

*the Rochester Hills Mayor's Office and the Rochester Hills City Council in making decisions regarding the physical development and infrastructure maintenance of the City and determining what, if any, resources can or should be available to carry out City Council's policies and budgetary decisions; and*

**WHEREAS**, *the components of the Capital Improvement Plan have been subject to a Public Hearing, public review, and committee reviews over the course of several years and a duly noticed full Public Hearing on April 21, 2015; and*

**WHEREAS**, *the components of the Capital Improvement Plan were arrived at through a point system using variables that included, among other things, whether the project has begun, funds committed, sources of funds, prior City Council decisions, Planning Commission or administrative recommendations and decisions; and*

**RESOLVED**, *that the Capital Improvement Plan presented for review on April 21, 2015, is adopted by the Rochester Hills Planning Commission on April 21, 2015; and*

**BE IT FURTHER RESOLVED**, *that this Plan should be published and attested to according to law.*

*Mr. Schroeder mentioned that the Tienken Ct. water main was about three or four feet deep, and it had been a problem for 50 years. He stated that it was high time that the little short piece of water main was replaced. He remarked that the main froze in the winter, and his wife could not get her hair done, and it had been going on for years.*

*Upon questioning by Mr. Reece, Chairperson Boswell stated that the word grant would be added to the alternative energy project.*

**A motion was made by Kaltsounis, seconded by Yukon, that this matter be Adopted. The motion carried by the following vote:**

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell agreed that it was getting easier every year and he thanked Staff.*

**2015-0029** Public Hearing and request for Ordinance Amendment Recommendation - An Ordinance to amend Table 7 of Section 138-5.100, Schedule of Regulations and Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code

of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to permit out parcels in the B-3 district smaller than the minimum size required, subject to conditions, to repeal inconsistent provisions, and to prescribe a penalty for violations.

*(Reference: Memo prepared by Ed Anzek dated April 17, 2015 and draft Ordinance amendment had been placed on file and by reference became part of the record thereof.)*

*Mr. Anzek recalled that he had briefed the Commissioners in January about a proposed amendment to the B-3 district. Staff had some inquiries from owners of newly developed centers that were outlots in B-3 districts. They were not actually lots. These owners personally liked to own the property they were on. Staff thought that ownership would make people more vested in the City to keep a project well maintained and to be an asset to the community. At that time, the Planning Commission felt that it might be a good idea and recommended that Staff come back with language for an amendment. Staff was proposing adding a footnote to the B-3 columns, where currently B-3 parcels had to have 400 feet of frontage on the road and be a minimum of five acres. B-3 was more for the bigger developments that were not piecemealed. The footnote contained four criteria, and Mr. Staran had reviewed those extensively. The first consideration was that a parcel was part of a larger, cohesive development; secondly, a parcel would be accessed through existing access points and additional access points could only be constructed upon approval by the Planning Commission. If MDOT controlled the right-of-way and wanted to move an access point, it would come back to the Planning Commission for review. Thirdly, there would be a covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares. If there were a separate parcel and it fronted on a public thoroughfare, an owner was entitled to a driveway. Staff was asking that if they wanted to split it off, they had to self impose a covenant restriction prohibiting any access drives. The fourth said that a cross access easement must be provided to neighboring parcels. If someone were using the main drives, there had to be ways to get to his parcel. Staff realized that a fifth one should be added such as "any parcel established under this process shall not be entitled to a free standing monument sign." According to the Sign Ordinance, someone could file for a monument sign, but that was not the intent. The intent was to keep the development part of the larger development, and if any identification signage was required, it should be on the monument sign that was already there.*

*Mr. Kaltsounis said that the request was that no free standing monument sign would be allowed. Mr. Anzek re-read, "Any parcel established under*

*this process shall not be entitled to a free standing monument sign.”*

*Mr. Kaltsounis mentioned drive-thrus. He said that he was not saying not to have them, but there had been controversy in their relationship to residential areas. He asked what consideration had been taken about that and how it would apply.*

*Mr. Anzek pointed out that the Rochester Retail development was recently done where a McDonald's was being built. It abutted residential. The Burger King, McDonald's and recently approved rebuild of the Mobil Gas Station with a Tim Hortons were across the street from residents. The buffering they would use was intended to be adequate to offset any adverse impacts. He mentioned the Taco Bell on Walton, which did not have a direct driveway, and all access was internal to the development. There was one at Hampton Village, and there were a series of restaurants all serviced by internal roads. Mr. Kaltsounis asked if they needed to say something about buffering. Mr. Anzek said that they would not want to hide it from the bigger development but to be a part of it. Mr. Kaltsounis meant buffering for residential lots. Mr. Anzek did not think anyone would want to make an out parcel on the backside of a larger B-3 against residential. That would not be the intent of the Ordinance. Mr. Kaltsounis said that he was just trying to think ahead and where they might see it. He agreed that typically, the outlot would be out by the road away from people, but he questioned what would happen if they got something where the minimum lot requirements were less than the buffer that should about a residential property. Mr. Anzek asked the other Commissioners if that was an issue.*

*Chairperson Boswell wondered if there was room for an outlot behind the old Winchester Mall. He pointed out that if something was up against residential, it would already be buffered.*

*Mr. Reece thought the Ordinance was geared more towards outlots in the front towards the roads and not the backside of a development. He added that most of those developments were already built. Mr. Reece said that the Ordinance addressed what they did with the Meijer store and the outlot that was built last year. Mr. Anzek said that it was the business structure of a company to want to own the parcel. They could see a ten-foot path that stretched from the Target store out to Rochester Rd. to meet the State requirement of abutting a public thoroughfare. That somewhat defeated the purpose, because it was the most irregular parcel in the City. Mr. Staran was saying that if those outlots were served by easements, they would meet the intent of having access to a public thoroughfare.*

*Mr. Kaltsounis had looked at the map, and the only place he could see it would be in the back of Meijer. Mr. Anzek reminded that there were delivery trucks and a retention basin. He did not think he had seen a car there even on the day after Thanksgiving.*

*Ms. Roediger clarified that the Ordinance should not change the design of a site plan. There would still be buffer and landscape requirements. It was really a matter of ownership. It was like the townhouses and whether they were being rented or owned. It would not change the physical layout of the design; it was a matter of how they were operated and maintained after construction. Staff's main concern was prohibiting additional access points along Rochester and signage. Those were the only impacts they could see as a result of changing the ownership structure. Other than that, it would be a non-visual impact. It would allow the business options for leasing versus owning.*

*Mr. Reece asked if parking still had to be maintained per the Zonig Ordinance, and if that would not change. He noted that the City allowed a two-story building. Mr. Anzek said that if something were two-stories, it could be seen anyway, but the Commissioners would have the final say. Mr. Reece wondered if they wanted to keep buildings to one-story with 25 feet in height. Mr. Anzek suggested that someone might want to come in with a really nice two-story design, and Mr. Reece offered that they would have to look at things on a case-by-case basis.*

*Chairperson Boswell opened the Public Hearing at 8:01 p.m. Seeing no one come forward, he closed the Public Hearing.*

***MOTION*** by Schroeder, seconded by Brnabic, that the Rochester Hills Planning Commission hereby recommends to City Council an Ordinance to amend Table 7 of Section 138-5.100 and Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to permit in the B-3 district parcels smaller than the minimum size required under certain conditions, repeal inconsistent provisions and prescribe a penalty for violations with the following condition:

***Condition:***

- 1. Add to footnote that any parcel added under this process shall not be eligible for a separate, free standing monument sign.*

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Granthen, Hooper, Kaltsounis, Reece, Schroeder and Yukon

## ANY OTHER BUSINESS

### 2015-0167

Request for election of officers - Chairperson, Vice Chairperson and Secretary for a one-year term to expire the first meeting in April 2016.

**MOTION** by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby appoints William Boswell to serve as its Chairperson for a one-year term to expire the first meeting in April 2016.

**MOTION** by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby appoints Deborah Brnabic to serve as its Vice Chairperson for a one-year term to expire the first meeting in April 2016.

**MOTION** by Brnabic, seconded by Reece, 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 2016.

After each vote, Chairperson Boswell stated for the record that the motion had passed.

### **ANY FURTHER BUSINESS:**

Mr. Anzek asked if any Commissioners were interested in getting an electronic packet, noting that Mr. Hooper was used to getting them that way.

Mr. Kaltsounis said that he would need a trial, because at home, he did read the paper copy more thoroughly. Mr. Anzek said that Staff would have to provide training. Mr. Reece said that reviewing plans electronically tended to get cumbersome. He did it at work, but he was set up with a much larger monitor. He would rather have hard copies of at least the plans.

Mr. Anzek had brought up the question in January if anyone had identified any other sites Staff should pursue for sub area plans. The Olde Towne study was budgeted for \$75k. It was too busy to do in house, and they would like to get a concept design and marketing analysis of the