



Rochester Hills

Minutes

Planning Commission

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Home Page:
www.rochesterhills.org

Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, April 17, 2012

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Special Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 8 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, David Reece, C. Neall Schroeder and Emmet Yukon

Absent 1 - Nicholas Kaltsounis

Quorum present

Also present: Ed Anzek, Director of Planning and Economic Development
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

2012-0122 April 3, 2012 Regular Meeting

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

COMMUNICATIONS

- A) *Ordinance No. 165 - Amendments to Various Sections of Chapter 138, Zoning*
- B) *Aerial photos from 2006 and 2010 of parking/stacking for Rochester Rd. Taco Bell location*

UNFINISHED BUSINESS

- 2012-0060** Request for Recommendation of a Conditional Land Use Approval - City File No. 12-002 - To construct a drive-through for a proposed 2,640 square-foot Taco Bell at Campus Corner Plaza, on one acre on Walton Blvd, east of Livernois, zoned B-3, Shopping Center Business, part of Parcel No. 15-15-101-026, WT Development Corp. for Taco Bell of America, LLC, Applicant
- (Reference: Staff Report prepared by James Breuckman, dated April 13, 2012 and Revised Site Plan had been placed on file and by reference became part of the record thereof.)*

Present for the applicant was William Beckett, WT Development for Taco Bell of America, 10223 E. Cherry Bend Rd., Suite A, Traverse City, MI 48684.

Mr. Anzek advised that since the last meeting, Staff met with Mr. Beckett and went over all the concerns expressed by the Planning Commissioners. Mr. Beckett worked out some various alternatives that Mr. Breuckman and he reviewed, and they believed he had come up with some good concepts. They also brought Mr. Paul Shumejko, the City's Traffic Engineer, to their meetings to deal with the issue on the east/west roadway just south of the proposed site. He asked Mr. Beckett to walk through the changes to the proposed plan.

Mr. Beckett stated that he took the comments and concerns of the Commissioners and addressed the improvements with Staff. He noted for anyone new that the Taco Bell was planned for the southeast corner of Walton and Livernois, just east of the Mobil gas station. The primary entrance from Walton Blvd. was in a north/south orientation. The landlord also noted the comments and added stop signs at the T-intersection off of Walton. Mr. Beckett referred to the concerns regarding traffic calming. He believed they could add pavement striping during the construction review.

Mr. Beckett advised that the original site had 23 parking spaces, and the new site had 21 spaces. The entrance was moved a few feet to the west, and they created a one-way flow through the site. When they did that, they eliminated the interior potential conflicts between inbound and outbound traffic. There were several 90-degree parking spaces that were changed to angled parks. The drive-through stack remained the same at ten. The interior circulation had been improved for traffic and pedestrian safety. They reviewed the service drive aisle south of the site, which ran east and west. There was a lot of discussion about pedestrian safety at the last meeting, and about the fact that so many of the customers and employees of Panera used the proposed site for parking. They added a

pedestrian sidewalk all the way along the north side of the island next to the south service drive. The service drive was 30-feet wide, and by adding a five-foot sidewalk, they narrowed the drive aisle to be more in line with a typical street rather than a raceway. In addition, they reconfigured the pedestrian sidewalk and put barrier-free ramps in a crosswalk from the Taco Bell site to the new sidewalk on the south. Kroger or Panera could pick up on it from the point it ended. The third area of concern was with the trash enclosure and its orientation and access for service trucks. The trash enclosure was re-oriented to a 45-degree angle to the service drive. They added some concrete turning pads in front of it. The trash enclosures would be fully landscaped and screened with materials that matched the building architecture. He concluded that those were the improvements he worked on with Staff, and he said he would be happy to discuss them.

Mr. Schroeder said that he was happy to see the traffic improvements. He thought that Mr. Beckett did a very good job. Chairperson Boswell asked if there was any change to the lighting. Mr. Beckett said that it was brought into compliance with the Ordinance. There had been a couple of spots where the footcandles were too high.

Mr. Anzek added that as he mentioned, Mr. Beckett met with Mr. Shumejko and they had quite a discussion about how to create a traffic-calming device for the east-west movement. They felt that adding a five-foot sidewalk was a good solution to that problem, because it narrowed the lane, which would slow the traffic, and it would create a pedestrian-safe movement to Kroger's. They looked at locating the dumpsters elsewhere on the site, but they felt that where they were proposed was a good location. They were adjacent to the dumpsters for the gas station, and they would be tucked back a little further into the hill. They went to the site and noticed that the dumpsters for Panera were actually out at the south end of the building and not really screened. He felt that everything Mr. Beckett had done addressed the Planning Commission's concerns.

Mr. Hetrick said that what had been submitted incorporating the Commission's feedback was great. From his perspective, he was very pleased, and he did not have any issues.

Mr. Dettloff concurred with Mr. Hetrick. He felt that Mr. Beckett had done the homework, and that it looked good. He asked how employee parking would be handled. Mr. Beckett said that the employees and some overflow peak hour parking would be to the west of the site. Mr. Dettloff

noted that there were a few spots in front of Kroger designated for pharmacy customers, and he wondered if there would be signage designating employee parking. Mr. Beckett suggested that he could work with the landlord. He did not really want to restrict it, and he advised that there was a cross access parking agreement with the shopping center.

Ms. Brnabic mentioned that she had brought up the fact that the building was not slated to have an automatic sprinkler system at the last meeting, and Mr. Beckett said they planned to follow the International Building Code. She asked if the Code required a sprinkler system in at least the kitchen area.

Mr. Beckett advised that there would be a fire suppression system for the exhaust hood, which was required by Code. Ms. Brnabic thought that with the size of the building, that the expense for a sprinkler system would not be extensive. She was a little surprised that a restaurant would not have that system, and it seemed they would want to make safety a high priority. She questioned whether the expense was extensive or if it was more that Taco Bell just felt they needed to follow the Building Code and that was enough. Mr. Beckett said that Taco Bell had taken those comments under advisement, and he did not have the final response. On a national basis and working with them over the years, they complied with all Building Codes, ADA requirements and Planning and Zoning Ordinances, and he did not see something changing regarding the sprinkler system at this location. Ms. Brnabic acknowledged that they would follow those requirements, but she said adding the sprinkler system would be going above and beyond the requirements, which she felt would be a good idea for safety reasons. She hoped Taco Bell would step up and choose to add that. She reminded that there was a fire at the McDonald's on Rochester Rd. last year, and they ended up demolishing the building, so she was expressing concern.

Ms. Brnabic asked the hours of operation for the proposed Taco Bell. Mr. Beckett explained that Taco Bell was in the process of rolling breakfast out. He thought that they probably would not be ready to do it in this part of the country by the time it opened, so it would open at 10:00 a.m., and the dining room would close at 11:00 p.m. or midnight. The drive-through would go to 2:00 a.m. or extend beyond that depending on the local business. Ms. Brnabic agreed that he had done a very good job with the changes from the discussion they had previously.

Mr. Dettloff asked about the project's start to finish timeframe. Mr. Beckett said that once they broke ground, it would be an 80-90 day construction.

Mr. Dettloff asked how many new jobs it would generate for the area. Mr. Beckett replied that there would be between 40-50 full and part-time jobs created.

Mr. Yukon said that Mr. Beckett stated in his presentation that he was considering putting in a second painted crosswalk. He asked him to indicate again on the drawing where it would be. Mr. Beckett pointed out the crosswalk from the pedestrian sidewalk to the south. Mr. Yukon thought he was going to add two crosswalks, but Mr. Beckett said they were proposing one. He felt it was the best location for pedestrians and people with ADA issues.

Chairperson Boswell thought that what Mr. Yukon was looking for was something coming from Kroger over to the sidewalk on the south. Mr. Anzek said they could stripe it. Mr. Beckett said that he was unsure of the existing condition to know if any ramps were there. Mr. Yukon said he would be in favor of striping it from a pedestrian perspective and also a traffic-calming perspective. He thought that cars would slow if they saw that. Chairperson Boswell reminded that it would trigger ADA requirements, and they would have to make a ramp and take out the curb. Mr. Anzek suggested that they could work with the shopping center owner about it in a subsequent upgrade. Mr. Yukon asked if it should be added as a condition, and Mr. Anzek did not believe so.

Mr. Reece also felt that Mr. Beckett did a great job of picking up all the comments. The only concern he still had was that the high school was right around the corner, and they would have their hands full with the site. He thought that with just one lane of traffic around the perimeter of the building, when kids came over at lunchtime, it would be even more of a handful. He did not know if it compared as favorably with the location on Rochester Rd. because there was no high school traffic, although there was mall traffic. In the back of his mind, it seemed as if they were trying to shoehorn it in to the site. They had done a great job with the development; he was just not sure if it was the right site for the building based on the location. He clarified that they had 21 parking spaces and 49 seats in the building. Mr. Beckett said that a typical ratio for a fast food restaurant was 2.2 seats per parking space, so they were close. They lost two spaces with the redesign. Mr. Beckett reminded that they had ample parking in the center. Mr. Reece said that was good, but he was just concerned with the congestion it would cause. People would pull in and not be able to find a space to park and try to pull out. It would change the dynamics of the traffic flow of the corner of the site, which was the busy corner of the shopping center. He acknowledged that it was what it was.

Mr. Beckett felt that some of Mr. Reece's concerns might be valid at the beginning, when the store opened and it was new to everyone. There would be a learning curve, and it would take three weeks or a month to shake out where people could figure where to park and how to access. Mr. Reece asked Mr. Beckett if he knew the average turnaround time for a car from when they placed an order to when they pulled out. Mr. Beckett said that he honestly did not know.

Mr. Yukon concurred with Mr. Reece's concerns about the number of patrons they would have, especially at lunch time. Even though there was ample parking south of the site, and there was a crosswalk, he was still very concerned for pedestrians and drivers at that time of day. He said he appreciated all the changes that were made, but he still had concerns about safety.

Mr. Hetrick agreed there would be a lot of students' cars coming to the site, however, he felt they would figure out pretty quickly that it was easier to walk there than to drive. Hearing no further discussion, he moved the following motion:

MOTION by Hetrick, seconded by Dettloff, in the matter of City File No. 12-002 (Taco Bell at Campus Corners) the Planning Commission **recommends to City Council Approval of the Conditional Land Use**, based on plans dated received by the Planning Department on March 22, 2012, with the following seven (7) findings.

Findings

- 1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.*
- 2. The expanded use will promote the intent and purpose of the Zoning Ordinance.*
- 3. The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the hospital, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.*
- 4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.*
- 5. 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.

6. *The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
7. *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.*

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

Aye 6 - Boswell, Brnabic, Dettloff, Hetrick, Hooper and Schroeder

Nay 2 - Reece and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell stated for the record that the motion had passed six to two.

2012-0061 Request for Site Plan Approval - City File No. 12-002 - Taco Bell Restaurant

MOTION *by Schroeder, seconded by Hetrick, in the matter of City File No. 12-002 (Taco Bell at Campus Corners), the Planning Commission approves the **Site Plan**, based on plans dated received by the Planning Department on March 22, 2012, with the following five (5) findings and subject to the following five (5) conditions.*

Findings:

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed addition will be accessed by existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
5. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Conditions

1. *City Council approval of the Conditional Land Use.*
2. *Provide a landscape bond for replacement trees in the amount of \$38,821.50, prior to issuance of a Land Improvement Permit for this development.*
3. *Appropriate approvals from the Oakland County Water Resources Commissioner must be obtained prior to issuance of a Land Improvement Permit for this project.*
4. *Address comments Parks and Forestry memo dated February 22, 2012 prior to final site plan approval by Staff.*
5. *Address comments from Building Department memo dated February 22, 2012 and DPS/Engineering memo dated February 23, 2012 prior to construction plan approval.*

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

Aye 6 - Boswell, Brnabic, Dettloff, Hetrick, Hooper and Schroeder

Nay 2 - Reece and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell again stated for the record that the motion had passed six to two, and he wish Mr. Beckett good luck.

NEW BUSINESS

2012-0058 Request for Site Plan Approval - City File No. 05-016.2 - Avon Wellness Center, a proposed one-story, 79,680 square-foot nursing home facility on 9.58 acres, located on Meadowfield Dr., west of Rochester, zoned SP, Special Purpose, Parcel No. 15-22-226-016 (formerly approved as Meadowfield PUD), Daniel DeRemer, JW Design Architectural Studio, Applicant

(Reference: Staff Report prepared by James Breuckman, dated April 13, 2012 and Site Plan and associated documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Daniel DeRemer, JW Design Architectural Studio, 412 S. Washington, Royal Oak, MI 48067, David LeClair, Livingston Engineering, 3900 Old US 23, Brighton, MI 48116, and Kenneth Weikal, Kenneth Weikal Landscape Architecture, 33203 Biddestone Lane, Farmington Hills, MI 48334.

Mr. DeRemer stated that they were present to ask for approval of the Wellness Center that was proposed to ultimately have 126 beds. It would go in as a 100-bed facility with large suites that could later, after 26 beds

were added, be turned into semi-private rooms. The intent was that it would most likely stay at 100 beds with larger suites, but there was a chance of another 26 beds that could be moved if granted to do so at a later date. They would be moved from the existing Medilodge facility on Walton.

Mr. DeRemer advised that they had worked with the Planning Department on the Site Plan and made a number of changes requested. They added some things the Fire Department required, and he believed they were at a point where everyone was comfortable with the Site Plan. Staff did question the larger number of parking spaces they were requesting. Mr. DeRemer explained that it was a center that would be used for recovery from hip and knee replacements and other uses that needed a fairly high level of staff. They had found through other developments that they needed about one-and-a-half cars per bed. That was substantially higher than the Ordinance required. They would like to comfortably be able to park everyone, including the employees.

Regarding the sewer system on the adjacent property, Mr. DeRemer noted that they had a bit of a hiccup trying to tie into it. It was originally approved as a PUD for condominiums, and there was a tie to the adjacent Singh property. When the easements were removed from the PUD, the sewer easement was also removed. However, they came to a tentative agreement with Singh, because they had a site in Novi across the street from Singh, and Singh needed a sewer easement from the Medilodge group. They had an option of taking the sewer out the other way, but Engineering preferred it this way. He noted that they were setting the building back. He pointed out the Kindercare in the southeast corner of the site and the natural screen around it. He stated that they planned to screen it even more, and they were working with them on drainage. He referred to the renderings in the packet. The building would be a single-story, residential-looking building. It was a large building, but because it had a lot of wings, it had a nice, comfortable feel. They were asked by the Fire Department to make a connection out to the Winchester Mall for emergencies, which they had done. They added some additional hydrants at the Fire Department's request. The building would be brick and hardy siding and easily maintained. They proposed extensive landscaping and screening all the way around the property and adding berming to the east and west. There was a large berm created to the north when Home Depot went in. He concluded that there would be a wet retention pond at the front of the site with extensive plantings.

Mr. Anzek mentioned the parking exceeding the Ordinance cap, and he

talked about the Heartland Center in Troy at South Boulevard and Livernois. When they first built it, they had parking problems, and they tried to rent space at the Moose Lodge across the street. When they did an expansion, they added three times the amount of parking needed, because people in rehab received a lot of visitors. Staff also asked the applicants to plant as many trees as they could, and they had done an excellent job on the landscape plan. They were asked to supplement with one-inch diameter trees along the street. When City Council vacated the PUD, there was a concern about the loss of trees. The party to the PUD did reimburse the City for the loss of trees, but Staff wanted to see more trees.

Chairperson Boswell noted that when the PUD was agreed to, there were concerned applicants across Meadowfield by the entryway, and the applicant agreed to put in a berm and some screening to protect those homes from headlights. He asked Mr. DeRemer if he would consider that. Mr. DeRemer said they were asked specifically not to line up the two drives, so they moved theirs to the east. He was sure they could add the offsite screening.

Mr. Yukon asked how deep the pond would be. Mr. Weikal said it would be six feet deep. Mr. Yukon asked if there would be water in it all the time, which Mr. Weikal confirmed. Mr. Yukon said that he was concerned because there was a Kindercare right next door and a development to the west with children. He asked if there was any consideration to put up a fence, perhaps a wrought iron fence. Mr. Weikal did not believe that the Ordinance required it, but they would consider it. Mr. Yukon said that he would like to see that. Mr. Weikal said that it would only be that deep after a significant rainfall event; it would not be a permanent storage level, but it would still be a couple of feet deep. Mr. Yukon said he was concerned about children falling in there, even if there was no water.

Mr. Yukon stated that overall, he felt the layout was nice, and he liked that it was one-story. He asked where the dumpsters would be located. Mr. DeRemer said they would be at the back of the building, adjacent to the mall. There were three rows of overflow parking in that area. It would be screened, and the transformer would be screened. Mr. Yukon asked about the delivery schedule. Mr. DeRemer said there would be mostly morning deliveries, predominately for food and laundry. They did not have a specific delivery time, but the biggest truck would be a CISCO truck, and it would only be there for a short time. They did get oxygen delivered, but that was sporadic. There would not be trucks running for any length of time.

Mr. Schroeder agreed that a facility such as this would get many visitors. He cautioned them about the trees at the driveway for site distance. When a car pulled out, they needed to be able to see to the left and right. If trees were too close to the road, it would block the site distance. Mr. DeRemer said that they would maintain the vision triangle. Mr. Schroeder said that regarding the pond, it had very flat slopes. Mr. Weikal said that in some ponds they had done a safety shelf, and they would like to keep the water in it to have a fountain. The safety shelf would be just below the water line. If it were fenced upfront, he did not feel that it would look very inviting, so they were trying to make it like many of the other detention ponds in the City. Mr. Schroeder advised that they had to have a certain depth to maintain the quality of the water - circulation of the water so it did not turn green. Mr. Weikal asked Mr. Yukon if that would be acceptable, and Mr. Yukon asked that they did whatever they could to keep it as safe as possible.

Mr. Reece thought it was a great layout also. He asked if the main entrance was on the west side of the site, which Mr. DeRemer confirmed. Mr. Reece asked if they were not required to have a canopy for drop-off. Mr. DeRemer said there was a canopy, but they were not required to have a porte-cochere. Unless they made it 15 feet high, it got hit, and they had lost a lot of them. They were doing it at some of the other facilities. For ambulance deliveries, there were drop-off points at the back of the building. Mr. Reece asked if there would be a diesel generator, which was confirmed. Mr. Reece asked if it would be exercised once a month. Mr. DeRemer said they had to test it once a month for State requirements. Mr. Reece asked if they would use bottled oxygen. Mr. DeRemer said that with new regulations for insurance, rather than sending someone offsite and bringing them back, there would be two hospital rooms with bottled product.

Mr. Hetrick asked if they would be converting the suites when they went from 100 to 126 rooms. Mr. DeRemer said there were 100 rooms now, and 26 of those were suites. Those 26 could become semi-private rooms. It would not change the footprint of the building. They would be large, semi-private rooms, but most residents were looking for private rooms. Mr. Hetrick agreed that it was a very nice-looking facility. He also agreed with Mr. Yukon that whatever they could do with the pond was important. The apartments next to the facility were probably more of a concern than the Kindercare. There were a lot of children there and in the adjacent subdivisions.

Mr. Hooper had no real concerns as far as the layout of the facility, but he questioned the cement fiber board proposed to break up the brick. He asked if that was because of economics. Mr. DeRemer said it was a hardy siding, which was a pretty typical product. It was really to give it more of a residential scale, rather than having a totally brick building. Most of the homes in the area were a combination of brick and siding. It was a product that could be maintained well. They did a combination of brick and siding throughout the entire building. Mr. Hooper said that from a personal standpoint, it appeared to be a wood siding, but perhaps the architectural rendering did not do it justice. He asked if they considered split face block or any other cement treatment. Mr. DeRemer said that they looked at some other stone products, but they truly believed it was a nice look. They felt it was much nicer than split face block. It looked like a wood siding, and it would hold up a lot better than cedar or something like that. Mr. Hooper said it was just his personal viewpoint.

Mr. Schroeder asked if they considered the LEED program or green building. Mr. DeRemer said they were not seeking any LEED certification, but the products were sustainable. Most of the products were manufactured locally.

Mr. Reece said that hardy board was a good product, and he had used it before. It lasted a long time and was durable and not high maintenance. Relative to the elevations, he suggested that at the corners there might be a bit much of the siding. He thought Mr. DeRemer had broken up the facades well, but that corner stood out. Mr. DeRemer thought it was probably the fault of the rendering rather than the actual design, but he could look at that. Mr. Reece clarified that it was a full brick. He asked if it was metal stud framing, and Mr. DeRemer said it would be wood, with a full brick veneer.

Chairperson Boswell discussed adding a condition regarding screening the homes on Meadowfield across from the driveway. Ms. Brnabic said she would like a condition about adding a safety shelf to the retention pond. Mr. Schroeder said that he had reservations about that because when there was a safety shelf, there was a drop-off. Mr. LeClair advised that it would not drop off more.

There was more discussion about the elevations, and a ninth condition was added to reduce the amount of hardy board and add brick at the ends of the resident wings.

MOTION by Brnabic, seconded by Hetrick, in the matter of City File No.

05-016.2 (Avon Wellness Center), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning and Development Department on March 20, 2012, with the following four (4) findings and subject to the following nine (9) conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. Off-street parking areas have been designed to avoid common traffic problems and promote safety and to accommodate pedestrian circulation with crosswalks.
3. There appears to be a satisfactory and harmonious relationship with existing contiguous development and adjacent neighborhoods.
4. The proposed development should 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. The applicant shall obtain a Land Improvement Permit and all other required permits prior to starting any work on site.
2. Incorporation of reforestation areas if directed by the Planning Commission.
3. Provide landscape bond cost estimate for replacement trees, to be adjusted by Staff as necessary, prior to issuance of a Land Improvement Permit for this development.
4. Planning Commission approval of the maximum parking adjustment or revisions of the plans consistent with Planning Commission direction regarding maximum parking permitted on the site.
5. Address comments from Parks and Forestry memo dated 2/29/12 and Fire Department memo dated 4/9/12.
6. Address comments from Building Department memo dated 4/4/12, prior to obtaining Building Permits.
7. Add a berm or trees for screening on the south side of Meadowfield across from the entrance, as approved by Staff prior to Final Approval.
8. Include a safety shelf for the retention pond.
9. Reduce hardy board siding and add brick at entrance at each end of the resident wings, as shown on the rendering incorporated into the record, to be approved by Staff prior to Final Approval.

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

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell stated for the record that the motion had passed unanimously, and he thanked the applicants.

2011-0381

Public Hearing and Request for Recommendation of an Ordinance to amend Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills to amend Section 138-4.300 Table of Permitted Uses to list automotive gasoline service stations as a Conditional Land Use in the B-3 district, and to amend Section 138-4.404 to add a new Subsection C with development standards for gas stations in the B-3 district.

(Reference: Memo prepared by James Breuckman, dated April 13, 2012 and Draft Ordinance Amendment had been placed on file and by reference became part of the record thereof.)

Mr. Anzek recalled that this issue had been discussed several times, and the amendment had been prompted by the request of Meijer on Rochester Rd. to add a gas filling operation. The Commission went through several iterations for standards that would be incorporated to create an asset, limiting the square-footage of a convenience store that would go with the station. The Ordinance was prepared by Staff as directed by the Commissioners. Subsequent to the last discussion, he had met with Mr. Stuart Frankel, who owned the Hampton Plaza, where the former Bed, Bath and Beyond and Fresh Market were. Mr. Frankel had provided a letter stating that he had a lead on a national tenant that would take over the vacancy of that space by moving JoAnn Fabrics to the north and knocking down the southern half for a new tenant, if they could sell gas. Mr. Anzek advised that he was not at liberty to discuss who it was at this point. The proposed gas station would run against the Ordinance as incorporated with the 300-foot distance from a residential district. If the Commissioners were inclined to enable this type of operation to happen in support of the Hampton Plaza, there was an apartment complex to the south that would be closer than 300 feet. Staff proposed that there were several ways to handle it. They could change the Ordinance to be 300 feet away from single-family, and they could require intensified landscape screening. If they were not inclined to accommodate Mr. Frankel's request, they could leave the Ordinance as it was. If they were, they could postpone for a month.

Mr. Schroeder said that he wished there were pictures. Mr. Anzek apologized that they were not included. Mr. Schroeder asked if the gas station would be in the same footprint of the building that was there now.

Mr. Anzek said that the bank would stay, and the gas station would be just south of the bank. Mr. Hetrick asked what the setback from the apartment complex would be if they were to build it as planned. Mr. Anzek said he was not sure exactly about their plans or maneuverability, and it could be 100-200 feet, but 300 feet would not work.

Chairperson Boswell said he would very much like Mr. Frankel to be able to do it - it would bring jobs. However, to change the Ordinance to say a gas station could be 150 feet from apartments seemed as if they would be denigrating apartment dwellers.

Mr. Reece wondered if, in this instance, they could look at permitting certain hours of operation. If someone was filling a car with gas until a reasonable time, and it was not a 24-hour situation or open until 2:00 a.m. in the morning, it might be fairer. He commented that people living in the apartments were no different than people living in \$300,000.00 homes. Mr. Anzek agreed. He pointed out, though, that there were gas stations in the City adjacent to residential areas, and they were open 24 hours a day. They were trying to find a reasonable standard to support the newer trend of larger retailers having filling stations and convenience stores. Mr. Reece said that the difference was that someone did not buy a house or sign a two-year lease to find out there was a gas station in the front line. Mr. Anzek said that the City had no time limits for business operations, and several were 24/7 operations.

Mr. Schroeder asked Mr. Anzek if he knew how long it would be before Mr. Stuart had any details. Mr. Anzek said that he could ask for those. He said that they looked at the 300 feet and how it related to Meijer, but he was not sure they looked at how it related to all the other potential sites. He would like to revisit that, to find out if they did change it what it would do to the other sites. Mr. Anzek said that it was possible to look at things on a case-by-case basis, but they would still need standards as to how to grant relief.

Mr. Dettloff asked if the CVS would stay, noting that JoAnn's would move north into the Fresh Market space, which Mr. Anzek confirmed. Mr. Dettloff asked if it would be appropriate to bring Mr. Frankel in. Mr. Anzek had asked him to come to this meeting, but he was out of town. Mr. Dettloff said that he would like to see that. Mr. Anzek indicated that he would like to see some sketches from a potential tenant so they knew it worked from a maneuverability standpoint in the parking lot. They did have lanes internally, and there would not be another curb cut. He added that it met all the criteria except distance from residential.

Ms. Branbic asked if Mr. Frankel would present a concept plan. Mr. Anzek said it could be Staff, and he was not sure where they were at in the negotiations and if the other party wished to be made public. Mr. Hetrick emphasized that even if the party was not made public, they could still present a sketch or possible layout. Mr. Anzek said that he was told the potential tenant used a small kiosk, rather than a regular convenience store.

Mr. Hetrick asked if they could use conditions or some type of similar approach rather than changing the Ordinance. Mr. Anzek noted that it was a Conditional Use. Mr. Schroeder asked if the setbacks were from the pumps or the drive that serviced it. Mr. Anzek answered that it was usually from the structure, and the canopies did not count. Canopies only had to be ten feet back from the public right-of-way, but a structure would have to be 75 feet. Mr. Hetrick clarified that the structure would be the kiosk.

Mr. Dettloff asked if they could impose hours of operation, and Mr. Anzek advised that as a Conditional Use, they could cite health, safety and public welfare. Mr. Dettloff said that he agreed with Chairperson Boswell that he would love to see jobs coming into that area, and that the center needed some life. If the developer would be receptive to sharing some information so they could have a dialogue, he would keep an open mind.

Mr. Anzek said that he would like to know how the gas station would work logistically, and he would like to see a sketch. If they knew how it worked, he and Mr. Breuckman would be better prepared to do the analysis on other sites in the City.

Ms. Brnabic thought that they had to make a decision in regards to the setback from residential. They started with Meijer, and they were looking at 200, 250 and 300 feet, and the Commissioners decided to go with 300. Now something had come up, but they still had to make a decision.

Chairperson Boswell opened the Public Hearing at 8:10 p.m.

Roger DeHoek, Meijer, 2929 Wilker Ave., Grand Rapids, MI 49544

Mr. DeHoek advised that he came to hear what was going on, noting that the Ordinance had been a work in process for quite some time. Meijer was contemplating a gas station and convenience store (c-store) at the Meijer location on Rochester Rd. A lot of it depended upon what the development standards would be, because they would have to make a

pretty large investment, and they would want to get a return on the dollars. In looking at the most current draft, a couple of things stood out that he would like the Commission to reconsider. It did not sound like there would be a decision at the meeting, but he thought they could discuss it. He referred to the size of the building, and the Ordinance required a maximum of 2,000 square feet. He noted that the Meijer store was over 200,000 square feet, and they would like to see the convenience store size increase to allow 3,000 square feet. Their prototype building was 2,800 square feet, so 3,000 square feet would cover them. They were concerned that with the adoption of a new Ordinance, if they had to come in for any type of Variances, the likelihood of getting one granted would probably be zero. The second thing was the transparency requirement. It talked about having transparent windows facing a public street, and he asked if that included service drives and access drives in the Meijer parking lot or whether it was for Rochester Rd.

Mr. Anzek said that the intent was that they were trying to encourage buildings to have two frontages. Service drives would not be roads. Mr. DeHoek said that the preference would be to go from 60% to 50% for merchandising reasons and back room storage reasons. Also, they would prefer not to have to do a pitched roof, but he felt that was something they could deal with architecturally. Regarding window signs, there would be some they would have to put in the windows as dictated by compliance - handicap, I.D. check, and hours of operation, for example. The columns for the gas canopy could be dressed up, but the columns closest to the cashier at the front door could not be dressed up because they had to have clear visibility to the pumps for safety. He asked if they would consider a slight change to that. Regarding landscaping, they would like some latitude in changing out some bad trees and doing something nice. He realized the Ordinance would not just apply to Meijer, so he thought a little latitude with Staff could be in order.

Mr. Schroeder asked what he would suggest for a change to the columns. Mr. DeHoek said that for the columns closest to the front door, just a standard type column. He would not know how to describe them, but they would have to be smaller.

Chairperson Boswell closed the Public Hearing at 8:15 p.m.

Mr. DeHoek stated that they would like to be able to work with Staff, but if the Ordinance was so prohibitive, there was no use in having one. Chairperson Boswell explained that when they were talking about window signs, it was intended for things like Winston's (or beer).

Mr. Anzek said that Mr. DeHoek had raised several questions. He questioned whether the Commissioners wanted to go higher than 2,000 square feet for the convenience store. He knew that they did not want to rush into doing an Ordinance, but he wondered if there were some things they could reconsider. He asked if they should look at eliminating the 300-foot distance from residential. Mr. Schroeder asked the square-footage shown for the c-store at the Adams Marketplace Meijer, and was told it was 2,800 square feet.

Mr. Hooper observed that the stores at the Meijer at Adams, the Tienken and Rochester Speedway and the Speedway on the east side of Crooks north of M-59 were the three biggest ones he could think of in town. Mr. Anzek said that they discussed having a building size respective of the acreage, and perhaps someone could have more square-footage if they had a bigger parcel. The Meijer at Rochester and Auburn had 25 acres, which was significant. Mr. Schroeder suggested that they could ratio it to the acreage.

Mr. Reece said that the bigger question became whether they were trying to put a convenience store or a gas pumping station out there. Mr. DeHoek stated that they did not make any money selling gas. They would make money inside the c-store, and it was important to have the square-footage for that store. As part of their project, it would be coming as an ancillary use to the Meijer operation. They would propose a 2,800 square-foot c-stop that, in relation to the store, was quite small. They were not trying to jam a building on a busy corner. They would be next to their operation, and gas stations were part of Meijer's one-stop shopping experience. Mr. DeHoek was not sure if it could be split into ancillary uses to an operation and brand new proposed c-stores.

Chairperson Boswell said that he did not have a problem with the column issue. Mr. Hooper said he was o.k. with everything except the building size. He thought they should revisit all the drawings and how everything fit on each parcel in the community. Mr. Anzek thought they could go back and look at the buildings they showed as prototypes, and they could do some more research about the acreage for those parcels. He believed that a 2,500 to 3,000 square-foot building was similar in size to the Verizon at the corner of Rochester and Auburn.

Mr. Dettloff clarified that Mr. DeHoek was o.k. with the pitched roof concept. Mr. DeHoek said they would prefer not, because of cost, but they could deal with it. Mr. Hetrick said that pitched roofs and some other

treatments helped eliminate the size. The perspective of a large building that looked like a strip mall versus something of the same size that was broken up a little with some treatment could help with curb appeal. Mr. DeHoek said that he agreed.

Chairperson Boswell questioned whether the Commission wanted to try to handle 3,000 square feet, and if so, how they wished to do so. He said that he could certainly understand Mr. Frankel's dilemma. Mr. Hetrick said that in reviewing items in the Ordinance, he circled the screening requirements as a way of providing some kind of support for reducing the setback requirements. Chairperson Boswell noted that there was a good deal of screening already around Hampton Plaza. Mr. Hetrick said that with each site, they would be solving one problem, and then they would have to solve another one, and he did not feel that was the way they needed to handle it.

Mr. Reece emphasized that they had to take into account the noise factor when looking at distance. Mr. Hetrick agreed that it would be noisy for the people in the apartments.

Mr. Anzek stated that regarding increased landscaping and screening, he thought they could add a green wall at the edge of the gas filling operations, rather than at the property line. They could take out some asphalt and put in a five-foot wide island and add arbor vitae and create a green screen wall near the gas operation. Mr. Schroeder did not feel that trees and shrubs really buffered sound, but there was a mental attitude about them.

Mr. DeHoek said that he did not want to throw a wrench in anyone else's project, but when there was a drive-through car wash attached, it would be very loud. If those were near a residential community, they were a nuisance. Mr. Hooper reminded that those would only be allowed in B-5 districts. Mr. Anzek added that the proposed Ordinance was only for gas filling operations - convenience food stores were permitted by right in a B-3 district.

Mr. Dettloff said that if they were to have any consideration for Mr. Frankel's project and they adjusted the distance and the project did not happen, he would have a concern. Chairperson Boswell suggested that they would not necessarily have to do that. They could say 300 feet, and add that the Planning Commission could modify that for a good reason.

Ms. Brnabic stressed that they would have to have a good reason to

modify it. Mr. Anzek agreed that they could not be subjective in the basis for modification. Regarding parking modifications, they required McDonald's to do a parking analysis justifying the need not to have a certain number of spaces. Taco Bell had shared parking across the entire shopping center, so they did not need to modify the parking. If they modified the 300 feet, there would have to be a reason. Chairperson Boswell said that it was a Conditional Land Use, so they would simply be putting conditions on the applicant in order to get a reduction in distance. Mr. Anzek added that the conditions would be to mitigate potential adverse impacts.

Mr. Anzek said that he would be happy to take another look at the Ordinance with Mr. Breuckman. Mr. DeHoek thanked the Commissioners, and said he knew they would ultimately decide what was best for the City and that hopefully, he could work with them to do a development.

Mr. Anzek asked that if anyone had any further thoughts about the Ordinance, that they send them to Staff. They would do some more comparative analysis. Mr. Schroeder commented that it was hard to find a shoe to fit everyone's foot.

Postponed

ANY OTHER BUSINESS

There was no further business to come before the Planning Commission.

NEXT MEETING DATE

Chairperson Boswell reminded the Commissioners that the next Regular Meeting was scheduled for May 1, 2012 (subsequently cancelled as of the date the Minutes were prepared).

ADJOURNMENT

Hearing no further business to come before the Planning Commission, and upon motion by Hetrick, Chairperson Boswell adjourned the Special Meeting at 8:30 p.m.

William F. Boswell, Chairperson,
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary

