



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Gerard Dettloff, John Gaber, Marvie Neubauer,
Nicholas O. Kaltsounis, David A. Reece, and Ben Weaver

Tuesday, February 16, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic welcomed everyone and called the Regular Meeting to order at 7:00 p.m. She outlined the procedure for the virtual meeting, stating that "In compliance with the Open Meetings Act, as amended, the Planning Commission will continue to move forward and carry out our Planning and Development meeting agendas using Zoom video conferencing to limit the potential exposure to the Covid-19 virus. Any member of the public who would like to speak on a particular agenda item or during Public Comment, which is for non-agenda commentary, will be recognized by calling into the Zoom meeting and using the I.D. number. Once you are on the call, press 9 to speak on the phone or raise your hand in the Zoom application. All comments and questions will be audio only and limited to three minutes per person. All questions will be answered together after every person has had the opportunity to speak on the same agenda item. Each member of the public that wishes to speak will be asked to state and spell their name and give their address for the record. Members of the public may also comment on an item by sending an email to Planning@rochesterhills.org prior to discussion on the agenda item."

ROLL CALL

Present 8 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, David Reece, Susan M. Bowyer, Ben Weaver and Marvie Neubauer

Excused 1 - John Gaber

Quorum present.

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, Utilities Manager, DPS/Engineering
Paul Davis, Deputy Director, DPS/Engineering
Maureen Gentry, Recording Secretary*

APPROVAL OF MINUTES

2021-0067 January 19, 2021 Regular Meeting

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

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

Excused 1 - Gaber

2021-0071 February 1, 2021 Joint PC/CC Meeting

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

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

Excused 1 - Gaber

COMMUNICATIONS

A) Letter from Charter Township of Orion regarding intent to update its 2015 Master Plan

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment at 7:05 p.m. Seeing no one wishing to speak online or in the Auditorium and no communications received, she closed Public Comment.

UNFINISHED BUSINESS

2020-0585 Public Hearing and request for Revised Conditional Use Recommendation - City File No. 20-011 - to construct a 1,205 s.f. addition to the existing 1,221 s.f. auto repair facility for Action One Auto, located at the southwest corner of Auburn and John R Roads, zoned B-5 Automotive Service Business with an FB-2 Flexible Business Overlay, Parcel No. 15-35-226-006, Vito Pampalona, Pampalona Companies, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated February 10, 2021, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant was Vito Pampalona, Pampalona Companies, LLC, 850 W. University, Suite D, Rochester, MI 48307.

Ms. Kapelanski advised that the applicant was proposing to add a 1,200 s.f. addition to the existing Action One Auto. She noted that auto repair facilities were a conditional use in the B-5 district, and that the expansion would require a conditional use approval. She said that the plans were generally in compliance with the Ordinance, but modifications were required to allow a reduced rear yard setback and a lesser number of right-of-way and parking lot plantings due to required corner clearances. She recapped that the matter was considered at last month's Planning Commission meeting and had to be postponed, because the required sign had not been installed 15 days prior. At the January meeting, the Planning Commission requested some items from the applicant, including updated renderings incorporating windows on the overhead doors, a two-tone band on the rear of the building and extra parking lot striping. Trees were also requested for the rear of the site. The applicant made most of those requested changes, but had elected not to stripe any additional parking spaces. The site did meet the parking requirements as proposed. All staff reviews had recommended approval, and she said that she would be happy to address any questions.

Chairperson Brnabic asked Mr. Pampalona if he had anything to add, and he agreed that they had made the changes requested, and they wished to stick with the parking as proposed and striped (10 spaces).

Chairperson Brnabic said that Mr. Pampalona had been pretty adamant about the parking at the last meeting, but there had been several Commissioners who expressed concern about only having 10 spaces. She said that she hoped Mr. Pampalona could guarantee that cars would not be scattered across the lot. She would rather see more spaces striped to keep the lot organized-looking with a nice view.

Mr. Pampalona said that he could not give that guarantee; he did not own the business, and he was just the developer. He said that the parking met the Ordinance standards, and that was the way the owner wanted to keep it. The reason for the extra bays was to take the extra cars out of the lot and put them inside the building at night.

Mr. Kaltsounis had noticed that the colored rendering showed windows in the overhead doors, but the plans did not show that. He asked if the plans could be updated to show that as well as the painted band across the back as conditions of approval. Mr. Pampalona said that he was fine with that, and he could provide that with the construction drawings. He stated that the exterior of the building would look exactly as it was shown in the

rendering. Mr. Kaltsounis realized that, but as an Engineer, he liked to make sure that all the i's were dotted and t's were crossed.

