonry; a slate gray and a creamy colored limestone product. They were trying to break up the massing so it did not look like another warehouse building. The owner was very cognizant of wanting the building to look very nice and to complement the existing Rayconnect building since it would be the headquarters. Their goal with LEED was to provide two means of views directly out of the building greater than 90 degrees apart, so there was extra glass on the building. Their vertical expansion was being set as they were sizing structural members of the building to be able to grow. The intent would be to minimize site disruption at that time, because they knew they would have to increase the parking lot. They were setting up their engineering systems to be able to do that, and they hoped that it would be designed shortly.

Mr. Kaltsounis asked where the parking would be located if they added the second story. Mr. Danaher said that there was a grouping of trees they would be saving as part of the proposed project to the west, and that was where the parking would be.

Mr. Kaltsounis noted that the driveway to the north went halfway across the building and stopped. Mr. Danaher said that it would in essence be their loading zone. It would technically be a pathway for the fire trucks, and they were not anticipating needing long-term loading anywhere on the site. It was set up for fire trucks to be able to maintain the 150-foot minimum hose length on 100% of the façade of the building, and it had to be a paved path.

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

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-005 (ARaymond Engineering Headquarters) the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on March 16, 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 proposed project will be accessed from Devondale, 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. *The parking requirements are modified upon the Planning Commission's determination that the applicant needs additional parking due to the number of employees (77) and customers, and their Rayconnect operation across the street has a shortage of parking at various times.*
4. *The loading space requirement is modified upon the Planning Commission's determination that there is adequate loading space to serve the building and the loading space is unnecessary.*
5. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
6. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
7. *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.*
8. *The proposed headquarter building will bring new employees to*

Rochester Hills.

Conditions

1. *Provide a landscape bond for landscaping/trees in the amount of \$70,604, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.*
2. *Reduce lamp wattage from 276 watt LED to 250 and reduce height of the light fixtures from 25 to 20 feet, prior to final approval by staff.*
3. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
4. *Work with staff to add a more substantial treed landscaping buffer along the north property line, prior to final approval by staff.*

Mr. Reece mentioned that he did not see any elevations for the dumpster. There was just a note that said that it would be done per City standards. He asked if it would be made out of masonry and have a wood gate or if there was another type of gate.

Mr. Danaher said that it would be made of compatible materials with the building. Mr. Hunter agreed that there was no detail of the dumpster, but he maintained that it would match the building façade.

Mr. Reece asked if the foundation and steel were being designed for a vertical expansion. Mr. Danaher agreed that the building would be able to carry the extra capacity.

Mr. Kaltsounis echoed Mr. Anzek's comments about the area. Mr. Kaltsounis said that he lived south of Devondale, and it was one of the closest new businesses to him. If there was something design-wise that he wanted to see, the building hit the spot. He felt that it was a great starting point for what else could be put in the area, and he was looking forward to the advancement of the area. He thanked the applicants for bringing it before the Commissioners.

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

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita and Reece

Excused 2 - Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she thanked the applicants. Mr. Hooper thanked ARaymond for staying in Rochester Hills and expanding.

2017-0115

Request for Site Plan Approval - City File No. 99-028.3 - 2020 Rochester Rd. Gas Station Rebuild, a proposed new 2,700 gas station and convenience store with associated site improvements on .42 acre at the southwest corner of Rochester and Hamlin Roads, zoned B-5, Automotive Service Business with an FB-2 Flex Business Overlay, Parcel No. 15-27-226-012, PEA, Inc., Applicant (Reference: Staff Report prepared by Sara Roediger, dated March 31, 2017 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Scott Barbat, RH Investments, LLC, 33477 Woodward Ave., Suite 800, Birmingham, MI 48009; David Hunter, PEA, Inc., 2430 Rochester Ct., Suite 100, Troy, MI 48083; and John Abro, Abro Design Group, 30600 Northwestern Hwy., Suite 310, Farmington Hills, MI 48334.

Ms. Roediger stated that staff had been working on the proposed development of the gas station for the last couple of months. The applicants would like to demolish the existing gas station and build a better, more modern, 2,700 square-foot gas station/convenience store. She noted that the site was zoned B-5, Automotive Service Business with an FB-2 Overlay, and they had opted to develop with the B-5 standards. She related that there had been a previous Variance approved for the site, for which quite a bit of information had been provided for an historical perspective. She wanted it to be clear that the Variance granted had expired because the building was never constructed, but the Ordinance had changed since then, and it now permitted the reduced setback that had been granted. She had provided information about previous meetings about the site, as the redevelopment of the gas station had been discussed for many years. Staff was excited that there would be improvements to the corner.

Ms. Roediger advised that the existing gas station had been developed with four access points off of Hamlin and Rochester. As part of the City-initiated improvements to Hamlin, the eastern most driveway was closed. There were three curb cuts left, and as part of the proposed plan, staff worked with the applicant and MDOT to shift the driveway on Rochester southward and away from the intersection. There would be a full movement in and a right out only, which would improve the traffic flow at the intersection.

Ms. Roediger noted that similar to the last project, the applicants were asking for a modification for parking. Parking spaces at the pump were counted with gas stations. Parking was based on square-footage of the building, and the proposed building was relatively small, which would require a maximum of 11 spaces. The applicant was requesting 14 spaces, eight of which would be at the pumps, allowing for six spaces in front of the store for employees and visitors. There were internal discussions about the landscaping proposed along Hamlin and Rochester Rds. The Ordinance required street trees along right-of-way frontages. The site was pretty tight in terms of the turning radius for fire trucks. There was not ample planting space available to accommodate street trees. There were competing Ordinances for utilities and spacing requirements for pathways and maintenance. Forestry and Engineering had pointed out that the proposed shrubs did not meet the City's requirements for maintenance and spacing, and they had asked for the shrubs to be removed. They did agree to allow grasses and perennials to be planted, recognizing the need from a planning and aesthetic standpoint to have some separation for vehicular and pedestrian traffic and to create some type of visual barrier. She stated that staff continued to recommend improvements to the building design with either architectural elements or landscaping. There was driveway access from the neighboring property behind the building to the west and to the south, so the building really had four fronts that were visible. The front had a nice combination of materials, but the other elevations showed a solid material without anything to break up the brick. She said that she would leave it to the Planning Commission to determine whether some enhancements were needed.

Ms. Roediger had received some comments earlier in the day regarding the underground tanks. She would let the applicant elaborate about the intention for those. It was also brought to staff's attention that the EIS needed some clarifications about the current use of the property, and she said that the applicant also needed to discuss that further. She said that she would be happy to answer any questions.

Chairperson Brnabic asked the applicants if they had anything to add. Mr. Abro said that as Ms. Roediger mentioned, the project would be a big improvement to the site. They had some conceptual meetings with Engineering, Fire and Planning. There were three entrances, and he remarked that as a business owner, Mr. Barbat would normally not want to eliminate an entrance, but he was willing to work with the City and MDOT because safety was a big concern.

Mr. Abro mentioned the facades that did not have glazing. His firm did a lot of architectural design for retailers, and they used a lot of control joints to separate continuous walls. He felt that it gave a little more character to a building. Ms. Roediger had asked that they added a little more detail, and they did propose additional landscaping along the west wall. He noted that the short walls were only 30 feet. The dumpster would be on the south wall, which would be made of the same materials as the building, and that would help break up the wall. The north wall was where the storage area would be. He commented that Mr. Barbat's company had other locations in the area, and they were very selective about where they put their gas stations.

Mr. Barbat said that in regards to concerns about the underground tanks, they were in great shape and met all the standards. They were all double walled, fiberglass tanks, and there were three, 10,000 gallon underground tanks. There had been no new releases, according to the recent Phase I and Phase II baseline assessments they had done. There were no signs of contaminated soil and no leaks. They wanted to keep the tanks in place to save costs. Until about two years ago, the requirements from the State, which supervised new construction or alterations for gas stations, was that no new structures could be ten feet from the end of the underground tank. Until about a year ago, someone could bring the building foundation within a foot or two of the tank, so long as the building foundation was low enough that it was below the lowest point of the tank. He believed that the site plan showed a detailed outline of the underground tanks. PM Environmental and R. W. Mercer, his petroleum contractor, had confirmed that a tank was about two feet from the front of the building foundation, and they would be putting the foundation about 15 feet underground to drop below the bottom of the tank. The tanks would be closely monitored by the DEQ during the construction, and he did not think there would be an issue.

Chairperson Brnabic asked if the station would remain a BP. Mr. Barbat said that it would for about three years, as there was a deed restriction from BP. It was a corporate-owned site, and when they sold it to the person he bought it from, they put a 15-year deed restriction on the property. He was a Shell wholesaler, so as soon as the deed restriction was up, it would be converted to a Shell.

Mr. Dettloff asked how old the existing tanks were. Mr. Barbat said they were installed in 1997. Any tanks from 25 years to the present were required to have double fiberglass and double wall piping construction

material. Everything would be changed from the tanks to the islands. The only things that would remain would be the actual tanks, but all the lines would be new. All the electric lines from the tanks to the building would also be new.

Mr. Kaltsounis said that the concept, the building, the pumps, etc. looked fine to him, but he felt that something was lacking in the execution. He wondered exactly where the tanks were. He would like to see more detail about that so the Commissioners did not have to review another site plan because it was found that the tanks were not in the right place. Regarding the back of the building, he understood their comments, but he said that he would see it when he drove down Hamlin. He would like to see a feature to break it up, similar to the front. The other concern he had was the trees. He had viewed the trees behind the building on the Walgreen's property. The proposed building would be in the dripline of those trees, and they would excavate the swale of those trees. The trees were pretty large, and the building would be built right underneath them, which he did not think could be done.

Mr. Barbat reminded that the building would have a ten-foot setback. Mr. Kaltsounis believed that the trees went farther than ten feet. He thought that they needed more detail to look at. Mr. Hunter said that he did the site plan for Walgreen's in 1997, so that was when the trees were planted. He suggested that the trees could be protected during the construction process. He could not promise that they would be saved, but the building would be about 13 feet away from the trunks of the trees. Mr. Kaltsounis noted that something similar was proposed for one of the City's Fire Dept. buildings, but it was not allowed, because the trees would die. Mr. Kaltsounis said that he liked the concept, but there were some t's to cross and i's to dot.

Mr. Hunter said that he understood the concern. Mr. Abro said that if the trees were on the Walgreen's property, he assumed that they were planted in the center of the island. There would be five feet from the trunk to the curb, and then the building would be another ten feet from that. Mr. Hunter believed that they would be about 12-13 feet away, and Mr. Kaltsounis claimed they would be under the canopy. Mr. Hunter said that they could go out and check the canopies with the Forestry Dept. to make sure they addressed the concerns.

Mr. Barbat stated that the tanks were not just double checked; everything was triple checked before they began, because there would be a huge cost to remove and reinstall them. On the DEQ website, there were tank

charts that showed the exact sizes of the tanks, and theirs were confirmed by the State and his petroleum contractor. Mr. Kaltsounis asked if they would be empty, and Mr. Barbat said that they were now empty.

Mr. Kaltsounis said that he would recommend postponement until things were worked out, but he wanted to see what the other Commissioners had to say.

Ms. Roediger said that the trees were built on the neighboring property, and she felt that they could work with Forestry to put up tree protective fencing, but she was not sure they could require the applicants to move a building based on the neighboring trees. Mr. Kaltsounis said that he appreciated that, but he did not want to set a precedent. He just wanted it looked into.

Mr. Anzek said that regarding doing something to the back wall to break it up, he suggested that something that had been used elsewhere in the City was wire meshing with foot-by-foot grids that encouraged vine work to grow. He realized that it was seasonal, but it would make a nice contrast with green against the red brick.

Mr. Barbat said that he liked that; in fact, he just did it with another building and planted Boston Ivy. Mr. Abro said that they could take some of the elements from the east elevation - stone and burnished material - and put it on the rear of the building. There would be landscaping on the west elevation already. Mr. Anzek said that the landscaping they were proposing was shrubbery that would be about two-and-a-half feet tall. They could remove some of it and put Ivy in its place.

Mr. Abro said that they would really not want to have to resubmit. He asked if they were being asked to make the changes and come back or if there would be conditions. Mr. Anzek said that he had full faith in Ms. Roediger to make sure it happened, but it was up to the rest of the Commission.

Ms. Morita said that she was out of town last weekend when she read through the packet. She got a little frustrated when she read the EIS. She said that she loved the idea of the rebuild because the corner was in dire need of improvement. Reading through the EIS, she could not decide whether the property had already been improved or if it was vacant. It looked as if the new building would be built over the existing tanks. The EIS did not address how that would be handled. She suggested that there would be another meeting in two weeks. She understood that the Engineer

that originally drafted the report was on vacation, but she asked if they would be willing to come back in two weeks with an updated plan that showed where the tanks were in relation to the proposed building. It should also be clear throughout that they were dealing with an existing, improved property with USTs on site.

Mr. Abro agreed that two weeks was not that long. Mr. Barbat said that if they could move along, they could make it a condition, and he could bring proof from the State that the tanks would not be affected. If for any small chance the foundation was getting too close, they would have to resubmit to move the building back. They could not move forward with any work within 50 feet from underground storage tanks unless they had DEQ approval.

Ms. Morita said that according to their own plans, they did not know where the tanks were. She liked the proposed building, but according to the plans, they would be building on top of the tanks. Also, the EIS did not address the issue at all. Mr. Hunter said that they would amend the EIS. Ms. Morita said that she was just asking that someone went to the site and confirmed that the building would not be built over the tanks and amend the EIS to state that. That way, the Planning Commission would know that they were not approving something that could be an environmental issue. Mr. Barbat said that would be fine. He apologized for not being totally prepared, but ultimately, he reiterated that the State had jurisdiction, and those folks were very particular. He assumed that they did not need to exactly show where the tanks were.

Mr. Abro asked if the matter would be tabled. Ms. Morita said that they could make a motion to adjourn the matter to the next meeting. Mr. Hunter assured that the plans and the EIS would be revised. Mr. Abro wondered if they came back in two weeks if there would be additional modifications requested.

Ms. Roediger said that the applicant's main concern was timing. She felt that the Commissioners were not comfortable with the plans provided, and there was misinformation. The good news was that the applicants were welcome to proceed and submit construction drawings and building plans at the same time, so she did not think a two-week delay would hold them up. In two weeks, she hoped that all the concerns that had been raised would have been addressed.

Ms. Morita clarified that the applicants were in agreement with postponing the matter for two weeks, which Mr. Barbat confirmed. Ms. Morita then

moved the following, seconded by Mr. Kaltsounis;

MOTION by Morita, seconded by Kaltsounis, in the matter of City File No. 99-028.3 (2020 Rochester Rd. Gas Station) the Planning Commission ***postpones consideration of the Site Plan until the April 18, 2017 meeting*** so the plans and EIS can be revised.

Mr. Hooper said that he did not really see a huge issue with the trees. The trees were on the Walgreen's property, and proper tree protection would be in place. He understood that swale work under the canopy would be done, but it was not a precursor to improving the property.

Regarding the architectural treatments, he liked the idea of adding a trellis to the south and west facades. He thought that the north façade would be the most predominant, and he asked why they would not want to continue the burnished stone treatment along that side. It made sense to him to do so. Mr. Abro agreed with Mr. Hooper, and said that he would add it.

Mr. Hooper commented that he did not want to beat a dead horse, but when they put in underground tanks, they were GPS surveyed as to the location or physically triangulated to a location. It was a little amazing to see them in the wrong place on the plan. He stated that someone in Mr. Barbat's location knew where they were. Mr. Barbat agreed that his petroleum contractor knew, and they did the research. Mr. Hooper said that the information should be translated to Mr. Barbat's engineer to properly identify the tanks on the plan. He felt that it was an honest mistake that could be easily rectified.

Mr. Hooper said that he was extremely encouraged that Mr. Barbat was making an investment in Rochester Hills and cleaning up the corner. Mr. Hooper said that he lived around the corner, and the infusion of cash was sorely needed there. He said they would be packing a lot in, but he understood. They had a similar situation at Rochester and Tienken and on Crooks north of M-59. Mr. Hooper reiterated that he was very happy about the investment in the community.

Mr. Reece agreed that the north elevation was the more predominate, and he would like to see the fenestration carried around. One thing that concerned him was only having one means of egress in and out of the building. If there was a catastrophic event at one of the pumps, people would want to get out of the building and away from the site, but the only place they could get out as shown was toward the pumps. The building, at

2,700 square feet, was not really small, and he would be concerned about one egress in the event of an emergency. Even if there was a fire in the building, someone could be trapped. He strongly encouraged the applicants to look at adding an emergency egress, perhaps on the north or west. The north seemed to be the most logical, because there was an office and the public restroom.

Mr. Abro said that he could look into the Code again. Mr. Reece said that he was a Licensed Architect and a Builder. He commented that the Code was one thing, but common sense was another. There were eight pumps, a 2,700 square-foot building and one means of egress. He stressed that the only place someone could exit was towards the gas pumps.

Mr. Barbat said that an average gas station had pumps that were 2/3 the distance closer than the proposed would be, but he agreed that Mr. Reece made a good point.

Chairperson Brnabic asked the applicants if they would consider an additional means of egress. Mr. Barbat said that they would definitely look into it. Mr. Hunter read over the revisions: The EIS corrections; looking at the trees to make sure everyone felt comfortable; confirming the tank locations; looking at breaking up the back of the building with some vegetation; carrying the burnished block around to the north elevation; and looking at another means of egress.

Mr. Kaltsounis appreciated the applicants agreeing to the postponement. He indicated that it would be better than having to come back with a new site plan, because that would be more money. He felt that two weeks was reasonable. He understood that the applicants wanted to get going, but staff would be more than willing to work with them, and it made sense. He would like to see the plans go through, but he would like to see them go through the correct way.

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

Aye 7 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita and Reece

Excused 2 - Schroeder and Schultz

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

ANY OTHER BUSINESS

2017-0141

Request for Election of Officers - Chairperson, Vice Chairperson and Secretary for a one-year term to expire at the first meeting in April 2018

MOTION by Kaltsounis, seconded by Dettloff, the Rochester Hills Planning Commission hereby appoints Deborah Brnabic to serve as its Chairperson for a one-year term to expire the first meeting in April 2018.

MOTION by Kaltsounis, seconded by Morita, the Rochester Hills Planning Commission hereby appoints Greg Hooper to serve as its Vice Chairperson for a one-year term to expire the first meeting in April 2018.

MOTION by Reece, seconded by Hooper, the Rochester Hills Planning Commission hereby appoints Nicholas Kaltsounis to serve as its Secretary for a one-year term to expire the first meeting in April 2018.

Approved

ANY FURTHER BUSINESS:

Mr. Anzek thanked the Commissioners for the card he received in January for his retirement. He appreciated the kind comments, and he joked that he would get busy on thank-you notes.

Chairperson Brnabic reiterated the Mayor's congratulations to Ms. Roediger as the new Planning Director, who, she said did a great job already. She also welcomed Mr. Anzek to the Planning Commission.

Ms. Roediger thanked the Commissioners. She said that she had never intended to fill Mr. Anzek's shoes, but she was very happy to serve as Director. She also mentioned the Mayor's State of the City scheduled for Monday, April 10th at Adams High School. The Red Carpet entrance was at 6:30 p.m. She encouraged people to attend if they could.

Mr. Dettloff asked if Ms. Roediger's position had been posted. She said that it had been posted earlier in the day, and she informed where it could be viewed.

Chairperson Brnabic asked if anyone had heard anything about Outback Steakhouse and Famous Dave's closing. Mr. Dettloff said that Outback was closing locations around the country and downsizing. Mr. Anzek had heard that Famous Dave's had been having financial troubles for a while, but he was not certain. Mr. Hooper also heard that Red Knapp's was closing or had closed. Mr. Dettloff said that he would be shocked,

because they had been in business in Rochester for so long.

Mr. Kaltsounis said that he would miss Mr. Yukon on the board, but they got an esteemed colleague in Mr. Anzek. He thanked Mr. Yukon for his years of service. Chairperson Brnabic agreed that they all appreciated Mr. Yukon's service to the Planning Commission.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for April 18, 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 8:37 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary