



Rochester Hills

Minutes

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

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

Tuesday, September 21, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

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

Excused 1 - John Gaber

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, Utilities Services Manager, DPS/Eng.
Jennifer MacDonald, Recording Secretary*

Chairperson Brnabic welcomed attendees to the September 21, 2021 Planning Commission meeting. She noted this if anyone would like to speak regarding an agenda item or during public comment for non agenda items to fill out a comment card, and hand that card to Ms. Roediger. Speakers may also be recognized by joining the Zoom video conference and raising their hand using the Zoom application. 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

[2021-0383](#) August 17, 2021 Regular Meeting

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

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

Excused 1 - Gaber

COMMUNICATIONS

Chairperson Brnabic noted that the Board was given the Planning and Zoning News, and the Road Commission for Oakland County 3rd Quarter Report for 2021.

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment for items not on the agenda at 7:03 p.m. Seeing no one wishing to speak and no email communications received, she closed Public Comment.

UNFINISHED BUSINESS

2021-0346

Request for a Tree Removal Permit - City File No. 21-001 - for the removal of as many as 1,036 regulated trees for Priya Living, a new senior independent living development on 13 acres near the northeast corner of Adams and South Blvd., zoned R-4 One Family Residential with an FB-1 Flexible Business Overlay, Parcel Nos. 15-13-301-011 and 15-31-351-017, Priya Living, Applicant

Chairperson Brnabic summarized the request for the request for site plan approval for Priya Living, a 172,780 sq. ft. two story senior independent living development on 13 acres near the northeast corner of Adams and South Blvd., zoned R-4 One Family Residential with an FB-1 Flexible Business Overlay.

(Staff report dated September 16, site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Logan Bailey Perkins with Priya, 7850 Lowell Crest Drive in John's Creek, Georgia; Greg Gauthreaux, 2004 Charlotte Brook Court in Charlotte, NC with Perkins Eastman and Emil Bunek with Perkins Eastman.

Ms. Kapelanski reviewed the request for the senior living development on approximately 10 acres at South Blvd. and Adams, which is zoned R-4 One Family Residential with an FB-1 Business Overlay. She noted the applicant is developing under the FB overlay which does permit multiple family housing. Ms. Kapelanski noted that the Planning Commission previously directed several plan revisions to be addressed, including revising the elevations by adding stone and brick, to better complement the existing stone house; by providing planting details, and showing perennials and more evergreens to screen headlights; the Environmental Impact Statement has been revised as requested and revising the traffic impact study. The revised study shows a few options, including a "right-in and right-out" on Adams Rd. and also shows limiting the public access to South Blvd. only. She noted that Paul Davis via Zoom and Jason Boughton from the Engineering Department were in attendance to answer questions. Ms. Kapelanski noted the applicant is requesting several modifications to the ordinance requirements, including to allow parking in the front yard, a modification to allow a greater front yard setback along Adams Rd. and South Blvd., and a modification to allow less than the required of primary façade materials. She noted that otherwise the applicant is generally in

compliance with the ordinance requirements.

Mr. Bailey explained that they've been working on putting together an overall better building and presented a 3D video rendering of the building from different angles. Mr. Gauthreaux explained that they looked at the building elevations in a more deliberate fashion in response to the Planning Commission's comments from the previous meeting. They reevaluated the massing of the building by emphasizing the vertical lines of the architecture and took some cues from the historic house onsite. Mr. Bailey showed the video renderings which show the view of the building from the South Blvd. entrance. He noted that as you enter, you would mostly see the densely populated trees, and as you drive in further at 300 ft. the architecture of the building would become visible. He explained that playful color is expressive of the Priya brand. He stated that there is an opportunity for signage underneath the canopy at the entrance. To the left the residential wings of the building would become visible, and there would be a change of fenestration, introducing vertical elements in order to break up the expanse of the façade. Mr. Bailey showed an aerial view of the project with the commons area in the center of the building, the motor court, drop-off area, dining area in the middle, yoga and meditation areas, and residential wings on either side. Mr. Bailey remarked that the theme of the building is that it gets more vibrant and playful as you approach the courtyard. He explained that the tan material shown is masonry and brick, the middle is stone with wood accents. He showed a more traditional elevation view to provide a view of the depth of the façade. He presented a slide showing the full extent of each façade and noted the same language is presented across the project. He explained that they plan to clean up the stone house and update the landscaping. The last slide is a pausing slide for reference of the site's location at the intersection of Adams and South Blvd. Mr. Bailey concluded by asking for any comments or questions from the Board.

Chairperson Brnabic commented that they did a great job with the revisions, noted the building materials are an excellent improvement from the last meeting and they addressed the commission's concerns. She thanked the applicant for contacting the neighbor, and it seemed from the email he sent that his concerns were all addressed.

Mr. Hooper remarked that he does not have issues with the requested exceptions noted on the staff report for the minimum front setbacks and for allowing parking between the minor street and the road, he noted that he thinks those requests are appropriate. He noted that the building materials are a huge improvement from what was presented at the last meeting. With regard to the last issue, the Adams Rd. entrance, he asked if the applicant is still of the opinion that they should have that entrance closed to the public. He noted that staff is recommending that the Adams Rd. entrance be at least a right-in/right-out entrance and exit.

Mr. Bailey explained that they provided a letter which expresses some concerns with a right-in/right-out entrance, and asked if it would be detrimental to leave this just as an emergency access. Additionally, they tried to be deferential to any impacts to the vicinity of the Lorna stone house. They talked with the Historic Districts Commission about finding the correct way to celebrate

the house. With the construction of the senior living facility, they would like to have simplicity about how the older residents get home and therefore focused on having the main entrance from South Blvd.

Mr. Davis commented that there are competing interests that must be addressed, from the HDC, Planning, Engineering and Fire departments, as well as the property owners. He noted in the right-in/right-out access was a reasonable compromise that would meet emergency exit concerns from the Fire Department, as well as concerns about plowing snow being piled in front of a gate for emergency access. Mr. Davis noted the revised Traffic Impact Study (TIS) provided both options.

Mr. Hooper asked if there would be a detrimental impact on the historical home. Mr. Davis suggested the applicant could respond to that question.

Mr. Bailey noted that with more activity around the stone house that would come with the public access there would be more of a loss of trees and more intense development.

Mr. Hooper explained that he is a full proponent of circular access. He said that there was a subdivision that was recent approved in the City with a dead end and he voted against it. He stated that in the winter no one would have emergency access through the gated entrance anyway, so there should be a full public access. He concluded that he supports the plans presented with the improvement of the right-in/right-out access.

Mr. Weaver agreed that the revised elevations look great. He noted that the plans included in the meeting packet do not match what has been shown tonight. He appreciated the landscaping revisions, and suggested the applicant reconsider the tulip trees in the courtyard because they tend to get very large. He asked the applicant to clarify the purpose of the rain gardens and whether they would be used to collect stormwater. He agreed that a right-in/right-out circular access would be the best option.

Mr. Bunek said that there would be curb cuts allowing water to sheet flow into them. He explained that the Fire Department and the Road Commission for Oakland County both reviewed the plans preliminarily and said the gated emergency access would be acceptable.

Dr. Bowyer thanked the applicants for the architectural revamp of the designs, and said the building does not look like a prison now, it looks warm and inviting with the added stone accents and landscaping. She asked Mr. Davis his opinion if the right-in/right-out access was necessary.

Mr. Davis said that his preference would be no gate; although they have accepted gates in other situations it is not the preferred alternative. He said that so long as Fire and Police can access the site as needed they wouldn't push for a gate.

Mr. Struzik commented that the applicants took the feedback the commissioners provided at the last meeting and they have a great brand. He

said that he has some concerns with the right-in/right-out access. He explained that there are five fire stations in the City, and a truck from Station 4 would take Adams Rd. south to access the new senior living facility. He asked Mr. Davis if an ambulance was responding to an emergency at the facility would they know how to use the knox box or would they have to go around to use the South Blvd. entrance. Mr. Davis suggested that if there was not a gate a fire truck could still possibly turn left into the right-in/right-out entrance. Mr. Struzik noted that seconds may matter with the medical needs for residents at this development, and he echoes Mr. Hooper's comments that he likes having the ability for circulation that residents could bypass the intersection to head north on Adams Rd. since there are a lot of shopping destinations in that direction.

Mr. Kaltsounis said that the commissioners hate gates and there are a lot of them in the City, and they are requesting the right-in/right-out access. He asked Ms. Kapelanski if a boulevard drive should be required like if it were in a subdivision.

Ms. Kapelanski replied that she was not aware of any situations that would require a boulevard; however the Fire Department can require a secondary access. She explained that the Fire Department needs the second entrance is if the first entrance becomes blocked from a car accident, for example. The second entrance needs to be far away from the first entrance a boulevard entrance could all be blocked from an accident.

Mr. Bailey remarked that they are reluctantly amenable to doing a right-in/right-out access on Adams but would still like to propose the access be gated to maintain their security and safety needs.

Ms. Roediger commented that it seems to defeat the purpose of having a second access if it is gated; however she defers to the engineers in the room. She said that it doesn't seem to be too much of an ask from a site disturbance or a cost point.

Mr. Davis said it would probably be cheaper to have a right-in/right-out access, and noted there would also be a cost to install a gate. He noted that many years ago, the Walmart entrance was accepted where they could close one half while the other half was under construction. He said that it is better to rely on two options than on one, from an efficiency and an emergency response standpoint.

Mr. Bailey explained that having a gated access is really important for this development because crimes against older adults have risen dramatically across the US.

Mr. Kaltsounis said that he is very familiar with other senior communities in this area. He explained that having a right-in/right-out access on Adams would allow people quick access to Meijer, M-59 and many shopping destinations. He commented that he loves the changes to the fascia, the fenestration, his only complaint is that there is not a splash of red in the front of the building instead of just hiding it in the courtyards.

Mr. Bailey said that they have revised the traffic study and it should provide

some additional comfort with regard to trip generations.

Mr. Weaver noted that the gated access to Adams is 21 ft. wide and the entrance from South Blvd. is 25 ft. wide, and wondered what modifications could be made to make that entrance wider and if it could be added at a later date if necessary. He also asked if the applicant could maintain security for the facility if they had an electric gate that closed behind the resident after they entered.

Mr. Bunek noted that there is a substantial bank along Adams which may contain fiber optics. He said that the access would need to be about 4 ft. wider to accommodate a right-in/right-out access.

Mr. Bailey said they may be able to do an electric gate, and they could have that discussion internally.

Mr. Weaver said that the commission like the building and the changes that were made to the plans, and he would hate to see the project get hung up over a miscommunication.

Ms. Neubauer noted that she is a probate attorney who spends a lot of time protecting the elderly against abuse. She said the building looks amazing and looks to be the best design of all of their buildings nationwide. She was thankful there is no red on the front façade. She explained that security does not come from a gate at the street, that is should be accomplished at the front of the building for this protected class of people. She commented that the majority of crimes against elderly residents comes from employees. She said this is a large community of people that are vulnerable, so it is important to get emergency vehicles in. If an entrance is blocked it would be problematic.

Mr. Gathreaux said that he has seen instances of a gated entrance that opens automatically once a call goes to 9-1-1.

Ms. Neubauer said that a solution may be that if the first entrance is blocked that there would be communication between the staff and the first responders.

Mr. Hooper asked if the applicant's market research showed that Rochester Hills is one of the safest communities in the US for communities over 50,000 people for the last seven years straight. He takes umbrage to the comment about potential crime in the City. He said the development would be better served by having a right-in/right-out access on Adams Rd. as opposed to having a gated access on Adams.

Mr. Dettloff asked for confirmation that there would not be medical services offered onsite. He asked if there would be someone onsite from an administrative position 24-7.

Mr. Bailey said there would be no medical staff but there would be an administrative employee onsite at all times. Mr. Dettloff commented that this would offer constant monitoring for residents.

Chairperson Brnabic noted that there was one member of the public to speak

via Zoom.

Bobby Gosche noted that she is an adjacent neighbor and has lived in Rochester Hills for about six years. She said that she thinks this would be a great addition to the city and would be a great benefit. She noted that she has a widowed mother who would benefit from this project and so she wanted to provide her input about how this would be a great asset. She said this would be a great community space; she teaches Bollywood dancing at the temple and would appreciate having this across the street.

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

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

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-001 (Priya Living), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on September 1 , 2021 with the following findings and subject to the following conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove 1,036 regulated trees and 60 specimen trees, with 1,154 replacement trees required, and with 182 replacement trees proposed to be installed.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Payment into the City's Tree Fund of \$296,096 for 972 trees, prior to temporary grade being issued by Engineering.

2021-0347

Request for Site Plan Approval - City File No. 21-001 - Priya Living, a 172,780 s.f. two-story senior independent living development on 13 acres near the northeast corner of Adams and South Blvd., zoned R-4 One Family Residential with an FB-1 Flexible Business Overlay, Parcel Nos. 15-13-301-011 and 15-31-351-017, Priya Living, Applicant

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

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

Nay 1 - Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-001 (Priya Living), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on

September 1, 2021 with the following six (6) findings and subject to the following three (3) conditions:

Findings

- A. 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.
- B. Planning Commission modification to allow parking to be located between the building and the street.
- C. Planning Commission modification to allow a lesser percentage of primary materials.
- D. The proposed project will be accessed from Adams and South Boulevard., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
- E. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- F. 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.

Conditions

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
- 2. Provide a landscape bond in the amount of \$2,003,496, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
- 3. The plans must be revised to include a "right-in/right-out" entrance/exit onto Adams Rd. as approved by City staff.

NEW BUSINESS

2021-0384 Public Hearing and request for Conditional Use Recommendation - City File No. 21-023 - to allow sales for on premises alcoholic consumption in conjunction with distilling of spirits at Bitter Tom's Manufacturing, 2937 Waterview Dr., between Auburn Road and Adams Road, west of Leach Road, zoned REC-W, Regional Employment Center - Workplace, Parcel No. 15-30-377-011, Tom Bosley, Bitter Tom's Manufacturing, LLC, Applicant

Chairperson Brnabic introduced the conditional use request for on-premises alcohol associated with the distilling of spirits at Bitter Tom's Manufacturing, 2937 Waterview Dr., between Auburn Rd. and Adams Rd., west of Lead Rd., zoned REC-W Regional Employment Center Workplace.

(Staff Report dated September 16, 2021 and site plans had been placed on file and by reference became a part of the record thereof).

Applicant - Tom Bosley - 139 Glendale Ct, Rochester, Michigan was in attendance.

Ms. Kapelanski explained the application for a tasting room as an accessory use to the primary use of distilling spirits at 2937 Waterview. Alcohol beverage sales for consumption on the premises is a conditional use in the REC zone districts. No exterior site changes are proposed and the hours of operation for the tasting room will be 9:00 a.m. to 6:00 p.m. Monday through Saturday. She noted the Planning Commission should consider the conditions noted in Section 138-2.302 of the zoning ordinance in determining whether or not to recommend approval of the conditional use permit to the City Council.

Ms. Kapelanski noted several public comment emails were received from Richard Osterhout, in which he asked whether there were any existing building code violations, about fire suppression and fire operations on the site. She noted that staff can certainly follow up about these concerns with the Building and Fire departments but they are not relevant to the conditional use request.

Mr. Bosley noted their primary operations onsite is the manufacturing of spirits, their secondary use would be the tasting operation, which would allow them to provide tours of their facility and to sell bottled spirits during the tour.

Chairperson Brnabic asked how many people could they accommodate on each tour, and how many tours would there be per day.

Mr. Bosley said it would be a maximum of 10 people per tour. He explained that he listed the hours of their manufacturing for the application, however the hours for the tasting would be only the weekends.

Chairperson Brnabic asked if Mr. Bosley would like to include those hours as part of the approval for this plan, for tours only on Friday and Saturday.

Mr. Bosley said based on the tours that they provide at other locations he can't see anything taking place on other days, since this would be a secondary use. He said in the metro area most of the tastings take place during the day on Friday or Saturday, aside from maybe a special event on a Friday or Saturday evening for example. He noted that the way the state law is written, it doesn't allow them to sell their spirits directly, they have to sell through distribution. So this would be an all-encompassing operation for them to allow them to have tasting and to sell some spirits also, rather than only selling through distribution.

Chairperson Brnabic noted the request is modified to request weekends only, plus a note about special events.

Mr. Hooper asked the applicant to point out the meeting area for the tour on the site plan.

Mr. Bosley explained the hashed portion of the building shown on the site plan is the area they will be licensed with the MLCC to serve alcohol, and the front portion of the building is office space. He said that a portion of the building is occupied by the owner, and they area a tenant. The building's main

manufacturing area is open space. He identified the location for parking and noted that there is a service door access for employees at the rear of the building.

Mr. Hooper noted it is a manufacturing facility with a side request to sell alcohol and have tours. He wished the sketch was better, and noted it's difficult to see what is there.

Mr. Bosley remarked that he also has a restaurant in Lake Orion, have to go through distribution however they are allowed to conduct some direct sales with some of the Governor's new rules. He explained that then he checked the box for the MLCC, after he got the manufacturing facility up and running, it was a last minute thing to get this application turned in.

Mr. Struzik asked Ms. Kapelanski what kind of remedies the City would have in the future if this turned out to be more of a tasting room. He noted that he had biked through the area and it would not be a great location for a bar.

Ms. Kapelanski explained that a tasting room would be accessory - if it would turn into 6- percent coming to a bar - would be nonconforming use would issue a code violation, court, etc.

Mr. Bosley commented that this would not turn into a restaurant or a bar, and also noted he has a shortage of staff.

Mr. Dettloff said that this request reminds him of how Valentine's started in Ferndale, and that business has been very successful. He asked the applicant how much seating there would be.

Mr. Bosley responded that there would be space for 10 to 12 people. He stated that people would not want to stay for a long time. He noted that this is secondary to their restaurant for the manufacturing of spirits.

Mr. Dettloff asked what types of spirits they would be serving, and whether they would be serving any food. He asked whether the applicant had yet applied with the MLCC, and remarked that this is a cool idea but the sketch needs to be more refined.

Mr. Bosley replied that like at his Bitter Tom's distillery in Lake Orion they would be serving bourbon, whiskey, and some rum and vodka. He stated that they would not be doing any cooking, and they would serve something like pretzels.

Mr. Dettloff asked if they are distilling at all presently.

Mr. Bosley replied that they do not sell the product in Lake Orion now.

Chairperson Brnabic Opened the Public Hearing.

Ms. Kapelanski summarized an email received from Richard Osterhout not in favor of granting the Conditional Use.

Seeing no further public comment, Chairperson Brnabic Closed the Public Hearing.

Mr. Kaltsounis questioned whether this can be called bourbon if it's not made in Kentucky. He explained that he used to work down the street from the Wood Reserve, and he used to work on Waterview Dr. He suggested revising the conditions for approval of this request, to include approval for the public hours of operation from 9:00 a.m. - 6:00 p.m. Friday and Saturday including special events, and for the applicant to provide a revised sketch before the City Council meeting.

Mr. Bosley said that the government changed the rule about calling these spirits bourbon instead of whiskey.

Mr. Kaltsounis noted that he would like to revise the second condition in the packet, for the hours of operation within the tasting room, to be 9:00 a.m. to 6:00 p.m. on Friday and Saturday, including special events. He asked the applicant if he agrees with these conditions. He noted he will add an extra condition that the applicant submit an updated and revised sketch to staff prior to the City Council meeting.

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

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

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-023 (Bitter Tom's Manufacturing, LLC), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents dated received by the Planning Department on August 3, 2021 with the following findings.

Findings

- A. The proposed use will promote the intent and purpose of the Zoning Ordinance.
- B. 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.
- C. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
- D. 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.
- E. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

F. 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. City Council approval of the Conditional Use.
2. Public hours of operation for the tasting room will be between 9:00 a.m. - 6:00 p.m. Friday and Saturday, including special events.
3. The applicant must submit a revised and updated sketch to City staff for inclusion in the City Council packet, to address Planning Commission comments.

2021-0385

Public Hearing and request for Conditional Use Recommendation - City File No. 21-007 - to allow a restaurant with a drive-thru, as a part of a two-story mixed use building consisting of first floor commercial/retail space and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

Chairperson Brnabic introduced the request to allow a restaurant with a drive-through as part of a two story mixed use building, consisting of first floor commercial and retail space and office space on the second floor for Rochester Avon Partners LLC, at 945 and 975 S. Rochester Rd., at the northeast corner of Rochester and Avon Rd. The property is zoned B-2 General Business District, B-5 Automotive Service Business District, and with an FB-3 Flexible Business Overlay.

(Staff report dated September 16, 2021, site plans and elevations had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Doraid Markus, Rochester Avon Partners; Rachel Smith with PEA Group, and Brian Burnham with Rogvoy Architects.

Ms. Kapelanski reviewed the request for a 27,000 sq. ft. two story mixed use building for the northeast corner of Rochester and Avon Rds. The current zoning designations are B-2, B-5 with the FB-3 overlay, and the applicant is developing under the FB-3 overlay, which permits the retail and office uses and require a conditional use approval for the proposed drive thru. She noted the applicant is requesting several modifications to the ordinance requirements including a greater front yard setback, and to allow façade transparency of less than 70% for the east and south facades. The plans presented show that the tree replacement requirements have been met.

Mr. Markus explained that the project site includes an existing Citgo gas station and a parcel that was obtained from Comerica Bank. They will be demolishing two structures, getting rid of the 1950s gas station and the old office building. The new building will be two stories, with retail on the bottom and offices on the top floor. There will be an entrance at the rear of the building for the offices. Parking in front of the building would be saved for the retail tenants. Mr. Markus said that they would keep access to the site from Avon Rd. but other driveways

would be removed. He commended City staff for working with him regarding the right-in/right-out and left-in/left-out access points. He stated that the drive through business would be a Starbucks, and these would also be a street food restaurant. He concluded that the project would be a benefit to the community.

Chairperson Brnabic noted that one of the Starbucks the applicant listed for comparison is actually located in Troy on south Blvd. She asked how the existing contamination on the site would be monitored and treated.

Mr. Markus stated they would be using the Michigan Underground Storage Tank Financial Aid (MUSTFA) fund for assistance to remove contaminated soils and underground storage tanks (USTs).

Ms. Roediger commented that the applicant has submitted their brownfield plan and the City's environmental consultant has reviewed it and they are satisfied with the level of cleanup proposed.

Chairperson Brnabic asked if there would be other tenants that are restaurants. She explained she is concerned that level of use may be a lot for the property and for the location, and with circulation with a Starbucks as a tenant. The property has been a gas station for years, and it hasn't had much activity. She noted however that the development would be a huge improvement to the corner.

Mr. Markus said there might be another restaurant or two, and that it would be a good mix of soft retail uses. He noted that City staff is supportive of the traffic study that was submitted.

Chairperson Brnabic referred to Sheet 3 of the plans, and asked to zoom in on the stacking spaces for the drive thru and traffic circulating all the way around the building. She pointed out the spot on the plan with a black line that says "no drive thru", and asked if that would be accomplished with signage or would there actually be something there that would block traffic.

Ms. Smith said this development would be a similar concept to the Starbucks drive through at Rochester and Auburn, they would have pavement paint and signage to direct people. Chairperson Brnabic asked the applicant if he feels that would be adequate.

Mr. Markus said the vast majority of customers would be entering from Rochester Rd. He explained that they have done numerous similar projects and the circulation will be self-policing.

Mr. Kaltsounis asked for clarification regarding the fire lane, and whether there are parking spaces on both sides of the fire lane. He noted that the length of the parking spaces is 16.5 ft., with 18 ft. drive aisles in between. Ms. Smith replied that they worked with the Fire Department regarding that layout, and the Fire Department asked for the marking of the designated fire lane. She noted that the ordinance allows for overhang with regard to the measurement of parking space length.

Ms. Kapelanski clarified that 2 ft. of overhang is allowed per the ordinance, into landscape or sidewalk areas.

Mr. Kaltsounis asked for clarification regarding whether with zero degree parking space layout, with a 24 ft. maneuvering lane, 8.5 ft. wide spaces is 22 ft. He suggested that staff should correct him if this is wrong. He asked because his truck is 18 or 19 ft. long.

Ms. Kapelanski explained that parallel spaces are required to be 22 ft. and all others are allowed to be 18 ft. long, with 2 ft. of overhang.

Mr. Struzik commented that this proposal checks a lot of boxes, in that he likes the shared parking and the mixed use. He expects that the City will see many more proposals like this. He said that this corner could really use a facelift. He said the reduction from seven to two driveways will make it much safer for pedestrians and bikers. He noted that the current sidewalk is in poor condition and it would be nice to see that corrected, especially for bikers. He also likes that access to the bank portion of the property is being maintained.

Mr. Dettloff commended the applicant for his job at the property at Auburn and Rochester, since there were a lot of concerns with that property. He asked if they have completed a Phase I Environmental Site Assessment for the property, and asked how many USTs there are. He noted that there is a lot of office space on the market now.

Mr. Markus replied that there are a few or several tanks, and they will all be removed. He said that there is a need for more specialty medical offices, and it would be a great synergy to have office workers on the second floor be able to go downstairs to get coffee or something to eat. He has a similar building at Maple and Orchard Lake Rd. in West Bloomfield and they've never had a vacancy, and the tenants like the set-up.

Mr. Dettloff commented that mixed use is a smart way to go, and said that the development will really enhance the corner. He asked for confirmation that Starbucks has committed as a tenant. Mr. Markus replied that Starbucks has committed.

Mr. Hooper agreed that the applicant did a great job with his Rochester and Auburn Rd. project. He noted that looking on Google maps at the Rochester and Auburn drive-thru restaurant, they had 15 cars stacking at that snapshot in time.

Mr. Markus explained that with the pandemic there was more stacking, there is a lot of asphalt on that property so the additional stacking could be accommodated. He said that the business issue now is staff shortages. He acknowledged that the stacking is a concern but said the issue will alleviate itself shortly, and people can adapt and learn to deal with overflow traffic.

Mr. Hooper commented that the building looks nice architecturally, and asked if there is an elevator.

Mr. Markus said there is an elevator at the southeast corner of the building, and also a secondary staircase. He showed sample façade materials, including stone for the bottom of the façade and brick for the endcaps.

Dr. Bowyer thanked the applicant for coming to Rochester Hills, and for taking care of the tanks and contamination at this property. She commented that the building looks great, reducing the number of entrances is positive, and the ideal mixed use of the building will be phenomenal.

Mr. Weaver asked if the metal finish on the façade will be a brushed metal. He asked whether the metal on the west facing façade will reflect into the sunlight.

Mr. Burnham noted that the metal will have a brushed matte finish.

Chairperson Brnabic Opened the Public Hearing.

Seeing no public in attendance wishing to speak, and no one on Zoom or email received, Chairperson Brnabic Closed the Public Hearing.

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, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Avon/Rochester Mixed Use Development), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a restaurant with a drive-thru, based on plans dated received by the Planning Department on July 23, 2021 with the following findings.

Findings

- A. The use will promote the intent and purpose of the Zoning Ordinance.
- B. The site 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.
- C. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
- D. 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.
- E. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
- F. 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.

2021-0388

Request for a Tree Removal Permit - City File No. 21-007 - for the removal of as many as 12 regulated trees for the construction of a 26,575 sq. ft. two-story mixed use building consisting of first floor commercial/retail space, with a restaurant and drive-thru, and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

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

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

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Avon Rochester Mixed Use Development), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on July 23, 2021 with the following findings and subject to the following conditions.

Findings

- A. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
- B. The applicant is proposing to remove 12 regulated trees and no specimen trees, with 18 replacement trees required, and with 9 replacement trees proposed to be installed.

Conditions

- 1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
- 2. Payment into the City's Tree Fund of \$2,706.00 for 9 trees, prior to temporary grade being issued by Engineering.

2021-0387

Request for Site Plan Approval - City File No. 21-007 - to construct a 26,575 sq. ft. two-story mixed use building consisting of first floor commercial/retail space, with a restaurant and drive-thru, and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

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, Bowyer, Weaver, Neubauer and Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Rochester/Avon Mixed Use Development), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on July 23, 2021 with the following findings and subject to the following conditions.

Findings

- A. 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.
- B. Planning Commission modification to allow reduced front yard arterial setbacks.
- C. Planning Commission modification to allow reduced first floor non-residential transparency for the proposed facades.
- D. The proposed project will be accessed from Avon and Rochester Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
- E. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- F. 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.

Conditions

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
- 2. Provide a landscape bond in the amount of \$104,796, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

ANY OTHER BUSINESS

Ms. Kapelanski presented the new Planning & Economic Develop map that is located on the City's website. She explained that many features have been consolidated into one map for the public to use. Users can turn on as many map layers as they want, and will no longer have to switch between maps to get multiple types of information. The map contains historical aerial imagery back to 1940, there are tools to do measurements and to filter zoning. Ms. Kapelanski concluded that this will be a great tool for potential business owners in the City.

Ms. Roediger demonstrated how the map connects to BS&A online, and tax and building department information can be obtained on a property all in one place. She said that this is a wealth of information that was previously only available to staff, and now it is available to the public.

Mr. Hooper asked if there is any property sales data available through this map.

Mr. Kaltsounis asked where to access the map, and whether the development map would be kept separate.

Mr. Struzik remarked that this is awesome, he could spend hours looking at this information. He thanked staff for striving to make more information available.

Ms. Kapelanski said the thanks goes to the City's MIS Department, they are responsible for the updates.

Mr. Brnabic reminded the commissioners of the October 19th scheduled meeting.

Mr. Dettloff asked if there have been any updates regarding a possible Chick Fil-A submittal.

Ms. Kapelanski said they have not submitted yet.

NEXT MEETING DATE

October 19, 2021

ADJOURNMENT

There being no further business to discuss, it was moved by Kaltsounis, seconded by Neubauer, to adjourn the meeting at 9:15 p.m.

Minutes prepared by Jennifer MacDonald.

Minutes were approved as presented/amended at the _____ 2021 Regular Planning Commission Meeting.

Deborah Brnabic, Chairperson