

completion. He asked if there were any conditions tied to that, and if the funds had to be used at the property. Ms. Kapelanski said that it was her understanding that the funds would be put into an escrow to be used for a pathway along the 930 Mead Rd. property should a pathway system ever develop along Mead Rd. Mr. Struzik asked if there was an expiration where the funds might be returned. Ms. Kapelanski did not believe so, which was confirmed by Mr. Boughton.

2021-0218

Request for approval of a Tree Removal Permit - City File No. 21-002 - for the removal and replacement of as many as 18 trees for R. Youngblood & Co., a proposed landscape plant material nursery located at 930 Mead Rd., on the south side of Mead, east of Sheldon, zoned RE Residential Estate, Parcel No. 15-02-200-016, Ryan Youngblood, Applicant

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Abstain 1 - Gaber

2021-0219

Request for Site Plan Approval - City File No. 21-002 - R. Youngblood & Co., a proposed landscape nursery at 930 Mead Rd., located on the south side of Mead, east of Sheldon, zoned RE Residential Estate, Parcel No. 15-02-200-016, Ryan Youngblood, Applicant

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Abstain 1 - Gaber

2021-0216

Public Hearing and request for Conditional Use Recommendation - City File No. 21-016 - SOS Auto Services, LLC, to operate an auto repair facility at 1862 Star Batt Dr., located east of Crooks, north of M-59, Parcel No. 15-28-177-022, zoned REC-W Regional Employment Center, Stavio Nizar, Applicant

(Staff Report dated June 9, 2021 and application documents had been placed on file and by reference became part of the record thereof).

Present for the applicant was Stavio Nizar, 1862 Star Batt Dr., Rochester Hills, MI 48309.

Mr. Nizar thanked everyone. He said that the area was already a place where there were other repair shops, naming Marshall's Auto Repair. He

noted that he was 21 years old, and that he wanted to start something for himself. He and his brother were operating the business, with the help of his dad. He was going to school for mechanical engineering, because cars had always been a big thing for him. He currently had no employees - it was just he and his brother at SOS Auto Services when he could show up because of school.

Ms. Kapelanski noted that the request was very similar to the request at the April meeting for Marshall's Auto Repair. It was in the same industrial park on Star Batt Dr. There were no site plan changes proposed or required, and auto repair services were a conditional use in the REC-W district. Staff recommended approval of the request.

Chairperson Brnabic said that Mr. Nizar's submittal mentioned that he would be doing auto repair and auto sales. She asked if he was selling vehicles online. Mr. Nizar said that was correct. Before he started, he was told that he could not put up any for-sale signs, and he had no plans to bring traffic to the area. There was not much parking. They found a loophole where they would not have to have customers to be successful, and they would use the facility for themselves.

Chairperson Brnabic said that his letter mentioned that no cars would be left parked outside if a vehicle was damaged. She asked if he did auto body repair. Mr. Nizar agreed, and said that he did about everything. He claimed that no vehicles would be parked outside. His insurance only covered vehicles parked inside. If a vehicle was taken out, it would not be left outside for more than a few hours, and it would never be left outside after hours. All vehicles would be parked back inside. Any vehicle that was completed would be left outside in a parked space for a week at the most. They would not be damaged, and they would always be finished and cleaned, and there would be no for sale signs.

Chairperson Brnabic asked if he purchased vehicles at the auction and brought them in and parked them there. Mr. Nizar said that was correct. The vehicles would be brought straight into the shop. He would never overbuy vehicles when he did not have space. He stated that there would be no noise, because they would be in an enclosed area. They were not allowed to operate outside of a 1,300 s.f. area according to his licensing requirements.

Chairperson Brnabic asked if he worked on brakes, tire rotations, oil changes and similar. She asked if there was anything else he wished to mention. Mr. Nizar said that he was trying to get his own licensing for

brakes and suspensions. Currently, he would be getting help from Marshall's.

Chairperson Brnabic asked staff if it was possible to send a notification to the building owners in the REC-W district around Star Batt to let the business owners who wanted to lease become aware that auto service centers were a conditional use. SOS was the second one they had seen since April where the owners did not have a clue. She thought that it would be better to create awareness so that if someone wanted to lease another spot in that area, they could be informed of the requirement. They would come before the Planning Commission before they signed a lease.

Ms. Roediger advised that staff had a meeting recently with the owners. The whole area on Star Batt was once owned by Steve Stolaruk. His properties recently sold to a management company. They had done a lot of work out there, such as refinishing parking lots and painting. Staff met with them to go over the permitted and conditional uses and to establish those lines of communication. Chairperson Brnabic said that it was good to hear.

Ms. Naubauer said that Mr. Nizar mentioned that he would be operating the facility with his brother, which she felt was great. She loved family businesses and the idea of a small family business starting in Rochester Hills. Mr. Nizar had said that he was not sure of the days and hours because of school conflict. She asked if he had a set schedule or how the hours would be determined. Mr. Nizar said that he would try his best to keep it at 9-5 Monday through Friday and 9-2 on Saturday. He would try to make his school schedule match with his work schedule. He commented that they had to pay rent, so they could not have a business and not show up. He said that he currently worked two jobs, and he claimed that he was good with time management. Even if he had to be in class, he would try to keep the business open. He stated that he would not have much foot traffic and would not be waiting on customers. They did not need them to keep the business going. Ms. Naubauer asked how many cars he could keep in stock at any point in time. Mr. Nizar said not many. The whole aspect was to move everything quickly. Keeping a vehicle for too long was a loss. As soon as a car was done, it would be taken away. If it did not sell online within a week, he knew of other dealerships that were willing to take the vehicles out of his hands. His shop could hold about six cars, but he did not think he would need that many. If he had four cars, he would be more than happy. He would not take more than he could fit inside.

Mr. Hooper stated that he supported young business owners getting a new career. He pointed out that the proposed operation was different than Marshall's. Mr. Marshall was a licensed mechanic, and he had a repair facility. SOS was not really a repair facility, because Mr. Nizar did not have a license to repair vehicles. He might get one in the future, but currently, he did not have one. Mr. Hooper said that Mr. Nizar had a used car sales outfit. Mr. Nizar said that he was in the process of getting licensing. When he got the shop and signed the paperwork for the lease, he found out he needed to go before PC. That was what slowed him down. He wanted to make sure he could continue to operate. Mr. Hooper said that he drove by and Mr. Nizar or his brother were meeting with a client to sell a car. Mr. Nizar said that it was his friend. Mr. Hooper said that it looked like several businesses there were selling cars. Mr. Nizar said that the parking was on a first come, first served basis. There were also some cars that had been parked there for a long time. Mr. Hooper thought that there was a similar business a few doors down doing what he was doing. Mr. Nizar said that he did not know of any other car sales businesses there, but there was a detail shop and Marshall's Auto. Mr. Hooper thought that four cars would fill his space with no room to move. Mr. Nizar said that he could get a vehicle underneath the hoist and put one on the hoist. Mr. Hooper maintained that the subject business would be different from Marshall's, which was a repair facility. SOS was not really a repair facility yet - it was more of a used car business. He was not trying to paint it in a bad light, but they had another applicant doing a similar thing who represented things that did not turn out very well. What was presented and what was actually done were completely different. The only concern he would have was not having strict controls so that it did not turn into a used car parking lot. There was no place to show a vehicle at the front of the building, and there would be no purpose in putting a sign on a vehicle in the rear where no one would see it. He understood the online business format, which was similar to what the other individual did, but it did not turn out to be quite that way. He would like a qualification that there would be no more than four cars at any time parked inside and none parked outside. He said that he supported individuals starting their own companies and making a career. Mr. Nizar said that a completely clean, finished vehicle could be taken for a drive and not parked for more than a week or two. There would be no more than four vehicles, because that was what his insurance covered and what helped him out. If he had more than four vehicles, and he could not get to them, it would be a loss. He liked to keep everything moving as fast as possible.

Mr. Dettloff wanted it to be clear that Mr. Nizar would only use the facility to

sell cars that he acquired through an auction or wherever. Mr. Nizar said that he would repair then sell. Mr. Dettloff asked if he would be doing some repair work on the vehicles, and Mr. Nizar said "a tiny bit." Mr. Dettloff asked him to expound. Mr. Nizar said that no vehicle would be rolled over heavily damaged. If a vehicle needed heavy repairs, he had many partners that would be more than happy to help him. He did not like to spend time on a vehicle. Mr. Dettloff asked if he bought vehicles on a weekly or monthly basis, and Mr. Nizar said that it was weekly. He preferred to keep a steady flow. Mr. Dettloff wondered if he had an amazing week of availability, and there were deals he could not pass up, if he had another place to keep more than four cars. Mr. Nizar said that he had a lot of places. He had spoken with other dealers closer to Detroit. If he could not sell a vehicle online, they would be willing to take it out of his hands. If he could not get around to a vehicle, he would send it somewhere to be fixed. Mr. Dettloff asked if his boundaries went beyond Michigan, and if he had buyers from around the country. Mr. Nizar asked if they had heard of the auction site Copart. People could buy cars from anywhere in the U.S., and Copart would transport it to them for a fee. Mr. Dettloff thanked him for bringing his business to Rochester Hills and wished him good luck.

Dr. Bowyer congratulated Mr. Nizar on his entrepreneurship at age 21. She remarked that instead of flipping houses, he would be flipping cars. Mr. Nizar said that it had always been a dream, and he loved being around cars. He always wanted to have a big car collection, and it was a start. Dr. Bowyer said that it brought to mind Dave Kindig of Kindig It Design in Utah. She asked Mr. Nizar if his future plan, once he got licensed, was to do higher-end car restoration and sell them for investment. Mr. Nizar said that growing up, people told him not to mess around with German cars, but he did the opposite. He felt that it was more fun to work on something a little harder and something that required more technology. He felt that they were a greater investment, were worth more money and had greater potential. He was a gearhead and enjoyed horsepower. He said that if he could make a profit, he would like to open a much bigger collision shop. He was not relying on customers; he would rely only on himself and his motivation. He claimed that it was not easy to get into the business. He did not have anyone to help him with the paperwork, and he was learning as he went. He planned everything out to make it as easy as possible to work. He had no intention of bothering the neighbors. He chose the location because it was hidden, and not some place a dealer would normally want.

Mr. Struzik asked the total vehicle capacity inside the building. Mr. Nizar

said that it could hold about six vehicles with room to work. Mr. Struzik said that Mr. Nizar had mentioned that completely finished vehicles might be stored outside, and he asked the maximum. Mr. Nizar said three or four, noting that the parking spots were almost empty. Mr. Nizar had mentioned brake jobs and suspensions, and Mr. Struzik asked if that would be only for the vehicles he was selling or for other vehicles. Mr. Nizar said that it would most likely only be for vehicles he was selling. He indicated that it was difficult working with customers, because they always complained.

Chairperson Brnabic considered that if too many vehicles were coming in, the manager of the building would probably have something to say about it. Mr. Nizar said that he went through everything with his lease. The manager knew everything he was doing and how they were operating. He spoke to a few of the neighbors. He said that he never intended to keep any vehicles for more than a week. He did not want to worry about accidents in the parking lot, and he wanted every vehicle gone as soon as possible. Chairperson Brnabic said that they would take him at his word. She had noticed quite a few vehicles parked in the back when she drove by. Mr. Nizar said that none of them were his, and a few had been parked there a long time.

Mr. Hooper asked Mr. Nizar asked if he had read the proposed motion in the packet. Number three said that cars left overnight would be parked inside the building. Mr. Nizar said that was correct. He added that if a vehicle was completely done and waiting to be sold, it might park for a week. Mr. Hooper said that was not what the condition stated. Mr. Nizar said that after hours it would be brought back inside, but during operating hours it would be parked outside. Complying with his insurance, he could not leave cars outside after hours. Mr. Hooper asked if left at 5 p.m. if everything would be inside the building, which Mr. Nizar confirmed. Mr. Hooper said that he could jam six vehicles inside. Mr. Nizar said that he could, but during the day, cars that were not done would be taken out to make a little more room. Mr. Hooper asked if it was agreeable to comply with the condition, which stated that no cars would be left outside overnight. Mr. Nizar asked if it would be a problem if a vehicle was left outside. Mr. Hooper explained that there was a condition attached to being able to use the property, and if he left one overnight, he would be adverse to the condition. Mr. Nizar said that he was okay.

Hearing no further discussion, Mr. Hooper moved the following:

MOTION by Hooper, seconded by Dettloff, in the matter of City File No. 21-016 (SOS Auto Services), the Planning Commission **recommends to City Council Approval of the Conditional Use** for its ongoing auto repair facility at 1862 Star Batt Dr., based on documents dated received by the Planning Department on April 26, 2021 with the following six (6) findings and subject to the following four (4) conditions.

Findings

1. *The use will promote the intent and purpose of the Zoning Ordinance.*
2. *The building has been designed and is proposed to be 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.*
3. *The proposal is having a positive impact on the community as a whole and the surrounding area by offering auto repair services to new and recurring customers.*
4. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.*
5. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
6. *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.*

Conditions

1. *All work on vehicles will be conducted inside the structure.*
2. *Site will be kept in a generally clean and neat condition.*
3. *Cars left overnight will be parked inside the building.*
4. *All work will be conducted between the hours of 9:00 am and 5:00 pm*

Monday through Friday and 9:00 am and 2:00 pm on Saturdays.

Chairperson Brnabic opened the Public Hearing at 8:39 p.m. Seeing no one wishing to speak and no email communications received, she closed the Public Hearing.

A motion was made by Hooper, seconded by Dettloff, 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. She congratulated Mr. Nizar on Planning Commission recommendation of approval, and advised that the recommendation had to go before the City Council.

ANY OTHER BUSINESS

2021-0220

Electronic Plan Review

Ms. Kapelanski noted that the plan was to discuss the matter before the Commissioners saw their first electronic plan, but time got away. She advised that from that point forward, most plans would be viewed electronically, as with the Youngblood plans. There were a couple of projects that started a review prior to switching, and there would still be review letters for those. Otherwise, staff would make all comments electronically on the plans via Bluebeam software. They would be color-coded, and the stamp on the cover page corresponded with the colors of each department. Any comments from ASTI (wetland consultant) would still come in letter form. The Building Dept. had been doing electronic plan review for permits for quite some time, and they had seen some advantages over the course of time. Planning was still working through some of the bumps, but they were happy to move forward with the process and excited to be able to have the chance to see comments appear on the plans in real time as they were reviewed. They could take care of conflicting comments right away. Applicants seemed to be excited to get plans where staff specifically pointed to areas of concern, rather than trying to describe things in letter form. She said that she would be happy to take any questions.

Mr. Kaltsounis said that if there had been a motion included, he could usually gauge whether the Planning Commission liked something or not. He did not think that electronic plan review was one that many liked. They would have to be eased into it. He joked that he felt sort of naked coming