



Rochester Hills

Minutes

Planning Commission

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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: Caroline Bull

Tuesday, May 17, 2022

5:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the Special Worksession to order at 5:30 p.m., and welcomed everybody to the meeting. She said we will move forward tonight with an informal discussion on the FB Overlays and some other zoning areas.

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, Planning and Economic Development Director
Kristen Kapelanski, Planning Manager
Jennifer MacDonald, Recording Secretary

PUBLIC COMMENT

There was no public comment regarding non agenda items.

DISCUSSION

[2022-0209](#) Zoning Ordinance Amendments Work Session - Giffels Webster

Ms. Roediger explained this will be a continuation of the last worksession, and we will be going around the City geographically to determine where the overlay belongs, and then after that to discuss design requirements and uses.

Mr. Tangari said that at the last worksession, the group got through four of the City's sections, and today they will look to get through as many as we can. He reviewed the sections that would be covered and explained that staff has corresponding slides for each area.

Ms. Roediger directed the commissioners to the map showing the area of Rochester Road south of Avon, Sections 22 and 23 for discussion of the FB overlay on the properties shown. Ms. Roediger said that there is one parcel behind the Winchester shopping center that does not have the overlay, and staff have been approached many times regarding potential developments on that

property which would be difficult under the current zoning. She suggested to extend the FB overlay to cover that area, where the parcel was split zoned. She said it has created some confusion as to what the City wants there.

Commissioners asked if there was a reason for the zoning. Mr. Dettloff asked if the shopping center has all one owner. Ms. Roediger responded there was a different owner for the northern parcel with Gardner White. The commissioners agreed to extend the FB overlay as discussed.

Ms. Roediger directed the commissioners to the next slide showing the Rochester Rd. and Eddington area further south, and she said there is quite a history for some of those properties. She said that no new curb cuts are allowed on Rochester Road per MDOT, and there are eight parcels. She said that the property owners want to keep the FB overlay on those. She explained that there are wetlands to the southeast which will make development difficult.

Dr. Bowyer said it makes sense to leave the overlay on those parcels.

Mr. Tangari said that location would provide an opportunity to step down the development intensity from Bordine's.

Chairperson Brnabic asked if the PUD that was approved is null and void.

Ms. Roediger said yes, as it was never constructed.

Mr. Struzik stated that there is probably a sufficient buffer to the residential properties there. There was some discussion of the stub road in this location.

Ms. Roediger directed the commissioners to the next slide showing Rochester Rd. and Hamlin Rd. Sections 22, 23, 26 and 27. Ms. Roediger noted there has been a request to keep the FB overlay on the east side of Rochester Rd.

Chairperson Brnabic noted that with having the FB-3 overlay the four story option is available, and she suggested that it should only be by conditional use approval when there are adjacent residential properties.

Ms. Roediger suggested that in this area, the best opportunity for redevelopment is for Bordine's since that is a large property. She said for a four story building, a larger setbacks from residential properties could be required. It was decided to keep the overlay on all of existing parcels for this area.

Ms. Roediger directed the commissioners to the area of Rochester Rd north of Auburn Rd., Section 26 and described the properties there.

Mr. Struzik said this location is close to where the Commission had people speak out against the Bebb Oak Meadows project. He said in this area the yards are larger, and screening can be required. He said that Hampton is overpaved, and he said it would be welcome to see additional uses there. The commissioners decided to leave this area as-is.

Ms. Roediger noted that staff is currently reviewing plans for Serra Ford in this

area, for a rezoning and site plan.

Ms. Neubauer said that she has no interest in four story buildings, the issue is density and overdevelopment, and it needs to be controlled. She discussed the issues the commissioners had with the review of the Bebb Oak Meadows proposal. She suggested the language should be tight in the ordinance and not so discretionary and subjective.

Dr. Bowyer stated that there should be no four story approvals unless they are conditional.

Ms. Roediger directed commissioners to the next slide moving further south to Rochester Rd. and M-59, Sections 34 and 35.

Mr. Struzik noted the residents on Primrose don't want a four story hotel adjacent to them and they have shallow backyards.

Chairperson Brnabic stated that it was never expected that a developer would propose a four story building on the back of a property, and when ordinances permit such things by right it is a problem. She said a 125 ft. setback requirement from residential properties is not enough.

Ms. Roediger responded that the setback requirements from residential neighborhoods could be increased, so four stories would not fit on a smaller property since they would not be able to meet the setbacks.

Ms. Kapelanski suggested that the discussion should focus on locations and then move to parameters later. The board then discussed how to handle formulating ordinance requirements and if individual properties would have to be reviewed again.

Ms. Roediger stated that staff would be taking the suggestions from these meetings and formulating draft provisions to revise the FB ordinance. Properties could then be evaluated along with Giffels Webster to determine where four stories could go based on those requirements and see if that works.

Ms. Neubauer suggested it needs to be a uniform code; however it needs to be evaluated on a case by case basis.

Mr. Hooper commented on the possibility of a particular property shown in this section.

Ms. Roediger commented on some parcels that are owned by one person but there are multiple zoning designations which makes development difficult.

Ms. Neubauer asked at this point what are the properties that are being thought of for allowing more dense development.

Ms. Roediger suggested larger sites like the Ferber site at Rochester and Tienken would be most likely to be redeveloped, and said staff could prepare a list of FB properties over ten acres.

Mr. Struzik suggested cutting off the FB overlay on the east side of the Meijer property.

Ms. Roediger said that there are some split zoned parcels; however she said that a buffer to residential properties can be accomplished with the setback requirements and not necessarily removing the overlay.

Mr. Hooper suggested there needs to be minimum acreage requirements to avoid situations like the proposed Biggby drive-through at Meijer. The board discussed potential requirements.

Chairperson Brnabic said she wouldn't want to see a four story building on a two acre property, but she thought two stories on that parcel is acceptable. The board agreed that a two acre minimum lot size for two stories is reasonable.

Ms. Roediger directed the commissioners to the slide showing the area of Rochester Rd. south of M-59, Sections 34 & 35. Ms. Roediger explained that this is the map with the Gateway development and commented that there is a lot of potential for redevelopment on the east side. She said there was also a previous conditional rezoning for a gas station to construct a two story mixed use building there but it never materialized. At Auburn and John R, the northeast corner, there were apartments proposed for that location previously. At the southeast corner, the owner wants to keep the FB overlay on that property.

Dr. Bowyer said this area is appropriate for two stories.

Mr. Struzik asked whether the overlay should be extended back so the line could be made straight.

Ms. Roediger responded that the intent is to generally avoid adding the overlay to single family residences.

Regarding Auburn & John R, Ms. Roediger said that there have been some apartments suggested for this area.

Chairperson Brnabic said the overlay boundary can't be squared off in that location since there is a residence there.

Mr. Struzik said gas stations will be gone and he doesn't want to see them left vacant because they can't be developed another way under their current zoning.

Ms. Roediger suggested expanding the FB overlay to the homes on the south side east of the party store since they are under the same ownership, which would encourage redevelopment and the commissioners agreed. To the north, there are also some parcels under common ownership and she suggested we could expand the FB overlay to the other two properties owned by Mancini, but require a lower density.

At the northwest corner, Mr. Struzik said he likes the flexibility of having the FB

overlay there, allowing for mixed uses but not tall buildings.

Ms. Roediger directed commissioners to the map showing Dequindre and M-59, with an auto dealership. She suggested extending the FB overlay to the dealership's parcel to the north for consistency and the commissioners agreed.

A resident suggested there should be a conversation with individual property owners about any zoning changes to their properties. The commissioners discussed a public notice about the specific zoning changes and a public meeting.

A member of the public spoke regarding the residential parcel owned by Ed Morowski on Cloverport, off Rochester Rd., with the FB overlay that some residents want removed. He said that they purchased the industrial parcel located to the south of Cloverport and some other parcels including Midas, and they are considering a multifamily development or a self storage use.

Ms. Roediger said that at the previous meeting the discussion regarding that area was about getting rid of the overlay on the residential parcel, and the City not allowing access to the industrial parcel through a residential parcel for a nonresidential use.

Dr. Bowyer noted the steep slope of the property would limit how it could be used.

The gentleman asked if the neighbors would prefer self storage or multifamily residential which would generate much more traffic. He asked if they developed as multifamily, if they could use the residential property on Cloverport for access. He said that they can also get access to Rochester Rd.

Ms. Roediger said this is a complicated site with a long history. She suggested that if it was developed as multifamily the property would be used in a more active an intense manner than if it was used for self storage. She said it will be a legal question to determine how they can access their parcel. She noted we also discussed extending the FB overlay to the industrial parcel, to allow for development options that may be a better fit for the area.

Residents suggested that industrial property owners bought a landlocked parcel and that is their issue.

Ms. Neubauer suggested this is a legal issue that needs to be resolved.

Mr. Dettloff asked for clarification as to which properties the new owner of the industrial parcel also purchased, and Ms. Roediger pointed to the parcels on the map.

The new owner asked if they could still develop with the underlying zoning during the moratorium.

Ms. Roediger responded that they can develop according to the underlying zoning.

Ms. Roediger directed the commissioners to the map showing the Walton and Livernois area. She noted that there is a resident who wants to remove the overlay from the condominiums; and there is an opportunity to extend the overlay in this area also.

Dr. Bowyer noted that she responded to the resident with the concern of the overlay on the condominiums.

Chairperson Brnabic asked if that area would support three story buildings on such small properties. She expressed concerns that some of the smaller parcels could be used for an FB development.

Ms. Roediger said that would be unlikely, they would need to acquire more parcels. She said staff and Giffels Webster would be taking these concerns to formulate language to address them, with minimum acreage and setback requirements, for example.

Mr. Struzik said he likes the flexibility of having the overlay on the gas station property which would otherwise be a challenge to redevelop.

Mr. Hooper pointed out a school in this location with the FB overlay. Ms. Roediger said that sometimes schools close and may need to redevelop.

Dr. Bowyer asked about a few particular properties shown on the map.

Chairperson Brnabic ended the worksession at 6:45 p.m. to allow for a break prior to the regular Planning Commission meeting.

The worksession was reconvened at 7:59 p.m., after the regular meeting adjourned.

Ms. Roediger suggested to extend the FB to be consistent over the office zoning previously noted on the Walton and Livernois map shown. She directed the commissioners to the next section map showing South Blvd. and Livernois and described the current uses of property there.

Mr. Hooper asked if there are historic designated properties at that intersection, especially the school.

Ms. Kapelanski said just the front of the property is designated as historic.

Ms. Roediger explained that the school is only partially in the FB overlay which would make redevelopment more difficult.

Mr. Weaver asked if it would make sense to extend the overlay further to the north.

Mr. Hooper said he would be hard pressed to expand the overlay properties in this location, let alone keep it on there, but it is a difficult situation.

Dr. Bowyer said with all the residential properties around that intersection, the FB overlay should be removed from the west side.

Mr. Weaver asked for confirmation of the zoning on the other side of Livernois.

The commissioners discussed the main zoning of other properties at this intersection. The board discussed and agreed to removing all of the FB overlay at this intersection.

Ms. Roediger directed commissioners to the next map showing South Blvd. and Crooks. She described the current uses. She noted she has received a request from a property owner of some parcels on Crooks that are single family residential and are purchasing additional properties so they will own significant frontage, and they would like to construct a medical office. She asked if the commissioners would be interested in extending the FB overlay for those properties; it would be next to a place of worship on one side and retail on the other side. The commissioners agreed that it would make sense to extend the overlay one block to cover those properties.

Ms. Roediger asked for the commissioner's thoughts on the vacant lots and a house on Crooks in this area which are currently zoned with the FB overlay.

Dr. Bowyer suggested perhaps to remove the overlay from the house but leaving it on the two other lots.

Mr. Struzik said he likes giving the extra flexibility around the gas stations in hopes they will be redeveloped quickly.

The commissioners agreed to remove the overlay from the northernmost property shown on this map which was a house. Ms. Roediger explained a property on this map was approved for a conditional rezoning for a bank and senior living facility, so it wouldn't need the FB overlay to proceed based on that approval.

Mr. Hooper noted the conditional rezoning is good until it's removed.

Ms. Roediger said aside from that, if it was to be developed otherwise we should think about what we would want to see there.

The commissioners agreed to remove the FB from the small property and a few other changes in this area.

Ms. Roediger directed the commissioners to the next area, Walton and Adams. She described the current uses and reminded the commissioners that the Village of Rochester Hills is under consent judgment. She said it is misleading to have the overlay on that property since its development is governed by the consent judgment and the commissioners agreed.

Mr. Hooper suggested that the outlots around the Village would be too small to develop under the FB with the proposed minimum acreage requirements. Ms. Roediger reviewed the parcel sizes. The commissioners agreed to remove the

overlay from the Village property and to keep the rest as it currently is.

Ms. Roediger directed the commissioners to the next map showing the area of Auburn and Adams. She described the current uses there and said clearly the zoning was intending to bring redevelopment there. Residential houses may have been included with the overlay in this location in order to "square off" the FB properties on the map. She asked the commissioners if they would like to remove it from houses near this intersection. They decided to add a few properties.

Ms. Roediger accessed records to show the ownership of the vacant parcels. She referred to a site plan application under review where a business wants to use a nearby parcel for their parking. The commissioners agreed to leave the overlay on one residential property and then remove it from some others.

Ms. Kapelanski said a lot of parcels would need to be consolidated in this area in order to do an FB development.

Ms. Neubauer said she would prefer to find out the ownership of the vacant lots before deciding about the overlay.

Ms. Roediger responded that staff will look into that.

Ms. Roediger directed the commissioners to the last map showing FB overlay areas, at Auburn and Adams where Priya Living was approved. The map still shows a PUD, however that needs to be removed because it was never finalized. The property owner of some lots adjacent to Priya wants to keep the FB and to build off the adjoining properties, with development such as townhomes and possibly some retail or medical offices.

Ms. Roediger noted there are three single family parcels with houses she is questioning, which seem to not make sense with the overlay.

Mr. Hooper said that was probably an attempt to square it off and should be removed. The commissioners agreed to remove the overlay on those three parcels.

Ms. Roediger said the review of locations has been completed. She commented that previously when we discussed how to approach this review, staff's thought was to go through the areas geographically and then start talking next time other items whether such as uses, setbacks, building heights, better public amenity spaces, and less rigid building formations.

Ms. Roediger noted that the discussion can now turn to getting rid of the B-5 Automotive Services Business district. She explained that this district is very narrowly focused, and is concentrated on very small parcels generally at intersections. At this point if they want to redevelop, they can only be more auto uses. She stated that the concern is that we don't want auto uses everywhere, and can create standards that will address that in other ways. She stated that all of the B-5 parcels would become B-3, but the auto uses would then be a conditional use with standards that have to be met. She explained that it can

still be controlled, while not hand-tying those property owners to only auto uses.

Mr. Tangari said there are two uses that are exclusively permitted in the B-5 district, gasoline service stations and associated retail uses and car washes. Everything else that is permitted in B-5 is also permitted in B-3. Of all the B-5 sites, one parcel is vacant, one is a parking lot for an adjoining restaurant, and some are car repair or auto parts stores. Out of all of the current B-5 parcels, 23 out of 26 are located at corners, and a few are not located at major thoroughfares. Conditions that could be added would be locational; that a new site needs to be located at the intersection of major thoroughfares, which would leave one current site nonconforming but the rest in compliance.

Ms. Neubauer asked if there are any B-5 sites that are currently vacant.

Ms. Roediger responded that there are a few, there are a few small parcels by the bowling alley on Tienken, and then the Muldoon's parking lot on Auburn and Adams.

Dr. Bowyer said she likes the idea of getting rid of the B-5 district and other commissioners agreed.

Ms. Roediger said that just like with consolidating the FB districts, we can instead look at what are the specific concerns and then create standards to address those.

Mr. Tangari explained that they've prepared a memo comparing the B-3 and B-5 district standards, and commented that there are differing setbacks. He noted some dimensional nonconformities would be created on existing B-5 developed parcels; and that is one thing to consider. Some issues could be addressed by a section already in the ordinance, Sec. 138-4.404 which requires minimum lot area for gas stations and minimum frontage of 100 ft. The item after that permits a 10 ft. setback if the building is moved closer to the street than the canopy and pumps. No gas stations seem to have taken advantage of that option. This option could be incentivized with the new provisions, however that seems to be the principal challenge of consolidating the B-5 district. He explained that draft provisions were included in the memo for the addition of four standards after consolidation of the two districts, including the requirement for the location to be at the intersection of two roads of at least 120 ft. right-of-way. The location must have frontage on both of those thoroughfares, loading space must be located in a side or rear yard, separation standards included from rights-of way for entrances and exits, and including separation standards for entrances and exits from residential districts. He noted that there is a section that deals with canopies that could be moved to this section so everything is located one place. He added that the current gas station standards should be applied to all buildings and not just when the building is placed in front of the fuel pumps. The City has a long standing and consistent policy of allowing parking spaces at pumps to be counted toward parking requirements, so that should be codified to eliminate any confusion.

Ms. Roediger said in looking at why it would be good to consolidate, major sites like a Meijer or a Kroger have talked about wanting gas stations in the past, and

it was not something that the City was excited about previously. This would open up that possibility so that should be noted.

Chairperson Brnabic asked for which gas stations recently have we counted the parking spaces at the fuel pumps.

Ms. Roediger responded that it has been every gas station in the City she has been involved with, including the BP at the corner of Hamlin and Rochester, the Speedway at Rochester and Avon, and the Mobil at Adams and Walton.

Chairperson Brnabic said that most of them are extending their convenience store operations which means they still need parking in front of the building.

Ms. Roediger pointed out that if required parking did not include the canopy spaces, there would have to be large parking lots in addition to the canopy spaces. She stated that a lot of the people going to those stores are pumping gas too and that is fair and a common zoning practice.

Ms. Neubauber asked how this would affect if an application came in for a food/gas station like they have down south.

Mr. Tangari explained that you can have multiple uses on a site; if you had a food service use you would calculate parking requirements for that use as well.

Ms. Roediger said right now you can't do a restaurant in B-5. She said the gas station at Rochester and M-59 wants to do a gas station with a restaurant; however the B-5 right now does not allow for restaurants.

Mr. Struzik said that with Meijer they said they are overpaved. If we offer them some more flexibility perhaps they would turn some of that front paved area into a gas station which would be preferred over a four story hotel bordering the residential properties behind the main building.

Ms. Roediger said that a new gas station also needs to not adjoin residential properties, we need to think about that for the larger sites that it would be located close to the major thoroughfare.

Ms. Roediger noted that this is a good ending spot for the discussion, and explained that for the next worksession, the B-1/O-1 district consolidation would be discussed.

Mr. Struzik complimented how the information for this discussion has been presented and organized.

Discussed

ADJOURNMENT

The worksession was adjourned at 8:45 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission