



Rochester Hills

Minutes

Planning Commission

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Home Page:
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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver
Youth Representative: Siddh Sheth

Tuesday, March 21, 2023

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the March 21, 2023 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 9 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver

Others Present:

Sara Roediger, Director of Planning and Economic Dev.
Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary
Jason Boughton, Utilities Services Manager, DPS/Eng.
Siddeth Sheth, Rochester Hills Government Youth Council Representative

Chairperson Brnabic welcomed attendees to the March 21, 2023 Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight or during Public Comment for non-agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to planning@rochesterhills.org prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2023-0129](#) February 21, 2023 Regular Meeting Minutes

Mr. Struzik requested a typographical correction to change "contact points" to "conflict points." He noted that he would follow up with a confirmation email to Ms. MacDonald of the exact section of the minutes that needed this correction made.

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved as Presented with Mr. Struzik's typographical correction noted. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

COMMUNICATIONS

Chairperson Brnabic noted that the Commissioners received the Road Commission For Oakland County's First Quarter Road Report.

PUBLIC COMMENT

Seeing no speaker's cards and no one wishing to speak, Chairperson Brnabic closed public comment.

NEW BUSINESS

2023-0125

Public Hearing and Request for Conditional Use Recommendation - File No. J2023-0001 - to operate a drive-through as accessory to a permitted use for the proposed renovation/modification of the existing urgent care building to be utilized for a Bank of America, 3035 S. Rochester Rd., located on the east side of Rochester Rd. south of Auburn Rd., Parcel 15-35-200-051, zoned B-2 General Business District and B-3 Shopping Center Business District with an FB Flex Business Overlay, Lauren Farrow, Project Expeditors Consulting Corp., Applicant

(Staff Report dated 3/21/23, Kimley Horn Response of 2/28/23, Reviewed Site Plan, Floor Plans and Elevations, Color Renderings, Development Application and Addendum, CBRE letter of 3/15/23, Reviewed EIS, Lease Agreement and Notice of Public Hearing had been placed on file and by reference became a part of the record thereof.)

Chairperson Brnabic introduced this item noting that it is a Public Hearing and request for Conditional Use Recommendation to operate a drive-through as accessory to a permitted use for the proposed renovation/modification of the existing urgent care building to be utilized for a Bank of America, 3035 S. Rochester Road, located on the east side of Rochester Road, south of Auburn Road, zoned B-2 General Business District with an FB Flex Business Overlay. She invited the applicants up to the presenter's table.

John Gaber, Williams, Williams, Rattner & Plunkett, P.C., Jose Perez, ADC Architects, and John Gross, Civil Engineer, Kimley-Horn, were in attendance to represent the Applicant.

Mr. McLeod presented the Staff Report, noting that the Conditional Use Request is for a drive-through ancillary to an overall permissible use of the financial institution, Bank of America. He commented that they are looking to re-utilize the existing urgent care facility located at Rochester and Auburn on the southeast corner. He noted that building is about 5,700 square feet. The request for the conditional use and site plan approval is to reuse and modernize the building for a Bank of America. He pointed out that the property is split-zoned between B-2 and B-3. The primary bank location will be the north portion of the site which is B-2. The south portion of the site which was the

added-on parking lot when Verizon took over the facility at some point is B-3. The entire site and surrounding area is overlaid with the FB district as well, which is not considered for this request.

He showed what the building façade looks like currently and showed how they will be updated to brand the building for Bank of America. He stated that the applicants have worked with Administration for several rounds of site plan review. He pointed out that when the packet was issued and the staff report came out there were several disapprovals at the time; and he was happy to report that as of today the revised site plans that are included in the packet have been formally reviewed by all departments that originally indicated disapproval and have now been approved.

He stated that they are repopulating the site in terms of landscaping, providing a new pedestrian connection from the south end of the building out to Rochester Road itself and doing general cleanup of the overall site itself. He showed the proposed rebranded building for Bank of America, and noted that the primary materials will stay the same and be freshened up and the panels housing the signage will be updated in terms of color and configuration. He stated that the drive-through will be added to the back side of the building, and showed the existing parking and maneuvering as it exists today and how it will be removed and used as a drive-through lane.

He noted that the applicant is requesting a parking modification to allow for additional parking above and beyond the normal 125% allowable by ordinance. He pointed out that the total amount of parking will be reduced from how it currently stands; however, it is still in excess of the total amount of parking allowed by Ordinance. He noted that it is a re-use of an existing building with the addition of a drive-through so that may not be out of line from an Administration standpoint to allow for the modification. He showed the proposed floor plan and how the interior of the site will be laid out.

He reviewed the standards for the Conditional Use and mentioned that it sits on Rochester Road in front of the Meijer complex amongst other commercial uses, including fast foods with drive-throughs to the east as well as additional smaller shopping centers to the south and Meijer to the southeast.

Mr. Gaber stated that they are trying to repurpose this site and believe that Bank of America is a good use. He mentioned that this will be a relocation of the Rochester and Avon branch by Winchester. He noted that they plan to dress up the site both in terms of a more modern façade and to blend in more with the adjacent uses. He pointed out that they are reducing parking by 30% from 42 spaces to 29 spaces, and noted that 30 spaces is the Bank of America standard for its new branch locations. He noted that this is consistent with other Bank of America facilities in the city, and he pointed out that the branch on North Rochester Road has 40 spaces, south Rochester Road (being replaced) has 28 spaces. The one on Adams Road by the Meijer has 24 spaces. He stated that the landscaping will be a dramatic improvement over what is currently there, facilitation along the site will be improved as they are installing an ADA sidewalk from the parking area to the building itself, and the current ingress and egress will be maintained. He mentioned that it has a right-in and

right-out only on Rochester Road with the other point of egress being into the Meijer ring road. It also has access to the drive to the north of the oil change facility that goes out to Auburn Road. He commented that they are excited about the redevelopment and Bank of America was excited to sign the lease, and they think it will dress up the area and enhance the look around the commercial corridor.

Chairperson Brnabic noted that the Conditional Use request requires a public hearing and opened the Public Hearing at 7:13 p.m. Seeing no cards submitted and no one wishing to speak, she closed the Public Hearing.

She commented that she does not have a problem approving the additional parking as they are reducing the spaces by 13. She asked whether 29 was the total parking spaces.

Mr. Gross responded that one of his submittals mentioned 27 but 29 is on the site plan, with two of them being accessible.

Chairperson Brnabic requested the EIS be amended to reflect this correction before it goes to City Council.

Mr. Hooper stated that he would support this location. He pointed out that he banks with Bank of America and questioned why many of the locations he frequents have their drive-throughs closed.

Mr. Gaber responded that the drive-throughs are mainly for the purpose of ATM machines and will not be traditional drive-throughs. He explained that they will start with one ATM against the building on the inner lane with the potential to expand it to a second on the outer island. He stated it was more like a drive-up ATM.

Chairperson Brnabic questioned why all the drive-throughs are closed at Bank of America locations and only ATM options are offered.

Mr. Gaber responded that he thinks it is because banking customer service has changed and it is not necessary. He stated that most of what people used to do person to person can be handled through an ATM. Anyone having needs can go inside the branch. He commented it is Bank of America's prototype.

Chairperson Brnabic stated that she does use drive-throughs and questioned whether it is just cost savings.

Mr. Gaber responded that this is their new mode of doing business and other banks are going to that type of transaction.

Mr. Dettloff commented that it is a trend in the banking industry. He questioned the length of the lease.

Mr. Gaber responded that it was a long lease and does not recall. He commented that it might be a 10 or 20 year. It was mentioned that it was a 15 year lease with five year renewals.

Mr. Dettloff stated that he supports the project and it would be a great use for that site.

Mr. Weaver asked for clarification that all departments have now approved the site plan.

Mr. McLeod responded yes.

Mr. Weaver questioned the ingress/egress on the north side of the property and asked if cars would be allowed back in from Auburn Road.

Mr. Gaber stated that he believes cars can enter right-turn only, and believed that it was a right-in and right-out only on Auburn Road.

Mr. Struzik stated that there was a law enforcement concern with cut-through traffic, but looking at the cut it looks like it would only accommodate exit only if you go behind the oil change shop. He mentioned that you can get to Auburn Road by entering the parking lot another way.

Mr. Weaver stated that his concern is that if it is allowing traffic into the site it would be a potential point of conflict for people leaving the drive-through. He stated that he liked the drive-through in the rear of the building so that it is not sticking out on the side or front of the building. He asked if the striping in the southern parking area is meant as a cross-walk.

