

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

*Chairperson Boswell stated that the motion had passed unanimously. He hoped that Mr. Ahmed had taken some notes, and he offered that Mr. Breuckman would be happy to work with him. He knew Mr. Ahmed was probably disappointed, but he stated that the Site Plan could not be voted on as it was.*

*Mr. Schroeder asked Mr. Ahmed if he sent the plan to MDOT for review and approval of the driveway. Mr. Ahmad said he was not advised that it was required. Mr. Schroeder said that he was, and he explained that Auburn was an MDOT road, and they had to get a permit for the driveway from MDOT. It was talked about at the last meeting.*

*Mr. Ahmad said that the issues raised were not mentioned to him, but he would hopefully bring back a complete plan to the next meeting.*

**2013-0190** Request for Site Plan Approval - City File No. 13-005 - Used car lot at 1927 E. Auburn Rd., Syed Ahmed, Applicant

**Postponed**

**2012-0292** Public Hearing and Request for Rezoning Recommendation - City File No.12-010 - Rochester Retail, an amendment to Chapter 138, Zoning, of the Code of Ordinances to rezone one parcel of land totaling approximately .73 acre, located at the southwest corner of Rochester and Auburn Rd. (gas station), Parcel No. 15-34-227-031 from B-5, Automotive Business to B-3, Shopping Center Business, Rochester Auburn Associates, LLC, Applicant  
*(Reference: Staff Report prepared by James Breuckman, dated May 17, 2013 and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Doraid Markus, Rochester Auburn Associates, LLC, 4036 Telegraph Rd. Bloomfield Hills, MI 48302; Mark Drane, Rogvov Architects, 32500 Telegraph Rd., Suite 250 Bingham Farms, Michigan, 48025; and Jim Butler, PEA, 2430 Rochester Ct., Suite 100, Troy, MI 48083.*

*Mr. Breuckman stated that there were three agenda items before the*

Commissioners. The matter was before the Commission several times prior for a discussion. Since that time, the applicant had worked diligently to revise the plans to address all of the significant concerns. In addition to redesigning the site to meet the B-3 intent standards of the Zoning Ordinance, the applicants also did significant work to address the traffic concerns. They went through numerous iterations with MDOT and with the City's Traffic Engineers. MDOT had signed off on the access, and the City's Engineers were comfortable with the access. Staff was comfortable that the plans were compliant and ready for review. Mr. Breuckman advised that the Conditional Land Use Recommendation was for the drive-thrus proposed. There were also Site Plan Approval and Rezoning Recommendation requests. The gas station on the corner was currently zoned B-5 and needed to be rezoned to B-3. The site had previously been designed more as a B-2 development, but it was now designed for a B-3 layout. The Rezoning request was first on the agenda. If the matter went to Council, it would be handled in the same manner. Mr. Breuckman added that the proposed B-3 zoning was consistent with the future land use designation for the site. It was planned for Business Flexible Use 2, and B-3 was consistent with that. He said that he would be happy to answer any questions.

Chairperson Boswell asked what would happen with the Rezoning if something were to go wrong, and he asked if the gas station would be o.k. Mr. Breuckman said that at that point, the gas station would become a legal, nonconforming use and could continue. If the gas station wanted to come in and change anything, they might have a problem.

Chairperson Boswell opened the Public Hearing for the Rezoning request at 7:57 p.m. Seeing no one come forward, he closed the Public Hearing.

Mr. Kaltsounis said that based on Staff's comments that it was a downgrade, and he also questioned what could happen to the gas station, he felt comfortable that they could still operate if needed. He moved the following motion:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 12-010 (Rochester/Auburn Rezoning) the Planning Commission **recommends approval** to City Council of the proposed rezoning of parcel no. 15-34-227-031 from B-5 to B-3 with the following three (3) findings.

Findings:

1. *B-3 is an appropriate zoning district in areas designated for Business/Flexible Use 2 on the Future Land Use Map.*
2. *Approval of the proposed rezoning will permit the unified redevelopment of the approximately 5 acre combined parcel at the southwest corner of Rochester and Auburn.*
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 Yukon, 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, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed*

**2012-0293**

Public Hearing and Request for Conditional Land Use Recommendation - City File No. 12-010 - Rochester Retail, to construct drive-thrus in conjunction with a stand-alone restaurant and a restaurant in a retail building at the southwest corner of Rochester and Auburn, Parcel No. 15-34-227-037 , zoned B-3, Shopping Center Business, Rochester Auburn Associates, LLC, Applicant

*Mr. Breuckman noted that at the time he prepared the Staff Report, MDOT's review had not been received. Since then, MDOT had signed off and approved the plans. He had provided a potential motion to grant Site Plan Approval if the Commissioners were inclined. He said that most of the conditions in the Staff Report were detail-oriented regarding landscaping, lighting and other departmental reviews. The Fire Department did deny the plans, but he remarked that they usually denied everything, and their conditions were easily addressable.*

*Mr. Markus stated that they had been through quite a process to try to get before the Planning Commission with a presentable plan and one that was worthy of the City's expectations. He hoped that they had the best Site Plan they possibly could bring. They took the comments they had heard previously and put them on paper. They moved the potential McDonald's all the way to the west; they changed the Site Plan to make it more pedestrian-friendly and gave it more of a downtown feel as B-3 called for. He said they would be happy to answer any questions about the site.*

*Mr. Kaltsounis noted that the elevations were different than previously shown. He asked about the colors and the look. At first, the applicants said it would look like the development in Troy just down the street. He asked them to explain why they changed it.*

*Mr. Drane related that he was not before the Commissioners for the first go-around. When that concept was brought to him, as an architect, he felt that it was a little overwhelming for the site. It was so tall, and it had too many things going on. The architecture proposed was similar to the Adams Marketplace development. There would be brick on all four sides and facing the street, there would be a lot of glass. There would be fabric and metal awnings to try to break up the façade and to get some ups and downs. He felt that it had a really nice street presence.*

*Mr. Kaltsounis said that the first applicant did not really listen to the concerns raised by the Commissioners, but Mr. Markus did. Mr. Kaltsounis thought that the building layout and curb cuts were much better than before.*

*Mr. Hetrick agreed that the plans before them were significantly better than the first ones, and they fit the B-3 zoning. He noted the item about people driving through the site too fast, and he wondered if it would be possible to put in speed humps or some type of traffic calming device, especially given that they wanted it to be a pedestrian-friendly environment. It looked like there were a lot of places they wanted to get foot traffic off of Rochester Rd. into the site, and he felt that it might be good to try to slow things down a bit.*

*Mr. Drane noted the three curb cuts, which were pared down from seven, and said that the way they were designed, people would have to slow down. He was not a fan of speed humps, and in the past they had brought the landscape material closer to the edge of the curb, something with more of a hedge, and that naturally made people slow down. He thought that there were several spots on the site they could do that. Mr. Hetrick thought that anything along those lines would be great. If they were trying to make it pedestrian-friendly, he agreed that landscaping would be nice.*

*Mr. Hetrick referred to page eight, and said that it looked as if people would be making a left turn into the site. He asked if that was expected or if they expected a truck coming in to make a right turn.*

*Mr. Drane said that the purpose of the drawing was to show that a WB-50*

*truck was capable of making it in and around all curb cuts. It was not that the truck would be making a left hand turn on a regular basis, although a driver was permitted to do that.*

*Mr. Reece said that they had done a great job from where it was to where it was at today, and he appreciated their patience with the Commissioners. The Commissioners also appreciated the opportunity of bringing the project into the City. He mentioned that the McDonald's further north on Rochester Rd. was rebuilt a year or so ago, and the Commissioners had some comments about the elevations. Mr. Reece asked if the elevations for the proposed McDonald's would match that one, noting that there had been minor comments. He asked if the proposed would be a standard McDonald's, and whether Staff could take a look at it for the sake of consistency within the City. The only concern he had with the Site Plan was with people turning right into the site off of Auburn to try to circumvent the light at Auburn and get out onto Rochester Rd., but he did not think it would be a significant issue. Regarding traffic calming devices, he thought the suggestion to move landscaping was a good one, and he would not do much more. He asked Mr. Drane to put the elevations up for the overhead camera, and he asked if the material at the top was a stone banding. Mr. Drane had brought samples of the materials, and he advised that it was a synthetic plaster or effis. He added that they only used that material where it could not be touched, and that when it was that high, it came off as a stone look. Mr. Reece asked about the canopies, and Mr. Drane advised that they would be fabric, except for the gray ones over the taller windows, which were aluminum. Mr. Reece questioned whether the gray band shown would be a stone, and Mr. Drane said that it was a decorative, smooth faced, polished block. Mr. Reece asked if the glazing would be tinted, and was informed that they generally did clear.*

*Mr. Dettloff recalled that when the gentleman was at a meeting representing McDonald's, Mr. Dettloff had asked if it would be corporate or a franchise. The gentleman had replied that corporate would be in the fore front, but they identified a franchise. Mr. Dettloff asked if the franchisor would be the one involved with the other Rochester Rd. McDonald's or one that was further south in Troy. Mr. Markus said that McDonald's did not discuss that with him. He had a suspicion, knowing their model a little bit, that they did offer it to a franchisee in the area first. Mr. Dettloff commended Mr. Markus for taking things to heart and coming back with a first class plan.*

*Mr. Reece asked Mr. Markus where he was at with the phase one and*

*phase two environmental. Mr. Markus advised that they had done phase one and phase two on the gas station and the dealership. They filed a BEA, and they were in the process of doing due care plans. Mr. Reece wondered if they had come across any significant issues. Mr. Markus stated that there were a few hot spots at the gas station that had to be cleaned up. There was some penetration into the dealership on the north end of the gas station to the parking lot of the dealership. They were things they would have to work through. Mr. Reece clarified that Mr. Markus was comfortable knowing what was there, and he said that he absolutely was.*

*Mr. Schroeder asked Mr. Markus if he had looked into green building. Mr. Drane said that generally, they designed buildings to be more energy efficient than what the standard code was. That had been their response, and he said that it had been very onerous to put all of the LEED items into a commercial retail building, because a customer would be using the building. It was difficult to achieve a LEED-type project on that basis. Mr. Drane stated that they would make the building more energy efficient than they normally would.*

*Mr. Kaltsounis asked about speakers for the drive-thrus. He knew that the City required a lighting plan - to show the intensity of the lighting - but he wondered if there was some type of sound plan for a drive-thru window in terms of what someone could hear and at what times from the speakers. Mr. Breuckman stated that light was easy, but sound was almost impossible, because there were many rating scales and sound acted differently on different sites. The Ordinance had performance standards which did set some decibel limits at property lines for what was acceptable or not. That was what they relied upon to regulate those uses. Mr. Breuckman commented that he was in no way qualified to speak about managing noise from speakers, because it was complex.*

*Mr. Kaltsounis asked how the 10-foot landscape buffer would silence the noise at the drive-thrus for the neighbors. Mr. Drane did not think the landscaping would stop the sounds. He thought an architectural element would be needed, and there was a six-foot high wall to the south. The speakers on the boxes would get louder when the ambient noise level of the area got louder. It was self adjusting, so at night when traffic was quiet and there were less people, the box would be quieter, but when there was heavier traffic or wind noise, the volume would go up. Mr. Kaltsounis asked if they would mind if a condition was added about that. Mr. Drane suggested that they could add a condition about meeting the Sound Ordinance requirements at the property line, but he could not commit as*

to what McDonald's would do.

Mr. Markus said that the deal with McDonald's was kind of interesting. He really had no control over them; he only had control of the property. They did not discuss what they would or would not do. Mr. Kaltsounis said that he wished the gentleman from McDonald's could have been there. Mr. Markus said that he actually was taking a big risk by getting the plan approved. He stated that McDonald's could still walk, and that would be a problem he would have to deal with. If he got Site Plan Approval, he could go back to them. He had a meeting scheduled in Illinois to try to salvage things. They were not committed to being there until he had an approved Site Plan. Mr. Drane said they were 95% sure that McDonald's would sign on. Mr. Kaltsounis maintained that the way it was before, the City would not approve it. Mr. Markus said that was the situation; McDonald's wanted them to get an approval, and then they would finish the deal.

Chairperson Boswell said that in all the years he had been on the Commission, he had heard one complaint about speakers at a drive-thru. He did not think it would be a big problem. He reminded that there was a wall to buffer the neighbors to the south.

Mr. Drane mentioned that they did the original building on the site in 1991. It was monumental to him that what he built in the past was being torn down for something new. There were pagers at the car dealership, and they were not allowed to use speakers back then.

Chairperson Boswell opened the Public Hearing for the Conditional Land Use Recommendation at 8:21 p.m.

**Gretchen Komarzec, 3248 Hickory Lawn, Rochester Hills, MI 48307**

Ms. Komarzec stated that she lived adjacent to the property. Currently, there was an issue with a person jumping the wall from Wendy's into the residential area and exposing himself. There were a lot of children in the neighborhood, and she wanted to comment on the Ordinance for the wall size. She felt that the wall sizes were too low in Rochester Hills between businesses and residential. She asked for some better understanding of the landscape plan. The current wall stopped, so the predator could go from the business into the neighborhood very easily. She was not sure that landscaping could reduce noise. She thought that it could, and she said she would like to see if the landscape plan could be used as a buffer from the noise. They were also concerned about lighting and about the smell that would come from a fast food restaurant. She was not sure what

*the actual Ordinance for the walls was, but she wished it could be considered going forward. There was an existing wall from the dealership that was higher than part of the wall that ran north/south. She wondered if the wall could be heightened to make it equal to the dealership wall.*

*Chairperson Boswell closed the Public Hearing. He asked Mr. Breuckman what the Ordinance required for walls. Mr. Breuckman said that six feet tall was required. Mr. Anzek noted that a six-foot wall was shown. Mr. Breuckman said that he believed the wall was six feet tall along the entire perimeter of the property. It might be shorter for properties to the south.*

*Chairperson Boswell referred to the landscape plan, as mentioned by Ms. Komarzec. Mr. Drane described that there was a considerable amount of evergreens in the greenbelt, and the idea was to keep the mature trees and supplement with additional landscaping. Mr. Schroeder cautioned that some trees shown could not be planted because of utilities. Mr. Breuckman said that the trees that could not be planted were not shown on the plans. They were required, but because of utilities, the applicant would have to pay into the tree fund.*

*Chairperson Boswell advised that the lighting plan showed no light escaping the property. Mr. Breuckman said that was correct, although it was not to say that there would be no light at the property line. The requirement was that there would be no lights generated by the applicant's lights. The pole height was 20 feet, so the applicant has to update the photometric plan to show pole detail. The photometric plan itself was compliant.*

*Mr. Kaltsounis pointed out that there were a lot of grown evergreen or arbor vitae trees in the buffer on the other side of the wall. He asked the plans for the larger trees on the applicant's side. Mr. Drane advised that they would remain. Mr. Burton pointed out the asterisks between the circles on the landscape plan, which represented the existing, mature trees, which would remain. They would add trees to supplement.*

*Mr. Schroeder recommended that it would be a good idea if Mr. Markus met with the resident who spoke to talk about the problem she brought up. Mr. Markus said that he understood the resident's concern about the wall, but he could only really control what was on his property. The resident's concern was about the Wendy's three parcels to the south. He claimed that if it was his property, he would do something about it.*

*Hearing no further discussion, Mr. Kaltsounis moved the following motion:*

**MOTION** by Kaltsounis, seconded by Hetrick, in the matter of City File No. 12-010 (Rochester Retail) the Planning Commission **recommends** to City Council **approval** of the **conditional land use** to permit two drive-through facilities based on plans dated received by the Planning Department on May 3, 2013, with the following seven (7) findings and the following one (1) condition.

*Findings for Approval*

1. *The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.*
2. *The expanded use will promote the intent and purpose of the Zoning Ordinance.*
3. *The proposed development has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the neighboring development and the planned character of the area and the capacity of public services and facilities affected by the land use.*
4. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs, shopping alternatives and other dining options.*
5. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare and should mitigate potential traffic impacts by eliminating curb cuts and improving adjacent roadways.*
7. *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. *Planning Commission approval of the Site Plan.*

**A motion was made by Kaltsounis, seconded by Hetrick, 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, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

2013-0192

Request for Site Plan Approval - City File No. 12-010 - Rochester Retail, a 32,191 square-foot, four building retail and restaurant development on 5.2 acres, zoned B-3, Shopping Center Business and B-5, Automotive Business, Parcel Nos. 15-34-227-037 and 15-34-227-031, Rochester Auburn Associates, LLC, Applicant

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 12-010 (Rochester Retail), the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on May 3, 2013, with the following five (5) findings and subject to the following eleven (11) conditions.

Findings for Approval

1. *The development meets the intent and standards of the B-3 Shopping Center district and the Rochester Road Access Management Plan.*
2. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
3. *Closure of existing access drives on Rochester and Auburn should mitigate potential traffic impacts, as reviewed and approved by MDOT.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the area.*
5. *The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs, shopping alternatives and other dining options.*

Conditions

1. *City Council approval of the rezoning for the B-5 portion of the*

*property to a B-3 designation.*

2. *City Council approval of the conditional land use.*
3. *Addition of a typical detail on the photometric plan of the proposed poles along with a note that the maximum mounting height for pole-mounted fixtures is 20 feet.*
4. *Addition of a note on the photometric plan stating that all exterior light fixtures will be fully shielded and downward directed with flat lenses.*
5. *Addition of 2-3 trees in landscape islands where no trees are currently proposed.*
6. *Addition of landscape cost estimates on the landscape plans.*
7. *Submittal of an irrigation plan, including irrigation of the Rochester Road right of way.*
8. *Payment of \$9,800 into the City tree fund in lieu of the 49 required trees which cannot be accommodated on-site.*
9. *Submittal of a cross-access easements for City review and approval, and filing of the easements with the Register of Deeds prior to the City's issuance of a land improvement permit.*
10. *Address all applicable comments from other City departments and outside agency review letters.*
11. *Add landscaping for traffic calming, to be approved by Staff prior to Final Approval.*

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

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

*Mr. Dettloff asked Mr. Markus the anticipated timeframe for the project. Mr. Markus said that he would like to start this year; he was meeting with the Construction Manager and his banker the next day. He said that it would depend upon how fast they got in front of City Council. He was not sure if it would be realistic to start this year, although he would like to get it off the ground as soon as possible. Mr. Dettloff wished him good luck and thanked him for investing in Rochester Hills.*

*Mr. Breuckman said that the applicants should be able to get on the first City Council meeting in June. Mr. Hooper informed the applicants that they had done a nice job.*

*Chairperson Boswell asked how long after finishing the first three buildings Mr. Markus would start phase two. Mr. Markus said that if McDonald's was a done deal, they would like to start demolishing this year and perhaps get McDonald's up and going this year. They would do all three buildings simultaneously.*

*Mr. Schroeder asked if they had any proposed tenants yet. Mr. Markus advised that he was working on a few and that some were confidential. He stated that there was a tremendous amount of interest, and that a lot of retailers wanted to be on that corner.*

*Mr. Reece asked Staff to make sure that the resident's comment about the "predator" was passed along to the Sheriff's department.*

## **ANY OTHER BUSINESS**

*Mr. Kaltsounis wondered if there were any exciting programs in the hopper, and Mr. Schroeder asked what was going up on the Grand Sakwa (Adams and Marketplace Circle) property. Mr. Anzek advised that it was a Bank of America, and that a Flagstar was also going in. Mr. Schroeder asked if the hotel was going in. Mr. Anzek related that they were having problems with construction details, and the owner was doing another one somewhere else, so he had put it on hold for now.*

*Mr. Kaltsounis noticed that Chapman's Mill (Crooks and M-59) had gone out of business, and he asked if anything else was planned. Mr. Anzek thought that a hamburger place might locate there. Mr. Kaltsounis remembered the Mexican restaurant that was there before Chapman's Mill, and he remarked that it was going gangbusters before they lost their lease.*

## **NEXT MEETING DATE**

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for June 18, 2013.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission, and