



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis
David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, December 17, 2019

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 8 - Deborah Brnabic, Gerard Dettloff, John Gaber, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Susan M. Bowyer

Excused 1 - Ryan Schultz

Quorum present.

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

APPROVAL OF MINUTES

[2019-0596](#) November 19, 2019 Regular Meeting

A motion was made by Kaltsounis, seconded by Reece, that this matter be Approved as Presented. The motion PASSED by an unanimous vote.

COMMUNICATIONS

A) *Planning & Zoning News dated December 2019*

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:04 p.m. Seeing no one come forward, she closed Public Comment.

NEW BUSINESS

[2019-0597](#) Public Hearing and request for Rezoning Recommendation - City File No. 19-038 - An Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to rezone .37 acre of land, .12 acre of

Parcel No. 15-22-226-021 and .25 acre of Parcel No. 15-22-226-014, for the Speedway gas station property located at 1010 S. Rochester Rd. at the southwest corner of Rochester and Avon, from B-3 Shopping Center Business with an FB-3 Flexible Business Overlay to B-5 Automotive Service Business, Robert Sweet, McBride Dale Clarion, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated December 12, 2019 and rezoning application documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Robert Sweet, McBride Dale Clarion, 5721 Dragon Way, Suite 300, Cincinnati, OH 45227.

Ms. Roediger believed that everyone was familiar with the busy corner of the community where the Speedway gas station was located. The applicants had been in discussions with the City for some time about modernizing the station. There had been a significant investment in the shopping center there with the Art Van redevelopment and other upgrades. As part of that plan, there had always been talk about potentially allowing some space for the gas station to expand. The glitch with that plan was the zoning. The Speedway site had dual zoning - B-5 and B-3. Mr. Singer's site (Winchester District) was also zoned B-3, and the applicant wished to purchase a portion of land for the gas station, but B-3 did not allow the subject gas station use. She showed the various zonings on the overhead and the area left to allow the future expansion of the gas station. The applicant had submitted a formal site plan to upgrade the gas station, which had gone through one review. Staff hoped it would be in front of the Commissioners in early 2020, but the first step was the rezoning to accommodate the expansion, which was a recommendation to City Council.

Mr. Sweet thanked Ms. Roediger and Ms. Kapelanski for their help with the project. He showed the area that Speedway purchased from a credit union in 2007 that was B-3 and never rezoned and the portion they wished to purchase and have rezoned. He advised that they wanted to raze and rebuild the gas station and remove the tanks and canopies. They would start fresh, and add a larger convenience store. They proposed to close two driveways nearest to the intersection and move the other two (on Avon and on Rochester) as far west and south as they could. There would be one canopy rather than two; a new dumpster enclosure and shared access to the south and west. They would widen the sidewalks and add pedestrian connections from the store. He noted that the Master Plan called for CF for the site, which was Commercial Residential Flex, a regional zoning. They felt that the proposed request was consistent with the Master Plan, and that the redevelopment would have a positive

impact on the community.

Mr. Kaltsounis recalled that when Art Van was approved, there were stipulations for other portions of the property. There was an area just north of the building and other areas left unpaved until (and if) extra parking was required. He wondered if the area they were discussing was one such place. Ms. Roediger said that she did not recall that. When they first talked about the larger development, knowing the constraints with the Speedway property, the intent was always to allow it to expand onto the Winchester property. It was not part of banked parking. Mr. Kaltsounis observed that areas that had banked parking now had regular parking.

Mr. Singer, 6960 Orchard Lake Rd., West Bloomfield, MI, developer of the shopping center explained that they had talked about not building all of the parking adjacent to the center outlot. It would be done as a future phase when they had a tenant. They ended up doing all of the parking around the outlot, even though they did not have a decision as to who would go there. He agreed that all of the parking was installed for the entire property. The only thing they had left was either to build something on the outlot or landscape it (although he claimed that they had run out of time, weather-wise, to do that).

Mr. Kaltsounis believed that the Speedway rebuild would produce the biggest gas station property in the City. He did a rough scaling, and he claimed that it would be even bigger than the Speedway at Rochester and Tienken. He thought that it would be harmonious with the environment surrounding it, but if it was proposed next to houses, they would be having a different conversation. There was industrial to the north and the Leader Dogs for the Blind to the east, and it was in a good spot to consider the request. He said that he looked forward to hearing from his fellow Commissioners.

Mr. Gaber felt that the request made sense. He applauded applicants' willingness to invest in the community to improve the corner, which he was sure people would agree was somewhat of an eyesore. His concern was that it was a request for a straight rezoning, not a conditional rezoning. He asked how the City could be assured that Speedway's plan to purchase the land would go through. He thought that getting approval of the rezoning would be a condition of purchasing the land, but he wondered what would happen if the rezoning was approved, and the applicants did not close on the acquisition.

Mr. Sweet offered that Speedway had submitted a site plan, so there was some assurance there. They would own the land, so there was some assurance there. The site was old, and they wanted to redevelop it. Mr. Gaber said that made sense, but he asked why they did not submit a conditional rezoning request. Mr. Sweet said that they wanted to take a chance on the straight rezoning. He maintained that they were not there to pull the wool over anyone's eyes. They wanted to modernize the site as much as the City wanted them to. Mr. Gaber asked the timetable for redevelopment. Mr. Sweet said that they were currently addressing the comments from staff regarding the site plan, and they hoped to resubmit by the beginning of 2020. There would be another month or two of reviews, and then it would be in front of the Planning Commission. After approval, there would be an internal review of about two months to set up contractors and pull permits. The station had been targeted by a lot of their operational folks. It would take them about 90 days after they obtained all permits to rebuild, and it would probably be a 2021 build.

Mr. Gaber asked what the risk was that the project could get delayed. He knew that such corporations had funding priorities, which were not static. Mr. Sweet remarked it would be great to have a crystal ball. He agreed that in a corporate setting, they could have funding one day, and then it was needed somewhere else. He maintained that it was a high priority for Speedway, but he could not say whether it was at the top of the list or number 30. They wanted to get it moving. Mr. Gaber said that it sounded like they were working diligently to ensure that it happened, but there were no guarantees with a straight rezoning. With conditional rezonings, the applicant might have a condition to tie something into a particular site plan. The only way the rezoning would be approved was if the site plan was built out a certain way and within a certain period of time. A lot of municipalities looked at that as an additional comfort level, because there was the assurance that if the rezoning went through, the City would get a project where the conditions were satisfied. They did not have that with the proposed request, and they would be relying on the representations of the applicants and the good faith they had exhibited in moving forward. He just wanted the Commissioners to consider that.

Mr. Hooper applauded Mr. Singer, and said that he appreciated his foresight. When he first proposed the Winchester District, he had specifically set the area aside for the future expansion or reconstruction of the Speedway gas station. Mr. Hooper remembered years ago when Speedway tried to redevelop the existing site, and it was not feasible. He had several conversations with the then-Director, and the applicant had tried to make something fit, but there was just not enough room to make

the economics work. Mr. Hooper pointed out that interest in rebuilding the station had been raised a number of times over the years. To Mr. Gaber's comment about a straight rezoning, if it was approved, everything would become B-5, and the other B-5 uses would be automotive-related.

Ms. Roediger agreed that B-5 was a pretty restricted district. Mr. Hooper believed that with such a valuable corner, if they flipped it to a competing entity, it would be another gas station. He did not think it was Speedway's business model to sell to a competitor - especially with such a popular a corner in the community. Mr. Sweet agreed. Mr. Hooper said that regarding the size of the property, the two stations that had been recently redone were at Tienken and Rochester, which had 10 pumps and at Crooks and M-59, which had 12 units. By his employer at 10 Mile and Mound, there was a Speedway rebuilt with 20 pumps. Mr. Sweet said that they were looking at perhaps 12-14. Mr. Hooper stated that capacity-wise, it would be more convenient. Mr. Sweet explained that they wanted to change the layout, and they did not like having dual canopies. They would have traffic control with the driveways, and the one on Avon would be right in, right out. The one on Rochester would be a ¾ movement, and it would be shared with Winchester traffic. The internal access was key to them to make sure their customers got safely on and off site. Mr. Hooper said that he would agree with the cross access agreements, and he felt that there would be value to them. People would come from the shopping center and get gas and not have to go onto Rochester or Avon Rd., which he fully understood. He asked what the revenue split was between the retail and the fuel business.

Mr. Sweet said that they would rather have folks come in to the store and buy something than buy a gallon of gas. By expanding the store, they would be making things consistent with the other stores they were building in Michigan and country-wide. Mr. Hooper asked if, similar to the one at Tienken and Rochester, there would be brick canopies, noting that the Commissioners would not want to see aluminum-sided posts. He pointed out that money was spent at Tienken and Rochester to have a presentable theme. Mr. Sweet said that he was fairly confident that there would be brick on the canopies, and that the convenience store would be a combination of stone and brick. There would be expanded windows and limited signage, and they would add landscaping. They felt that the proposed improvements would be an added benefit to the facility. Mr. Hooper stated that he supported the request.

Mr. Schroeder thought that it was great. He noted that he lived by Tienken and Rochester, and frequented the station there. The proposed

site was an eyesore, and it would be improved tremendously with the rebuild. He felt that eliminating two curb cuts and moving the drives further from the intersection would increase the traffic operation on Rochester and Avon, and they would be able to control the traffic operation on their site much better. The only traffic problem they had at Tienken and Rochester was at the Tienken Rd. end by the pumps. It was very tight and sometimes a truck was parked, and people were always trying to go both ways. That was the only thing on the site that was a problem. He asked if there were any environmental problems with the subject site.

Mr. Sweet said that there were none that he was aware, and Mr. Singer agreed that there were not. Mr. Schroeder considered that there could be a project delay if there were. He mentioned that they could use a little more parking at Tienken and Rochester. Mr. Sweet agreed, and said that they could use more parking at all of their stores. They felt that with the redesign, where they would be providing 14 or 15 spaces, plus 14 spaces at the dispensers, that it would be much better. He commented that people did not want to stop there now if they were not familiar with the site. They hoped that by redoing it, they would bring in more business. Mr. Schroeder thanked Mr. Sweet for coming.

Mr. Dettloff indicated that he supported the concept. He was happy to hear that it would be patterned after the Tienken and Rochester site, which had done extremely well. He asked how long the existing station had been at Avon and Rochester. Mr. Sweet believed that it had been there at least since 2000, if not longer. Mr. Singer said that it had been a lot longer than that. He explained that when he said that the site had no environmental issues, he was referring to the expansion land the applicants wished to purchase. They did environmental testing all around the gas station before they bought the Winchester site, but not for the gas station. He reminded that Speedway was a solid, corporate citizen at that location. Mr. Dettloff just questioned whether any type of baseline had been done for the gas station.

Jacob Miller, representing Speedway, 5000 Speedway Dr., Enon, OH 45323 commented that he was limited on his environmental expertise, as he was the construction person, but he advised that Speedway had its own internal environmental department. There had been no active releases or issues on the site currently. He could not fill them in on any other details, but they did have internal checks and balances along with other third party contractors in case there was an issue on site. Mr. Dettloff said he was sure that they were on top of those types of things. He thanked the

applicants for considering the investment in Rochester Hills. He echoed Mr. Hooper's comment about Mr. Singer having foresight. The center looked great, and he thanked him for his commitment, as well.

Chairperson Brnabic said that she did not have a problem with the request. She felt that a rebuild was long overdue. The stations on Tienken and Crooks had been updated over the years, and it would be refreshing to see the subject site rebuilt.

Chairperson Brnabic opened the Public Hearing at 7:29 p.m. Seeing no one come forward, she closed the Public Hearing.

In response to Mr. Dettloff's question about how long the station had been there, Mr. Kaltsounis advised that according to Property Gateway, a satellite photo showed the gas station in 1974, and it looked like the canopies were added in 1980. Somewhere between 1963 and 1974, there was a K Mart, a bank and the gas station added. Mr. Singer remarked that the gas station still had the same vinyl flooring, and Mr. Kaltsounis joked that they could add asbestos to the list. Hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 19-038 (1100 and 1010 S. Rochester Rd. and Speedway Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning of .25 acre of parcel no. 15-22-226-014 and .12 acre of Parcel No. 15-22-226-021 from B-3 Shopping Center Business to B-5 Automotive Service Business District with following findings:

Findings

1. B-5 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan to service residents of the community and the region.
2. Approval of the proposed rezoning will allow for uses that can complement the existing surrounding uses and will be a logical extension of the gas station site.
3. 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 PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants and said that she looked forward to seeing them again.

ANY OTHER BUSINESS

2019-0598 Request for Approval of the 2020 Meeting Schedule

MOTION by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby **establishes its 2020 meeting schedule** at the December 17, 2019 Regular Meeting as follows:

ROCHESTER HILLS PLANNING COMMISSION

2020 MEETING DATES*

January 21, 2020

January 28, 2020 Joint PC/CC

February 18, 2020

March 17, 2020

April 21, 2020

May 19, 2020

June 16, 2020

July 21, 2020

August 18, 2020

September 15, 2020

October 20, 2020

November 17, 2020

December 15, 2020

A motion was made by Kaltsounis, seconded by Reece, that this matter be Approved. The motion PASSED by an unanimous vote.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for January 21, 2020.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 7:35 p.m.