Mr. Gross responded that it is correct.

Mr. Weaver stated that he would concur that it is a good use for the site and the landscaping will help. He noted that his only point of concern was potential possible traffic conflict for cars leaving the drive-through and meeting up with cars potentially entering the site from the north.

Dr. Bowyer stated that she loves the repurposing of the building and it will be great as it has been sitting unused. She commented that her worry is that if someone comes out of the oil change or is coming fast there might be some conflict with drive-through traffic leaving. She asked if there could be some signage that cautions that cars will be entering from the building on the left. She commented that there used to be conflict when it was Verizon and now there will be a lot of traffic as ATMs are used a lot and they will take the shortest way out.

Mr. Gross responded that they can look into that.

Dr. Bowyer pointed out that the drive is only large enough for one-way traffic to Auburn. She stated that she definitely supports how the project looks.

Mr. Struzik stated that he supports the redevelopment and commented that it is great to see an existing building repurposed instead of torn down. He noted that documentation provided states that this will be a low-intensity use for the drive-through and based on what he has witnessed for other businesses he believes that it is true. He commented that the access to the site is great and

there are multiple ways to get to Auburn Road and Rochester Road so people do not have to be making dangerous left-hand turns, and they have access to a light on Rochester Road if they want to turn left. He noted that when he was doing his site visit, he did run into an Oakland County Sheriff's Deputy, who was giving him the signal to leave the site because he thought he was trying to cut through. He noted that this shows that there is already cut-through traffic and he is hoping that the issue will be resolved when the light is redone with a right-turn phase that goes along with the left-turn phase.

Mr. Hooper moved the motion in the packet to recommend conditional use approval. The motion was seconded by Ms. Neubauer.

After the voice vote, Chairperson Brnabic announced the motion passed unanimously.

Mr. Hooper moved the motion in the packet, correcting Huntington to Bank of America, with six findings, two pre-printed conditions, and a third condition added to revised the EIS as to reflect the 29 parking spaces, and a fourth condition to add signage as approved by staff to advise motorists of conflicting traffic on the exit-only to Auburn Road. That motion was seconded by Ms. Neubauer.

After the voice vote, Chairperson Brnabic announced that the motion passed unanimously.

Mr. McLeod noted that this item should move forward to City Council on April 17, 2023.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. PCU2023-0001 (Bank of America), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a drive-through at a proposed bank on site at 3035 S. Rochester Road, based on plans dated received by the Planning Department on February 7, 2023, with the following findings.

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 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.
7. The site has traditionally been utilized as an urgent care facility and the proposed financial institution with ancillary drive through will be less impactful.

Conditions

1. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

2023-0126

Request for Site Plan Approval - File No. J2023-0001 - for the proposed renovation/modification of the existing urgent care building to be utilized for a Bank of America, 3035 S. Rochester Rd., located on the east side of Rochester Rd. and south of Auburn Rd., Parcel 15-35-200-051, zoned B-2 General Business District and B-3 Shopping Center Business District with an FB Flex Business Overlay, Lauren Farrow, Project Expeditors Consulting Corp., Applicant

See Legislative File 2023-0125 for discussion.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. J2023-0001 (Bank of America), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on February 7, 2023, with the following findings and subject to the following 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 S. Rochester Road, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.

4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. 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.
6. The requested modification to allow for a total of twenty nine (29) parking spaces is appropriate based on the supporting information provided by the applicant.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans contained within the Planning Commission packets.
2. Provide a landscaping bond in the amount of \$26,268 based on the cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.
3. That a revised Environmental Impact Statement be submitted prior to the City Council Meeting for the Conditional Use Recommendation to reflect 29 parking spaces.
4. Add signage as approved by City staff to advise motorists of conflicting traffic on the exit-only access to Auburn Road.

2023-0127

Public Hearing for Drive Through Ordinance Amendments

(Memorandum by Sara Roediger and Chris McLeod dated 3/15/23, Draft Ordinance Amendment, Draft PC Minutes Excerpt 2/21/23, Public Hearing Notice and Public Comment had been placed on file and by reference became a part of the record thereof.)

Mr. McLeod stated that before the Commission tonight is a proposed text amendments to the Zoning Ordinance dealing specifically with drive-through facilities. He commented that over the course of the last couple of years there have been some questions and concerns raised in terms of the regulations pertaining specifically to the size of drive-through facilities, stacking configuration, and the architecture of the drive-through facility. City staff along with the City's planning consultants and City Attorney drafted the following provisions which hopefully will address the majority of the concerns that have been pretty common amongst Planning Commissioners over the course of time.

He listed the changes, and explained that as a drive-through facility comes forward, it will have to be located within a building that is at least 2,000 square feet. The use itself does not necessarily have to be 2,000 square feet, for instance if it is part of a larger building; but the structure that the drive-through sits within would have to be that 2,000 square feet. They shall be built as an integral part of the primary structure; a standalone type of drive-through is not permissible. They must be located on the side or rear portion of the structure itself, and set back a minimum of 10 feet from the front wall of the building that it is proposed upon. Screening of headlights is a current provision, unless a more

intense buffer is required, and a minimum landscape buffer D would be required, pursuant to Ordinance. Any use of a drive-through should also provide customers with a means of accessing the inside of the building, so providing pedestrian circulation. He noted that one of the newer provisions is basically physical separation between the drive-through itself and the maneuvering lane, and requiring a three-foot landscaped area between those to provide physical separation so there is no commingling amongst drive-through lanes and maneuvering lanes. In terms of additional pedestrian amenities, the drive-through lanes shall be a minimum of nine-foot width, and the vehicle stacking spaces are increasing to 20 feet in length rather than the current 16 feet. Providing for additional turning radius within the drive-through itself at 25 feet so that way some of these pin turns would not be allowed within the drive-through configuration. Also making sure that stacking does not conflict with any vehicle circulation on site.

Mr. McLeod noted that in terms of the drive-through spaces themselves, they are not requiring any additional stacking spaces, but indicating that if they have multiple lanes for a drive-through they would be required to have the additional spaces. If it is a traditional one-lane, the requirement does not change; if additional lane-age or an additional configuration which brings a second or third or fourth, ten spaces would be required for each one of those particular lanes. He added that the definition of drive-through establishment is renamed to drive-through facility, and it is providing a service out of a window or while the patron is in a motor vehicle. He explained that right now there are some technical issues in that it is only out of a window, and they wanted to open that up a little bit because not every drive-through configuration is serviced directly out of a window, sometimes it is handed to a customer outside of a window.

He noted that this is a Public Hearing for the Ordinance amendment, and once the Planning Commission sees fit they can make a recommendation hopefully for approval to City Council for their first and second readings.

Chairperson Brnabic noted that this requires a Public Hearing and opened the public hearing at 7:31 p.m. and noted that she had one speaker's card.

John Gaber, Williams, Williams, Rattner & Plunkett, P.C., stated that he appreciated the effort the Planning Staff has taken to look at this issue, particularly post-COVID as everyone is moving in this direction. He commented that drive-throughs are proliferating. He asked if consideration could be given to a potential for waivers of any of the standards. He stated that in the example of the Bank of America drive-through recommended for approval tonight, a three-foot island would be required on the right side of that car, and there might not be adequate space for that on that particular site. He commented that he understands this for larger and more-intensive drive-throughs, but he would request that they have the ability to grant some type of waiver for something like this.

He asked for consideration of grandfathering this Ordinance like was done with the FB moratorium. He mentioned that Bebb Oak was well into the process when that moratorium was adopted. He stated that as a matter of fairness and fundamental due process, that should be considered for this Ordinance too. He

mentioned Chick-Fil-A and stated that this is one of the prime topics of discussion that was considered by City staff in putting these conditions together. He reiterated that as a matter of fundamental fairness, as the precedent for grandfathering was set when the moratorium was enacted, that same principle should apply in this situation. He commented that this would prejudice applicants that are in the process already and make them start over with site plans. He stated that otherwise drive-throughs are a major concern and the standards do have to be enhanced to make sure they address some of the issues that have come before the Commission.

Ms. Roediger addressed Mr. Gaber's comments, noting that if the Planning Commission wanted to change the way this was written for smaller drive-through uses it could be modified. She stated that this was intended for the long stacking lanes, not for the one or two. She commented that in terms of Mr. Gaber's point about grandfathering existing reviews, that would be at the discretion of the Planning Commission. She pointed out that the moratorium was different as it was action taken by City Council that paused the ability for someone to submit a site plan under the Ordinance. She commented that there are plans that have been submitted that have undergone a number of reviews, and the Planning Commission would have the discretion as to whether to allow some leeway for those going through the site plan process.

Ms. Neubauer stated that it is a good idea to allow a waiver or adjust the language for the smaller drive-throughs, noting that in the case mentioned it would not make any sense. She stated that she would be okay with providing leeway. She commented that with respect to the ones that are grandfathered in, legally that is wise for the City to do as it does not want to prompt any proceeding based on anyone alleging that it is prejudicial and could be construed as changing the rules mid-game. She mentioned that the whole reason that this started was because of the Biggby proposal, and their goal was to prevent the Biggby-type of structures popping up all over the city; however, they also do not want it to be detrimental to those who are conducting business in their normal fashion, in the way that they would in any other city. She suggested providing some leeway with respect to smaller drive-throughs and keeping the applicants that are already in grandfathered so as to not prompt litigation. She commented that leaving the discretion to the Planning Commission is a good idea.

Chairperson Brnabic noted that she received an email from Melanie Martin who would like the Commission to consider that drive-throughs have detrimental impacts on citizens and the well-being of the environment. She stated that Ms. Martin believes that the City has so many drive-throughs already with more applications on the table and would like support for more non-drive-through businesses with the help of the community and the Commission. After noting this email, she closed the public hearing at 7:38 p.m.

Mr. Struzik stated that he agrees with having some leeway especially for some lower intensity uses and also agrees with the fairness aspect and avoiding litigation for people who are already going through reviews. He stated that going through this process represents a very large investment on behalf of the applicants and to change the rules partway through that does not make the city

a great place to do business.

Dr. Bowyer questioned how many site plans currently in review would be affected.

Ms. Roediger responded that it included Chick-Fil-A and Biggby coming back for a different Meijer outlot with an actual building with a permanent foundation. She mentioned that the proposed Biggby should meet all these changes and is on the north side of the site. She added that there have been some concept meetings but they are all very conceptual.

Dr. Bowyer stated that she would agree that the people that have already submitted concrete plans and are in the process should be grandfathered in. She commented that she thinks this definitely helps prevent the city from being littered with pop-up places that can go in any parking lot.

Mr. Weaver questioned when the grandfathering period would end.

Ms. Roediger responded it would be after the second readings and the Ordinance becomes effective. She stated that if the first reading is April 17, there would be a second reading in May and then it would be seven days after.

Mr. Hooper suggested that the grandfathering clause would be for existing proposed plans in the pipeline that have been submitted and in review prior to the effective date of this Ordinance.

Mr. McLeod stated that the effective date would be May 8 if this Ordinance tracks through as suggested.

Mr. Hooper noted that it would still allow people to come in up to a month from now. He questioned whether it could be made more strict, or prior to first reading.

Ms. Roediger stated that she would consult the City Attorney. She noted that there is a concept plan meeting tomorrow.

Mr. McLeod stated that the person requesting the concept meeting is fully aware of this Ordinance and he believes that they are taking it into consideration.

Ms. Roediger stated that they have been advising new people coming in that this is likely to get adopted, and suggesting that they follow it.

Mr. Hooper questioned whether the suggestion that a three-foot island would be applicable, except in the case of two or fewer drive-throughs with less than ten stacking spaces, and if this would be workable. He mentioned that the Bank of America had eight spaces.

Mr. McLeod noted that the under the new ordinance it would technically require six.

Mr. Hooper suggested two lanes or less with six or fewer stacking spaces. He noted that he did not want someone to have two drive-throughs with 50 stacking spaces.

Ms. Roediger stated that it would be anything that requires less than three spaces per lane, and noted that only banks and pharmacies would be exempt from this.

Mr. Hooper suggested two or fewer lanes and three or fewer stacking spaces per lane.

Ms. Roediger noted that they would wordsmith the changes with the idea that it is no more than three deep per lane.

Mr. McLeod questioned whether the Planning Commission would want this as automatic, or wants the discretion to waive it.