Chairperson Brnabic opened the Public Hearing at 7:10 p.m.

Scott Struzik, 2735 Stonebury Dr., Rochester Hills, MI 48307 Mr. Struzik noted that he lived about 300 yards from the subject property. As a nearby homeowner, he wished to thank the Planning Commission for their valuable feedback given to the applicant during the last meeting. He thought that some of the suggested improvements, particularly for the backside of the building, would enhance what the applicant wanted to do. He felt that the proposed improvements for the landscaping, pathways and visual elements of the building would enhance the community. He hoped that the applicant and the Planning Commission were able to resolve the remaining issues, and that the improvements came to fruition.

Doug Johnson, 324 Major Dr., Santa Rosa, CA Mr. Johnson advised that he was the owner of the building immediately to the south on John R, which was currently occupied by Sherwin Williams. He thanked Chairperson Brnabic for recognizing that the existing parking for Action One was substantial. He claimed that they commonly had many cars in the lot. He thanked Mr. Pampalona for his explanation that the owner was going to use the three additional service bays as safe storage for overnight parking. However, Mr. Johnson said that he stood by his concern that expanding from two to five bays could easily drive additional business for Action One. In the presence of additional business, there would be additional cars, and he did not think that the existing parking could manage the additional cars. The addition to the building would reduce the available parking by at least three spots. It did not sound to him as if any part of the proposal would be to accommodate additional customer traffic. It sounded like the plan met the requirements for parking, but he was concerned that it could have a real impact on his property and his tenant's ability to manage their business.

Chairperson Brnabic closed the Public Hearing at 7:14 p.m.

Chairperson Brnabic noted the shared concern that although the parking requirements were being met, it would not be enough. Her concern was that they were doing an update to the building and corner, which would look really great, and she appreciated it, but she would not care to look at a parking lot with 20 cars scattered all over. If the business demanded that, she would rather see it striped and orderly so that the view presented a much nicer, organized look. She realized that Mr. Pampalona could not

answer for the owner, but she asked Ms. Kapelanski if the Planning Commission could request additional striping.

Ms. Kapelanski stated that as a conditional use, the Planning Commission had more discretion to request additional parking. If the applicant were to agree to stripe additional spaces, then, as part of the motion, they would need to add a parking modification to allow the extra parking.

Ms. Roediger pointed out that there was space shown on the plans where there was paved surface. She questioned the opposition to striping it. Mr. Pampalona said that his concern was the timing. If they could agree to amend the parking with a condition of approval, and they were allowed to move forward with site plan approval, he had no problem doing it. He would just not want to have to come back in a month and go through the process again. He mentioned that because it was a corner lot, they had to scale the size of the parking lot, which had been bigger before. If the Planning Commission could give him the latitude where he did not have to come back, he would have no problem adding the extra three spaces. Regarding Mr. Johnson, he wished he had an answer. He reiterated that the owner needed the bays to get the cars out of the parking lot. It would help clean the lot up a lot and take half of the cars out of the lot. They would be able to turn the cars around a lot faster. The reason they were stacked up was because he only had two bays.

Ms. Kapelanski said that the Planning Commission could definitely make striping a condition of approval. It could be taken care of prior to final approval. Mr. Pampalona asked when it would go to Council, and Ms. Kapelanski hoped that it would be the February 22 meeting, if the Planning Commission recommended approval.

Chairperson Brnabic asked Mr. Pampalona if he objected to striping five additional spaces, noting that he had mentioned three. Mr. Pampalona felt that only three might fit, but they would max it out according to what would fit.

Mr. Kaltsounis agreed with Chairperson Brnabic about the parking. He looked at an aerial of the property from 2017, and it showed 22 cars in the lot and one leaving. He concurred that they needed extra striping, and he appreciated that Mr. Pampalona agreed to a condition.

Ms. Neubauer said that she drove by the corner several times. She said that she loved the new renderings, and she felt that the building looked

great. It would be a phenomenal improvement over what was there. She also liked that they were willing to max the parking. Even though the plan currently met the parking Ordinance, based on how the parking lot currently looked and had looked in the past, the Commissioners wanted the parking lot to match the new building and for the entirety of the property to be consistent with the new, great look. If they were willing to max the striping, she would have no problem moving forward. She did not think a further delay was necessary

Hearing no further discussion, Mr. Kaltsounis moved the following. He indicated that the reason the Commissioners were adding a condition about parking was because there was a used car facility about a mile away that had set precedent. Mr. Pampalona said that he understood - he owned some office buildings and had a neighbor that did the same thing.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-011 (Action One Auto Addition), the Planning Commission **recommends** to City Council **Approval** of the **Revised Conditional Use** to allow an addition to an existing auto repair facility in the B-5 Automotive Service Business district, based on plans dated received by the Planning Department on November 17, 2020 and February 3, 2021, with the following six (6) findings and subject to the following one (1) condition.

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 will have a positive impact on the community as a whole and the surrounding area by further offering jobs and expanded auto repair opportunities.
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 will 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.

Condition

1. *That the applicant submit a revised parking plan showing the maximum extra spaces that can be striped at the south property line, prior to final approval by staff.*

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

Aye 8 - Brnabic, Bowyer, Dettloff, Hooper, Kaltsounis, Neubauer, Reece, Weaver

Excused 1 - Gaber

[2020-0586](#)

Request for Revised Site Plan Approval - City File No. 20-011 - to construct a 1,205 s.f. addition to the existing 1,221 s.f. Action One Auto building located at the southwest corner of Auburn and John R Roads, zoned B-5 Automotive Service Business with an FB-2 Flexible Business Overlay, Parcel No. 15-35-226-006, Vito Pampalona, Pampalona Companies, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-011 (Action One Auto Addition), the Planning Commission approves the Revised Site Plan, based on plans dated received by the Planning Department on November 17, 2020 and February 3, 2021, with the following seven (7) 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 Auburn Rd. and John R Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *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.*
5. *The Planning Commission modifies the rear yard setback to 15 feet.*

6. *The Planning Commission modifies the number of parking spaces.*
7. *The Planning Commission modifies the parking spaces to allow more than required to keep the vehicles organized in the parking lot. Past observation has always shown more than ten vehicles in the lot.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters.*
2. *Provide a bond for landscaping and irrigation in the amount of \$18,950.00, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.*
3. *That the applicant submit a revised parking plan showing the maximum extra spaces that can be striped at the south property line, prior to final approval by staff.*
4. *That the applicant submit revised Sheet A200 showing the painted band around the rear of the building and the windows in the overhead doors, prior to final approval by staff.*

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, Reece, Bowyer, Weaver and Neubauer

Excused 1 - Gaber

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously. She congratulated Mr. Pamalona, and said that she looked forward to seeing the site redone. She stated that it would be a good improvement for the corner.

2021-0001

Public Hearing and request for Conditional Use Recommendation - City File No. 20-022 - Zeenat Plaza, a three-story mixed-use retail and residential building on .49 acre located at the southwest corner of Auburn and Gerald Ave., zoned BD Brooklands District, Parcel No. 15-36-226-068, Hisham Turk, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated February 10, 2021, Site Plans and Elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were Iftequar Fazal, 650 Robinson Dr., Rochester Hills, MI 48307 and Hisham Turk, 1412 E. 11 Mile Rd., #2, Madison Heights, MI 48071.

Ms. Kapelanski stated that the applicant was proposing a three-story,

mixed-use building in the new Brooklands District at the southwest corner of Auburn and Gerald Ave. The bottom floor would be retail with multiple-family residential on the top two floors. She advised that a third story required a conditional use in the district. The third floor was stepped back appropriately, and the required site lines had been provided. Required parking had been provided for the residential as well. The applicant was asking for a space width reduction to allow nine-foot spaces in lower turnover areas. All required right-of-way plantings along Gerald Ave. could not be accommodated because of infrastructure issues. As with the last item, the matter had been considered at the January Planning Commission meeting, but it had to be postponed because of the noticing requirements. At that meeting, the Planning Commission requested some items from the applicant. The applicant had provided the requested rental and sale pricing estimates, and the rendering had been updated to indicate nine potential entrances at the rear of the site. A .pdf of the material board had been provided, and the applicant had reached out to the adjacent property owner at 2976 Gerald. She concluded that all staff reviews had recommended approval, and that she would be happy to answer any questions.

Mr. Turk thanked the Planning Commission. He agreed with Kapelanski's comments about what had been provided. Regarding the materials, the first floor would have brick and limestone with glazing, and the second and third floors would have brick and a composite panel system. They also had provided an updated EIS showing the estimated rental and sale prices. They estimated that the two-bedroom units would sell for \$299,000 and the rent would be \$2,000 per month. The three-bedroom units would sell for \$325,000 and rent for \$2,400 per month. They contacted the neighbor again - they had contacted him back in November, too - and those emails had been included.

Chairperson Brnabic thanked the applicants for providing the requested information from January. She saw the email to the property owner at 2976 Gerald but saw no response. In her experience on the Planning Commission, it was very unusual that a homeowner for property most directly affected by a proposed development did not respond. It could be as simple as having no further questions or comments, but there was usually some response. She hoped that the email had not been overlooked for a variety of reasons, or that the neighbor's email address had not changed. She recalled that there had been discussion about providing landscaping on the neighbor's property to buffer the sight line of the third-story balconies looking into the home and yard, which was not included in the email to the neighbor. In her opinion, the applicant would

have to plant 30-foot, fast growing trees to buffer the view. Anything less would take years to serve the immediate purpose. She read from the conditional use standards for three stories: "Sight lines from windows or other occupied areas of the subject building seeking additional height shall be indicated to minimize views from areas of additional height to adjacent residential buildings. Views should be minimized through the use of landscaping, additional step backs, building orientation or other means as determined necessary by the Planning Commission." She stated that an additional step back would not obscure the view, nor would changing the building orientation. The homeowner was not asked or informed of the option to have trees planted on his property. She indicated that it boiled down to "any other means as determined necessary by the Planning Commission." She thought that removing the third-floor balconies to protect the privacy of the homeowner was the best answer. She asked if there were seven balconies proposed for the rear of the third story, and Mr. Turk agreed.

Chairperson Brnabic read number two of the conditional use, "Submission of floor plans and elevations indicating the use of additional height areas, including any proposed outdoor uses on second or third floors, to determine potential noise nuisances." She thought that seven third-floor balconies definitely had the potential to create a noise nuisance, especially since there were six balconies on the second floor. That was a total of 13 balconies facing a residential home. She maintained that it could definitely present a noise nuisance, which was very concerning to her. She asked, under the circumstances, that the third-story balconies be removed from the rear. She asked if it was possible that a restaurant might rent a few of the retail spaces combined, which was confirmed. She considered that it could create a demand for more parking. She wondered if they gave any further thought about dedicating parking for the residential units.

Mr. Turk said that they were providing the minimum spaces for the residential in the district. They had no more space to provide more than what was required. Chairperson Brnabic meant that she wondered if they would sign dedicated spaces for the residents. From a business perspective in the long run, she felt that the parking would affect the occupancy rate if renters had to park down the street, especially in the winter. Buyers would definitely expect a dedicated space, and she wondered if the applicants were going to mark them somehow. Mr. Turk said that they did plan to put signs in for the residential spaces.

Mr. Weaver still felt that the proposal was a great idea. He liked the

renderings. At the last meeting, he had mentioned that the tree grates and bike racks should match what existed along the corridor for continuity. He would like to see that shown on the plans prior to final approval. There was also concern about the plantings in the southeast corner. The planting bed at the east end of the parking lot would encroach upon the southern-most tree in the grate, and he suggested reworking those a little. He said that he did not mind the balconies on the rear of the building, and he felt that it would add to the resale value. He recognized that there could be concern about privacy from the neighbors to the rear, but there were some existing trees in the back that would help. He felt that it was a great development, and he was excited for it. Mr. Turk agreed that matching the grates could be a condition.

Mr. Hooper stated that he really liked the development. However, if developers were not able to get a third story, it could prove to be a watershed moment to the survival of the Brooklands District, and the City had made a large investment. He knew that there had been a lot of discussion when creating the Brooklands District about allowing a third story. He fully appreciated the other Commissioners' opinions on whether it was appropriate or not for the area. He claimed that if it did not happen with the proposed project, it would not happen anywhere else. He supported the project and the third story and what Mr. Weaver had said. With all due respect to his fellow Commissioners, he indicated that they were at a watershed moment as to whether a third story would move forward or not.

Chairperson Brnabic clarified that she was not requesting removal of the third story but rather, the third-story balconies, because of the views encroaching into the home directly behind and the invasion of privacy, which they definitely had to consider. That was why a third story was a conditional use; it had to meet the requirements for sight lines, noise nuisance and other things. She added that she was only asking for the balconies at the rear of the building to be removed, not the front.

Mr. Kaltsounis said that regarding a third floor and balconies, he was sort of in between. He would prefer that they looked at an escrow so that if the resident in the back had a concern and wanted certain types of trees to be planted at a later time, there would be money for that.

Ms. Roediger said that in working on the whole Auburn Rd. project, she interacted with that neighbor regarding the alley reconstruction and the fence being installed. In her experience in talking about the proposed project, the neighbors were very laid back and did not have any concerns.

It was her guess, based on her interactions with the neighbors, that no news was good news, and that they had no objections. As they had done with other developments in the past, staff could work with the applicant if the neighbor wanted additional landscaping. She agreed with Mr. Weaver that there were some substantial evergreens along the south property line as well as a garage as natural barriers already existing. She would not like to require an escrow, and they could add a condition about extra screening if necessary, although she did not think that any had been requested.

Mr. Kaltsounis said that when it came to the parking, the applicant was asking the Commissioners to go outside of their boundaries, while all he was hearing was the comment that they were at the minimum, and they met the requirement. The applicant was asking the Commissioners to step outside of their requirements for the conditional use. In regards to signs for the residents, he thought that there could be a condition, but he would also like to see signage added that noted more parking in the public lots. He asked the applicants if that would be an issue. Mr. Turk said that he agreed with him. When they planned the development, they took into consideration the new zoning district that encouraged pedestrian use and other types of transportation, and they would not mind adding signs about other parking areas.

Ms. Roediger said that whenever signs were put up, the City was cognizant of how many and what kind. They did not want a site cluttered with signs. She suggested that the City might be able to add more signage about the public parking. She did not think it would be a good practice to require every site to have signage referring to offsite parking lots. She thought that it could become unsightly quickly. She reminded that they had to consider fire lanes and other regulatory requirements. The subject site was tight, and they were trying to maximize landscaping and other things.

Mr. Kaltsounis said that he was just thinking about having one sign at the end of the drive to direct people to the public parking. He suggested a condition stating that staff would review and approve a parking signage plan. He agreed with Mr. Hooper that if they did not allow third stories and balconies, the City would never compete with Auburn Hills, and they would not get the developers. He asked the applicants to contact the neighbor and submit a plan addressing screening for the neighbor.

Chairperson Brnabic asked Mr. Weaver what type of plantings would be the best if the applicant were to plant on the neighbor's yard. Mr. Weaver

replied that Arbor Vitaes tended to grow quickly. There were a number of varieties that would stay compacted in the five to eight-foot width range but still get 25 feet or more tall. There were Spruces, Firs and Pines that got really large and stayed evergreen all year long. As Ms. Roediger had noted, there was a garage and other things that should help with screening, but there were options that could be planted that would help. Chairperson Brnabic said that her concern was the sight line into the second-story window of the house. Mr. Weaver said that the second-story window was about 20 feet, and that height could be reached relatively quickly with various evergreen plant stock.

Dr. Bowyer thanked the applicants very much for coming back with the changes. She felt that the building looked great, and she loved the three stories and the balconies. She did not see any difference between the windows as balcony windows or regular residential windows. People could still see out of them. The balconies were very small, and people would not be having parties on them. People might not even go out onto the balconies from the bedrooms. She did not see an issue with noise or privacy. She appreciated that they had reached out to the neighbor, and there had been no concerns raised. She did not think that they should continue to ask the applicant to keep trying to convince the neighbor that he needed trees when he had not even asked for them. She stated that whole corridor was based on the kind of building as proposed, and they put that out to the residents who came to public open houses and had chances to voice their opinions about whether they liked those buildings or not. There were a few who did not like them, but for the most part, everybody loved the idea. As Mr. Hooper said, if they were not putting in that type of building, she would ask why they had wasted the millions and millions of dollars they spent in the corridor. Regarding the signs, she agreed with Ms. Roediger that the City did not want sign pollution. The district was only so many blocks big. People were going to figure out that there was City parking on the other side of the road. She did not think that a lot of signage was necessary. In the daytime, the businesses could use the spots and at night, the residents could use the spots. She did not think that they should tell people they could not use a spot, which would be a hardship to the businesses and the residents. They could revisit whether they needed signs in the future, if there was a problem. As presented, she felt that it was a great design and great building, and it would fit in with what was envisioned for the corridor's look. She thanked them for all of their efforts.

Mr. Reece felt that everyone knew his opinion about three stories. He did not believe that it belonged in the area, and he had said that from day

one. He did not think that there was a Commissioner there who would want people in the proposed, three-story building 50 yards from their property line looking down into their residences. He did not think that anyone would want the building in their back yard. He claimed that there were more than a handful of residents opposed to three-story buildings in a residential area. While he supported the Auburn Rd. development, he felt that three stories was out of place in the community, and he did not think that it was a well thought out plan in that regards. He thought that they were trying to cram five pounds into a two-pound bag on the fact that it was what would pencil from an ROI standpoint. While he supported the development, he stated that he did not support three stories, and he would not support the project going forward.

Ms. Neubauer said that at the last meeting, she and Commissioner Gaber both had an issue with the colors. She noticed that a separate set of colors had been presented, and she wondered how the other Commissioners felt about the second choice, which she liked much more. It was more gray-toned.

Chairperson Brnabic noted that staff had received an email from Ernest Colling, 3227 Emmons Ave. She summarized that he opposed the approval of the site plan for the plaza. His concerns included the lack of parking, stating that the City's requirement of 1.5 cars per household was underestimating the current demands for parking. He listed sources to validate his statements. He felt that the requirement should be 1.922 per household based on the sources. He questioned snow removal and the impact of available parking in the rear lot. He reminded the Planning Commission that most people did not walk in the winter for five months out of the year. He expressed concerns about traffic in the subdivision increasing, stating that there was already a problem with speeding and drivers using the subdivision to avoid Auburn Rd. He felt that the redevelopment of the area should not serve to create a negative impact on residents and the surrounding area. The email was placed on file for the record.

Mr. Dettloff agreed with Ms. Neubauer about the color choices. He considered Mr. Hooper's comments about it being a watershed moment for the area. The City took the time and energy to put a lot of thought into the redevelopment of the area. He thought that it was developments such as the proposed that would really spur other developments. If they wanted to create a mini-downtown feel, it was a perfect project for that. He supported the third-floor balconies. He would hate to see the City's multi-million dollar investment go to waste if they continued to tie people's

hands. He supported the project wholeheartedly, and he thanked the applicants for bringing it before the Commissioners.

Chairperson Brnabic opened the Public Hearing at 8:06 p.m.

Scott Struzik, 2735 Stonebury Dr., Rochester Hills, MI 48307 Mr. Struzik noted that he lived within walking distance of the subject property. He said that he was very excited about the development. It was the exact kind of development he was hoping for when the Auburn corridor plan was announced. He felt that the height, density and mixed-usage were appropriate for Auburn Rd. within the corridor. There was ample and underutilized parking in the area. There were over 120 public parking spots between the subject block and the two adjacent, including 35 on-street parking spots. The parking spots were waiting for a development such as the proposed to drive business to the corridor. He stated, "If you build it, they will come." The City built the Auburn corridor, and the proposed project was what they wanted for it. He hoped that the Planning Commission and the applicant would be able to come to an agreement over what changes were needed, and that the project came to fruition. He said that it would be a great jump start for what the Auburn corridor would hopefully become.

Tom Yazbeck, 1707 Devonwood Dr., Rochester Hills, MI 48306 Mr. Yazbeck echoed Mr. Struzik's and some of the Commissioners' comments. He was very supportive of the project. It was projects like that which would make him more likely to visit the area. He supported three-story buildings for the area. He thanked Chairperson Brnabic and the Planning Commission for letting him speak, and he reiterated that he really supported the project.

Chairperson Brnabic closed the Public Hearing at 8:09 p.m.

Chairperson Brnabic said that for the first development in the district, she guessed that the parking would work out, but she did not think that there was an overabundance of parking in the area even with the public lots. When Johnny Black's reopened, 60% of the public lot would be used for their customers. The pocket park and splash pad would open in 2021, which she did not think would be used only by people from the neighborhood. The public lot would also be used by families traveling to the splash pad. The applicants had mentioned the ability to use the public parking lot for their first third-story building, but it would be a concern in the future. At this point, in her opinion, there was not an overabundance of parking. She thanked the residents for sharing their

opinions with the Commission.

Hearing no further discussion, Mr. Kaltsounis moved the following.

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-022 (Zeenat Plaza), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a stepped back, third-story on a mixed-use retail and residential building in the BD Brooklands district, based on plans dated received by the Planning Department on December 11, 2020 and February 4, 2021, with the following six (6) findings.

Findings

1. *The use will promote the intent and purpose of the Zoning Ordinance for the recently adopted BD district.*
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 will have a positive impact on the community as a whole and the surrounding area by further offering jobs and another financial institution.*
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 will 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.*

Chairperson Brnabic stated that she was really torn. She liked the project, and she was excited about the Auburn Rd. corridor. There were conditional use standards in place for a reason, however, she wondered why they were there if they were not being considered. Perhaps the neighbor did not respond, but she questioned whether they would need extra landscaping. She maintained that the situation would have to be monitored in the future regarding noise and sight lines. She believed that they firmly needed to consider the privacy of the residents. Three stories was new to the neighborhood, and they needed to do everything they could to consider the sight lines into the homes. That was what was

disturbing to her. It seemed as if they were not considering the conditional use standards fully, and she wondered why they had them. She supported the development, but she was torn because of the sight lines and lack of privacy that could happen. She agreed that people would not want others three stories up looking into their homes and yards.

Dr. Bowyer recalled a problem with Barrington Park. After it was built, there was one resident who came before City Council and stated that her privacy had been invaded. The City worked with the developers, and they were asked to install new plantings to ensure privacy. She pointed out that there was always an avenue for people to come before the City Council and bring up complaints. She did not think adding landscaping later was off the table, and that it could not ever be revisited.

Ms. Roediger said that the City worked with applicants and neighbors well after a project was completed. They built relationships. She agreed that they had talked with the neighbor of Barrington Park on many occasions, and it was not unusual for them. The City looked out for existing and future residents. Regarding the point of a conditional use review, it was not permitted by right but was a discretionary decision. It was intended to set some parameters that were very site specific. It was not a carte blanche for three stories everywhere. They had to look at each parcel individually and look at where it sat. The house directly behind Zeenat had vegetation and a garage and it faced a certain way, all of which had to be considered. That was part of the gray area, and there had been different opinions. She still felt that there was a point to the conditional use. It was not a given but done on a case-by-case-basis.

Chairperson Brnabic said that she was glad to hear that. Two stories could be built by right, but three could not. Ms. Roediger agreed. She added that there had been a lot of discussion about the lack of parking, and she wanted to remind that the City was committed to finding long-term parking solutions for the corridor. Per the direction of Planning Commission and City Council, they were looking at other options for the future. The City was heavily invested in making sure that the Brooklands District was a successful part of the community.

Mr. Hooper had mentioned at the last meeting that the City purchased and built a public parking lot, and he stated that there was no question they would need more, so he agreed with Ms. Roediger's comments.

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

Aye 7 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Nay 1 - Reece

Excused 1 - Gaber

2021-0002

Request for Site Plan Approval - City File No. 20-022 - Zeenat Plaza, a proposed 29,808 s.f. mixed-use facility (8,387 s.f. retail, ten dwelling units) on .49 acre located at the southwest corner of Auburn and Gerald Ave., zoned BD Brooklands District, Parcel No. 15-36-226-068, Hisham Turk, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-022 Zeenat Plaza), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on December 11, 2020 and February 4, 2021, with the following five (5) 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 Gerald Ave., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *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.*
5. *The Planning Commission modifies parking spaces low usage spaces to nine feet.*

Conditions

1. *Address all applicable comments from other City departments and outside agency review letters.*
2. *Provide a bond for landscaping and irrigation in the amount of \$9,050.00, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.*
3. *The applicant submits a drawing showing bike rack(s) and tree grate(s) that match the Auburn Rd. theme, prior to final approval by staff.*

4. *The applicant reach out to the neighbors at 2976 Gerald Ave. to confirm whether they want additional screening on their property and if so, submit a plan for to be approved by staff, prior to final approval.*

Chairperson Brnabic said that the applicant stated that they would place signage for the residential parking. It was an option, and she did not think that it was a bad idea. She did not think that everyone who worked would be gone during the day, because so many were working from home. They might also attract retirees, and she thought that it would be a good business move to dedicate parking for the residential.

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

Aye 7 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver and Neubauer

Nay 1 - Reece

Excused 1 - Gaber

After each motion, Chairperson Brnabic stated for the record that the motions had passed seven to one. She thanked the gentlemen and congratulated them. She wished them good luck moving forward. Mr. Hooper thanked them for their investment. Ms. Roediger noted that the matter would be going to City Council on February 22.

NEW BUSINESS

2021-0021 Request for Endorsement of the Transportation Master Plan 2021

Ms. Roediger introduced Mr. Davis, the Deputy Director of DPS/Engineering and Ann Marie Kerby and Colleen-Hill Stramsak from the consultant team that put together the Plan. She recapped that they had gone through a rather lengthy and thorough presentation at the Joint Meeting a couple of weeks ago. The request was being brought before the Planning Commission for endorsement. She noted that there had been a couple of changes as outlined in the attached memo, and she said that they would be happy to answer any questions. She advised that the Plan would be forwarded to City Council for the February 22nd meeting for endorsement.

Chairperson Brnabic wished everyone a good evening. She thanked them again for the work done on the Plan and for the presentation at the Joint Meeting. She asked the Commissioners if they had any comments

or questions.

Mr. Kaltsounis thanked staff and the consultants for the Transportation Master Plan. He felt that it covered a lot of the bases, and they looked forward to using it in the future. He moved the following.

MOTION by Kaltsounis, seconded by Hooper, that the Rochester Hills Planning Commission hereby **endorses** the 2021 Transportation Master Plan.

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, Reece, Bowyer, Weaver and Neubauer

Excused 1 - Gaber

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

Mr. Davis said that if there was anyone that did not think that Engineers and Planners could work together, he would point to the document. He thought that they had done a fabulous job working together. He stated that the Plan was an important tool, which had been supplemented by some very passionate and well thought out comments from the public. There had been good public attendance, even though they had to deal with Covid. He agreed with Mr. Kaltsounis that in the end, it would be a very good document to guide them into the future priorities for the community. He thanked the Planning Commission for the endorsement.

2021-0072

Master Plan Implementation Update

Chairperson Brnabic thanked Ms. Kapelanski for sharing the update. She had noticed that the Planning Commission was not being asked to take any action.

Ms. Kapelanski explained that it was part of the RRC (Redevelopment Ready Communities) certification by the MEDC the City had received last year. They were required to provide a yearly update on the implementation of the Master Plan, and it would be passed along to the MEDC.

Chairperson Brnabic stated that she appreciated the update. Upon

questioning, she heard no further discussion.

ANY OTHER BUSINESS

2021-0041

Request for appointment of two CIP Policy Team representatives for the 2022-2027 Capital Improvement Plan

Ms. Roediger advised that the 2022-2027 Capital Improvement Plan request for projects was underway. As part of that, there was a Policy Team selected, made up of various stakeholders, Planning Commission and City Council members and staff. The CIP Policy Team would be meeting in March 2021 to rate and review the projects, and each year, two representatives from the Planning Commission were appointed to the Team. The CIP would come before the Planning Commission in April for, hopefully, adoption. She advised that last year, the meetings were virtual, and she thought that might be the case this year.

Chairperson Brnabic related that Mr. Hooper had been on the Team for the past several years, and he said that he would be willing to serve again. Chairperson Brnabic noted that the other person was Mr. Schroeder, who had resigned from the Planning Commission, so there was one spot open. She asked if there was another Commissioner who would like to volunteer. She asked how many meetings it involved. Ms. Roediger said that last year, they did not have a meeting; they rated the projects and sent them in, although normally they held one meeting. Mr. Weaver volunteered, and Ms. Roediger felt that he would be a great addition.

MOTION by Kaltsounis, seconded by Brnabic, the Rochester Hills Planning Commission hereby **appoints Greg Hooper and Ben Weaver** to serve on the CIP Policy Team for the 2022-2027 Capital Improvement Plan.

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

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

Excused 1 - Gaber

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

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for March 16, 2021. She asked if they would continue with Zoom meetings. She had heard that they would be in force until March, but she wondered if that had changed.

Ms. Roediger said that as of now, the direction was to continue virtual meetings through March 31st, so the March meeting should be virtual. There had been discussions about extending that until June, but she was not sure what was going on at the State level.

Mr. Kaltsounis mentioned the development at Livernois and Auburn (RH Trio), which seemed to have stopped. He asked if that was because of the weather or some other situation.

Ms. Roediger said that there was nothing she was aware of - she did not know of any issues. Mr. Boughton advised that they had started doing the underground storm sewer. They did stop due to the weather last week, so they only got a portion of the storm sewer installed.

Mr. Kaltsounis said that he had been thinking about what they all were going through during these "special times." There was a time when the Planning Commission and City Council were holding all of their meetings in the Letica building. He said that he hoped to be able to see everyone in person someday and finally get to meet Ms. Neubauer.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Dettloff, Chairperson Brnabic adjourned the Regular Meeting at 8:40 p.m.

ROLL CALL VOTE:

All yes

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Nicholas O. Kaltsounis, Secretary