



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Ed Anzek, Gerard Dettloff, Nicholas O. Kaltsounis,
Stephanie Morita, David A. Reece, C. Neall Schroeder, Ryan Schultz

Tuesday, July 25, 2017

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 9 - Ed Anzek, Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder and Ryan Schultz

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2017-0313](#) June 20, 2017 Regular Meeting

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

COMMUNICATIONS

A) *Planning & Zoning News dated May 2017*

NEW BUSINESS

2017-0289 Public Hearing and Request for Conditional Use Recommendation - City File No. 17-021 - Chopin Day Care, a proposed bi-lingual group day care for up to 12 children at 2177 Avoncrest Dr., north of Avon, west of Old Perch, zoned R-1, One Family Residential, Parcel No.15-27-427-009, Dr. Edith Chopin, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated July 21,

2017 and associated documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Dr. Edith Chopin, 2177 Avoncrest Dr, Rochester Hills, MI 48309.

Ms. Roediger summarized the request for a Conditional Use Recommendation. The City's Zoning Ordinance outlined two types of State licensed residential facilities - those with six or fewer children or adults and those that had seven to 12. The State required that any residential district had to permit by right up to six children or adults, but if the number was higher, a Conditional Use had to be obtained. She stated that there were specific requirements in the Ordinance related to group child care homes with seven to 12 residents. Those included licensing from the State, separation from other facilities, compatibility with the neighborhood, and for daycares, regulations for hours of operation, outdoor play area and adequate area for pickup and delivery. Staff made comments about those items, and believed it met the requirements. In addition, there were general requirements for a Conditional Use that staff had to look at, which included that the facility would be "harmonious with the neighborhood, that it was served adequately by public facilities, it will promote the purpose and intent of the Ordinance, it will not be hazardous to neighboring land uses and it will not create additional costs for public facilities." Staff reviewed the criteria and found that the proposed daycare met the requirements and recommended recommendation of approval. The issue of home occupation had been raised just before the meeting, which also applied to the situation. When staff reviewed the plans, they looked at previous requests and how they were treated, and home occupations never came up. There were regulations under home occupations that prohibited signage and paid employees, so the Commission could ask the applicant her intention about those items. She said that she would be happy to answer any questions.

Ms. Chopin stated that she would like to apply to have up to 12 children. It would be a bi-lingual and science-based curriculum. She felt that by providing more of a home environment, it would be more beneficial for the children, so they could have more one-on-one attention and access to a backyard. She looked around and noticed that many places had waiting lists, and there were no French bi-lingual daycares in the Rochester Hills area. She also could not find one that combined bi-lingual and science teaching, and she felt there would be a demand.

Chairperson Brnabic opened the Public Hearing at 7:07 p.m. She had

not received any cards, but she had received a letter from Ms. Chopin's neighbor, which she read into the record:

"We have received notification regarding the Public Hearing for a Conditional Use Recommendation for the above referenced parcel. Our backyard abuts Ms. Chopin's side yard, and we have been neighbors for over seven years. We would like our letter to be included as part of the Public Hearing and be noted in the Planning Commission meeting Minutes as appropriate. Ms. Chopin has been a fantastic, friendly neighbor, and we enjoy having her and her family in our neighborhood. She is always considerate of others and enjoys spending time with all of the surrounding neighbors. As a native French citizen, we have enjoyed learning about the French culture from her. We were very supportive and happy for her when she became a United States citizen last year. As a former Planner Commissioner and a former City of Rochester Hills employee, we both enthusiastically support the recommendation for Conditional Use so she may have an in-home group child daycare. She is a wonderful, patient mother, and we feel that she will offer an excellent educational daycare experience for families. Her yard is fenced, and she has been making all the required, appropriate adjustments to her home and yard to ensure safety and security. She is in the process of renovating part of her finished basement to provide an accessible egress. We have no objection with some additional traffic due to the dropping off and picking up of children. We are an active, family-oriented subdivision, and are used to the hustle and bustle, especially during the school season, as we are within walking distance of West Middle School. If Ms. Chopin's request for Conditional Use is recommended by the Planning Commission, we would like our letter of support transmitted to City Council for consideration when it is placed on their agenda. Sincerely, Kristen and Michael Myers."

Chairperson Brnabic closed the Public Hearing.

Mr. Kaltsounis commented that he did not like using the term "by the book," but under home occupations, someone was not allowed to employ paid assistants other than those living at the premises. Ms. Chopin said that she was aware of that, however, she had noticed that there were other facilities in Rochester Hills, and they could not legally function with up to 12 children having no employees. She was not sure how they went about that, but it would be illegal for them not to at least have one employee. Mr. Kaltsounis asked the typical ratio of student to teacher. Ms. Chopin said that it depended on the age. For children up to 30 months, it was one to four. She remarked that it was kind of a conundrum.

Mr. Kaltsounis said that he understood where Ms. Chopin was coming from. However, the Commission was asked to follow the rules. He felt that it would have to be further discussed with City Council.

Mr. Schroeder asked where the furnace and hot water heater were located. Ms. Chopin said that they would be in the basement, and they would be enclosed. Mr. Schroeder asked if there was a locked door. Ms. Chopin said that there would be; it was part of the approved basement renovations. Ms. Schroeder asked if there was a walkout basement, and Ms. Chopin said that there would be, but there was not one at present. Mr. Schroeder asked Ms. Chopin if she would conduct fire drills. Ms. Chopin stated that she would follow to the letter the specifications for the licensing from the State. Mr. Schroeder asked if the drills would be done monthly, and Ms. Chopin believed so. It depended on the number of children. Mr. Schroeder asked if there was a group of new kids if another fire drill would be conducted. Ms. Chopin did not think that it would be done on a weekly basis if one child came, so as to not disturb the others. She would make sure that child knew what to do. Mr. Schroeder asked the general age Ms. Chopin normally experienced. Ms. Chopin said that she would prefer to cater to slightly older kids, two to five years, but she was not opposed to having younger. Mr. Schroeder asked Ms. Chopin if she would require more help if there were younger children. Ms. Chopin said that she would prefer that. It would be safer and more beneficial. She would have one or two employees - no more than two. Mr. Schroeder noted that on the plan for the basement, it showed line of drop. He asked if there was a vent in the ceiling. Ms. Chopin said that it was on the sides, and it would not be enclosed, but it would clear a person. Mr. Schroeder asked if the unfinished storage room would have a door, which Ms. Chopin confirmed. She added that the furnace would be in there.

Mr. Reece said that relative to what Mr. Kaltsounis brought up, in the past when the Commission had asked applicants how many children and the need for employees, quite often they responded that there would be family members who would not be paid. That might be how they worked it out. The City Attorney would look at it so Ms. Chopin would know what the situation was if it was approved and sent to Council. Mr. Reece said that he drove through Ms. Chopin's subdivision, and he recommended that she would need to stress to the parents that it was a heavily populated, residential area with a lot of children. That made it more concerning for parents coming and going early in the morning and picking up at night. He recommended having a letter identifying that as she signed up new families, because one of the biggest concerns was the added traffic. Ms.

Chopin stressed that there would be paperwork with rules and regulations for the parents.

Ms. Morita asked the hours of operation. Ms. Chopin advised that it would be from 6:30 a.m. to 6:30 p.m. maximum. Ms. Morita asked when the employees would come, and Ms. Chopin said about 6:15 a.m. Ms. Morita asked where they would park. Ms. Chopin said that there was plenty of room in her driveway, so that at least six cars could park there. Ms. Morita asked Ms. Chopin if she expected the children to be picked up at the same time. Ms. Chopin said that she did not, because it would not be a preschool. Preschools tended to have everyone come at one time, but a daycare took kids whenever the parents needed to drop them off. It tended to be much more staggered. Ms. Morita asked if she would offer ½ day programs, and Ms. Chopin said that she would prefer full, but it would depend on the needs of the parents. Ms. Morita asked if there would be food deliveries to the house, and Ms. Chopin said that there would not. Ms. Morita asked who would be providing the food, and Ms. Chopin said that she would. Ms. Morita asked if she would grocery shop for the children which Ms. Chopin confirmed. She said that it was not a big enough facility to have delivery trucks. Ms. Morita thought that 12 children in one day could go through three shopping carts of food. Ms. Chopin did not think so at that age. Ms. Morita noted that Ms. Chopin would be providing breakfast, lunch and dinner. Ms. Chopin said that most places did not provide dinner. They provided mid-morning and mid-afternoon snacks, a light breakfast and lunch. She did not think that there would be many kids at 6:30 a.m. or 6:30 p.m.

Ms. Morita questioned if Ms. Chopin would need a Variance from the ZBA because it was a home occupation, and Ms. Chopin was talking about having an employee. Ms. Roediger said that she would like to talk to Mr. Staran to see whether State law pre-empted the City's home occupation regulations. If it needed a Variance, that route could be pursued before it went to Council. Ms. Morita said that she would prefer that.

Chairperson Brnabic commented that she would not be willing to approve the request if there was not at least one employee. If there were 12 children between two and five and possibly infants, she would not want to see one person overseeing everything. She hoped it could be worked out. Ms. Chopin maintained that the State would not approve it either.

Mr. Dettloff said that he was not familiar with daycare operations, but he assumed that because it was licensed through the State that there would

be an annual inspection. Ms. Chopin said that there would be an inspection prior to issuing a license, and another within three to six months to check the operation. It was generally not annually, but as needed. It depended upon when and how often they wanted to do it, but once it was approved, it was not necessary to have an annual inspection. Mr. Dettloff asked if the daycare would be open on weekends, and Ms. Chopin said that it would just be Monday through Friday. Mr. Dettloff asked if she had spoken to any of the other neighbors. Ms. Chopin said that she had talked with many neighbors, so they were well aware, and no one had said anything against it. There was someone in the audience who said that she was present to support Ms. Chopin.

Mr. Schroeder asked if the yard was fenced entirely. Ms. Chopin said that it was totally enclosed. It was screened on $\frac{3}{4}$ of the sides at the moment, because she had to finish the egress.

Mr. Hooper noted that it was at least the fourth daycare that he had seen on the Planning Commission, and the issue of employees had never come up before. He stated that it was obvious that Ms. Chopin would have to have employees - they all did. He did not have an issue with it whatsoever. He felt that she would be providing a necessary service to the community and an interesting one, too. He welcomed Ms. Chopin's endeavor to the community.

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-021 (Chopin Day Care) the Planning Commission **recommends** to City Council **approval** of the **Conditional Use**, based on plans and application materials dated June 11, 2017, with the following six (6) findings and subject to the following one (1) condition:

Findings

1. The proposed use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.440 in particular.
2. The proposed use has been designed to be compatible, harmonious and appropriate with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.

4. *The development is not detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or the public welfare.*
5. *The proposed development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
6. *Off-street parking areas should be adequate to avoid common traffic problems and promote safety.*

Condition

1. *That Staff works with the City Attorney to clarify home occupation requirements prior to the matter going to City Council.*

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she wished Ms. Chopin good luck.

2008-0302

Request for a Recommendation of an Extension of the Final Site Condominium Plan until July 14, 2018 - Pine Woods Site Condominiums, a proposed 28-unit development on 9.6 acres, located south of Auburn, east of Livernois, zoned R-4, One Family Residential; L&R Homes, Inc., Applicant

(Reference: Memo prepared by Sara Roediger, dated July 21, 2017 and Final Site Condo Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Vito Randazzo, L & R Homes, 2490 Walton Blvd, Suite 103, Rochester Hills, MI 48309.

Mr. Randazzo said that he was present for another extension request. He advised that they went from 29 to 28 lots due to new engineering standards. He had been trying to "tighten the screws" on his Engineer, but he was overwhelmed. With the economic downturn, his engineer went through some difficulty, and he was a little gun shy about increasing his staff. Mr. Randazzo said that he had been putting the pressure on, but it took quite awhile to update the construction plans. He asked the Engineering staff what was involved with changing engineers, and he

found that it had been done, but it was like starting all over. He said that he had used his current engineer on another project, but he had to turn to someone else because he was so slow. He said that he might have to pull the project from him. He commented that it was very frustrating for him, because he could not move forward with the project, and his engineer had all the plans.

Ms. Roediger said that she did not really have much to add. The project was first approved about ten years ago. She said that it was up to the purview of the Planning Commission and City Council as to how many extensions they wanted to grant.

Chairperson Brnabic asked how many extensions had been requested, and Ms. Roediger believed that it was seven.

Mr. Hooper noticed that work had been started on the project. Mr. Randazzo agreed that they started some demo. He noted that he had a degree in Civil Engineering, and he had been trying to work with his engineer, but he had been very slow to respond. Mr. Hooper asked if it was Jim Jones, which was confirmed. Mr. Randazzo added that he knew his stuff inside and out.

Mr. Hooper moved the motion for a final extension, seconded by Mr. Dettloff. Mr. Hooper stated that this was it - the last one, and Mr. Randazzo said that he appreciated it.

Mr. Anzek indicated that Mr. Randazzo had to get going or he would lose the market. There was a bustling market out there, and they would hit a bubble sooner than later. He would hate to see Mr. Randazzo miss out on it a second time. As far as it being the last extension, he did not know if that would incentivize getting Mr. Randazzo or Mr. Jones going, but Mr. Anzek felt that Mr. Randazzo was going to have to have a serious talk with Mr. Jones to get him moving. If the Commission did not want to do an extension after this, it just meant that they would all go back to square one and cost everyone time and money. He recalled that the project was scrutinized when it was approved, and they went through issues with the neighbors. He suggested again that Mr. Randazzo needed to get moving or sell it.

Mr. Randazzo reiterated that his hands were tied. He agreed that they had to get moving or sell it. Mr. Anzek commented that he should pay Mr. Jones as fast as he did work for Mr. Randazzo. Mr. Randazzo claimed that Mr. Jones did not even send bills.

Mr. Dettloff asked if the outcome would affect the financing related to Mr. Randazzo's project, and Mr. Randazzo said that it would not.

MOTION by Hooper, seconded by Dettloff, in the matter of City File No. 05-005 (Pine Woods Site Condominiums), the Planning Commission hereby recommends that City Council approves the final extension of the final site plan approval until July 14, 2018.

A motion was made by Hooper, 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 - Anzek, Brnabic, Dettloff, Hooper, Morita, Reece, Schroeder and Schultz

Nay 1 - Kaltsounis

Chairperson Brnabic stated for the record that the motion passed 8-1. She wished Mr. Randazzo the best of luck and that hopefully, everything progressed forward.

ANY OTHER BUSINESS

Ms. Roediger advised that she had been approached recently by a potential applicant who wanted to know the Planning Commission's thoughts about redeveloping property on the north side of South Boulevard, west of Coolidge. The applicant had not submitted anything formally. The site was 2.5 acres, and it was surrounded by the Pine Trace Golf Course. The zoning and the future land use for the property called for R-4, single-family homes, which would result in about eight homes if developed as single-family. The applicant would like to know how the Planning Commission felt about attached homes. She noted that there had been a number of instances throughout the City where PUDs were used to allow for missing middle housing with townhomes and duplexes. She said that she was a little hesitant to give the applicant much direction, recognizing that the site was zoned and planned for single-family. However, because it was completely surrounded by the golf course and because just down the street, the City approved the Shadow Pines PUD which allowed for duplexes, she thought it was worth a discussion. She referred to the plan on the overhead, and said that the thought was to cluster the development closer to South Boulevard to be able to preserve the woodlands in the rear of the property. When looking at various development patterns and discussions through the years in the City, they were looking for locations where they could provide diversity in housing. She said that the site was somewhat isolated, and there were not a lot of single-family homes

abutting it. She believed that there were efforts to try to acquire some of the other properties in the area as well. Before the applicant purchased the property, she said that she would run it by the Planning Commission to get any initial thoughts.

Mr. Schroeder asked if there were any wetlands, and Ms. Roediger advised that there were not.

Mr. Kaltsounis acknowledged that there were duplexes down the street, so he would not go with a density any more than that. The applicant had shown four-plexes. Mr. Kaltsounis felt that duplexes would be more harmonious with the environment. He understood what the applicant was trying to do, but he commented that it was not like the School Rd. area.

Mr. Anzek asked how wide the parcel was. Ms. Roediger said that it was about 150 feet. Mr. Anzek clarified that the parcel to the west was City-owned (it was actually owned to the east and west). Mr. Anzek agreed that he would rather see duplexes than four-plexes. He thought that the applicant could go into the woodlands, but he suggested that if the intent was to preserve the woodlands, they should go the PUD route to guarantee that. A straight rezoning would allow trees to come out. Mr. Anzek stated that it was a changing area. A parcel to the west was on the market as well. The Shadow Pines people might or might not pick that up to extend their development. If they did a transfer of density rights, it could get pretty tight, so he would rather use a judgment on density than a calculation. He considered that the Fire Department would have a lot to say about it.

Mr. Schultz pointed out that it was a border rezoning, and he said that the County would have to approve it as well. They would get Troy's input about changing the context of the area. Ms. Roediger thought that was a township rule (requiring County review).

Mr. Reece said that it was hard for him to visualize what the applicant was trying to do. It seemed very forced and contrived. He would have to see some strong development, and like Mr. Anzek suggested, a PUD for the Commissioners to even consider it. He did not think he would be in support of what he saw now.

Mr. Anzek presumed that Ms. Roediger told them that the City would expect nothing but the highest design quality, which she verified.

Mr. Schroeder thought that using a PUD would be fine, but he did not

know if they could meet the setbacks. He commented that it was a very crowded design. He suggested that they would need a cul-de-sac at the end. Ms. Roediger said that they had designed it with a T-intersection to meet Fire Department requirements.

Mr. Kaltsounis said to not forget his favorite subject - visitor parking. It was hard to tell where that would be, but it only looked like there was one slab and one car per unit. He would be concerned about that and about sidewalks. Ms. Roediger said that she would pass the information along to the applicant

Mr. Schroeder said that he got a notice that the City contracted with a new recycling/trash company. Ms. Morita said that GFL (Green for Life) was the City's new trash hauler. She said that trucks would change, but they had gotten all the information from the current trash hauler, so it should be seamless.

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for August 15, 2017.

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, Chairperson Brnabic adjourned the Regular Meeting at 7:42 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary