

**Aye** 7 - Blair, Bowyer, Deel, Hetrick, Morita, Mungioli and Walker

Enactment No: RES0045-2021

**Resolved**, that the Rochester Hills City Council hereby approves a Revised Conditional Use for Action One Auto to construct a 1,205 s.f. addition to the existing 1,221 s.f. auto repair facility located at the southwest corner of Auburn and John R, zoned B-5 Automotive Service Business with an FB-2 Flexible Business Overlay, Parcel No. 15-35-226-006, based on plans dated received by the Planning and Economic Development Department on November 17, 2020 and February 3, 2021, Vito Pampalona, Applicant with the following findings and conditions:

**Findings:**

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal 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.

**2021-0001** Request for Conditional Use Recommendation for 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; Hisham Turk, Applicant

Attachments: [022221 Agenda Summary.pdf](#)  
[Staff Report 021621 rev.pdf](#)  
[Review Comments PC.pdf](#)  
[18007 Rearview.pdf](#)  
[Cost Estimate Emails.pdf](#)  
[Material Board.pdf](#)  
[Updated EIS 020321.pdf](#)  
[Email Fazal 021521.pdf](#)  
[Flyer.pdf](#)  
[Email Colling 021521.pdf](#)  
[Zeenat Site Plans Part 1.pdf](#)  
[Zeenat Site Plans Part 2.pdf](#)  
[Minutes PC 011921.pdf](#)  
[Minutes PC 021621.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning & Economic Development Director, introduced **Kristen Kapelanski**, Planning Manager.

**Ms. Kapelanski** stated that the applicant is proposing a three-story mixed-use building in the BD Brooklands District, located at the southwest corner of Auburn and Gerald Avenue. She explained that retail units will be located on the first floor and multi-family residential units on the second and third floors. She stated that a third story requires a Conditional Use Permit in the BD District. She further explained that the applicant was required to meet the following conditions in order to have a third story; third floor properly stepped back, required site lines be provided and required parking provided. She confirmed that these conditions have been met. She noted that this matter appeared before the Planning Commission at the February meeting where they were granted approval of the site plan and also recommended approval of the Conditional Use Permit, subject to the following conditions: the applicant reach out to their adjacent neighbor on Gerald Avenue to confirm whether additional landscape screening is desired, and that the details of the proposed bike racks and tree grates be provided to match those already present within the Auburn Road Corridor. She noted that the applicant has made a number of attempts via email to contact the adjacent neighbor, but has not received a response. The applicant agreed to the aforementioned conditions. She introduced Iftequar Fazal, Owner and Haysham Turk, Architect.

The applicants were not present at the time of introduction by Ms. Kapelanski.

**Public Comment:**

**Scott Struzik**, 2735 Stonebury Drive, stated that the subject property is in walking distance of his home and expressed his support for the project. He extended his appreciation for the amount of thought, scrutiny and discussion that the Planning Commission gave to this development prior to recommending it to Council. He stated that the City has made a large investment in the Auburn Road Corridor and he is excited that this project will turn an empty lot into a space for new businesses and ten new homes for families.

**Thomas Yazbeck**, 1707 Devonwood Drive, expressed his support for this development. He stated that both the Auburn Road Corridor and this building are unique, and looking forward to seeing the progress.

**President Deel** stated the Council received two emails from members of the public and shared the following:

1) **Patricia Marchione** expressed her concern about the three-story building being constructed on Auburn Road Corridor. She stated that very little building space remains and none of the existing facilities are more than two stories. She further stated that erecting a three-story building is a negative use of space and believes that the City of Rochester Hills should enact a standard for Auburn Road Corridor related to the height of buildings on a thoroughfare. She stated that she was never under the impression that the parking on Auburn Road was intended for continuous use of a private entity. She requested that Council decrease the size of the structure to two stories, to reflect the appearance of the remainder of the corridor structures.

2) **Shaun Llewellyn**, 442 Willow Grove Lane, stated that he is excited for the first project to come to the newly redeveloped Auburn Road Corridor. He noted the size of the living spaces are generous and will provide ten families the opportunity to live, work and play in a walkable neighborhood. He extended his gratitude to Mr. Fazal for bringing this quality project to the Auburn Road Corridor.

**Council Discussion:**

**Ms. Morita** questioned if all of the necessary parking is contained within the parcel that is being developed or if they have to rely on public parking. She further questioned the location of the nearby public parking.

**Ms. Kapelanski** stated that according to the Zoning District all of their residential parking is required to be contained on the site. She mentioned that this site requires 19 residential spaces and they have 29 spaces. She explained that the non-residential portion requires 15 spaces because they get a twenty percent reduction for having nearby public parking. She noted that the nearby parking is located across the street from the building.

**Ms. Roediger** stated that as a part of the parallel on-street parking, they are allowed to count the parallel spaces that directly abut their property.

**Ms. Morita** stated that the parallel on-street parking only accounts for five spaces and questioned where the other ten spaces are located.

**Ms. Kapelanski** explained that they have 29 parking spaces in their parking lot and the additional five on-street spaces, totaling 34 parking spaces required for the building.

**Ms. Morita** questioned if they already have perspective tenants for the commercial space.

*Ms. Kapelanski responded that they have not identified tenants for the commercial spaces. She noted that the commercial space could be split up, providing a maximum of six small retail spaces.*

*Ms. Morita questioned if the property owner was present.*

*Ms. Kapelanski confirmed that the property owners were not currently present and made an effort to contact them via text message during the meeting.*

*Ms. Morita stated that she was on the Planning Commission when this item was being reviewed and one of the concerns was the amount of parking. She expressed her concern for the property not containing enough on-site parking for both residents and commercial units.*

*She requested that Council adjourn this matter until the property owners are present to respond to Council's questions.*

2021-0001 Motion To Postpone the Request for Conditional Use Recommendation for 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 until the applicant can be present

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[Zeenat Site Plans Part 1.pdf](#)  
[Zeenat Site Plans Part 2.pdf](#)  
[Minutes PC 011921.pdf](#)  
[Minutes PC 021621.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution \(Draft\).pdf](#)

**A motion was made by Morita, seconded by Mungiolli, that this matter be Adopted by Resolution. The motion failed by the following vote:**

**Aye** 2 - Morita and Mungiolli

**Nay** 5 - Blair, Bowyer, Deel, Hetrick and Walker

Enactment No: RES0047-2021

**Resolved**, that the Rochester Hills City Council hereby Postpones the Request for Conditional Use Recommendation for 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 until the applicant can be present.

2021-0001 Request for Conditional Use Recommendation for 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; Hisham Turk, Applicant

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**Vice-President Bowyer** stated that residents will be at work during the day, allowing more spaces for patrons to park and in the evening the businesses will be closed to allow more spaces for residents to park. She noted that it should be left up to the owner and Planning Commission to determine if at a later point designated spots should be required, otherwise it is shared parking.

**Ms. Mungoli** stated that shared parking is common, but often has designated parking. She explained that it has been found that if there is not enough parking for residents, it causes people to park where prohibited, which could make it dangerous for other commuters. She stated that given the amount of people working from home, one cannot assume that parking spaces will be available during the day. She requested that Council review the ordinance on parking for future mixed-use developments that come into the community, taking into account work-from-home environments. She stated that she is not convinced that there is enough parking for this development or that the City has planned appropriately for it.

**Mr. Blair** stated that Council is not here to solve the builder's parking problem. He stated that Council has a requirement to ensure that the most basic need for parking in this Zoning District is met. He noted that if there is not enough parking for businesses or residents, it creates a problem for the property owner and not the City. He stated that Council can recommend more parking spaces, but cannot unilaterally say it is not going to work. He noted that the applicant has submitted a proposal that adheres to the City's requirements.

**Ms. Roediger** pointed out that the Planning Commission and Council spent quite a bit of time last year reviewing the Parking Ordinance. She explained that the Planning Commission was very concerned about ensuring that the City had enough parking spaces, particularly for multiple family units as it relates to visitor parking. She stated that the Planning Commission thoroughly evaluated

*the parking requirements, specifically multiple family units and made a number of modifications to the Parking Ordinance, including an increase to the amount of parking that is required in the City. She explained that according to a national global trend it is typical to reduce the amount of parking. She further explained that they recognize that Rochester Hills is a car owner community, so they went against the trend and increased the amount of parking. She stated that she is comfortable with the long-term planning related to the parking calculation that the City has, as it was thoroughly evaluated and reconsidered.*

*She again stated that there are ten residential units and 19 parking spaces have been allotted to accommodate more than one driver in most units. She further explained that the on-street parking and public parking are intended to serve the overflow from the retail units.*

**Mr. Hetrick** recognized Haysham Turk, Architect, for being in attendance and asked what type of businesses the owner is intending to attract to the retail space.

**Haysham Turk**, Architect, stated that this Zoning District encourages a downtown feeling and provides other parking options in the area, which has been designed according to the Zoning Ordinance requirements. He stated that it is unknown as to what type of retail businesses will occupy the first floor. He shared that the owner of the property is a pharmacist and may consider opening a pharmacy in one of the retail units.

**Mr. Hetrick** stated that parking spaces are available across the street for the retail location and noted that the property meets the Conditional Use. He noted that there has not been anything else in the proposal that presents a challenge, other than the parking. He stated that unfortunately the owner is not present to respond to some of the questions raised, but reiterated that the property does meet the Conditional Use as prescribed in the City's Ordinance.

**Ms. Morita** complimented the design of the property. She questioned how many patrons may come into a pharmacy at a given time. She asked for clarification whether the owner envisions six commercial units on the first floor.

**Mr. Turk** responded that he does not know the number of patrons that will come into the space at a given time. He noted that there could be a maximum of six commercial units located on the first floor.

**Ms. Morita** expressed her concern for not knowing the type of businesses that will occupy the first floor space and not having the ability to estimate how many parking spaces will be needed to reasonably operate the businesses. She stated that the plan shows it to be five spaces short.

**Mr. Turk** responded that they arrived at the calculated number of parking spaces as outlined in the Zoning Ordinance. He stated that they are not five parking spaces short according to the Zoning Ordinance.

**Ms. Kapelanski** stated that they do meet the parking requirement for the site, 34 spaces are required and 34 are provided including the Auburn Road

*on-street parking, which is permitted by Ordinance.*

**Ms. Morita** questioned if the Planning Commission reviewed what types of businesses will be operating and consider the types of businesses as a part of the approval process.

**Ms. Kapelanski** confirmed that the Planning Commission did ask the architect and property owner what business types will be operating in the space. She stated the property owner did not have a particular business in mind. She explained that the owner set it up so that the space on the bottom could be divided up into six small retail spaces or one large retail space, depending on what type of tenant they ultimately end up getting.

**Ms. Morita** stated that if businesses with high traffic volume such as coffee shops and restaurants occupy the space, it could create a problem for both the property owner and the City. She noted that the design meets every aspect of what was envisioned for the three-story building. She reiterated that Council needs to hear from the property owner and consider placing conditions on the types of businesses that occupy the space. She stated that unfortunately, she cannot support the project as it is proposed, however, should it be revised to include conditions as to the types of businesses or restrict the hours of operation, she would support the project.

**President Deel** stated that this is considered a special district, zoned as the BD Brooklands District and is unique in design. He noted that due to its designation, there are things that can be done in the area that are not permitted in other areas of the City, such as the three-story design and setback. He stated that it was designated as such, with a couple of policy goals in mind; making it a walkable community and promote economic redevelopment. He explained that as part of promoting economic redevelopment, the Zoning Ordinance was written to allow for a reasonable return on investment for the developer to develop the property. He stated that the proposal for this project meets the requirements and restrictions as set forth by the Ordinance.

He stated that the building is exactly what they had in mind, it meets all requirements, and was heavily scrutinized by the Planning Commission. He stated that he is in favor of the project and it would be a welcomed addition to the area.

**Mayor Barnett** stated that each Council member has brought forth valid points. He shared that the City wants to ensure that the community is taken care of for the long term, that we maintain flexibility, and treat everyone as fair and equitable as possible. He concurred with President Deel on the importance of a project like this to be a catalyst for growth and future developments. He noted that it is important to recognize whether this plan fits with the vision for the District and whether it meets the Parking Ordinance. He stated that it does both.

He shared that there are high hopes for this District and the City is always evaluating ways in which to improve parking challenges.

*He stated that what the City will want to avoid is determining what kind of business should be located on the first floor. He noted that the square footage allotted for the units confines the types of businesses that will occupy the space. He explained that the developer is not asking Council for any variances outside of the Conditional Use Permit. He stated that the Planning Commission has closely vetted this project and has received support from the community.*

*Mr. Turk stated that the owner had joined the meeting and is now available to answer any questions that Council may have.*

*President Deel inquired whether Council had further questions on this matter; they did not.*

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

**Aye** 5 - Blair, Bowyer, Deel, Hetrick and Walker

**Nay** 2 - Morita and Mungioli

Enactment No: RES0047-2021

**Resolved**, that the Rochester Hills City Council hereby approves a Conditional Use for 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, based on plans dated received by the Planning and Economic Development Department on December 11, 2020 and February 4, 2021, Hisham Turk, Applicant

**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.

2021-0070 Request for Approval to enter into an Interlocal Agreement with Oakland County for a CVT Grant Program

Attachments: [022221 Agenda Summary.pdf](#)  
[Grant Program Overview.pdf](#)  
[Grant Agreement.pdf](#)  
[Resolution \(Draft\).pdf](#)

**Sara Roediger**, Planning & Economic Development Director, stated that this Interlocal Agreement is a part of the Economic Development efforts with Oakland County. She introduced **Pam Valentik**, Economic Development Manager, to provide an overview of the grant program.

**Ms. Valentik** stated that this past year, The Oakland County Board of Commissioners along with Oakland County Executive, David Coulter, approved and distributed millions of dollars' worth of products and grants to small businesses. She explained that the City has partnered with Oakland County on a number of those programs, particularly the Personal Protective Equipment (PPE) Kits, Stabilization Grant and Michigan Economic Development Corporation (MEDC) Small Business Recovery Grant.

She shared that Oakland County has launched a new program, the Restaurant Relief Program, The City, Village and Township (CVT) Grant. She explained that with this grant, Oakland County is providing the products and funding to the City, and it is then up to the City to distribute to eligible businesses. She noted that the agenda packet contains a description of the Oakland County Restaurant Relief Program and definition of eligible businesses; targeting restaurants, bars and cafés with in-dining capabilities. She further explained that businesses can be reimbursed for eligible expenses incurred going back to July 1, 2020 for any equipment or supplies purchased for the purposes of maintaining safe dining options.

She stated that the City applied to the program and was awarded a limited number of products, such as sanitation stations and disinfectant sprayers, and will also receive \$110,000 in grants to distribute to eligible businesses. She pointed out that the County has put a cap of \$10,000 given to each business. She stated that they will begin to accept applications from eligible businesses on March 15, 2021 and will close the application process on April 15, 2021. She noted that they plan to have all monies distributed by June 30, 2021. She stated that in order to participate in this program, the City must enter into an Interlocal Agreement with Oakland County.

**President Deel** extended his appreciation to **Ms. Valentik** for her presentation and creating partnerships to assist small businesses within the community.

**Ms. Mungioni** stated that she is pleased to see this program offer assistance to the restaurants in the community. She expressed her appreciation to **Ms. Valentik** for her hard work and obtaining the funds from Oakland County.

**Mr. Walker** stated that this is a great program that targets the most needed businesses in the community. He questioned if the City has reached out to the