Mr. Hooper suggested it be made automatic, as it seems fair. He commented that the drug store he frequents rarely has anyone in front of him, and neither does the other bank he uses. He made the motion in the packet to recommend City Council approval of the Ordinance, adding two conditions, 1) Regarding three-foot islands, to add language as approved by staff, to limit the applicability of the three foot island to two or fewer drive-through lanes with three or fewer stacking spaces per lane; and 2) To grandfather existing proposed plans that have been submitted and are in review prior to the effective date of the Ordinance, as reviewed and approved by the City Attorney. Ms. Neubauer seconded the motion.

Ms. Roediger questioned whether there would be a cleaner way to say that in the Ordinance. She stated that in looking at the Ordinance under stacking requirements, it requires three stacking spaces per general use window or station and it requires ten stacking spaces per restaurant or service use. She suggested that the island is only required for a restaurant because everyone else would be three or less.

Mr. Hooper questioned whether someone with three or less could come in and request more stacking.

Ms. Roediger commented that they possibly could.

Ms. Neubauer questioned whether Mr. Gaber might have a suggestion.

Mr. Gaber stated that as long as Council got their intent and they worked with the City Attorney between now and the time it goes to City Council to get the language right. He commented that as long as the intent is there it could be wordsmithed.

Dr. Bowyer questioned language in B, and noted that it says drive-through facilities "must shall be", and C the windows "must shall be located".

Ms. Roediger stated that this was tracked changes and the wording would be

corrected to "shall be".

After a roll call vote on the motion, Chairperson Brnabic announced that the motion passed unanimously. She expressed appreciation to staff for putting the Ordinance together in a timely manner.

Ms. Roediger gave credit to Giffels Webster for their efforts.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, that the Planning Commission recommends to City Council approval of an ordinance to amend Section 138-4.410 of Article 4, Section 138-11.204 of Article 11 and Section 138-13.101 of Article 13 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to provide additional specific design standards for drive through facilities, clarify the number of stacking spaces required and provide a new definition of drive through facility, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations with the following conditions:

Conditions

1. Regarding three-foot islands, to add language as approved by staff, to limit the applicability of the three foot island to two or fewer drive-through lanes with three or fewer stacking spaces per lane.
2. To grandfather existing proposed plans that have been submitted and are in review prior to the effective date of the Ordinance, as reviewed and approved by the City Attorney.

ANY OTHER BUSINESS

2023-0128

Request for appointment of two CIP Policy Team Representatives for the 2024-2029 Capital Improvement Plan

Ms. Roediger stated that in the future this item would be brought to the Commission in February, as they do need two Planning Commissioners to serve to review the Capital Improvement Plan for projects that will be coming before the Commission in April. She explained that it is a very formal and thorough process reviewing all Capital Improvement Projects and the next step in that process is to have this Committee review all the projects, which is actually happening tomorrow.

She noted that in the past years, Mr. Hooper and Mr. Weaver have represented the Planning Commission at this meeting, and the information has already gone out for the meeting tomorrow, and it is hoped that they can continue on with the representatives. The Plan will be in front of the Commission in April.

Mr. Hooper moved the motion in the packet to appoint himself and Mr. Weaver. The motion was seconded by Mr. Struzik.

After a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

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

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, the Rochester Hills Planning Commission hereby appoints Greg Hooper and Ben Weaver to serve on the CIP Policy Team for the 2024-2029 Capital Improvement Plan.

NEXT MEETING DATE

- April 18, 2023 Regular Meeting
- May 2, 2023 Special Meeting

Ms. Roediger stated that for the future she would like to add an area for any future communications or correspondence for any type of training. She commented that Commissioner Gallina attended a one-day conference and asked him to share what he took away from that.

Mr. Gallina stated that last Thursday he went to a Planning and Zoning Essentials seminar that was 4-1/2 hours long and commented that it was very beneficial as he is nearing his first year on the Commission. He noted that there were probably 200 people in the room and about 80 percent were in their first year. He commented that he learned a lot and stated that in this role he is looking at site plans, reviewing overlays and zoning. He noted that he received a supplemental book and a tool kit and after going through the process he can really put things together.

He mentioned a couple of things he learned, in particular where the front of a home is relative to a street or water. He commented that it will help him in reviewing documents. He noted that there was much spirited conversation throughout and people attended from mid to northern Michigan as well, and mentioned that it was interesting to hear their comments. He stated that he was grateful for the opportunity.

Chairperson Brnabic wished everyone a Happy Easter.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Gallina, Chairperson Brnabic adjourned the Regular Meeting at 7:56 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary